

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
January 19, 2009 7:30Pm

In attendance were Supervisors Chair Carol R. De Wolf, Vice Chair Charles P. Barber and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Westtown-East Goshen Police Sergeant Richard Gorman; Township Solicitor Robert F. Adams and Township Planning Commission Member Elaine L. Adler. There were sixteen guests in attendance.

**DRAFT**

**I. Call to Order.**

As there was a quorum present Chair Carol De Wolf called the meeting to order at 7:42 PM and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (January 5, 2009 Organizational Meeting and Regular Meeting).**

Mr. Barber made a motion, seconded by Mr. Foster, to approve the January 5, 2009 Organizational Meeting minutes. Ms. De Wolf asked for public comment.

John Lain, 1540 Johnny's Way, stated that in Section X: Meeting Dates the Township website address was incorrect. He mentioned that he has had a problem accessing the website. (No Name) stated that the Township's website had been down since January 13<sup>th</sup>. Jeff Winiacki, 207 Swinburne Road, said he had emailed Mr. Layman today about the website as he was getting a message that the domain name needs to be renewed. Mr. Layman stated that he was not aware the website was down until today and will have this corrected as soon as possible.

The Board of Supervisors unanimously approved the minutes as corrected. (In review of the Organizational Minutes the website address was correct).

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the January 5, 2009 regular meeting. Ms. De Wolf asked for public comment.

Mr. Lain asked if the 2009 Budget was approved at the January 5<sup>th</sup> meeting. Mr. Layman responded that the Budget was adopted at the December 15, 2008 meeting. He stated that adoption of the budget was mistakenly placed on the January 5<sup>th</sup> agenda. Mr. Lain said he feels that there was not enough information in the minutes concerning the approval of the 2009 contracts for URS and American Water Service. He would like to see how the increases in the contracts compare with the 2008 budget. Ms. De Wolf said the contracts could be an attachment to the minutes as Mr. Lain is doing some work on his property and this might be helpful to him. Mr. Foster stated that he does not feel the contracts should be part of the minutes. He stated that minutes are a summary of the motion to be approved. Ms. De Wolf asked for a change in the motion for inclusion of the contracts or to consider changes to the minutes. Mr. Foster said he did not feel the motion should be changed and will take Mr. Lain suggestion to include more detail in the future. The Board of Supervisors on a two to one vote, Ms. De Wolf opposed, approved the minutes of the January 5, 2009 regular meeting.

**III. Summary of Board of Supervisors Workshop 12/15/08.**

Ms. De Wolf said there were five items on the Workshop. The Board interviewed candidates for the vacancy on the Planning Commission. They discussed language to be included on the 2009 Township Tax bill concerning the cost of police services. The Board also reviewed language from the Township Lighting Consultant pertaining to temporary field lighting. She stated that Mr. Layman has been in contact with a sound engineer and has spoken with Kevin Campbell about the site visit to Rustin. Mr. Campbell will have the PA system working at the stadium for the site visit. The Board also discussed the problem of Canadian Geese in the Pleasant Grove development and the possibility of refinancing the Bond for the Police Station.

**IV. Departmental Reports.**

**A. Westtown-East Goshen Police Chief Sergeant Gorman.**

Sergeant Gorman reviewed the December Police Report. Mr. Barber asked if the incident rate was higher in December. Sergeant responded yes but this is a broad category and some incidents can be handled by phone without calling anyone out. Ms. De Wolf asked if any of the missing persons were reported missing on prior occasions. Sergeant Gorman responded in the negative. Mr. Foster asked about the traffic patrol procedure for Route 926. Sergeant Gorman stated that there were 100 citations issued on Route 926. The Department does use the Speed Board but Route 926 is a difficult road on which to set up speed traps.

**B. Township Solicitor – Robert Adams.**

**1. Conditional Use Hearing Tract 2008-5 J. Loew and Associates.**

Mr. Adams opened the hearing which was advertised for this evening. The hearing is a Conditional Use for the property located at 1081 Wilmington Pike. The property is in an R3 zoning district. The applicant is proposing a 30,000 square foot office building which requires a Condition Use under the Township Zoning Ordinance.

At the close of the Hearing the record was held open for supplemental reports.  
(Transcripts available at the Township Office when completed).

**C. Planning Commission – Elaine L. Adler.**

Mrs. Adler stated that the Planning Commission held an election of officers at their January 7<sup>th</sup> meeting. Mark Purcell will continue as Chairman and Jim Lees will be Vice-Chairman. Jim Lees will be the delegate to the West Chester Regional Planning Commission and Brent Whitig will serve as alternate. The Commission reviewed the Loew Land Development plan and made their recommendation to the Board for the Conditional Use Hearing. Mrs. Adler said the Planning Commission feels that the issue of the right-of-way needs to be settled before they can proceed with review of the land development plan. The Commission will commence review of Fair Share Properties Land Development Plan at this week's meeting. They will also review a plan being submitted for a special exception for Westtown Imported Cars located at 1629 West Chester Pike. The property has a special exception for a new car agency in an R3 district. The applicant is proposing a high class automotive repair facility which would need a new special exception.

**V. Public Comment-Non Agenda Items.**

Ms. De Wolf announced that the Chester-Ridley-Crum Creek Watershed Association will be holding a "Creating Wild Life in Your Garden" seminar on Sunday, February 8<sup>th</sup>. The seminar will be held at Penn State Brandywine. Westtown is a sponsoring community and residents will not be charged the \$5.00 fee to attend.

