

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, March 18, 2019 at 7:30 PM

Present were: Chair Scott Yaw, Vice Chair Michael Di Domenico, Police Commissioner Carol De Wolf, Township Manager Robert Pingar, WEGO Police Chief Brenda Bernot, Planning Commissioner Jack Embick, and Parks & Recreation Commissioner Allison Corcoran. There were 14 guests.

I. Pledge of Allegiance & Call to Order

Mr. Yaw called the meeting to order at 7:34 PM, and led the Pledge of Allegiance. He asked if anyone was recording the meeting. No one responded.

II. Approval of Minutes (March 4, 2019)

Ms. De Wolf then made a motion to approve the March 4, 2019 Board of Supervisors meeting minutes with changes. Mr. Di Domenico seconded the motion. There were no questions or comments, and the minutes were unanimously approved.

III. Workshop Meeting Summary (March 18, 2019)

Mr. Yaw stated that the Board conducted a two-part workshop, beginning with an Executive Session to discuss personnel, litigation, police, real estate, and emergency preparedness matters. In the public workshop, the Board considered an ordinance for liquor license transfers, and discussed the Malvern School preliminary/final land development application and the Comprehensive Plan update hearing which are both on tonight's agenda.

There were no questions or comments.

IV. Departmental Reports

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

Chief Bernot reported that the department started their ReadyChesco promotion over the weekend, and over the next six weeks every officer will provide information and encourage residents to sign up for this service. The Chief stressed that in the event of an emergency, this is the best way to receive important information.

The Chief also stated that warmer weather brings an increase in thefts and reminded residents to lock their cars, sheds, and garages.

There were no comments or questions.

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

Mrs. Corcoran reported that members of the Historical Commission and P&R have started planning Westtown Day which is scheduled for Sunday, September 29, 2019. They are currently soliciting sponsors and community involvement. Mrs. Corcoran asked anyone interested in participating to contact the township [or visit www.westtownday.com].

The commission also worked on the Egg Hike which is scheduled for 10:00 AM on Saturday, April 13 at Oakbourne Park. Participants will pick up a map at the pavilion and visit ten egg stations along the park trails. Mrs. Corcoran noted that Mr. Di Domenico and his wife will be staffing one of the egg stations and thanked them for their involvement. This event will be cancelled in the event of rain.

Dates for the Summer Children's Series have been set for Wednesday mornings:

- June 26 (Science Tellers)
- July 24 (musical entertainment)
- August 21 (magician)

P&R is also planning the three Summer Movie Nights. Vote for the movies on the township's Facebook page.

The commission also discussed ideas for an event geared to adults in September.

There were no comments or questions.

C. Planning Commission (PC) – Jack Embick

Mr. Embick reported that at their March 6 meeting, the PC discussed the Malvern School application and reviewed the requested waivers. The PC also discussed revisions to the township's sign ordinance. A variance request involving a fence in the right-of way was postponed because the applicant (Italiano) could not attend the meeting.

During their meeting, Mr. Flynn raised the topic of a township warning system for pipeline emergencies, noting that several neighboring townships may be considering warning systems. This may be a topic of future PC discussions.

At their next meeting, the PC will hear from Mr. Italiano regarding his fence variance request, and they will also work on the ordinance for bi-directional amplifiers for emergency communications.

Ms. De Wolf asked why the PC was passing the sign ordinance back to the Township's solicitor. Mr. Embick explained that the solicitor is going to review setback requirements in the Commercial District. The PC is not in favor of allowing additional billboards in the township.

There were no other comments or questions.

D. Manager's Report – Rob Pingar

Mr. Pingar stated that there are six ordinance amendments that will be before the Board in the coming months:

1. Harmful Waste (Grease Traps)
2. On-Lot Sewage Management (OLM)
3. Signs
4. Bi-Directional Amplifiers
5. Accessory Dwelling Units
6. Accessory Structures

Mr. Pingar reported that he attended the Rustin Walk Homeowner's Association (RW HOA) meeting on March 11. They discussed project completion items such as road paving and permanent detention basins.

Mr. Pingar gave an update on the Sunoco pipeline project. He spoke with a representative of Energy Transfer Partners (the Sunoco parent company) who said drill rigs will be delivered soon.

Finally, Mr. Pingar reported that Westtown will be hosting a severe weather emergency response tabletop exercise next week for Westtown, East Goshen, and Thornbury Townships. This meeting is not open to the public.

