

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE
August 23, 2007, 7:30Pm

In attendance were Supervisors Vice Chair Thomas A. Foster, and Charles P. Barber Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; and Township Planning Commission Member Jim Lees. There were eight guests in attendance.

I. Call to Order.

As there was a quorum present Vice-Chair Charles Barber called the meeting to order at 7:32 PM and led those present in the pledge of allegiance to the flag.

Mr. Foster stated that due to vacations the meeting was changed from Monday August 20th to this evening.

II. Approval of Minutes (August 6, 2007 Regular Meeting).

Mr. Barber made a motion, seconded by Mr. Foster, to approve the minutes of the August 6, 2007 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

III. Departmental Reports.

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

Chief Dumond reviewed the July Police Report. He reported on an incident of personal property that was stolen from vehicles parked on Westtown-Thornton Road near Chester Creek. Officer William Cahill was able to locate the suspect's vehicle in East Goshen and the suspects were taken into custody. He also reported that Officer Glen Bretz was on night patrol and noticed a suspicious activity behind the Acme in Westtown Village Shopping Center. He arrested the suspects when it was determined that there was stolen property from Delaware County in their vehicle. Chief Dumond stated there were only minor incidents at the Goshen Fair this year. Mr. Barber stated that Mr. Yocum, a resident of Hilltop Road, reported at the last Board meeting that on June 26th someone was soliciting at night for Terminix. Several residents called the Police at that time and the resident claimed an officer never came out to investigate. Chief Dumond advised Mr. Barber that Officer James Bilotta was the responding officer and did patrol the area but a suspect was not found. Chief Dumond stated according to the Police Log there were two calls about this one from Dan Capone and the other thirty minutes later from Bill Roth. Chief Dumond also advised Mr. Barber that he has spoken to Officer Leo Kennedy of the Traffic Patrol concerning the complaints about W. Pleasant Grove Road, Westtown Road and Route 352. Mr. Foster asked for police assistant at Oakbourne Park and Mansion from September 28th to October 8th during the events for Chester County Day. Chief Dumond will present the request at the Police Commissioners meeting.

B. Planning Commission – Jim Lees.

Jim Less reported on the August 22nd Planning Commission Meeting. He stated that Michael Manieri was present to ask for direction from the Commission on how he could develop his property located at 1123 Wilmington Pike. Mr. Lees stated that Mr. Manieri was advised by the Commission that he needs to have access on either E. Pleasant Grove Road or Kolbe Lane in order to develop his property. Mr. Lees advised the Board they would be receiving a recommendation from the Commission for the Conditional Use Hearing for a car wash at the Exxon Station at, Routes 352 and 3. The Commission has concerns about parking and they would like to see a site development plan for the project. Mr. Foster asked about the time limitation for the hearing. Mr. Layman responded that the hearing will be held at the Board's September 4th regular meeting.

He stated that the Board does not have to make a formal decision at that time. Mr. Less stated that the Commission also reviewed a special exception for Lois H. Hodgson, 1431-1435 Johnny's Way, and have no objection to the request. The Commission will continue review of the WaWa Land Development plan at their September 5th meeting.

C. Financial Report – Robert Layman.

Mr. Layman reviewed the July Financial Report with the Board. He stated that the expenditures and revenues are both over in the General Fund but that financially we are where we should be at this time. He feels that collection of taxes is higher due to the fact that self reporters must now make quarterly payments for the Emergency Service Tax and Earned Income Tax. He stated that the expenditures are over in administration because of the mold remediation and work on the Gate House.

