

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, July 17, 2017 at 7:30 PM

In attendance were: Chair Mike Di Domenico, Vice Chair Carol De Wolf, Police Commissioner Tom Haws, Township Manager Rob Pingar, WEGO Police Chief Brenda Bernot, Township Solicitor Pat McKenna, and P&R Commissioner Ida Fritsche. There were 41 guests present.

I. Pledge of Allegiance & Call to Order

Mr. Di Domenico led the Pledge of Allegiance, and called the meeting to order at 7:37 PM. He asked if anyone was recording the meeting. There was no response.

II. Approval of Minutes (June 19, 2017)

Ms. De Wolf made a motion to approve the June 19, 2017 Board of Supervisors meeting minutes. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

III. Workshop Meeting Summary (July 17, 2017)

Mr. Di Domenico stated that the Board held an executive session to discuss the police contract and several other matters not specified. The Board also discussed the proposed two lot subdivision at 967 S. New Street. There were no comments or questions from the public regarding the workshop.

IV. Departmental Reports

A. Westtown East Goshen Police (WEGO) – Chief Brenda Bernot

Chief Bernot invited residents to visit the WEGO website (www.westtownpolice.org) to read the police blotter for a synopsis of significant police activity in the community. She stated that the department has seen an increase in burglaries, particularly “cat burglars” who operate at night while the home is occupied. She encouraged residents to lock their houses at night. Mr. Haws added that entry for the two cat burglaries, one in East Goshen Township and one in Westtown, was gained via unlocked doors. Chief Bernot stated that was correct, and stressed the importance of locking your doors and being vigilant.

The Chief also invited residents to register for the Citizens’ Police Academy to learn how the Police Department operates. The 12-week program is held on Wednesday nights beginning September 6, 2017. For more information, please visit the police or township websites.

There were no questions or comments.

B. Township Solicitor – Patrick McKenna

Mr. McKenna stated he would defer his report, since it dealt with matters that are on the agenda.

C. Parks & Recreation Commission (P&R) – Ida Fritsche

Mrs. Fritsche stated that despite the absence of the Chair, the last meeting was very productive. She said the three new commissioners are a great addition to the team. She reported that attendance at the first movie night was sparse due to the threat of thunderstorms that evening, but hoped that future attendance will be better. At the September 29 movie night featuring “Casablanca,” the commission is hoping to hire an ice cream truck. Mrs. Fritsche stated that a

Facebook page would be helpful in advertising the movies. Mr. Di Domenico said that the Board is still discussing social media.

P&R continues to work with the Historical Commission on planning Westtown Day on Sunday, October 1st. Everyone is assuming this year's event will be even better attended than last year. The Winter Festival is on Sunday, December 10, from 10am to 1pm.

Mrs. Fritsche reported that Philip Garabedian is heading the effort to have the township certified by the National Wildlife Federation (NWF) as a Community Wildlife Habitat. The commission is hoping to form a small a resident committee to help with the certification process. Mr. Pingar stated that NWF signs have been ordered for Tyson Park and Oakbourne Parks. Ms. De Wolf asked about the sign placement. Mr. Pingar said they are small signs, and when they will come in, he will consult Ms. De Wolf regarding their placement.

There were no other comments or questions.

D. Planning Commission

There was no report from the Planning Commission, because they have not met since the last Board meeting.

Mr. Pingar introduced William Ethridge as the new Director of Planning & Zoning. Will started today. He came from the Delaware Office of Public Health, and is a AICP certified planner.

V. Public Comment Non Agenda Items

There was none.

VI. Old Business

A. Ordinance 2017-02 – Above Ground Pipeline Facilities Ordinance

This ordinance serves to address a deficiency present within the existing zoning ordinance as it relates to Above Ground Pipeline Facilities. The ordinance has been modeled on the Chester County Planning Commission ordinance. It was recommended for approval by the Westtown Planning Commission and was reviewed and approved by the Township Solicitor.

Ms. De Wolf made a motion to approve Ordinance 2017-02 for Above Ground Pipeline Facilities. Mr. Haws seconded the motion.

Nancy Harkins, 1521 Woodland Road, wanted to make sure the supervisors were aware of recent incidents regarding private water supplies in W. Whiteland Township during pipeline construction. She stated this is also a concern in Westtown, and this ordinance does nothing to address it. She asked if additional measures can be taken.

Township solicitor, Patrick McKenna stated that his review of related case law and recent Chester County decisions by which the township is bound, state that municipal zoning and subdivision ordinances do not apply to the pipeline below ground. He said that Delaware County courts have ruled likewise. He said that townships lack jurisdiction to regulate pipelines below ground. He stated that is why the model ordinance from the county which is being considered tonight only regulates surface structures.

