

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Tuesday, September 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 Erica Reilly, and Planning Commissioner Russ Hatton. There were 9 guests present.

I. Pledge of Allegiance & Call to Order

Mr. Di Domenico led the Pledge of Allegiance and called the meeting to order at 7:36 p.m. He asked if anyone was recording the meeting. No one responded.

II. Approval of Minutes (August 7 and August 21, 2017)

Mr. Haws made a motion to approve the Board of Supervisors meeting minutes of August 7, 2017. Ms. De Wolf seconded the motion. There were no questions or comments. The minutes were approved, with Mr. Di Domenico abstaining because he was not at the August 7 meeting.

Mr. Haws made a motion to approve the Board of Supervisors meeting minutes of August 21, 2017. Mr. Di Domenico seconded the motion. There were no questions or comments. The minutes were approved, with Ms. De Wolf abstaining because she was not at the August 21 meeting.

III. Workshop Meeting Summary (September 5, 2017)

Mr. Di Domenico stated that the Board heard a presentation from Fair Districts PA, and was asked to support a bi-partisan bill to amend the PA Constitution process for drawing legislative districts to prevent gerrymandering. The Board also discussed the Floodplain Regulations ordinance on the regular agenda tonight, and the 2018 WEGO police budget. The Board tabled discussion of a draft amendment to the township's Signs Ordinance, and held an Executive Session on personnel.

There were no questions regarding the workshop.

IV. Departmental Reports

A. Public Works – Mark Gross

Mr. Gross stated that despite additional rain delays in August, the 2017 Road Maintenance Program is about 95% complete. All asphalt work and concrete curbing is finished, but there is still lawn restoration work to be done once the weather is more favorable to seed germination. The project was larger than in the past, and at times a challenge to manage, but went very smoothly.

The department redefined drainage swales on Carroll Brown Way and Carter Place. The crew was also called in after hours to deal with downed trees following a severe windstorm. One large tree fell across the gatehouse driveway at the park, but fortunately caused no major damage.

On the wastewater side of operations, the biofilters at the wastewater treatment plant and Rustin Pump Station were replaced for odor control. Also the sewer line at Westtown Marketplace was cleaned to remove grease. The township needs to work on managing grease trap inspection reporting from restaurants to prevent further issues.

Future projects include long line painting on the roads.

Ms. De Wolf asked about the township grease trap reporting. Mr. Gross stated that inspection reports are handled in the office, and due to staff turnover, code enforcement has lapsed. Mr. Pingar stated that he is working on the issue.

There were no other comments or questions.

B. Historical Commission (HC) – Erica Reilly

Mrs. Reilly reported that the HC has raised about \$4300 in sponsorships for Westtown Day. She stated that they are planning on a bigger crowd this year, and have more activities such as tours of Oakbourne Mansion, Civil and Revolutionary War re-enactors, pumpkin decorating, pony rides, a petting zoo, food trucks, and carnival games. They had a walk thru on August 10 with Chief Bernot and Mark Gross, and will hold a volunteer training and orientation session on September 28th at Oakbourne. A signupgenius link is being used to organize volunteers. One Historic Preservation award will be given out this year.

Regarding the Veterans' Memorial, the township is waiting for Carter Van Dyke Associates to provide design options.

Cleanup is progressing at the site of the abandoned AME cemetery at Shiloh and Little Shiloh Roads. The committee is waiting for clearance to further investigate the site.

Mr. Haws asked whether Mrs. Reilly wanted the signupgenius to go out on the listserv. Mrs. Reilly replied that the HC has lined up several service organizations, and did not feel it was necessary to solicit additional volunteers.

There were no other comments or questions.

C. Planning Commission (PC) – Russ Hatton

Mr. Hatton reported that at their last meeting, the PC discussed several Zoning Hearing Board (ZHB) requests regarding shed setbacks. The setback is 15 feet and some requests are for as few as 2 feet. As a result, the ZHB and PC are meeting October 4 to review the items in the zoning ordinance that frequently trigger variance requests. The PC also recommended approval of a two lot subdivision on S. New Street.

At their meeting tomorrow, the PC will be discussing and prioritizing approximately 30 items in the current township code that require changes to address inconsistencies, grammatical errors, and updating.

