

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, October 16, 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 Jennifer Masiko, and Planning Commissioner Russ Hatton. There were 10 guests.

I. Pledge of Allegiance & Call to Order

Mr. Di Domenico apologized for the late start (7:43 PM), and led the Pledge of Allegiance. He asked if anyone was recording the meeting. There was no response.

II. Approval of Minutes (October 2, 2017)

Ms. De Wolf made a motion to approve the Board of Supervisors meeting minutes of October 2, 2017. Mr. Haws seconded the motion. There were no questions or comments. The minutes were approved unanimously.

III. Workshop Meeting Summary (October 16, 2017)

Mr. Di Domenico stated that the Board had a heavy workshop agenda, beginning with an Executive Session to discuss legal matters and interview two candidates for an open staff position.

During the regular workshop session, the Board met with John Snook of Brandywine Conservancy, to discuss cost overruns for his work on the Comprehensive Plan update. The Board also discussed Jacqueline Drive traffic calming. A ballot for the speed hump initiative was due back on Friday, October 6. The Board was looking to get 70% (28 residents) in favor of the speed humps, but the tally was one vote short of that threshold. Mr. Di Domenico reported that ten residents did not respond, so the township will attempt to contact those residents to get their response.

The Board also discussed vehicle storage by Jaguar/Land Rover of West Chester at 1646 West Chester Pike, which is in violation of township zoning. Zoning was also discussed regarding the Gifford property at 1131 S. Chester Road. Mr. Gifford has a potential buyer for the property, and seeks a zoning amendment for professional use. Mr. Haws stated that the onus is on the property owner and his lawyer to put together a proposal for the Planning Commission to review.

There were no questions or comments about the workshop.

IV. Executive Session - October 4, 2017 re: Police Labor Contract

Mr. Pingar stated that a joint Executive Session of the supervisors of Westtown and East Goshen Townships was held on October 4, 2017 to discuss the Westtown East Goshen Regional Police contract.

V. Departmental Reports

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

Chief Bernot stated that theft from unlocked vehicles, sheds, and garages continues to be a trend in the area. She stated that the department recently executed a search warrant in Thornbury, Delaware County, and recovered 120 items. Despite the arrest, thefts continue to rise, and she encouraged people to lock doors and remove valuables from cars.

The Chief reported that the Coffee with a Cop event on October 4th at the East Goshen Dunkin Donuts was a hit. This was an opportunity for residents to get to know officers better and bring concerns to the department's attention in a stress-free environment. Chief Bernot plans to have the next Coffee with a Cop event in Westtown.

The Chief stated that on October 18, the department will participate in Operation Safe Stop. During this operation, members of the Westtown-East Goshen Regional Police Department, will work with the West Chester Area School District (WCASD) and Krapf Bus Company on different bus routes where violations of the School Bus Stopping Law have occurred. Officers will stop and cite individuals who are in violation of the law, and also ride on buses and in unmarked cars. She reminded residents that a violation of this law results in a \$250 fine, a 60-day suspension of your license, and 5 points on your driver record.

Finally, the Chief stated that the WEGO is holding its annual warm clothing drive from October 13 to November 20th, accepting donations of new and gently used coats, hats, scarves, and gloves/mittens to provide to those in need of warm clothing this winter.

Doug Anderson, 606 Jacqueline Drive, stated that the radar speed sign has not been on, and also asked about the tubes across the road. Mr. Pingar stated that the radar sign was turned off while the traffic data was being collected. He stated that vehicle counts were taken east and west bound, including truck counts. The township traffic engineer is compiling that data.

There were no additional questions or comments.

B. Township Solicitor – Patrick McKenna

Mr. McKenna stated he has been working on the Jacqueline Drive Speed Limit Ordinance and the Minacci property. He said that communication with the Minacci's on the project has been going well, and the township has been on site multiple times to clear brush and begin its archaeological investigation. He worked on the Jaguar/Land Rover Notice of Violation and an agreement with the property owner, and continues to work on the Toll/Crebilly conditional use hearings. Mr. McKenna stated that he also spent a considerable amount of time on the Westtown Woods Project working through the Financial Security Agreement. He reported that PSATs is working on a model sign ordinance in light of a recent Supreme Court decision, and he will be preparing a memo for the Planning Commission explaining the decision, and its implication to the township's sign ordinance amendment.

Mr. Pingar stated that township is also working on a Bi-Directional Amplifier ordinance, using ordinances from neighboring townships as a template.

