

# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, September 18, 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, P&R Commissioner Eileen Bengston, and Planning Commissioner Steve Rodia. There were 6 guests.

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

Mr. Di Domenico led the Pledge of Allegiance, and called the meeting to order at 7:30 PM. He asked if anyone was recording the meeting. There was no response.

## **II. Approval of Minutes (September 5, 2017)**

Ms. De Wolf made a motion to approve the Board of Supervisors meeting minutes of September 5, 2017. Mr. Haws seconded the motion. There were no questions or comments. The minutes were approved unanimously.

## **III. Workshop Meeting Summary (September 18, 2017)**

Mr. Di Domenico stated that Linn Architects presented preliminary plans for the new public works facility. Mr. Di Domenico stated that the Board discussed traffic calming measures on Jacqueline Drive and reviewed a draft letter to Jacqueline Drive property owners with plans of proposed locations of five speed humps and speed humps voting ballot. The letter will be mailed this week. The Board is looking to determine whether 70% or more of homeowners on Jacqueline are in favor of the speed humps before implementing any additional traffic calming devices. Mr. Di Domenico also reported that the Board continued the discussion on the strength of public safety radio signals in WCASD schools. The concern is that the signals are so weak that emergency responders cannot communicate during an emergency. The Board also held an Executive Session on legal matters.

Mr. Pingar shared that Paul Mullin (Township Historical Commissioner) and Colin Dougherty (Forbes house across the site on Little Shiloh Road) have joined the Shiloh AME Cemetery committee working on archaeological investigation of the site.

Mr. Haws announced that the Board would be reconvene after the regular meeting to discuss a recent complaint regarding unleashed dogs at Oakbourne Park, as well as review preliminary design for the Veterans' Memorial. There were no additional questions or comments.

## **IV. Departmental Reports**

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

Chief Bernot reported that the department has seen an increase in burglaries, particularly from unlocked vehicles and garages. In one instance, a firearm was stolen from an unlocked van, and in another, items were stolen from a backyard while the owner was on vacation. She encouraged people to lock doors and take valuables out of cars.

The Chief reported that on October 4<sup>th</sup> from 9am-11:30am at the East Goshen Dunkin Donuts there will be their first Coffee with a Cop event. This is an opportunity for residents to get to know officers better and bring concerns to the department's attention in a stress-free environment.

Someone from the audience asked if the police department would consider having these events at night. Chief Bernot replied that they would like to, but finding businesses to sponsor the event is a challenge.

There were no additional questions or comments.

**B. Township Solicitor – Patrick McKenna**

Mr. McKenna stated he has been working extensively preparing for the Toll/Crebilly conditional use hearings. He has also been coordinating with the Minacci's on the next steps for the AME Cemetery site, and shared that Mr. Minacci has authorized Mr. Pingar to contact him directly, rather than go through his lawyer, which will make it much easier to coordinate the project. He shared that the expansion of the McClaren dealership at the former Kirkwood Fitness Center site will not move forward, and have come to a tentative resolution to remove all their cars from the parking lot. Mr. McKenna continues to work on the agreements for the Westtown Woods project. Tony Verway is working with Zoning Director, Will Ethridge on several zoning violations. Finally, the Floodplains Ordinance has been completed and executed. Mr. Di Domenico shared his personal experience learning the amount of phosphates in Westtown's drinking water, one of the major concerns addressed in the Floodplain Ordinance.

Mr. Haws asked if Mr. McKenna had heard anything from Mr. Asplen. Mr. McKenna replied that Mr. Asplen had left a voicemail indicating he is ready to discuss purchase of the property for \$7,500. The Board had originally agreed to accept the property as a donation only, and will therefore need further information and discussion to agree to the purchase. The Board gave the attendees some background on the issue.

Marty O'Malley, 726 Kolbe Lane, suggested that the township pay for the appraisal to find the value of the property, so that Mr. Asplen can then donate the land. Mr. McKenna agreed that this was a possibility, but finding the right appraiser has been a consistent problem due to the nature of the parcel.

