

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE
May 21, 2007, 7:30Pm

In attendance were Supervisors Chair Carol R. De Wolf, Vice Chair Thomas A. Foster, and Charles P. Barber Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams, and Township Planning Commissioner member Jeff House. There were thirteen guests in attendance.

I. Call to Order.

As there was a quorum present Chair De Wolf called the meeting to order at 7:34 PM and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (May 7, 2007 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the May 7, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as corrected (Page 4 Section VI:F line 12 change to read Ms. De Wolf.....because of the proximity to a school and residential area the zoning should not be changed to C1 as some of the commercial uses would not be appropriate to this area).

III. Departmental Reports.

A. Westtown-East Goshen Police Chief – John M. Dumond.

Chief Dumond reviewed the April Police Report. He stated that three suspects have been arrested for the armed robbery at the Commerce Bank on Paoli Pike in East Goshen. He also stated that theft from vehicles is widespread in this area of Chester County and neighboring communities in Delaware County. Chief Dumond stressed that residents should not leave anything of value in their vehicle especially in plain view. He asked that if anyone sees anything suspicious in their neighborhood please report it immediately to the Police.

B. Township Fire Marshal – Robert Gliem.

Ms. De Wolf thanked Mr. Gliem for the excellent reports he has provided for the Board.

Mr. Gliem reported on three fires that have occurred in the Township this year. The first fire was at Jefferson at Westtown which was started by smoking, the second was in Westtown Mews which started in a bathroom ceiling fan but only caused smoke damage and the third was a dryer fire at Sunrise Assisted Living. Mr. Gliem reported that the staff of Sunrise was not prepared for this as they have not been educating their employees on emergency planning. He will be meeting with Don Herb, Assistant Fire Marshal, John Wilson, and staff of Sunrise to discuss this issue. He stated that he has reviewed the Township's Open Burning Ordinance and does not want to ban burning in the Township but would like to see more controls on open burning in the ordinance. He also stated that he and Mr. Wilson are recommending that the Township adopt the NFPA ordinance for enforcement in new construction. Ms. De Wolf suggested that the Board meet with Mr. Gliem to discuss these issues.

C. Westtown Township Solicitor – Robert F. Adams .

1. Conditional Use Fair Share Properties Orvis Tract – Hearing Date.

Mr. Adams stated that there was a miscommunication on the advertising of the Conditional Use Hearing and as there is no Proof of Publication it appears that

the Hearing was not advertised. Mr. Adams asked Mr. Rau, solicitor for Fair Share Properties, if he was willing to convene the hearing and incorporate the record after due advertisement. The Board's exhibits will be reserved until Proof of Publication is received. Mr. Rau was in agreement with Mr. Adams. At this time Mr. Adams convened the Hearing.

At the close of the testimony by Fair Share Properties the hearing was continued until June 18th, 2007 (Transcripts, upon completion, available for review at the Township Office).

D. Planning Commission – Jeff House.

Mr. House reported on the May 9, 2007 Planning Commission Meeting. He stated that the Commission commenced review of the preliminary plan for a super WAWA at Route 3 and Manley Road. One of the main concerns is that WAWA is opened 24/7 and requires a high level of lighting for security purposes. Also discussed was a pedestrian access from the apartments on Manley road, the use of attractive materials for the trash enclosure, and the traffic counts for this area. Mr. House stated that as the counts were done in January the applicant will recount one of the intersections. If the count is consistent with the January count it will eliminate the necessity to do a total recount. Mr. Foster mentioned concerns with the ingress and egress of the tanker trucks that would be refueling the pumps. A short discussion was held concerning this issue. Mr. House stated that the Commission would be discussing lighting issues and the possible re-zoning of the old Township Building at their May 23, 2007 meeting.

E. Financial Report – Robert Layman.

Mr. Layman reviewed the financial report. He stated that revenues are higher than expected because of the Township tax collection and better interest than anticipated. He also stated that at this time expenditures are under budget. He explained that payroll was higher as the temporary help for the snow/ice season had to be hired as employees not as sub-contractors. Ms. De Wolf asked about the higher road expenditures. Mr. Layman advised her that this is due to the late winter snow storms.

