

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, June 3, 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 Ray Sarnacki, Planning Commissioner Kevin Flynn, and Township Solicitor Patrick McKenna. There were 3 guests.

I. **Call to Order**

Mr. Yaw called the meeting to order at 7:34 PM. He asked if anyone was recording the meeting. Eva Foster stated that she was making an audio recording.

II. **Approval of Minutes (May 20, 2019)**

Mr. Di Domenico made a motion to approve the May 20, 2019 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. There were no questions or comments, and the minutes were unanimously approved.

III. **Workshop Meeting Summary (June 3, 2019)**

Mr. Yaw reported that the Board held an Executive Session before the open workshop to discuss personnel, litigation, and police matters. In the public workshop, the Board discussed the items on tonight's regular meeting agenda.

There were no comments or questions on the workshop.

IV. **Departmental Reports**

A. **Public Works (PW) – Mark Gross**

Mr. Gross reported that the incredibly wet weather has kept the department busy catching up on vegetation and dealing with visibility issues. The new boom mower has been a great time saver for roadside mowing. The crew also has been working on stormwater inlets. The old playground equipment at Larchbourne Park for safety reasons. Restoration of the site will be completed when the ground dries. The span wire at Rt. 3 and 352 at Cavanaugh Court came down last Friday, but was quickly repaired by the townships traffic signal maintenance company.

Regarding the Wastewater Department, Mr. Gross reported that the Kirkwood Pump Station is up and running. Landscaping and visual screen are yet to be completed.

Future projects include the June 11 bid opening for the Mansion Exterior Restoration contract. Three contractors attended the pre-bid meeting on Friday, and several other bidders are interested. Mr. Gross stated this is a very specialized project to do the restoration of the old windows and doors.

Mr. Yaw asked about the status of the Road Program Bid. Mr. Gross replied that the bid opening is June 13. Bid results will be presented to the Board for consideration at their June 17 meeting.

Kathy Di Domenico, 1530 Woodland Road, asked if the drainage issue on Woodland Road would be addressed. Mr. Gross stated that Woodland Road is included in the bid package.

There were no other comments or questions.

B. **Historical Commission (HC) – Ray Sarnacki**

Mr. Sarnacki reported that the excavation project by the West Chester University Archeology Department and Dr. Heather Wholey at the Huey site is progressing. The HC also created a 3D scan of the site with the assistance of a company called StreamBend, LLC, which did the work pro bono. The project will be on hiatus during the summer. Mr. Sarnacki is hoping to organize a community archeology program at the site.

Reporting on other items, Mr. Sarnacki stated that the HC would like to discuss the future of the abandoned AME cemetery on Shiloh Road with the Board. He stated that the WCU Student Veteran's Group would like to raise money to purchase the site. They would also like the Board's decision on the historical roadside markers they have proposed. The HC is also working on the final edits to the Westtown history book, and hopes to have it published by late summer. They are also finalizing the Historical Resource List updates.

Mr. Sarnacki stated that the HC would like the Board to reconsider the Veterans' Memorial due to the estimated cost of the project that has been designed, and recommended relocating in front of the mansion.

Finally, Mr. Sarnacki asked that for direction from the Board on the presence of political representatives at Westtown Day this fall. Ms. De Wolf stated that the Board would supply guidance.

Mr. Yaw asked how many students are working on the Huey site. Mr. Sarnacki replied that 8 students are involved in the project. Ms. De Wolf thanked the HC for their work on the Huey project.

Ms. De Wolf stated that she has become concerned with the scope of the Veterans' Memorial, and questions the need for a parking area and flagpole. She commented that Taylor family was Quaker, and Quakers do not celebrate the flag; they celebrate God. The flag element came into the design to go in hand with the memorial to the five branches of the U.S. Armed Forces. She said it has been a challenge to come up with a design where the Taylor stones can be honored along with all Westtown veterans.

There were no other comments or questions.

C. Planning Commission (PC) – Kevin Flynn

Mr. Flynn reported that at their May 22 meeting, the PC discussed the request by SS Simon & Jude School for a variance to the side setback requirement. The PC recommends the approval of the application, with the requirement that a fence be constructed on the west side between the Jaguar dealership as a condition of approval. The variance request will be before Zoning Hearing Board on June 6.

Mr. Flynn stated that their June 5 meeting has been cancelled, so they will meet next on June 19.

Mr. Di Domenico inquired about the result of the PC's discussion of SS Simon & Jude School variance request. Mr. Flynn responded that the PC recommended approval of the request on the condition that the school install a fence along the western edge of the proposed playground.

There were no additional comments or questions.

D. Township Solicitor – Patrick McKenna

Mr. McKenna reported that his office has been working on all of the items on tonight's agenda.

There were no questions or comments.