Ms. De Wolf stated that the Board was informed by Sunoco that as a result of directional drilling, bentonite may appear in the water temporarily. She clarified that this ordinance has nothing to do with regulating the pipeline. It regulates construction activity above the pipeline to protect it from being damaged.

Mr. Haws stated that he shared Ms. Harkins' concerns regarding well water being compromised, but echoed what the township solicitor, Mr. McKenna, had stated. The courts in Chester and Delaware County have ruled that municipalities cannot regulate pipelines below ground. They can only regulate above ground facilities. He urged residents to put pressure on state regulators.

Ms. Harkins asked if the Board would write a letter to Senator Killion and Representative Comitta. Mr. Haws said the Board would write a letter, but added that letters coming from all the residents in the township and surrounding municipalities would be much more effective in getting their attention.

There were no other comments or questions. The motion passed 2-1, with Mr. Di Domenico dissenting.

B. Ordinance 2017-04 – Zoning Map Amendment for Westtown Woods Tract

This proposed Zoning Map Amendment will result in the rezoning of the C-2 portion of the property located at 1010 Wilmington Pike back to R-2 designation, in order to allow for the construction of 15 single-family homes. If this map amendment is granted, then action can be taken on the Westtown Woods Subdivision Application at a subsequent meeting.

Mr. Haws made a motion to approve Ordinance 2017-04 to execute the Zoning Map Amendment for the rezoning of the portion of the property located at 1010 Wilmington Pike from C-2 to R-2. Ms. De Wolf seconded the motion.

Doug Anderson, 606 Jacqueline Drive, asked if there was going to be an opportunity to comment regarding the subdivision. Ms. De Wolf stated that this ordinance is only addressing the zoning change. Mr. Haws stated that the application will be considered at a future meeting. Mr. Anderson felt that permitting the zoning change removes any leverage that residents might have to use against the developer.

There were no other comments or questions, and the motion to approve the zoning change passed unanimously.

C. Jacqueline Drive Traffic

Mr. Di Domenico began by stating that the Board received a petition circulated by Jim Cahill and signed by 26 residents on Jacqueline Drive requesting further traffic calming measures. Mr. Di Domenico said the Board is aware that Jacqueline Drive is a "cut-through" street. He said the Board wants to get a sense of how many residents support additional traffic calming measures. He invited Mr. Cahill to speak first. He reminded residents to state their name and address for the record.

Mr. Haws clarified that this item is on the agenda as a result of receiving the petition circulated by Mr. Cahill. He stated that although residents were notified by mail, the Board realizes it is summer, and people may be on vacation or unable to attend this meeting. He said that as with previous traffic calming measures made on Jacqueline Drive (the radar speed sign, and neighborhood sign), the process will take time. The Board needs to consult with traffic engineers, the police, and the Director of Public works before any new measures are implemented. The Board wants to hear resident concerns tonight, but also wants to make sure *all* residents on Jacqueline Drive are given the opportunity to be heard. There will be a subsequent meeting(s) on the topic before any additional measures are taken.

Ms. De Wolf prefaced the discussion by stating that the traffic calming measures for volume are different than for speed. She stated that measures have been implemented for speed, but not for volume.

Jim Cahill, 9 Jacqueline Drive, stated that he was not representing the homeowners on Jacqueline Drive. He was speaking only for himself. He said traffic on 202 is getting worse. He referenced several fatalities due to traffic. The Chief corrected the record, stating that the most recent accident, in which a motorcyclist was killed, resulted from a driver who lost control of his vehicle while suffering from a medical emergency. The accident was not traffic related. Mr. Cahill continued, stating that 202 traffic is a problem nonetheless. He said there have been 6 accidents on Jacqueline Drive in the past year. Chief Bernot respectfully stated that Jacqueline Drive has an “extraordinarily low” accident rate, and that Mr. Cahill’s numbers are not accurate. The Chief said she would be happy to provide accident data to the residents. Mr. Cahill stated that he has asked for speed data, but has not received anything. He said cars come through the neighborhood at 40-60 mph, and the neighborhood is “being invaded” by cars from New York, Delaware, and New Jersey that come in “little entourages, mini train loads of 5 or 6 at a time.” He provided information on traffic calming that has been implemented in Philadelphia to the Board.

Ms. De Wolf asked if trucks could be prohibited. Mr. Pingar stated that Jacqueline Drive is a public road, and has to remain open to all types of vehicles. He said that it would be impractical to ban truck traffic. Vehicles like delivery services, trash trucks, and school buses would have to be allowed, and it would be nearly impossible to enforce.

