

# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, April 1, 2019 – 7:30 PM

In attendance were Chair Scott Yaw, Vice Chair Mike Di Domenico, Police Commissioner Carol De Wolf, Township Manager Rob Pingar, Public Works Director Mark Gross, Historical Commissioner Gail Guterl, Planning Commissioner Kevin Flynn, and Township Solicitor Pat McKenna. There were 11 guests.

## I. Call to Order

Mr. Yaw called the meeting to order at 7:37 PM. He asked if anyone was recording the meeting. Eva Foster stated that she was making an audio recording.

## II. Approval of Minutes (March 18, 2019)

Due to the length of the last meeting and issues with the transcription, approval of the March 18, 2019 Board of Supervisors meeting minutes was tabled until the next meeting of the Board on May 6, 2019.

## III. Workshop Meeting Summary (April 1, 2019)

Mr. Yaw reported that the Board held an Executive Session before the open workshop to deal with two legal matters. The Board then discussed the Oakbourne Road Bridge Replacement Project, the preparation of a plan to transition to 100% renewable energy, and a proposed Liquor License Transfer Ordinance. Mr. Yaw stated that the Board also had a discussion on a Battle of Brandywine roadside marker initiative sponsored by Sons of the Revolution to place markers in the fifteen municipalities in which the Battle of Brandywine was fought.

There were no comments or questions on the workshop.

Mr. Yaw then made a motion to add an item to the agenda. Under New Business, he added the resignation of Parks & Recreation (P&R) commissioner, Susan Alloway. Ms. De Wolf seconded the motion, and it was unanimously passed.

## IV. Departmental Reports

### A. Public Works (PW) – Mark Gross

Mr. Gross reported there were three salting/plowing events in March. The crew has started removing plows and salt spreaders from the fleet, but will keep a few trucks in standby in case of a spring storm.

The adaptive signal project on Route 3 has been in a detection mode, gathering data triggered by cameras, which will be used to program the signals to coordinate flow. There have been issues with the timing of the signal at Route 352. East Goshen has been experiencing similar problems at Manley Road and Route 3. Mr. Gross stated that dealing with errors in the programming software will be a challenge, and time will tell whether the adaptive signal technology improves traffic flow.

Mr. Gross stated that Aqua has been working on water main replacements in the township. Aqua completed work on General Howe Drive, and will make base repairs to the road. The township will receive funds in lieu of final restoration, and complete the final overlay on the full width of the road this summer. Aqua is currently working on Sage Road. The township's sewage force main was not mapped accurately on the plans when the development was built, so the project was delayed several times when the contractor hit the line.

Regarding the wastewater system, Mr. Gross stated that a power surge at the Wild Goose Pump Station blew out several electronic components, but the station is now back online. Work will begin this month on the rebuild of the Kirkwood Pump Station.

The addition of a fulltime Public Works employee has made it possible to bring the landscape bed maintenance in-house, saving the Township approximately \$6000. The crew will be pruning bushes and mulching beds this month.

Future projects include camera inspections of stormwater pipes in areas slated for road repair this year. Mr. Gross is also working with McCormick Taylor to finalize the list of roads for the 2019 paving project. Mr. Gross stated that he and Pam Coleman have been working with a restoration architect, John Bowie, on the bid specifications for the Oakbourne Mansion Exterior Restoration project, and hope to get that bid out in May.

There were no comments or questions.

#### **B. Historical Commission (HC) – Gail Guterl**

Mrs. Guterl stated that fair weather has finally made it possible for archaeology students from West Chester University (WCU) to begin research on the Huey ruins. They will be digging on site on Thursdays and Fridays, and hope to locate the cistern and midden.

Regarding the Shiloh Road abandoned AME cemetery, Mrs. Guterl reported that the WCU Student Veteran's Group is very interested in the project, and would like to meet with the Board to discuss the future of that property.

The HC also discussed the Brandywine Battlefield Roadside Marker program. The HC will be receiving the marker for free from the Sons of the Revolution. A location for the roadside marker needs to be determined.

Mrs. Guterl reported that the tombstone of Valentine Kergin, which was removed from the Taylor Burial Ground in what is now the Pleasant Grove development, will be installed in the Birmingham Lafayette Cemetery where his daughter and two granddaughters are also buried. Valentine Kirgin was the chief mason on the first Pennsylvania state capitol building.

The HC has been working on updating the 59-page History of Westtown book published by Arthur James in 1973. The commission is excited to publish their updates online by the end of May.

There were no comments or questions.