IV. Public Comment-Non Agenda Items.

John Jaros, Solicitor for Presby Homes, stated he had received a memo from the Board of Supervisors addressed to Presby Homes and David Robinson, stating the Board's decision on how the project would proceed. Mr. Foster said that the Board is agreeable to commencing the Conditional Use Hearings along with consideration of the proposed zoning amendments for the CCRC. Mr. Foster reviewed, for the record, the points of the memo (attached). Mr. Foster stated that the Board is willing to work closely with Presby Homes and the Robinson Family but that they do reserve the right to impose conditions on the Conditional Use that are reasonable, normal, and necessary at their sole discretion. Mr. Jaros, speaking on behalf of Presby Homes stated he appreciated the Township making the decision to proceed in this manner and hopes the spirit of cooperation continues so that we can work with the Township to move forward. He stated he had read the memo and that the applicant would, as requested, respond in writing to the seven conditions. Mr. Jaros asked if the Board would consider holding the first hearing on October 1st in order to proceed expediently and then continuing the hearings every two weeks at the Board's regular meetings,. Mr. Foster said he felt that would be reasonable but would need to discuss continuing the hearings every two weeks with Ms. De Wolf who was not present this evening. Mr. Jaros said that the applicant is 99% ready and will work with Township staff and the Township Solicitor to move forward. Mr. Foster said because of the complexity of the Conditional Use there are statutory time limits that have to be waived. Mr. Jaros said that was in the memo and he does not feel this is a problem.

Craig Kalemjian, representing the Robinson Family, thanked the Board for clarifying their position. He stated he has not discussed the memo in detail with his client but does not think there will be any problem. However, he stated that there is a one slight exception which has to do with language. The Township has asked for protection, in the form of deed restrictions, for the proposed large lot subdivision immediately west of Presby. This is not a problem but he stated that he cannot guarantee that the protection for proposed 24 lot development on the 60 acre parcel West of S. New Street will be accomplished by a conservation easement. This will probably be set up under a homeowner's agreement so that the homeowner's would own the balance of the tract with restricted covenants that would prohibit further subdivision. Mr. Kalemjian said he is not sure that his client would want to go on record promising that a conservation easement would be placed on the 60 acre tract. Mr. Foster asked if that could be made clear in communication to the Township. Mr. Kalemjian stated he would work with Mr. Jaros on the timing of submittal of the Conditional Use.

V. Old Business:

A. Approve Re-Zoning of Small Tract of Westtown Mews from R2 to C1.

David Redash, Engineer. For Swiss Farms, stated that the land acquired from Westtown Mews will be added to the Reich tract in order to be able to move the entrance further from Route 3 and improve circulation on the property.

Mr. Layman stated that the zoning change was advertised on August 8th, and August 15th.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the rezoning of a small tract of Westtown Mews from R2 to C1. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the zoning change.

VI. New Business:

A. Approve Preliminary/Final Plan Tract 2006-3 Swiss Farms 1500 West Chester Pike.

Mr. Foster stated that the following plan review letters all have conditions for final plan approval: Planning Commissions letters of July 31, and August 23, 2007; McCormick Taylor review letter of August 23, 2007; August 22, 2007 email from Stan Stubbe, Lighting Consultant, and August 21, 2007 email from Charlie Chiu, URS Sewer Consultant. Mr. Foster said he feels it would be more expedient to have all the conditions met before final approval is granted. Mr. Redash stated that he would like to review the items as most of them are minor and have been addressed. He also stated that the Planning Commission in its letter of July 31, 2007 recommended that the plan be approved as preliminary/final as requested by the applicant. Mr. Foster then reviewed the three waivers that were recommended for approval: profiles of driveways, site distant of driveway of 440 feet, required shrubs and trees are to be no closer than 10 feet from side or rear property line or no closer than 5 feet from the street. Mr. Barber asked if the applicant was only seeking three waivers. Mr. Redash stated that they had asked for a waiver from doing a traffic impact study but have agreed they will do one. He stated that they do not anticipate any problems with the study. He also stated that the location of the driveway meets PennDOT requirements. Mr. Redash than reviewed the seven points in McCormick Taylors letter of August 23, 2007.

At this time Mr. Foster asked for public comment. There was no public comment. Mr. Foster stated that the Township had received a letter from a Westtown Mews resident who complained about the trash/debris that was on the tract and asked that the Township makes sure they would not have this problem with Swiss Farms.