Ms. De Wolf asked Mr. Pingar what amendments are being made to the OLM ordinance. Mr. Pingar explained that the proposed changes are to clarify inspection language. He added that the township hosted a meeting for area pumping companies in order to get their feedback and address their questions.

There were no other comments or questions.

V. Public Comment (Non Agenda Items)

Matt Kelly, 107 Piper Lane, stated he has not heard anything from the Township about the following items that he has brought up at previous meetings:

1. An ordinance prohibiting exhaust brakes (Jake brakes) on Rte 202,
2. Pursuing a grant from PennDOT for the traffic signal at Rte 202 and Skiles Blvd.,
3. The engineering fees he paid for his new driveway on Piper Lane.

Mr. Kelly also complained that utility companies have been doing a lot of work in the Township, and he does not feel they are doing an adequate job restoring roads and property.

Mr. Yaw stated that the municipal boundary between Westtown and West Goshen presents a challenge to enforcing any ordinance regarding Jake brakes. Mr. Yaw stated that the Township has discussed the issue with West Goshen and WEGO, but it is not a simple matter. Regarding the engineering fees, Ms. De Wolf stated that she reviewed the bills, and given the scope of his driveway project, she did not think they were out of line. Regarding the signal at Skiles Blvd./Stetson Drive and Rte 202, Mr. Pingar stated that he asked WEGO to manually operate the signal during the school drop off and dismissal times to see if they could improve traffic flow. The manual operation exercise resulted in a massive backup on Rte 202. He stated that the conclusion was to keep the signal timing as-is. Ms. De Wolf stated that the proposed frontage road between E. Pleasant Grove Road and Rte 202 will alleviate some of the congestion. Mr. Pingar stated that the connector road project will also include a separate right turn lane out of Stetson and is expected to be completed this year. He added that PennDOT is also working on adaptive signal technology for Rte 202, which will coordinate signals from Matlack Street to Rte 1. Together, these improvements should improve traffic flow.

Dan Martin, representing his father Norman Martin at 203 Jacqueline Drive, stated that his father's backyard has become a swamp as a result of stormwater runoff from the Westtown Woods development. Mr. Martin stated that he has spoken to Mr. Pingar about the problem on two occasions. Mr. Pingar stated that he asked Mr. Gallagher of McCormick Taylor to meet with Mr. Martin last week. Ms. De Wolf asked Mr. Pingar if he has visited the property. Mr. Pingar replied that he would schedule a meeting with Tim Townes (builder representative), Mr. Gallagher, Mr. Martin, and himself next week.

There were no other comments or questions.

VI. Old Business

A. TMDL & Pollutant Reduction Plan – Presentation and Public Comment

Beth Uhler of Cedarville Engineering made a presentation on the township's Total Maximum Daily Load (TMDL) and Pollutant Reduction Plan (PRP). She began with a brief overview of the Municipal Storm Sewer System (MS4) permit requirements mandated by the PA Dept. of Environmental Protection (PA DEP). The intent of the program is to recognize stormwater as a point source pollutant, raise awareness of water quality, and reduce pollution to streams. The current permit has TMDL and PRP requirements to reduce sediment by 10% and phosphorus pollution by 5% over the five year permit cycle. Pollution comes from uncontrolled stormwater runoff from urbanized areas entering the streams and eroding the stream banks. Every stream in the Township and neighboring townships is impaired. The Township can use various best management practices (BMPs) such as basin retrofits, rain gardens, infiltration trenches, riparian buffers, and stream restoration projects to reduce sediment and phosphorus pollutants.

Mrs. Uhler explained that the plan process begins by mapping the Township's stormwater infrastructure, overlaying storm sewer watershed information to determine what drains to an outfall, and then identifying potential BMPs. The Township receives credit for existing BMPs and basins in the planning area. The proposed BMPs include Tyson Park bioswale, and basin retrofits for Thorne Drive, Sage Road, and two in Wild Goose Farm. As part of the plan, the

Township also has to identify the operations and maintenance at the BMPS to make sure they are going to be installed and functioning for the long term.

Ms. Uhler noted that the cost of meeting this unfunded mandate is significant, and stated that the Township may want to consider potential funding sources such as grants, low interest loans through Pennvest, and stormwater fees to finance these projects.

