

# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, June 5, 2017 at 7:30 PM

In attendance were: Chair Mike Di Domenico, Vice Chair Carol De Wolf, Police Commissioner Tom Haws, Director of Public Works Mark Gross, Historical Commissioner Paul Mullin, and Planning Commissioner Jack Embick. There were 4 guests present.

## **I. Pledge of Allegiance & Call to Order**

Mr. Di Domenico led the Pledge of Allegiance and called the meeting to order at 7:39 p.m. He asked if anyone was recording the meeting. No one responded.

## **II. Approval of Minutes (May 15, 2017)**

Ms. De Wolf made a motion to approve the Board of Supervisors meeting minutes of May 15, 2017. Mr. Haws seconded the motion. There were no questions or comments and the minutes were unanimously approved.

## **III. Workshop Meeting Summary (June 5, 2017)**

Mr. Di Domenico stated that the Board's workshop began at 5:30 with an Executive Session to discuss legal and personnel matters. After the Executive Session, the Board heard a presentation from Cedarville Engineering regarding the Municipal Separate Storm Sewer System (MS4) five-year pollution reduction plan. They also discussed the Minacci Indemnity Agreement for the abandoned AME Cemetery and the Veterans' Memorial site options.

There were no questions regarding the workshop.

## **IV. Departmental Reports**

### **A. Public Works – Mark Gross**

Mr. Gross stated that the 2017 Road Maintenance Program has begun with curbing work on Cardinal Drive and Penn's Grant Drive. Other than rain, there have been no issues. Curbing work will continue on Franklin Drive, and then move into Pleasant Grove. Paving will follow after July 4<sup>th</sup>. The township crew made 34 stormwater inlet repairs in preparation for the road resurfacing, and will continue to work ahead of the paving contractor to repair stormwater inlets and manhole frames on roads within the road maintenance project.

Mr. Gross reported that he and Mr. Pingar met with the architect for the new public works facility. He is pleased with the team and hopes to have plans by fall to send out for bid.

At Oakbourne Park, portable toilet surrounds were replaced at both locations. The Friends of Oakbourne have been renovating the clock garden for the past six weeks. The plantings are in, and they plan to add brick walkways and benches.

There were no comments or questions.

### **B. Historical Commission (HC) – Paul Mullin**

Mr. Mullin reported that the HC has completed the wording and photos for an interpretive sign at Rustin Walk to commemorate the history of that land. In response to a request by the principal of Rustin High School, the HC is also putting together material for students to teach them the history of the Marshall Jones Farm.

Work continues on the photography project documenting properties on the Historic Resources Listing. The HC hopes to have that project completed by the end of the summer.

For Westtown Day, the HC is consulting with local archeologists to create a childrens' archaeological "dig" with artifacts and interpretation of their historical importance.

Mr. Mulling stated that the HC is looking forward to the Board's decision on the placement of the Veterans' Memorial.

There were no comments or questions.

**C. Planning Commission (PC) – Jack Embick**

Mr. Rodia was not present so Jack Embick made the report. The June 7 PC meeting has been cancelled. Mr. Embick reported that at their May 17 meeting, the PC reviewed the pipelines ordinance. They also reviewed an exception going before the Zoning Hearing Board (ZHB) for accessory dwelling unit at 1126 Talleyrand Road. They also discussed the joint meeting of the Comp Plan Task Force and the Board.

There were no comments or questions.

**D. Township Solicitor – Patrick McKenna**

Mr. McKenna stated that he has been working on the Floodplains Ordinance Amendment for FEMA mapping requirements, and hopes to have it ready for adoption at the July 17 meeting. Mr. Pingar suggested authorizing advertisement of the Floodplains Ordinance at tonight's meeting. Mr. McKenna said that would be acceptable. He stated that he also reviewed the Pipelines Ordinance and prepared notices for the Westtown Woods Zoning Amendment. Mr. McKenna forewarned the Board that the July 17 agenda will be heavy because the July 3 meeting has been cancelled. These three Ordinances will likely be ready for adoption at that meeting.

He also has been working on Toll/Crebilly hearings as well discussions regarding the Minacci Indemnity Agreement.