IV. Public Comment-Non Agenda Items.

William Steele, 1005 Niels Lane, complained again about the storm runoff from the Orvis tract onto his property. He stated that the contractor has filled in the sedimentation basin and in its place has constructed a swale and put down straw to handle any runoff. The swale failed and caused 12 inches of straw to end up in his garden. Mr. Steele said this is the second time this has happened and asked what recourse he has. Mr. Adams advised Mr. Steele that he does have a personal recourse through civil court and if Township regulations are being violated the contractor could be fined. Mr. Layman advised Mr. Steele that he has spoken with the Township Engineer and has asked him to review the stormwater management for the project as what has been done appears to be inadequate and it also appears there is a deficiency in the design. Ms. De Wolf advised Mr. Steele that they would keep him informed on this issue.

John Jaros, solicitor for Presby Homes, asked if the Supervisors had reviewed the test amendment for the proposed zoning changes to the A/C District as the applicant would like to move forward with the planning process. Mr. Foster said one of the key issues is how sanitary sewer will be provided for the tract. URS, the Township Sewer Consultant, has submitted a proposal to study this issue. Ms. De Wolf stated that a fiscal impact study also needs to be done so the Board will have the data and facts needed when meeting with the applicant. Mr. Jaros stated that they were doing their own impact study which would be presented at the Conditional Use Hearing. He also stated that their Traffic Engineer is working with PennDOT and the Township's Traffic Engineer on traffic issues. Ms. De Wolf stated she hopes that the Board can meet with the applicant in the near future.

Craig Kalemjian, representing the Robinson Family, said they are working jointly with Presby Homes and are trying to move forward as quickly as possible. Mr. Foster asked about a conservation easement. Mr. Kalemjian stated that this would be addressed at the Conditional

Use Hearing. They are looking at several concepts which they are not at liberty to discuss at this time. Ms. De Wolf stated that information on this issue would be helpful to the Board to move forward in this process.

Jill Voeller, Engineer URS, said she would be glad to review the sanitary sewer proposal with Presby Homes to clarify any questions they may have.

V. Old Business:

A. Execute Documents Tract 2006-7 Stetson Middle School Land Development Plan.

Ms. De Wolf stated that this item was tabled at the last meeting and that Mr. Adams has reviewed the documents and found them in order for execution this evening.

Mr. Foster made a motion, seconded by Mr. Barber, to execute the following documents for Tract 2006-7 Stetson Middle School Land Development plan: Improvement Construction Agreement dated 5/16/2007; Standard Stormwater Facilities Maintenance and Monitoring Agreement dated 5/16/2007; and Account Agreement dated April 26, 2007. Ms. De Wolf asked for public comment. There was not public comment. The Board of Supervisors unanimously approved execution of the Agreements.

VI. New Business:

A. Approve Payment No.1 Bull Dog Construction Ponds Edge Road in The Amount of \$100,035.00.

Mr. Foster made a motion, seconded by Mr. Barber, to approve payment No. 1 Bull Dog Construction Ponds Edge Road in the amount of \$100,035.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payment.

B. Award 2007 Township Road Improvement Bid to Joseph Sucher & Sons in the Amount of \$232,165.00.

Ms. De Wolf stated that the original bid included 1600 linear feet on S. New Street which has been deleted from the bid. She stated that Mr. Sucher's original bid was in the amount of \$274,165.00. The Township Engineer calculated that with this deduction Joseph Sucher & Sons are still the lowest responsible bidder for the project.

Mr. Foster made a motion, seconded by Mr. Barber, to award the 2007 Township Road Improvement Bid to Joseph Sucher & Sons in the amount of \$232,165.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously awarded the bid to Joseph Sucher & Sons.

C. Oakbourne Mansion Bid – Restoration of Flooring.

Ms. De Wolf stated as the one bid received was not a sealed bid it is being rejected and the project will be re-bid.

Mr. Barber made a motion, seconded by Mr. Foster, to reject the flooring bid and re-bid the project. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously rejected the bid.

VII. Public Comment (All Topics).

There was no public comment.

VIII. Payment of Bills.

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors unanimously approved payment of the bills as presented.

IX. Adjournment.

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned at 9:55 Pm.

Respectfully Submitted,

Robert Layman
Township Manager