E. Manager's Report – Rob Pingar

Mr. Pingar stated there have been no complaints or reports of inadvertent returns on the Mariner East pipeline project.

He stated that the Conditional Use Hearing for Westtown School held on May 28 was brief due to the tornado warning, which prevented some of the parties from attending. The hearing was continued to June 11, with June 26 reserved if needed.

Mr. Pingar noted that work on the connector road between Stetson Drive and W. Pleasant Grove Road is slated to start on June 17. The jughandle will be closed, and traffic will be detoured to a temporary signal at E. Pleasant Grove Road. He stated that the Oakbourne Road Bridge Replacement project will also begin on June 17. A detour will be in effect for that road as well.

Mr. Pingar reported that the 2019 Neighborhood University (NU) program was confirmed at the last Manager's Consortium, and is scheduled for Thursday evenings starting September 12. He stated that these courses are an excellent way for residents to learn about the local government, including stormwater management, public safety, finance and taxes, transportation, public works and land development.

Ms. De Wolf asked Mr. Pingar why the West Chester Council of Governments was not informed of the Chester County Renewable Energy Plan discussion earlier. She and Mr. Pingar discussed the steps for moving this initiative moving forward. Mr. Di Domenico commented that the discussion needs to be fair and balanced so that all perspectives are considered.

There were no other comments or questions.

V. Public Comment (Non Agenda Items)

Eva Foster, 734 Westbourne Rd, asked Ms. De Wolf to confirm her earlier comments on the cost of the Veteran's Memorial being too high. Ms. De Wolf responded that her comments were in reference to the scale of the memorial, not necessarily the cost.

Ms. Foster commented that politicians should not be prohibited from attending and campaigning at Westtown Day. Ms. De Wolf stated that the Board would provide a position statement to how to proceed with political requests at public events like Westtown Day.

Kevin Flynn, 1000 Windy Knoll Rd, asked the Board to reconsider the township's policy of requiring residents to purchase a key to access the tennis courts. He commented that it seems exclusionary and unnecessary, especially considering the deteriorated state of the courts. Mr. Yaw agreed with Mr. Flynn and thanked him for his comments.

Michael Bolig, 1546 Johnny's Way, requested that the public sewer line be extended to his home. He commented that there are at least six other homes along the street that are having serious issues with their septic systems and believe connection to public sewer is the only solution.

Ms. De Wolf asked about Mr. Bolig's proximity to the existing sewer line. He stated that his neighbor to the left connected to a gravity main. The properties to his right are not connected, but are interested in connecting. Ms. De Wolf reminded Mr. Bolig that when the Township installed the existing sewer line the owners of these properties were against connection, and engaged a lengthy lawsuit against the township. Mr. Yaw asked residents on Johnny's Way who are interested in connecting to public sewer to email Mr. Pingar expressing their interest.

There were no comments or questions.

VI. Old Business

A. Ordinance 2019-01, Accessory Structures Setbacks - Adoption

Mr. Yaw stated that proposed ordinance will amend certain provisions of §170-1502 and §170-1603 of the Westtown Zoning Ordinance. Mr. Yaw noted that this amendment has been under consideration and publicly discussed for at least two and a half years.

Mr. Di Domenico made a motion to adopt Ordinance 2019-01 amending certain provisions of §170-1502 and §170-1603 of the Westtown Zoning Ordinance, relative to the size and setbacks of accessory structures and uses accessory to residential use. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

B. Ordinance 2019-04 Liquor License Transfers - Adoption

Mr. Yaw explained that this is an ordinance amendment to add Chapter 47, Alcoholic Beverages, Article I, Intermunicipal Liquor License Transfers to the Code of Westtown Township. This ordinance will require the approval of the Board of Supervisors of Westtown Township prior to the intermunicipal transfer of a liquor license into Westtown Township, when the total number of existing liquor licenses and eating place retail dispenser licenses exceeds once license per 3,000 inhabitants. Mr. Yaw stated this this will not apply to the first three licenses issued in the township. Mr. McKenna explained the license quota guidelines in more detail.

Mr. Di Domenico made a motion to adopt Ordinance 2019-04 amending the Code of Westtown Township adding §47, Alcoholic Beverages, relative to Intermunicipal transfer of a liquor license into Westtown Township. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

C. Ducklings Daycare Land Development (Fair Share) Agreements

Mr. McKenna provided a brief introduction to the proposed agreements, explaining that they are in relation to the land development for the Fair Share property. The agreements are consistent with the approved land development plans. The package consists of Land Development, Financial Security, and Stormwater Operation & Maintenance (O&M) Agreements. Mr. McKenna commented that work on the jughandle on Skiles Blvd is set to start on June 17 and should be completed within 67 days.

Mr. Yaw thanked Mr. McKenna and his team for pulling these agreements together so efficiently. Mr. Yaw also commented that when the Land Development plans were approved on July 16, 2018, he had abstained from voting due to a conflict of interest. Mr. Yaw noted that he will abstain from voting again this evening for the same reason.