**V. Public Comment Non Agenda Items**

Mr. Di Domenico began by stating that that he was speaking for himself and not the Board. He said he would like to clarify circumstances that occurred during the May 15 workshop meeting between the Board of Supervisors and the Comprehensive Plan Update Task Force (CPTF). He said that the Board was not afforded the courtesy extended to other stakeholders. He said he had never even heard that word before. Local businesses, educators, and community members were contacted and interviewed by the CPTF as stakeholders. He said the Board did not know they would be questioned. He said the Board was told the workshop item was to be a meeting at which they would receive an update from the CPTF. The focus of the CPTF's discussion was to determine the Board's interest in various items, so as to avoid going down paths that the township could not afford or had no interest in pursuing.

He said he has no problem with the CPTF, and thinks they are doing a great job on the Comp Plan update. He said he felt it was appropriate for the task force to find out what items the Board is interested in, so as to avoid spinning their wheels on things that would never pan out. He stated the task force documents were not provided to the Board, as they were perceived to be an internal draft for the task force. He said their theatrical claims of the Board's lack of a leadership made at the May 17 Planning Commission meeting are contrived and unfounded. He said the Board encounters, reacts to and acts on a myriad of issues every week. Some concerns are resolved through conversation or email, while others are routed through the Township Manager, other township staff, or deferred to the full Board for discussion at a workshop session.

He asked people to consider how difficult it would be to run their household if they only spoke to their significant family members four times a month. He stated that any meeting of two or more members of the Board must be open to the public and advertised. Therefore, the Board only meets to discuss items on the 1st and 3rd Mondays of each month, with the 2<sup>nd</sup> and 4<sup>th</sup> Mondays available as needed. He reiterated that he believes there is no lack of leadership among the Board of Supervisors. He said he believes the Board is effectively leading the township. He encouraged residents to contact the Board with any questions or comments. He said he appalled at the way the Board was treated at the May 15 workshop meeting with the CPTF, and at it being said at the May 17 Planning Commission meeting that there is a lack of leadership. He stated that he wanted his feelings recorded in the minutes so the Planning Commission could know how he feels.

Ms. De Wolf stated as a result of the meeting with the CPTF and listening to the minutes of the May 17 PC meeting, it would be best for the PC to look at the notes taken by John Snook of Brandywine Conservancy. She said they provide a more accurate account of the May 15 meeting than what the Planning Commission heard from the CPTF at their May 17 meeting. She said the CPTF's presentation to the PC had an attitude about it, seemed staged, and that it inaccurately characterized the meeting. She strongly recommended that the PC review the consultant's minutes of that CPTF interview with the Board. While she said she believes the CPTF has been doing a wonderful job, it was a travesty to target the Board like that. She said it was very sad. She commended people who were present at the PC meeting who commented on how poorly that meeting was handled.

Mr. Haws began by putting the comments of Mr. Di Domenico and Ms. De Wolf in context. He said that on May 15, the Board met with the CPTF prior to their workshop meeting. The Board was told this meeting would be an update from the CPTF to the Board on their progress to date. Never once was it communicated to the Board that this was a stakeholder's meeting. He said that when the CPTF started peppering pointed questions at the Board, they were not aware that it was a stakeholder interview. He stated he concurred with everything Mr. Di Domenico and Ms. De Wolf stated. He said he believe the CPTF was doing a good job; however, it was completely disingenuous for the CPTF to have a meeting with the Board without providing an agenda driving the discussion. He said that if they had wanted a constructive stakeholder interview, then the Board should have been told in advance that that was the intent of the meeting. He said the meeting would have been much more productive if they had known from the beginning what was happening. He said they should have been informed that they were being interviewed individually as a resident, and collectively as the Board. He added that although the outcome of the meeting was beneficial, as noted in the consultant's minutes, it could have been much more valuable had the Board been informed of the true intent of the interaction. He said the chair and co-chair of the CPTF should be ashamed of playing games not only during that meeting, but during the Planning Commission meeting two days later. The lack of respect and dignity they have for the Board is apparent, and those actions need to be curtailed.

Mr. Haws thanked Eva Foster for her comments in defense of the Board at the Planning Commission meeting. Mr. Di Domenico and Ms. De Wolf seconded that sentiment. Ms. De Wolf also thanked Jack Embick for his support.

There was no further public comment.