Mr. Haws stated that the traffic has increased exponentially since 2005. The Board wants to hear from the residents, and determine if they all agree with Mr. Cahill’s concerns. He said the Board will then meet with their traffic engineers to see what calming measures are available and allowed by PennDOT, make a formal proposal of options, and allow all residents of Jacqueline Drive to give their feedback.

Megan Bruns, 4 Jacqueline Drive, stated that she would like to see the traffic data analyzed. She would like to know how traffic varies based on the time of day. She said that information would be helpful when evaluating different options such as landscaping, or making Jacqueline Drive one-way for a portion of the day. She stated that the children in the audience were brought to demonstrate that residents want their kids to be able to safely walk and ride bikes in the street.

Doug Anderson, 606 Jacqueline Drive, said that Google maps show Jacqueline Drive as an alternate route off 202. Mr. Di Domenico added that mobile apps like “Waze” also indicate Jacqueline Drive as a cut through. Ms. De Wolf stated that the bridge closure on 926 at Pocopson is also adding to people using Jacqueline Drive. The Board all agreed that traffic is a problem, not just on Jacqueline, but in many areas of the township, and they all want to find solutions that could be implemented on Jacqueline and elsewhere in the township. Mr. Anderson advocated for chicanes or bump outs, as they are more esthetically pleasing and safer than speed humps. He also suggested a “woonerf” (living street concept) used in more urban settings. Regarding trucks, he suggested a “No Thru Trucks” sign. Mr. Anderson also stated that the Westtown Woods developer, Southdown Homes, should be required to contribute to the traffic calming effort on Jacqueline Drive because they will be adding to the traffic.

Mr. Haws stated that signs require 24-hour enforcement. The Board wants to implement a long term solution that will get people to alter their traffic patterns.

Mr. Di Domenico asked how many people would like to change the bus stop be moved from 202 down to the stop sign. [Comments from the audience could not be heard because people did not approach the microphone.] Mr. Haws stated that Chief Bernot has worked to have that bus stop moved and have hit a brick wall with the West Chester Area School District (WCASD).

Dan Nerelli, 209 Jacqueline Drive, stated that he thought that speed humps are the only solution. He thanked the police for their presence, but said they can’t be there 24/7 to enforce speed or other signs.

Joel Frankfurt, 200 Jacqueline Drive, said that West Chester University (WCU) shuttle buses circle the campus, using Jacqueline Drive instead of the other end of Tigue Road (Stadium Road). He wondered if the Township can force WCU to use that road. Mr. McKenna said the township could talk to the university, but he didn't think there is any legal way to prevent them from using Jacqueline Drive.

Ginger Gray, 706 Jacqueline Drive, echoed Mr. Frankfurt's comments about the WCU shuttle buses. She also said that two days ago a tandem tractor trailer came off 202 and down Jacqueline Drive. She said she has videoed constant traffic even at midday. She said when she slows down to turn into her driveway, motorists ride her bumper and nearly hit her. She reported that her mailbox had been hit so many times that she ultimately had to get approval from the Post Office to relocate it. She stated that she supports speed bumps and anything else that will make motorists slow down.

Mrs. Gray then stated that Mr. Haws suggested that residents contact state legislators about the pipeline, but when the residents of Jacqueline Drive submitted the petition to Mr. Pingar, he doubted the signatures. She said there has to be mutual respect, and that the residents on the west side of 202 deserve as much attention as the residents on the east side.

Mr. Haws stated that this topic was put on the agenda tonight as a result of the petition, and that the Board cares about the traffic situation on Jacqueline Drive. He said the Board has been working on the issue for several years, and had hoped that the calming measures previously implemented would help. He said that traffic data shows speed has dropped, but volume is an ongoing problem.

An unidentified member of the audience asked about the process for additional calming measures. Mr. Di Domenico responded that the Board will get the township traffic engineer involved and determine what measures are permitted by PennDOT. Mr. Haws stated that many people vacation in August so the topic will likely be on one of the September agendas. All residents on Jacqueline Drive will receive notification of the meeting. He added that once a decision is made, the Board will move swiftly to implement it.

Ginny Hassler, 12 Jacqueline Drive, stated that she is in favor of making Jacqueline Drive one-way east bound and Cheyney Drive one way west bound. She said speed bumps would be her second choice.