Mr. Haws commented on the PC minutes regarding using legal counsel to help draft ordinance amendments. Mr. Hatton stated that the PC sometimes gets bogged down with attempting to come up with the right language. Mr. Haws and Ms. De Wolf stated that the township solicitor and consultants can assist in that endeavor, but did not think the PC required special counsel present. Mr. Hatton agreed that the PC did not need special counsel. Mr. Pingar explained that the PC was looking to have some legal review on the front end of amending an ordinance to avoid spending a great deal of time on an amendment, only to find out upon final legal review that it has content that cannot be used. Ms. De Wolf stated that the process is that the PC suggests language for an amendment, presents that to the Board, and then the Board provides feedback or forwards it to the solicitor for review. She said the Board has to be involved in prioritizing the changes and reviewing the proposed language. The Board determined that the process needs to be discussed further at another time.

There were no other comments or questions.

V. Public Comment Non Agenda Items

Nancy Harkins, 1521 Woodland Road, stated she was following up on an email she sent to the Board about a non-binding resolution passed by Uwchlan Township regarding pipeline regulation. She wanted to know if Westtown Township has had any communication with Uwchlan Township, and whether the Township planned to work with other municipalities to band together on the pipeline issue. Ms. De Wolf stated that Uwchlan's resolution has no effect on the current pipelines, but it had language regarding future pipeline work. She said the resolution would not preclude pipeline companies from construction, but may serve to put pressure on state and federal regulators. Ms. Harkins stated the issue was slated on the August CCATO agenda, but the meeting was cancelled. Ms. De Wolf stated she had not yet seen the agenda for the next CCATO meeting.

Marty O'Mally, 1126 Kolbe Lane, wondered if the township plans initiatives for the coming year, and schedules topics such as the pipeline issue for discussion. Mr. Di Domenico replied that the Board attempts to schedule topics for discussion, but unanticipated issues often arise that take priority. Mr. Haws stated that Conditional Use Hearings and unfunded mandates such as Stormwater Management often change the playing field. Ms. De Wolf added that during the budget process, the Board plans for priorities in the coming year, and estimates what they will cost. Mrs. O'Mally stated that if she knew several months in advance that a topic is going to be discussed, then she could research the issue and be better prepared. The Board replied that issues that require immediate action are often dropped in their laps, making it very difficult to schedule topics in advance.

There were no other comments or questions.

VI. West Chester Public Library (WCPL) Presentation

Mary Brooks, President of the WCPL Board of Trustees, thanked the Board for their past support. She stated the financial support from seven area municipalities is vital to the sustainability of the library. She was pleased to announce that the Board of Trustees now includes a Westtown resident, Seamus Lavin, who previously served on Westtown's Parks & Recreation Commission. Mr. Lavin said that he and his three children frequently use the library, and thanked the Supervisors for their past and continued support. Victoria Dow, Director of the WCPL, stated that the township's support makes a difference to the programs, materials, and services offered to Westtown residents and other municipalities. She noted that participation in the 2017 Summer Reading Challenge by Westtown patrons increased from 10% in 2016 to 19% in 2017.

Ms. De Wolf asked what level of support the library is seeking this year. Mrs. Dow responded that the library was hoping for participation comparable to what the township made last year (\$1/resident). Mrs. Dow explained that local funding is considered in the formula used by the state when their funds are allocated, so municipality participation makes a big difference. Ms. De Wolf added that the library is also used by many adults including herself and her husband, and the township is lucky to have that resource so close, in such a beautiful historic building. Mrs. Dow stated that she hoped the library can participate in Westtown Day next year.

Ms. De Wolf asked Mr. Pingar if the WCPL website was linked on the township website. Mr. Pingar stated that the township gets requests from many organizations (churches, schools, non-profits, etc.), but has not previously linked them, or advertised their events on the listserv. Mr. Di Domenico stated that was a topic for future discussion.

There were no other comments or questions.