**C. Parks & Recreation Commission (P&R) – Allison Corcoran**

Ms. Corcoran stated that P&R met on Tuesday, September 12. She reported that they discussed planning an SPCA adoption event, and the possibility of creating a dog park in the township. She reported that the last movie of the season will be Friday, September 29, featuring "Casablanca."

Regarding other projects, Ms. Corcoran reported that the geocaching project is moving forward. The commission continues to work on the NWF Wildlife Habitat certification and will present the next steps to the Board at the November meeting. Finally, she shared that planning for Westtown Day is wrapping up, and the Winter Festival planning continues.

Ms. De Wolf requested that Mr. Pingar provide each P&R Commission member with a copy of the 2013 Township Open Space Plan. She also reminded Ms. Corcoran to share comments regarding a dog park at the Comprehensive Plan Community Forum on October 11.

There were no other comments or questions.

**D. Planning Commission (PC) – Steve Rodia**

Mr. Rodia stated that the PC had a short meeting on September 6<sup>th</sup>. He shared that the PC is scheduled to meet with the Zoning Hearing Board on October 4 at their request to review accessory structures, major home occupations, and accessory dwellings. Kevin Matson from McCormick Taylor created a memorandum highlighting outdated or incorrect content in Westtown's current Ordinance. The Commission reviewed these items and began to prepare for the meeting with the Zoning Hearing Board. Ms. De Wolf asked for the list of potential ordinance

changes to be sent to the Board. Mr. Rodia will send the list to Mr. Pingar to share with the Board.

There were no other comments or questions.

**V. Public Comment (Non Agenda Items)**

Shirley Leclerc, 940 Kilduff Circle, thanked the Police Department for their presence at Rustin High School in the mornings, but requested further police presence along Shiloh Rd due to extreme speeds and construction along the road. She is concerned that the large construction trucks that speed down the road are a danger to school children who are let off at any one of the three bus stops along the road. She suggested the police sit at the intersection of Shiloh and Plumly to observe the speeding first-hand and set up speed traps. She referenced the speed calming measures being discussed for Jacqueline Drive as potential solutions to the issue on Shiloh Road.

Nancy Harkins, 1521 Woodland Road, followed up on the Uwchlan Township pipeline ordinance that is set to be discussed at the next West Chester Area Council of Governments (COG) meeting. Ms. Harkins sent the Board information on this ordinance, and also stated that East Goshen is considering a pipeline ordinance. Ms. De Wolf commented that the COG had little favorability towards the ordinances. She said change needs to happen in the Public Utilities Commission, and that there is no real power or authority behind local ordinances. Ms. De Wolf suggested contacting Carolyn Comitta to learn more about efforts to limit unchecked power of pipeline companies.

Ms. Harkins asked how the public can be informed about any further discussion during the next COG meetings regarding this topic. Ms. De Wolf stressed that it is up to the state to share these outcomes and push for local needs. The West Chester Area COG played their part at their last meeting and shared their stance with the state representative.

Marty O'Malley, 112 Kolbe Lane, agreed that the pipeline is a question of property issue. The rights of way were given to Sunoco as well as easements granted along the way. The land use is governed by the Federal Energy Regulatory Commission (FERC), so this is essentially a federal issue, but townships play a role in getting the word out to garner support for movement at the state and federal level. Mr. Haws reminded that local townships cannot regulate any underground public utilities, only aboveground, as set by the state legislation.

There were no additional comments or questions.

**VI. Old Business**

**A. 2018 Minimum Municipal Obligation (MMO) – Westtown Township Pension Plan**

Mr. Di Domenico shared that State law requires that the Board be informed of our expected financial obligation for the coming year. The MMO for 2018 is \$49,465. Most, if not all, of this obligation will be provided through state funding. The Board of Supervisors formally acknowledged being notified of the 2018 Minimum Municipal Obligation of \$49,465.

**B. Giant Supermarket Expansion (Westtown Marketplace) – Escrow Release No. 3**

The developer, Brandolini Companies, submitted escrow release request #3 for the Giant Supermarket Expansion land development project. Township engineer, McCormick Taylor, reviewed this request and recommends the release of \$115,934.70.