Sue Mutter, 604 Jacqueline Drive, thanked the Board for inviting residents to this meeting. She had not seen the petition. She stated she is in favor of any measures to calm traffic. She said she thought that streets with "No Thru Street" signs don't show up on navigation systems as an alternate route, and thought that was an option that should be considered.

Regarding the bus stop, Kathy Di Domenico, 1530 Woodland Road, suggested that everyone on Jacqueline Drive write a letter to the WCASD Board. They are the only ones who can change a bus stop. She stated that the residents on her street were successful in having the bus stopped moved off 352, but said that everyone on the street wrote to the school board and attended school board meetings.

Frank Hepner, 207 Jacqueline Drive, stated that he is in the trucking business. He said that 3 & 4 axle Class 8 trucks are using Jacqueline Drive. He said insurance for trucks of that class only covers travel on state roads. He says they have no right to be on Jacqueline Drive. He stated that dump trucks for WCU regularly use Jacqueline Drive. He said that his neighbor had difficulty selling his house due to traffic on Jacqueline Drive. Mr. Hepner stated his support of speed bumps, and if they don't work, then he supported making Jacqueline Drive one-way east bound.

Jim Mutter, 604 Jacqueline Drive, stated that he has been a police officer for 30 years. He has been trained by PennDOT and understands PennDOT limitations. He appealed more to the

people of Jacqueline Drive than to the Board, stating that the only solution to the traffic problem is to make the street one-way east bound. He said police enforcement of speed limits or other signed restrictions cannot be 24/7. He stated he is against speed bumps because they don't deter traffic volume, and cause more problems than they help, particularly for emergency. He encouraged the residents of Jacqueline Drive to support making the street one-way.

Ms. De Wolf asked Mr. Pingar what the traffic numbers are east bound vs. west bound. Mr. Pingar replied that the radar sign only collects west bound traffic data. She asked if we could collect data east bound for a period. Mr. Haws stated that regardless of the number, there is a traffic problem. He said July and August are vacation months and would not be a good barometer of traffic. Ms. De Wolf said it is important to get data to make a decision.

Ginny Hassler, 12 Jacqueline Drive, did not realize the traffic data was only west bound. She surmised that the traffic counts could be double. Ms. De Wolf agreed that the total traffic number is higher. Mrs. Hassler agreed with Mr. Haws that the traffic will increase considerably in September once school is open.

Mr. Di Domenico stated that one-way traffic was discussed in the previous traffic calming discussions two years ago. He said it is one option to be considered. A one-way street would dramatically change things for the residents of Jacqueline Drive, and that is why their input is important. He also stressed the need for the township to address traffic with neighboring townships and work on regional solutions.

Jim Cahill, 9 Jacqueline Drive, stated that he thinks a solution will require a team effort among surrounding townships, PennDOT, and WCU. He suggested contacting Senator Killion to gain an easement to use Stadium Road.

Marty O'Malley, 1126 Kolbe Lane, stated that where she previously lived, commercial vehicles over 5 tons were restricted on all residential streets. She said it was enforced with a stiff fine. Regarding navigation apps, she read about a town that was able to thwart the system by instituting turn restrictions during peak traffic times, which then removes the route from the app. Doug Anderson, 606 Jacqueline Drive, suggested that the township use a cord across the road for traffic count.

Mr. Di Domenico stated that the township will notify residents of the next meeting to evaluate traffic calming options. Mr. Haws suggested that the Board schedule a special meeting for the topic because it may be a long and difficult process to come to a consensus on a solution. Mr. Di Domenico asked the audience to be patient. Members of the Board have vacations scheduled in August, and September and October are very busy due to municipal contract renewals and budgeting. Ms. De Wolf reminded residents that the initial calming measures implemented on Jacqueline Drive were part of a phased approach, and the Board implemented what the residents voted for at that time. It was hoped that they would help, and they have helped reduce speed. She said the Board will re-examine the options, and form a plan in the coming months. The Board thanked everyone for coming tonight.

VII. New Business

A. Police Pension Plan – Rate of Return

The pension plan for the Westtown East Goshen Police Department has historically used an 8% assumed rate of return (ROR) on pension account investments. This rate is used to determine the Minimum Municipal Obligation (MMO). The 8% ROR is unrealistic and may be contributing to the pension plan's unfunded liability. Both Westtown and East Goshen Townships agree that a 7.5% ROR is more realistic. In order for the pension actuary to calculate the 2018 MMO for this plan at an assumed ROR of 7.5%, this change would need to be formally communicated to him by the end of July, 2108.