Ms. Uhler noted that Westtown is meeting the permit's public participation requirement by making a copy of the plan available for review. It's posted on the township website and available by request. Public notice establishing a minimum of a 30-day comment period was published on March 14th. Written and verbal comments have to be accepted at a public meeting, which is tonight's meeting. After the public comment period closes and any public comments are addressed, the plan is submitted to DEP. The five-year implementation period starts after DEP approves the plan.

Mr. Di Domenico expressed concern over the cost, and problems with implementing a stormwater fee, such as what was done in West Chester Borough. Ms. De Wolf stated that in addition to grants, volunteers from Chester Ridley Crum Watersheds Association (CRC) and other organizations can assist the township to reduce costs.

Kathy Di Domenico, 1530 Woodland Road, asked if individual homeowners can apply for grants for stormwater projects on their property. Ms. Uhler said that grants are normally for the municipality, but a homeowner may be able to partner with a non-profit to apply for a grant on a large project. Mrs. Di Domenico asked if homeowner actions such as using a rain barrel or creating a riparian buffer could reduce his stormwater fee. Ms. Uhler responded that if the township institutes a stormwater fee, then the plan would define any credits. Ms. De Wolf stated that the township has not implemented a stormwater fee, but is looking at funding options. Mrs. Di Domenico stated that she thought it was important for the township to inform residents as the MS4 program evolves.

There were no additional comments.

B. The Malvern School – Preliminary/Final Land Development application

Mr. Yaw introduced Mr. Lou Colagreco, who made a presentation on behalf of the applicant, The Malvern School. Mr. Colagreco stated that the applicant has met all the requirements set forth in McCormick Taylor's review letter and has received unanimous recommendation of approval from the Township Planning Commission. Mr. Colagreco introduced the civil engineer on the project, Adam Brower from EB Walsh & Associates, who stated that they are seeking a waiver for curbing on E. Pleasant Grove Road. Mr. Brower explained that there is no other curbing along E. Pleasant Grove Road.

Mr. Yaw stated that the PC recommended the inclusion of bollards. Mr. Colagreco stated that although the applicant does not believe the traffic circulation warrants bollards, he is agreeable to installing them. Mr. Yaw also stated that the PC raised the issue of overflow parking. Mr. Colagreco stated that The Malvern School does not hold special events, and that the parking plan is compliant with the township's ordinance, and in fact exceeds the parking requirements. He stated that the Malvern School would not seek any formal overflow parking arrangement with their neighbor, St. Maximilian Kolbe Church and School.

Ms. De Wolf asked how many employees and students the school will have. Deb Jackson from the Malvern School stated that they anticipate 34 teachers, some part time, and a maximum of 170 students.

Mr. Yaw made a motion to approve the preliminary/final land development application for The Malvern School at 1081 Wilmington Pike with two waivers of Westtown's Subdivision of Land Ordinance:

1. **§149-925.1.5** – Shrubs and trees shall not be placed closer than ten (10) feet from any side or rear property line or five (5) feet from the street line (right-of-way).

2. **§149-911.B** – Vertical curbs meeting the dimensional requirements for plain cement concrete curb contained in the PennDOT Standards for Roadway Construction (RC-64) shall be required on all streets.

Mr. Yaw also stipulated that approval is based on the inclusion of the four safety bollards to be located as depicted on the plan sheets and constructed of appropriate materials as approved by the township in consultation with the applicant.

Mr. Di Domenico seconded the motion. Ms. De Wolf stated her objection to the project due to the waiver of the curbing requirement, which precludes eventually installing a sidewalk. Mr. Yaw clarified that the motion does not include a requirement for sidewalks or a requirement to obtain a waiver for overflow parking.

Mr. Martin agreed with Ms. De Wolf in support of requiring sidewalks for the project. Mr. Colagreco explained that sidewalks are not required by ordinance. The waiver being requested is for curbing. He stated that the township's engineer explained that curbing would exacerbate stormwater problems. Mr. Colagreco also added that this is a preschool, serving working parents who drop their very young children off and pick them up on their way to and from work. They do not walk their children to preschool.

There was no additional comment and the motion passed 2-1, with Ms. De Wolf dissenting due to the curbing waiver.