Mr. Haws asked if Mr. McKenna had heard anything from Mr. Asplen. Mr. McKenna replied that Mr. Asplen asked Mr. McKenna to contact his appraiser regarding the valuation of the property. Mr. McKenna has not yet had a conversation with the appraiser. He stated there is no highest and best use for the property because it is ruins and cannot be subdivided, so he didn't know how to set a value. Mr. Pingar asked if Mr. Asplen can make a claim on whomever cleared the title for the property. Mr. McKenna stated he could, but that is between Mr. Asplen and his title company.

Mr. Di Domenico asked for update on work being done at the AME cemetery. Mr. Pingar replied that the group has been sifting through groundhog mounds.

C. Parks & Recreation Commission (P&R) – Jennifer Masiko

Mrs. Masiko stated that their October 10 meeting was fairly brief, with no new business. She reported that Westtown Day was successful, but no one took a car count this year to estimate attendance. Mr. Haws attended the event and stated that it was phenomenal, and thanked P&R and the Historical Commission for their work on the event. Mrs. Masiko reported that she heard

that one attendee took exception to the Civil War re-enactors interpretive display explaining the sides involved in the Civil War. It showed both the U.S. flag, representing Union forces, and the Confederate flag, representing Confederate forces. Mrs. Masiko stated she also heard that a someone brought a dog and got too close to the animals in the petting zoo, so next year they will add signage prohibiting dogs near the petting zoo.

Mrs. Masiko stated that the fall movie night was not as well attended as hoped. The movie nights were advertised on listserv, in the township newsletter, on township utility bills, and in publications such as County Lines and WC Press, but Mrs. Masiko said she thought social media would help get the word out. Mr. Pingar said that the township is very close to enabling the Facebook link on the township website.

Mrs. Masiko reported that preparation for the Winter Festival is progressing. Several vendors from last year are returning, and the usual activities are planned – holiday crafts, carolers, cookie decorating. They will use signupgenius.com to organize volunteers.

She reported that P&R is discussing a pet adoption event with the SPCA next year. Phil Garabedian is putting together the framework for the NWF Certification process, and will present it to the Board on November 20.

Township solicitor, Mr. McKenna commented that he read an article yesterday about a re-enactment event in Virginia where the Confederate flag was protested.

There were no other comments or questions.

D. Planning Commission (PC) – Russ Hatton

Mr. Hatton stated that the PC met with the Zoning Hearing Board (ZHB) on October 4 to review and discuss zoning issues such as accessory structures and major home occupations that they frequently have to deal with in their hearings.

The PC will meet on Wednesday to finalize their comments on accessory structures and accessory dwellings, and begin discussion about the bi-directional amplifier ordinance. The November meetings have been cancelled due to a conflict with the Comprehensive Plan Update Task Force meeting, and the Thanksgiving holiday.

Mr. Hatton reported that the Comp Plan Update community forum on October 11 went well. He estimated about 50 people attended the event.

Ms. De Wolf stated that she read the PC minutes, and felt that Mr. Agulnick's recommendation to reduce the 75-foot setback from streams would be a travesty, given that the township is currently facing expenditures of hundreds of thousands of dollars to deal with impaired streams. Mr. Hatton stated that the PC did not agree with Mr. Agulnick, and supported the Chesco Landscapes III recommendation of a 100-foot riparian buffer zone.

There were no other comments or questions.

VI. Public Comment (Non Agenda Items)

Marty O'Malley, 1126 Kolbe Lane, stated that the mobile speed trailer has been on E. Pleasant Grove Road, and asked if there was a larger context for it being there. Chief Bernot replied that it is being used in response to complaints about speeding.

Ms. O'Malley also asked about the workshop agenda versus the regular agenda, and how the Board decides what goes on which agenda. Mr. Di Domenico stated that he and Mr. Pingar meet weekly to create the agendas. Ms. De Wolf explained that the workshop is an opportunity to gather information

and discuss complicated or controversial items. The regular agenda is for items that require the Board to take action (vote), except for Executive Session items, which can be decided upon in a workshop. She said the general progression for an issue is to move from the workshop to the regular agenda, sometimes over a period of months. Mr. Pingar added that some items are presented in the workshop for the Board to consider whether they want to pursue further or drop altogether. Mrs. O'Malley stated that because minutes are not prepared for the workshop meetings, people don't know what goes on unless they attend the workshop. Mr. Di Domenico stated that the Board summarizes the workshop at the beginning of every regular meeting. Ms. De Wolf added that meeting minutes vary largely from one municipality to the next. Minutes only have to record actions, but Westtown's practice is to put much more detail in the minutes.