Mr. Di Domenico made a motion to approve the Land Development, Financial Security, and Stormwater O&M agreements for the Ducklings Daycare Land Development application. Ms. De Wolf seconded the motion. There was no public comment and the motion was approved; with Mr. Yaw abstaining due to professional conflict of interest with the developer.

VII. New Business

A. Ordinance 2019-05, Amendments to Chapter 170, Zoning – Authorize Act 247 review

Mr. Pingar explained that these amendments were in need of improvement, specifically concerning definitions and requirements of cluster developments rather than conventional subdivisions. Cluster Developments allow for a more significant amount of open space. These amendments will allow the township to provide more usable open space, will clarify definitions, and will strengthen the language within the ordinance.

Mr. Di Domenico made a motion to authorize Act 247 review of Ordinance 2019-05 amending certain provisions of Chapter 170 of the Westtown Zoning Ordinance, relative to Definitions, Agricultural/Cluster Residential zoning district, Flexible Development Procedure, General Regulations, and Administration. Ms. De Wolf seconded the motion.

Eva Foster, 734 Westbourne Road, requested confirmation of which properties this ordinance will affect. She expressed concern that the ordinance may limit options for residents to sell their property, and suggested that the township inform affected residents to determine their opinion on the changes.

Mr. Yaw clarified that the changes only apply to properties of 10 acres or fewer within the A/C zoning district. It will not affect properties of greater than 10 acres or those within the Agricultural Security Area.

There was no other public comment and the motion was unanimously approved.

Mr. Yaw then made a motion for the township to retain John Snook, formerly of Brandywine Conservancy, as the appointed Land Planner and Patrick McKenna as the appointed township solicitor to attend the June 19 Planning Commission meeting. Mr. Di Domenico seconded the motion. There was no public comment and the motion was unanimously approved.

B. Heather Glen Apartments, U&O Permit fee dispute - Settlement Agreement

Mr. McKenna explained that after the sale of the apartment complex, a dispute arose as to the extent and nature of the resale and permit inspections completed by the township's former code enforcement representative. This agreement sets forth the terms to settle the dispute.

Mr. Di Domenico made a motion to approve the settlement agreement between Westtown Township and WC APT I, LLC (the owner of the Heather Glen apartment complex at 1650 West Chester Pike) to settle a dispute over charges by Westtown's third-party vendor, Bureau Veritas, for commercial resale use and occupancy inspections and certification. Ms. De Wolf seconded the motion.

Mr. Yaw confirmed with Mr. McKenna that future inspections will be paid back at the hourly rate of the township's current code enforcement consultants, Code Inspections Inc. There was no public comment and the motion was unanimously approved.

C. Aqua Pennsylvania, Water Main Relocation - Reimbursement Agreement

Mr. McKenna explained an Aqua water main is mounted on the Oakbourne Road bridge, and must be relocated in order to reconstruct the bridge. At the recommendation of the project engineer, Bill Malin of Carroll Engineering, this agreement was drafted to confirm that relocation work will be performed by Westtown's contractor on behalf of Aqua, who has agreed to reimburse Westtown \$95,000 for this work.

Mr. Di Domenico made a motion to approve the Reimbursement Agreement between Westtown Township and Aqua Pennsylvania, Inc. in the amount of \$95,000. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

VIII. Announcements

- A. Parks & Recreation Commission Vacancy** - The township is accepting applications for appointment to the Parks & Rec (P&R) Commission. P&R plans and runs community events at Oakbourne Park. It meets at 7:00 PM on the second Tuesday of the month at Oakbourne Mansion. If you would like to volunteer on P&R, please send your letter of interest and resume to the Township Manager, Rob Pingar.
- B. Red Cross Blood Drive** - 9:00 am to 7:00 pm, June 6 at Goshen Fire Company.
- C. Shred Event** – 9:30 am to 12:30 pm, June 8 at WSFS Bank, Glen Mills.
- D. Westtown School Conditional Use Hearing** – 7:00 PM, June 11 at the Stokes Assembly Hall.

IX. Public Comment on All Topics

Mr. Di Domenico commented to Ms. Foster that he was originally opposed Ordinance 2019-05, amending Chapter 170 of the Westtown Zoning Ordinance. However, after conversations with the solicitor he was assured that these changes to not affect the owners of land within the ASA.

There was no other public comment or questions.

X. Payment of Bills

Mr. Di Domenico made a motion to approve the General Fund bills of \$201,905.21, Wastewater Fund bills of \$81,696.50, and the Capital Projects Fund bills of \$1,061.47 for a grand total of \$284,663.18. 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 8:50 PM.

Respectfully submitted,

Robert Pingar
Township Manager