VII. New Business

A. Parks & Recreation Commission Appointment

Mr. Di Domenico made a motion to appoint Meghan Hanney to the Westtown Parks & Recreation Commission for an unexpired term ending December 31, 2020. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

B. Resolution 2019-06 - Endorsing Landscapes3, Chester County's Comprehensive Plan

Mr. Di Domenico made a motion to adopt Resolution 2019-06 whereby the Westtown Board of Supervisors endorses Landscapes3, Chester County's Comprehensive Plan. Ms. De Wolf seconded the motion.

Mr. Di Domenico then expressed his opposition to the plan, stating that he was not in favor of sidewalks, trails, or affordable housing, and did not think the county sought enough public input. Ms. De Wolf offered her support of the plan. Mr. Yaw stated that the plan is a guiding document, a visioning statement.

Mr. Kelly stated he had never heard of the County's Landscape Plan and agreed that the public should have been more involved in the process. Chris Patriarca from the Chester County Planning Commission explained that although the county can't reach everybody, they make efforts through social media, multiple public workshops, and their municipal partners. He stated that Westtown had a direct link to the plan on the Township website homepage. Mr. Patriarca described the plan as an aspirational document, building on two previous iterations of the plan.

Mr. Embick, Pheasant Run Road, stated that there were scores of public events, meetings, and stakeholder interviews; literally thousands of people were involved in the creation of Landscapes3.

There was no other public comment and the motion was approved 2-1, with Mr. Di Domenico dissenting.

VIII. Resolution 2019-07 Amending the Comprehensive Plan of Westtown Township

Mr. Yaw stated that the Board meeting was being suspended to hold a hearing to consider the amendment to the Comprehensive Plan of Westtown Township as well as Resolution 2019-07 to adopt the new plan, as required by Section 302 of the Municipalities Planning Code. Mr. Pingar

provided a brief overview of the genesis of the Comprehensive Plan. Mr. Yaw introduced Mr. John Theilacker, Associate Director of the Brandywine Conservancy and its municipal assistance program, Mr. John Snook, recently retired planner with the Brandywine Conservancy, and Mr. Will Ethridge, Westtown Township Director of Planning and Zoning. Mr. Yaw then opened up the hearing for public comment.

Mr. Embick stated that he felt the Board of Supervisors did not respect the efforts of the Comp Plan Task Force and the Planning Commission. He also objected to the removal of Article One, Section 27 of the Pennsylvania constitution.

The Board explained that they thought the tone of the draft provided by the Task Force needed to be more positive. The Board offered their thanks and appreciation to the many people involved in the update of the plan including the Comp Plan Task Force members, the Planning Commission, Will Ethridge, Mila Robinson, Chris Patriarca of the Chester County Planning Commission, Mr. Snook and Mr. Theilacker of the Brandywine Conservancy, Thomas Committa Associates, stakeholders, and all the other people who were involved.

Mr. Di Domenico made a motion to adopt Resolution 2019-07 whereby the Westtown Board of Supervisors adopts the Westtown Township Comprehensive Plan Update 2019. Ms. De Wolf seconded the motion. There was no additional public comment and the motion was unanimously approved.

IX. Announcements

Mr. Yaw made the following announcements:

- 1. County Household Hazardous Waste (HHW) Collection** – The first of six county sponsored HHW collection events will be held on Saturday April 6 from 9 AM to 3 PM at the CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA. Electronics are NOT accepted at these events. For more information, visit the Trash & Recycling page on the township website.
- 2. Parks & Recreation Commission Egg Hike** - Hit the trails at Oakbourne Park to locate egg pickup stations from 10 AM to noon (or while eggs last), Saturday, April 13. Pick up the trail map at the Oakbourne pavilion.
- 3. CRC Streams Cleanup** – The annual Chester Ridley Crum Watershed Association Stream Clean Up will be held on Saturday, April 13 at 34 stream locations, including Goose Creek. For more information and to register visit the CRC website www.crcwatersheds.org.

X. Public Comment on All Topics

There was none.

XI. Payment of Bills

Mr. Di Domenico motioned to approve General Fund bills in the amount of \$118,851.73, Wastewater Fund bills of \$2,678.72, and Capital Projects Fund bills in the amount of \$24,989.30, for a total of \$146,519.75. There were no other comments and the check registers were unanimously approved.

XII. Adjournment

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Yaw. The meeting adjourned at 9:58 PM.

Respectfully submitted,

Robert Pingar
Township Manager