#### **C. Planning Commission (PC) – Kevin Flynn**

Mr. Flynn stated that the PC had a lengthy meeting on March 20. He reported that they reviewed the draft of the Bi-directional Amplifier Ordinance and found a number of inconsistencies. The PC hopes to have those corrected and provide a draft to the Board in May. The PC also discussed a Zoning Hearing Board (ZHB) application (Italiano) for a fence in the Right of Way. The PC is also working to improve the process for ordinance revisions.

At their next meeting the PC will be discussing a special exception for a Major Home Occupation (offering private swimming lessons). Nancy Harkins will also be making an informational presentation about the Sunoco pipeline project. The PC will also continue work on the Sign Ordinance and final changes to the Bi-Directional Amplifier Ordinance.

Mr. Di Domenico asked if the PC would be meeting this Wednesday, May 3. Mr. Flynn stated they are meeting.

There were no additional comments or questions.

**D. Township Solicitor – Pat McKenna**

Mr. McKenna reported that his office worked on the Bi-Directional Amplifier and Sign Ordinances and hopes to have them finalized this week. They also have been assisting with the Westtown School Conditional Use Application and Zoning Amendment and the Liquor License Transfer Ordinance. The Accessory Dwelling Unit Ordinance is on the agenda tonight for advertisement, and his office has also been assisting with license agreements related to the Oakbourne Road Bridge Replacement project.

Ms. De Wolf asked about the inconsistencies in the Bi-Directional Amplifier Ordinance. Mr. Pingar explained that there was a misunderstanding about a reference to the building code.

Mr. Yaw stated that the hearing for the Westtown School Application will be at 7:00pm on April 24 at the township building. A fourth meeting is tentatively scheduled for May 1.

There were no additional questions or comments.

**E. Manager’s Report – Rob Pingar**

Mr. Pingar reported that work on the Sunoco Pipeline project has begun on Cavanaugh Court at Saints Simon & Jude Church. He stated that there have been some complaints about noise and vibration, and the township is monitoring the situation to see if additional sound curtains are required. The noise should reduce significantly once the steel sleeves are driven into the ground. The project could take two years to complete.

Mr. Pingar stated that the township received a \$180,000 Green Light Go Grant to replace the signal span wire at Routes 352 and 3 with mast arms. Design work has begun on that project.

Mr. Di Domenico stated that he attended a meeting with Mr. Pingar regarding the Sunoco pipeline project. Construction will be taking place near Duffers on Rt. 352, working to the north to meet the line going south from Cavanaugh Court. Mr. Yaw asked about the noise level once the drilling begins. Mr. Pingar stated that the drilling noise will depend on the geological conditions. Mr. Di Domenico added that the Sunoco representative told him there is a lot of granite in the area. They expect to drill 13 to 30 feet per day.

There were no other comments or questions.

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

Nancy Harkins, 1521 Woodland Road, thanked Mr. Pingar and Mr. Di Domenico for monitoring the Sunoco project. She asked how to keep the public informed on the project. Mr. Pingar stated that information is posted on the website, and sent on the listserv as information becomes available. She stated that she is aware of people on West Lynn Drive on wells who did not have their wells tested. Mr. Yaw stated that Energy Transfer (Sunoco) will pay for the testing. Mr. Pingar stated that we will highlight it on the front page of the website and send it on listserv.

There were no other comments or questions.

**VI. Old Business**

**A. Ordinance 2019-02 Accessory Dwelling Units - Authorize Advertisement**

Mr. Yaw explained that this ordinance amendment addresses the conversion of an accessory dwelling unit into a rental unit by special exception, and provides definitions for “building footprint” and “members of the same family.”

Mr. Di Domenico made a motion to authorize advertisement of Ordinance 2019-02 amending §170-1619 and related sections of the Westtown Zoning Ordinance, relative to the conversion of

an Accessory Dwelling Unit (ADU) into a Rental Dwelling Unit (RDU) by Special Exception. Ms. De Wolf seconded the motion. Mr. Yaw thanked the Planning Commission for their work on this amendment. There was no public comment and the motion was unanimously approved.

## **VII. New Business**

### **A. Oakbourne Road Bridge Replacement Project – Construction Contract Award**

Mr. Di Domenico made a motion to award the construction contract for the Oakbourne Road Bridge Replacement Project to Road-Con, Inc. in the amount of \$738,329.03. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

### **B. 100% Renewable Energy Transition Plan, Cadmus Proposal to WCACOG**

Mr. Pingar explained that the West Chester Area Council of Governments (WCACOG), which consists of seven West Chester area municipalities, agreed to solicit an RFP for a transition plan to 100% renewable energy in our community by 2050. The cost of the plan is to be shared by six of the seven municipalities (Thornbury Township, Chester County opted out). Consideration of participation to fund this plan is before the Board tonight.