Ms. De Wolf made a motion to approve escrow release #3 for the Giant Supermarket Expansion in the amount of \$115,934.70. Mr. Haws seconded the motion. There was some discussion on progress of this project before the motion was unanimously approved.

## VII. New Business

### A. **Winter 2017-2018 Group Salt Bid – Contract Award**

This is a group bid with West Goshen and East Goshen townships. Cargill Deicing Technology was the low bidder at \$58.92 per ton, delivered. WG and EG have indicated their acceptance of the bid.

Ms. De Wolf made a motion to approve the Winter 2017-2018 Sodium Chloride bid to Cargill in the amount of \$58.92/ton delivered (\$123,732 for 2100 ton minimum). Mr. Haws seconded the motion. There was no public comment. The motion was unanimously approved.

### B. **Agricultural Security Area (ASA) Seven-Year Review & Renewal**

Mr. Di Domenico announced that 33 owners of eligible properties have requested to be included in the Westtown Township Agricultural Security Area (ASA) renewal for 2018-2024. As required by the Agricultural Security Area Law, this list has been forwarded to both the Chester County and Westtown Planning Commissions for their review and recommendations to the Board.

Mr. Di Domenico shared the following tentative schedule for the renewal process: On October 18, 2017 there will be a joint meeting between the Planning Commission and ASA Committee to review the proposed ASA list, review any objections and proposed modifications, and make a recommendation to the Board. The proposed ASA renewal and adoption of a resolution to modify the ASA will be on the November 20, 2017 Board of Supervisors meeting agenda.

Tom Foster, 734 Westbourne Road, asked if the Board will advertise the announcement made tonight and advertise the hearing 60 days beforehand, as outlined in the Township Ordinance. Mr. Pingar shared that the Township had already sent out letters to all eligible properties in the township announcing the opportunity to review the list. Mr. Foster raised a concern that some properties were left off the list or needed adjustment. There was some discussion on whether another announcement is needed. Mr. Pingar said that Zoning Director, Will Ethridge, is preparing a notice, should additional announcements be required. Ms. De Wolf made a motion to authorize Mr. McKenna and Mr. Pingar to take all necessary action to ensure the proper renewal of the ASA. Mr. Di Domenico seconded the motion.

Mr. Haws asked if all 33 properties and the total acreage will be listed in the announcement. The Board clarified that the purpose of the initial announcement was to make the public aware that they were reviewing the ASA renewal. The township solicitor stated he would check the advertising requirements to determine whether the 33 properties need to be listed.

There were no additional comments, and the motion passed unanimously.

## VIII. Announcements

Mr. Di Domenico made the following announcements:

1. **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.
2. **Fall Back in Time Movie Night at Oakbourne Park –** 7:00 p.m. Friday, September 29 – “Casablanca”
3. **Westtown Day –** Sunday, October 1, 2017, 10:00 a.m. to 2:00 p.m.
4. **Coffee with a Cop –** Wednesday, October 4, 2017, 9:00 to 11:30 a.m. at Dunkin Donuts, 1500 Paoli Pike.

5. **Comprehensive Plan Update Open House** – Wednesday, October 11th from 6:00 to 8:00 p.m. at the Rustin High School cafeteria to allow for further public involvement in the planning process. Ms. De Wolf encouraged the public to attend.

**IX. Public Comment on All Topics**

Mr. Haws shared that the Township was notified of our Liquid Fuels Allocation for 2018 in the amount of \$378,967.72. This number is based on 53 miles of Township roads and a population of 10,827. Ms. De Wolf asked if that was our current population and Mr. Pingar answered that it is from 2010 census data.

**X. Payment of Bills**

Ms. De Wolf made a motion to approve the General Fund bills in the amount of \$113,845.40, the Wastewater Fund bills in the amount of \$11,822.15, for a grand total of \$125,667.55. The motion was seconded by Mr. Di Domenico. 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. Haws. The meeting adjourned at 8:30 PM.

Respectfully submitted,

Robert Pingar  
Township Manager