Mr. Barber made a motion, seconded by Mr. Foster, to grant preliminary/final plan approval for tract 2006-3 Swiss Farms, 1500 West Chester Pike, conditioned on the Planning Commission letters of July 31, and August 23, 2007. McCormick Taylor review letter of August 23, 2007; August 22, 2007 email from Stan Stubbe, Lighting Consultant, and August 21, 2007 email from Charlie Chiu, URS, Sewer Consultant. The Board of Supervisors unanimously granted preliminary/final plan approval for Tract 2006-3 Swiss Farms as conditioned.

B. Appointment of Jim Lees and David Walter West Chester Regional Planning Commission (WCRPC).

Mr. Foster said with the resignation of Jeff House from the Planning Commission Jim Lees would be appointed as the representative and David Walter as alternate to the WCRPC.

Mr. Barber made a motion, seconded by Mr. Foster, to appoint Jim Lees as the representative and David Walter as the alternate to the WRPC.

Approve Payment Request No. 3 (final) Bulldog Construction in the Amount of \$10,147.43 – Ponds Edge Road Project.

Mr. Foster stated this was for repair of a sewer line and blockage of a pipe on Ponds. Edge Road. URS has inspected the work and approved the payment request.

Mr. Barber made a motion, seconded by Mr. Foster, to approve payment request No.3 (final) Bulldog Construction in the Amount of \$10,147.43. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payment.

D. Award Sodium Chloride Bid for 2007-2008 Winter Season.

Mr. Foster stated that the Salt Bid was a joint bid between Westtown, East Goshen, and West Goshen Townships and that the International Salt Company was the only bidder. Mr. Layman explained that we are under contract for salt from PennDOT but in order to make sure the Township does not run out of salt we felt it necessary to bid for a second contractor. The bid from International Salt is for \$55.00 per ton; PennDOT is \$45.00 per ton. Both West Goshen and East Goshen are agreeable to the bid price. Mr. Barber stated that Westtown will receive 400 tons.

Mr. Barber made a motion, seconded by Mr. Foster, to award the Sodium Chloride Bid for the 2007-2008 winter season to the International Salt Company, in the amount of \$55.00 per ton for Westtown, East Goshen, and West Goshen Townships. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the bid award.

E. Approve Memorandum of Understanding Westtown-East Goshen Police Contract.

Mr. Foster said the purpose of the memorandum is to reduce the Police Department's fleet of vehicles in order to have vehicles which are in good condition. He stated they have been working with Chief Dumond on this issue. The Department will purchase four new vehicles each year regardless of the budget situation. They will also dispose of four vehicles each year which meet certain criteria. The fleet will be reduced to twenty-one vehicles. The new vehicles will be used by the patrol officers. It is hoped that the vehicles will be disposed of before the warranties become an issue.

Mr. Barber made a motion, seconded by Mr. Foster, to approve the Memorandum of Understanding for the Westtown-East Goshen Police Contract. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Memorandum.

F. Adopt Resolution 2007-7 Amending Resolution Fees and Regulations for Rental of the Smith Mansion in Oakbourne Park.

Mr. Foster stated the Township felt it is necessary to raise the fees in order to have funds for renovations to the Mansion and also the fact that our fees are much lower than other facilities comparable to Oakbourne. Mr. Foster also stated that the use of alcohol will be allowed at the Mansion, under certain conditions, but must be served in compliance with the rules and regulations of the State Liquor Control Board.

Mr. Barber made a motion, seconded by Mr. Foster, to adopt Resolution 2007-7 Amending Resolution 2004-13 Fees and Regulations for the Rental of the Smith Mansion in Oakbourne Park. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted the Resolution.

G. Approve Budget Oakbourne Mansion Commission.

Mr. Foster stated the budget in the amount of \$10,600 is for the events surrounding Chester County Day. The revenue received from sponsorships and ticket sales for the Gala should cover expenses.

Mr. Barber made a motion, seconded by Mr. Foster, to approve the Oakbourne Mansion Commission Budget in the amount of \$10,600. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the budget.

VII. Public Comment (All Topics).

There was no public comment.

VIII. Payment of Bills.

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

IX. Adjournment.

On the motion of Mr. Barber, seconded by Mr. Foster, the meeting was unanimously adjourned at 8:31Pm.

Respectfully Submitted,

Robert Layman
Township Manager