Ms. De Wolf made a motion to participate in funding a \$75,000 energy consulting contract with Cadmus Group. Westtown's proportion would be \$8,126 which is 10.84% of the population of the six COG municipalities considering participation. Mr. Yaw seconded the motion.

Mr. Di Domenico stated that he had issue with the process. He stated that this item was not budgeted for, and he does not feel that residents have been informed about this plan. He visited ten homes to get a sense of whether or not residents supported a renewable energy plan. Two said they didn't care. Several asked what that meant. Mr. Di Domenico also stated that he contacted PECO to determine the cost to go renewable. PECO informed him that the cost would increase from 7.5 cents/kilowatt hour to 8.5 cents/kilowatt hour. Mr. Di Domenico stated that residents should be informed about any plan to move towards renewable energy before their taxpayer dollars are spent. He said the township is proposing to pay for a plan that would likely just sit on a shelf.

Ms. De Wolf stated that area municipalities should plan for the future. She said that Cadmus has been working with the Delaware Valley Regional Planning Commission and has a good reputation. She stated that she did not think residents need to be polled about a renewable energy plan, as she was elected to represent the residents. She felt that money spent on the plan would be well spent.

Mr. Yaw stated that he is fiscally conservative, and also acknowledged that he does not know enough about this topic to make an informed decision. He stated that the Board often relies on the expertise of consultants and approves expenditures for consulting services. He also stated that he would not be in favor of the township paying for 100% of this type of study, but felt it was reasonable to share the cost of this type of study.

Eva Foster, 734 Westbourne Road, stated that she has attended every meeting except one, this is the first time she has heard of this plan. She stated that the plan should be tabled until residents are better informed about renewable energy options.

Paula Kline, 1019 Ashley Road, encouraged the Board to join East Bradford, East Goshen, West Whiteland, and West Chester Borough in participating in this regional energy planning process. Nancy Harkins emphasized her support for the study, and stated that it would provide education and awareness for the community. She added that the request for renewable energy proposals has been on all the WCACOG member websites and well documented in meeting minutes over the past nine months.

Paul Spiegel, 902 Elk Lane, President of Practical Energy Solutions, a company offering services similar to what Cadmus does, stated that this plan is an important step towards becoming informed about renewable energy options. He stated that he would hate to see his township close the door on exploring clean energy options.

Kevin Flynn, 1000 Windy Knoll Road, stated that he didn't think the goal of the plan has been well vetted, and questioned the benefit of the plan. He also expressed concern that money budgeted for other purposes would be diverted to this study.

Jack Embick, 189 Pheasant Run Road, stated his support of the study.

Marc Dear (1222 Mallard Road) and Henry Alexander (1101 Fern Hill Road), both from West Goshen Township, urged the Board to take the opportunity to participate in this study.

There was no additional public comment. The motion passed 2-1, with Mr. Di Domenico dissenting.

### **C. Parks & Recreation Commission Resignation**

Mr. Yaw state made a motion to accept the resignation of Susan Alloway effective April 13, 2019. Mr. Di Domenico seconded the motion. There was no public comment and the motion was unanimously approved. Mr. Yaw thanked Mrs. Alloway for her service on the commission.

## **VIII. 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 various stream locations, including Goose Creek. For more information and to register visit the CRC website at [www.crcwatersheds.org](http://www.crcwatersheds.org).

## **IX. Public Comment on All Topics**

There was none.

## **X. Payment of Bills**

Mr. Yaw stated that there were two checks added to the register: Check #14882 dated 3/29/19 to the USPS Postmaster in the amount of \$1,600.07, and Check #14883 also dated 3/29/19 to the Westtown East Goshen Police Department in the amount of \$276,254.35.

Mr. Di Domenico made a motion to approve the General Fund bills in the amount of \$331,824.69, Wastewater Fund bills in the amount of \$23,514.46, Capital Projects Fund bills in the amount of \$34,382.00, for a grand total of \$389,721.15. Ms. De Wolf seconded the motion. There were no questions or comments, and the check registers were unanimously approved.

**XI. Adjournment**

Ms. De Wolf made a motion to adjourn the meeting. Mr. Yaw seconded the motion. The motion was unanimously approved and the meeting adjourned at 8:55 PM.

Respectfully submitted,

Robert Pingar  
Township Manager