VII. Old Business

A. Giant Supermarket Expansion (Westtown Marketplace) – Escrow Release #2

The developer, Brandolini Companies, has submitted escrow release request #2 for the Giant Supermarket Expansion land development project. McCormick Taylor reviewed this request and

recommends the release of \$27,858.63. Ms. De Wolf made a motion to approve escrow release #2 for the Giant Supermarket expansion in the amount of \$27,858.63. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

VIII. New Business

A. Winter 2017/18 – 2019/20 Snow & Ice Control Bid – award contract

Knight Brothers, Inc. was the sole bidder for the 2017-2019 Snow & Ice Control contract, and were the sole bidder for the 2014-2017 contract, as follows:

	<u>2014/15 - 2017/18 Bid Price</u>	<u>2017/18 - 2019/20 Bid Price</u>
Large Truck	\$177.75/hour	\$235.00/hour
Medium Truck	\$142.98/hour	\$225.00/hour

Ms. De Wolf asked about the increase. Mr. Gross acknowledged that the increase is significant, but the only alternative is to buy more trucks and hire more people. Mr. Pingar stated that when the new public works facility is complete, the township will have greater flexibility in its ability to store and maintain additional snow removal equipment.

Ms. De Wolf made a motion to award the Winter 2017/18 – 2019/20 Snow & Ice Control contract to Knight Brothers in the amounts of \$235.00/hour for a large truck, and \$225.00/hour for a medium truck. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

B. Ordinance 2017-03 – Floodplain Regulations

At the June 5 meeting, the Board authorized the Township Solicitor to advertise for the potential adoption of the Floodplain Ordinance. This ordinance update was mandated by FEMA and PADEP to have township floodplain regulation consistent with their regulations. The ordinance was prepared by Cedarville Engineering and Chris Patriarca, has been approved by PADEP, and reviewed and approved by the Township Solicitor. The Westtown Planning Commission recommended approval at their August 9, 2017 meeting. If the amended ordinance has not been adopted by September 29, 2017, then property owners within the Township will be unable to purchase flood insurance.

Ms. De Wolf made a motion to adopt Ordinance 2017-03, Floodplain Regulations. Mr. Haws seconded the motion. Mr. Haws asked if the regulations would apply to already approved subdivisions. Mr. Pingar stated that he did not know. There were no additional comments or questions and the motion was unanimously approved.

C. Stormwater Funding Sources – Cedarville Engineering Presentation

April Barkasi and Beth Uhler of Cedarville Engineering gave a presentation on the stormwater management issues Westtown Township is facing in light of increased National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) requirements imposed by the Environmental Protection Agency and administered by the Pennsylvania Department of Environmental Protection (PADEP) to improve water quality and quantity.

Ms. Uhler explained that a significant number of streams in the township are impaired, and DEP is now requiring the projects be implemented to reduce pollutants and sediment over the next five years. Cedarville has developed the Township’s Pollution Reduction Plan (PRP) to reduce sediment and pollution which it believes will meet DEP’s requirements. The estimated cost of the proposed stormwater projects is \$500,000 over the five-year period. This does not include

improvements to aging and inadequate infrastructure, existing costs of minimum control measures such as public education, and administrative and consulting fees related to reporting requirements.

Ms. Uhler stated this is a Federal and State unfunded mandate, so a means for addressing these costs has to be determined. Many municipalities are looking at stormwater management fees. The fee is usually based on impervious coverage and applies to all properties, even tax exempt properties, and would provide a revenue stream dedicated to managing stormwater issues. The first step would be to create a strategy to determine costs, develop a rate structure, and maintain a public education plan throughout the process.

Mr. Pingar asked about the fee for commercial properties. Ms. Barkasi stated that it is difficult to guess at numbers. Fees could be tiered, they can be based on impervious coverage, or they can be based on existing infrastructure.

Mr. Haws asked Ms. Barkasi to estimate the timeframe for creating a feasibility study. She estimated it would be a year-long process to inventory and assess existing stormwater infrastructure, develop a stormwater capital improvement plan, design restoration projects, identify costs and level of service, and implement a public education program. She said Cedarville will provide a proposal to the township. She added that grants such as the Chester County Vision Partnership Program grant could be applied to for this type of study.