Madeline Masiko, 1186 Fielding Drive, stated that the pond at Piedmont Road is covered with algae. She wondered if the township would clean the pond. Mr. Pingar stated that the township does not routinely clean ponds. He said that ponds typically have algae in July and August due to lack of oxygen. Mr. Pingar stated that he would have the Director of Public Works, Mark Gross, take a look at the pond and report back to the Board. Mr. Haws thanked Miss Masiko for coming to the meeting.

Doug Anderson, 606 Jacqueline Drive, asked about the Westtown Woods development and the riparian buffer for Plum Creek. Mr. Pingar replied that the developer is not asking for any waivers regarding the 75-foot buffer.

There was no additional public comment.

VII. Old Business

A. Westtown Reserve – Escrow Release No. 6

Ms. De Wolf made a motion approve Escrow Release No. 6 in the amount of \$75,919.95 for the Westtown Reserve Project. Mr. Haws seconded the motion. There was no public comment and the motion was unanimously approved.

VIII. New Business

A. Ordinance 2017-05 – Jacqueline Drive 25mph Speed Limit, authorization to advertise

A 25mph speed limit is currently posted on some parts of Jacqueline Drive. This ordinance formally establishes a 25mph speed limit for the entire length. Ms. De Wolf made a motion to authorize advertisement of Ordinance 2017-05 for approval at the November 6 Board of Supervisors meeting. Mr. Haws seconded the motion, and commented that the township needs to systematically review all roads in the township to make sure the speed limits are reasonable and properly posted.

Mr. Pingar read from the PA Vehicle Code regarding speed limit postings, stating that the maximum speed limit in an urban district is 35mph, and 55mph in all other locations. He stated that although the definition of "urban" could be debated, he did not consider Westtown to be urban. He asked the Chief about speed limit enforcement in the absence of posted speed. Chief Bernot said the law is unclear on this issue. Generally, in a residential area, the speed limit is 25 mph unless posted otherwise. She said that the definition of a residential area is also open to interpretation. She said the easiest way to deal with the issue is by posting the speed limit.

There was no additional comment and the motion was unanimously approved.

Sue Mutter, 604 Jacqueline Drive, asked if signs would be placed both east and west bound. Mr. Pingar replied that the entire length of Jacqueline Drive would be posted in both directions, with signs not more than .5 mile apart.

Doug Anderson asked about the speed hump survey. Mr. Di Domenico restated that the township will contact the ten residents who have not responded.

IX. Announcements

Mr. Di Domenico made the following announcements:

1. **Board of Supervisors Conditional Use Hearing - Crebilly Tract/Toll Brothers** – 6:00 pm Tuesday October 24, 2017 at Stetson Middle School.
2. **Comprehensive Plan Task Force Meeting** – 7:00 p.m. Wednesday, November 8th at the Township Building.
3. **Westtown Parks & Recreation Winter Festival** – 10:00 a.m. to 1:00 p.m. Sunday, December 10 at Oakbourne Mansion.
4. **Killion/Barrar Veterans Appreciation Breakfast** – 8:30 to 11:30 a.m. Saturday, November 4 at Elam United Methodist Church, 1073 Smithbridge Road, Glen Mills.

X. Public Comment on All Topics

Kathy Di Domenico, 1530 Woodland Road, who is employed by Giant Food, announced that the store is re-opening on Friday morning, November 10. Mrs. Di Domenico then asked Mr. Haws if he attended the WCASD Hazardous Materials Emergency Plan meeting on October 12. Mr. Haws replied that he was unable to make it to the meeting, but spoke with one of the school board members at the Comp Plan forum who assured him that the school district is taking the issue very seriously, and is currently evaluating proposals for bi-directional amplifiers.

Mr. Haws stated that the Board would be meeting in Executive Session to discuss personnel and litigation matters after the regular meeting is adjourned.

XI. Payment of Bills

Ms. De Wolf made a motion to approve the General Fund bills in the amount of \$151,138.94, the Wastewater Fund bills of \$16,452.32, and Capital Projects Fund bills of \$26,567.50, for a grand total of \$194,158.76. 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 8:41 PM.

Respectfully submitted,

Robert Pingar
Township Manager