Ms. De Wolf made a motion to direct the Westtown representative to the Police Commission to vote in favor of lowering the assumed ROR of the police pension plan from 8% to 7.5%, effective with the 2018 MMO. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

B. AME Cemetery Volunteer Committee Appointments

Ms. De Wolf made a motion to appoint the following individuals to the Shiloh AME Cemetery Volunteer Committee to undertake investigations of the abandoned and unmaintained cemetery to further the historical knowledge of the Westtown residents interred there:

Westtown Historical Commissioners: Dave Walter & Ray Sarnacki
Former Westtown Historical Commissioner: Jonathon Hoppe

West Chester University Veterans Group:
Richard Simpson
John Herman
William Todd
Jace Vienne
Heather Williams
Shontai Haley

Saving Hallowed Ground: Gene Hough & Mark Anderson

Mr. Haws asked that a supervisor be added to the list and volunteered himself. Mr. Pingar stated these appointments were being made for insurance purposes, so that these people are covered by the township's insurance. Mr. Haws stated that he would like to participate on the committee and asked to be named. Mr. Di Domenico agreed, and the motion was amended to include Tom Haws as the Board representative on the AME Cemetery committee. There was no public comment and the motion was unanimously approved.

C. 2017 MS4 TMDL/Pollution Reduction Plan – Public Comment

Cedarville Engineering has finalized the Total Maximum Daily Load (TMDL)/Pollutant Reduction Plan (PRP). The Plan has been made available for public review and comment for a period of thirty (30) days. Public notice of the Plan was made in the Daily Local News on June 16, 2017 and posted on the township website on June 15th under Stormwater Management. Tonight's meeting is the last opportunity for public comment. After tonight, the plan will be submitted to the Pennsylvania Department of Environmental Protection by the September 16, 2017 due date.

Kathy Di Domenico, 1530 Woodland Road, stated that tax exempt parties in the township such as schools should not also be exempt from paying a fee to help deal with Stormwater Management. Mr. Haws agreed that a Stormwater Management fee should be required of all township properties.

There was no other public comment.

D. 2017 Road Maintenance Program – Payment No. 1

Inncon submitted Invoice #1 for the 2017 Road Program in the amount of \$150,220.00. In their July 6, 2017 memo, township engineer McCormick Taylor recommended payment of \$142,709.00 (95% of the request) withholding 5% retainage (\$7,511.00).

Ms. De Wolf made a to approve payment #1 to Inconn in the amount of \$142,709.00 for the 2017 Road Program. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

E. Brewer Subdivision – Act 247 referral

The applicant proposes to subdivide a 2-acre lot containing one single-family house, into two one-acre lots, and then build a single-family house on the new lot.

Ms. De Wolf made a motion to forward the Brewer subdivision application to the Township and the Chester County Planning Commissions for Act 247 review. Mr. Haws seconded the motion.

Ginger Gray, 706 Jacqueline Drive, asked if this is the same plan posted several years ago. Mr. Haws stated that this is the first application for subdivision received on the property. Mr. McKenna noted that the plans indicate that variance relief was granted several years ago, so the posting was probably a zoning posting related to that. He stated that the date of that decision will need to be determined and documented in the application.

There was no further public comment and the motion was unanimously approved.

VIII. Announcements

Mr. Di Domenico made the following announcements:

1. Board of Supervisors Conditional Use Hearing - Crebilly Tract/Toll Brothers – Tuesdays, July 25 and August 29, 6:00 pm at Rustin High School.
2. Summer Movie Night at Oakbourne Park – 8 pm Friday, July 21 – “Fantastic Beasts and Where to Find Them”
3. Neighborhood University – Thursdays starting September 14, 2017 at 7:00 pm. Neighborhood University of Greater West Chester is a free program offered by the West Chester Area Council of Governments to educate citizens about local government and increase their awareness of available municipal services and resources. Go to the link on the township website for more information and to register or visit www.nugwc.org.

IX. Public Comment on All Topics

Kathy Di Domenico asked if the Comprehensive Plan Update Survey was still open. Mr. Pingar responded that a deadline has not been set.

There was no further public comment.

X. Payment of Bills

Ms. De Wolf asked about M&B Environmental and Univar invoices. Mr. Pingar stated they were related to the township sewage pump stations. She then made a motion to approve the General Fund bills in the amount of \$413,065.27, Wastewater Fund bills in the amount of \$44,636.38, and Capital Projects fund bills in the amount of \$23,298.15, for a grand total of \$480,999.80. The motion was seconded by Mr. Haws. There was no public comment, and the check registers were approved.

XI. Adjournment

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Di Domenico. The meeting adjourned at 9:10 PM.

Respectfully submitted,

Robert Pingar
Township Manager