## **VI. Old Business**

### **A. 2017 Above Ground Pipeline Facilities Ordinance – authorization to advertise**

At their May 17 meeting, the Planning Commission made a favorable recommendation to the Board of the approval of the zoning ordinance amendment for above ground facilities associated with pipelines. The ordinance was further reviewed by the Chester County Planning Commission (CCPC) after the BOS authorized Act 247 review.

Ms. De Wolf made a motion to authorize the Township Solicitor to advertise the zoning ordinance amendment to regulate above ground facilities associated with pipelines for approval at the July 17 meeting. Mr. Haws seconded the motion.

Nancy Harkins, 1521 Woodland Road, stated that in previous meetings there was discussion of bringing ordinances before the COG [referring to the West Chester Area Council of Governments], so that area townships could work together to make stronger ordinances and resolutions. She asked if there was any update on that.

Ms. De Wolf stated that the COG hasn't had a meeting since that was discussed. She said that the COG did an analysis of who has pipeline ordinances, but didn't think they would undertake something like that because municipalities don't have power in pipeline regulation. They can only regulate above ground activities. Ms. De Wolf added that as the COG representative, she would present the topic. She said it was certainly an appropriate place for the conversation, but doubted it would lead to a stronger ordinance.

Mr. Haws shared the concerns Ms. Harkins has expressed at previous meetings. He stated that this ordinance only addresses above ground pipeline activities, and does not regulate what goes under ground. He encouraged residents to contact their state representatives regarding pipeline regulation.

There was no additional public comment and the motion was approved 2-1, with Mr. Di Domenico dissenting, because he feels the ordinance does nothing to protect the health, safety, and welfare of residents.

**B. Floodplains Ordinance – authorization to advertise**

This item was added to the agenda. Ms. De Wolf made a motion to authorize the Township Solicitor to advertise the Floodplains Ordinance Amendment for approval at the July 17 meeting. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

**VII. New Business**

**A. Resolution 2017-08 Westtown Woods Subdivision Sewage Planning Module**

In order for Westtown Woods to proceed with further approvals with DEP relevant to their proposed sewer extension, the Board is required to execute a resolution in support of the proposal, as it is a revision to the "Official Sewage Facilities Plan" of the Township. The full planning module has been reviewed by the township sewer engineer.

Ms. De Wolf made a motion to execute Resolution 2017-08 for a revision to the Official Sewage Facilities Plan for the Westtown Woods land development. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

**B. 1004 Little Shiloh Road (Minacci / Shiloh AME Church cemetery) Indemnity Agreement**

Mr. McKenna explained that the township has been working with the Minaccis to gain access to their property for some time to investigate an abandoned AME cemetery that thought to have remains of African American soldiers from the Civil War. The Minaccis have been very willing to work with the township to clear approximately ½ acre of their property. This agreement gives their consent, and indemnifies them from claims if anyone is hurt during that work.

Ms. De Wolf made a motion to execute the Indemnity Agreement between Westtown Township and Gilbert and Cynthia Minacci to permit access to their property at 1004 Little Shiloh Road for minor brush clearing by a township contractor, and to enable Westtown Township to then

undertake an investigation of a historic cemetery associated with the Shiloh AME Church that once stood on that property. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

**C. Westtown Veterans Memorial – site selection**

Ms. De Wolf made a motion to erect the Westtown Veterans' Memorial at the southeast corner of Oakbourne Park, near S. Concord Road and the park's entrance drive. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

**VIII. Announcements**

Mr. Di Domenico made the following announcements:

1. Comprehensive Plan Update Task Force Meeting – Wednesday, June 14, 2017, 7:00 pm at Township Building
2. Board of Supervisors Conditional Use Hearing - Crebilly Tract/Toll Brothers – Tuesdays, June 20 and July 25, 6:00 pm at Rustin High School
3. Summer Movie Night at Oakbourne Park – 8pm Friday, June 23 – "Zootopia"

**IX. Public Comment on All Topics**

There was no other public comment.

**X. Payment of Bills**

Mr. Haws made a motion to approve the General Fund bills in the amount of \$532,663.97. The motion was seconded by Ms. De Wolf. There was no public comment and the check register was approved.

**XI. Adjournment**

Mr. Haws made a motion to adjourn the meeting, seconded by Ms. De Wolf. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Robert Pingar  
Township Manager