Ms. De Wolf asked when we can expect to hear from DEP on whether the township's proposed PRP is accepted. Ms. Uhler replied that the permit should be issued in March, 2018, which is when implementation of the plan is supposed to start. Ideally the township will hear before that, but DEP is struggling with resources, so it is unknown whether the township will have a response by March.

Marty O'Mally asked if the township is going to have to fund some of this program before collecting a fee. Mr. Haws stated we have been paying for stormwater management for the past 15 years. He said that without implementing a fee, the township would have to either take money from the General Fund to finance these projects by reducing other services, or raise taxes. Ms. De Wolf added that there is some grant money available that can help offset the cost. Mr. Di Domenico agreed that the money to implement this plan is just not there. Ms. De Wolf said that the township has set aside money over the past few years as a reserve. Mr. Haws stated that the township was only able to create a reserve due to a 1 millage tax increase four years ago to address major infrastructure issues such as roads improvements.

Eva Foster, 734 Westbourne Road, asked if the township acreage used in Cedarville's presentation took into account 1500 acres in the Agriculture Security Area (ASA). Ms. Uhler said the data was taken from 2010 Census Bureau information. Ms. Foster asked if those 1500 acres would be removed since they have little impervious coverage. Mr. Haws stated that the study would have to determine how farms would be assessed. Mr. Pingar noted that farms are a significant contributor to sediment. Ms. Barkasi said farms are not exempt from stormwater management regulation, and they also generally have more conveyance structures (culverts), and contribute pollutants such as phosphorus. These are all things that will have to be considered in the study. Ms. Foster asked how much the plan would cost. Ms. Barkasi said she could not say without preparing a proposal. Ms. Foster asked Ms. Barkasi if Cedarville has a contract with the Township. Ms. Barkasi said she did not. Mrs. Foster asked the Board if the study proposal would go out to bid. Mr. Haws replied that the Board would first ask Cedarville, who has provided the township's stormwater engineering for the past several years, for a proposal. He said that he thought it would cost the township more to bring in another engineer, and pay them to get up to speed on the township's stormwater program. Mrs. Foster added that she believed that residents in the township who are on a fixed income are going to balk at this fee. Mrs. Foster then asked when the ASA renewal was going to be on the agenda. Mr. Pingar replied it would be on the Board's next meeting agenda.

Mr. Haws stated that public education will be paramount in this process. He stated that if a fee is not implemented that would apply to all property in the township, including tax exempt properties, then a tax increase would eventually be required to pay for this unfunded mandate.

IX. Announcements

Mr. Di Domenico made the following announcements:

1. **Comprehensive Plan Update Survey** - closes September 8. The Township is in the process of updating its Comprehensive Plan which will guide important policies and decisions over a 10-20 year planning horizon. The Task Force would like your input as they seek consensus on strategies that can be implemented by the Township. Go to the township website home page to participate in the survey.
2. **Fall Movie Night at Oakbourne Park** – 8pm Friday, September 29 - “Casablanca”
3. **Board of Supervisors Conditional Use Hearing - Crebilly Tract/Toll Brothers** – Tuesday September 19, 2017, 6:00 pm at Rustin High School, and Tuesday October 24, 2017 at Stetson Middle School.
4. **Westtown Day** – Sunday October 1, 2017, 10:00 am to 2:00 pm. There will be re-enactors, mansion tours, petting zoo, carnival games, food, live music, and more! (No rain date).
5. **Coffee with a Cop** – Wednesday October 4, 2017, 9:00 to 11:30 am at Dunkin Donuts, 1500 Paoli Pike (Goshen Village Center)
6. **Comprehensive Plan Update Open House** is Wednesday October 11th from 6:00 to 8:00 pm at the Rustin High School cafeteria.

X. Public Comment on All Topics

There was none.

XI. Payment of Bills

Ms. De Wolf made a motion to approve General Fund bills in the amount of \$290,532.75, the Capital Projects Fund bill in the amount of \$46,514.58, and the Highway Aid Fund bill in the amount of \$350,000.00, for a grand total of \$687,047.33. The motion was seconded by Mr. Haws. There was no public comment and the check registers were approved.

XII. Adjournment

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Haws. The meeting adjourned at 9:20 p.m.

Respectfully submitted,
Robert Pingar
Township Manager