Maria Lain, 1540 Johnny's Way stated that they seem to be having a problem communicating with the Board. She stated that they had sent a letter of understanding to the Board around the 3<sup>rd</sup> of November and are still waiting for the Board to sign off on the letter. Mrs. Lain said they feel the letter covered the Township's requirements and did agree to them even though she feels they are heavy handed to a resident, Mr. Layman said the letter was passed to Mr. Adams for his review and to prepare a final draft that meets the Board's requirements. Ms. De Wolf said she did receive Mrs. Lain's phone call but did not have any feedback for her at that time. Mrs. Lain asked if there were any problems. Ms. De Wolf said the language appeared to be more than what the Board had agreed to. Mr. Adams stated that he is looking into the statutory requirements of the Township to reimburse private owners who build sewer facilities and is not sure if it is a 100% reimbursement. Mr. Adams also stated that he has not seen the physical plan for the system. Mrs. Lain advised Mr. Adams that the plan was reviewed by URS and approved in October. Mr. Adams stated again that he had not seen the plan. Mrs. Lain said she hopes there will be no more discussions with URS creating more expense. Mr. Lain said it is his belief that they submitted to the Township over a year's period, since January 2008, exactly what was discussed. Mr. Lain feels it is not negotiable at this point as they feel they have complied with all the

Township's requests as they were presented. Ms. De Wolf asked Mr. Adams for a time frame for completion of his review. Mr. Adams said he has not seen the plan and his perspective is different from the engineer or the Board. He stated he is trying to verify the nature of the legal obligations being imposed on the Township and checking them under the applicable statutes. Mr. Adams said he will do his best to accelerate the process but will give it the time it needs to give the best advice to the Board.

**VI. Old Business:**

There was no old business at this time.

**VII. New Business:**

**A. Adopt Ordinance 2009-1 Sidewalks and Curbs.**

Ms. De Wolf stated that the Ordinance relates to who is responsible for the maintenance of sidewalks and curbs in the Township and that the Ordinance has been reviewed by Mr. Adams. Mr. Layman said a sidewalk ordinance was passed at the end of 2007 but that only pertained to the removal of snow/ice from sidewalks by 24 hours after the cessation of a storm.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Ordinance 2009-1 Sidewalks and Curbs.

George Fry, 1521 Pennsbury Drive, asked how this relates to rolled curbs which are the curbs in the Penn Wood Park area. He stated that the curbs are starting to deteriorate and he is under the impression that the curbs were dedicated to the Township the same time as the roads were. Ms. De Wolf said it is her understanding that they are not dedicated with the roads. Mr. Layman said they would have to look at the deeds of dedication for Penn Wood Park. Mr. Adams stated that under the statutes the homeowner can be responsible even if they are in the road-right-of-way. Mr. Fry said it does not say in his deed that they weren't dedicated and he would like a clarification of this.

Laura Scanlon, 1524 Pennsbury Drive, feels that the cost of curb repair or replacement should be borne by the Township as curbs are part of stormwater management. All runoff goes into the storm drains which are maintained by the Township. Mr. Adams suggested that Ms. Scanlon read the statutes concerning homeowner's responsibility. Ms. Scanlon said if that is the case and you are turning the curbs back to me please put them in good repair before you turn them back. Mr. Foster said he is not entirely clear who is responsible. Ms. De Wolf said she always thought it was the Townships responsibility but that funds for repairs was a problem. Mr. Layman said it has always been confusing and the Township has never had a formal written policy. Ms. Scanlon said it is not fair to the homeowner as some of the damage to the curbs is cause by the Township when salting and plowing the roads. She also stated if she is responsible can she choose to use Belgian Blocks if repairs are needed? Ms. De Wolf said that Ms. Scanlon has made some good points and asked that the item be tabled. Mr. Foster said the purpose of the ordinance is to define who is responsible and Westtown is not the only Township that has done this. Mr. Adams said he was asked by the staff to look at the proposed ordinance and did not have a problem with the ordinance. He stated he understands the residents' concerns and feels it should be tabled at this time. Mr. Foster asked if the ordinance was deficient in anyway and what should be addressed. Mr. Adams said it was not deficient but the concept needs to be looked at and the Board needs to decide what they want to do. He stated he is not concerned with the legality of the ordinance. Ms. Scanlon suggested that maybe the responsibility for sidewalks should be separated from the curbs. She asked Mr. Adams what statute he was referring to. Mr. Adams responded the Second Class Township Curb.

Mr. Winiecki said he did not know that homeowners were responsible for sidewalks and curbs. He stated that sidewalks seem reasonable but he felt that 95% of the residents in Pleasant Grove would be against being responsible for curbs.

Mr. Foster withdrew his motion and the item was tabled for further review.

**B. Approve Resolution 2009-3 Appoint Certifying Officer PMRS Pension Plan.**

Ms. De Wolf stated that the Township needs to appoint by Resolution a certifying officer for the Township's Pension Plan. Mr. Layman stated that the appointment is by position and it will be the position of Township Manager.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the position of Township Manager as the certifying officer for the PMRS Pension Plan. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

**C. Appointment of Official.**

Ms. De Wolf stated that the Finance Director was not appointed at the Organizational meeting. She asked for a motion to appoint JoAnne Grube as Director of Finance.

Mr. Foster made a motion, seconded by Mr. Barber, to appoint JoAnne Grube as the Finance Director. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

Ms. De Wolf stated that the Board had interviewed two candidates, Jason Lisi and Eric Rohrbach, for the vacancy on the Planning Commission. Ms. De Wolf stated they would be making an appointment tonight. She stated that she felt the candidates should also be interviewed by the Planning Commission. Ms. De Wolf said there was one candidate who because he did not submit his resume was not interviewed this evening but she felt he should have been. Mr. Barber stated, for the record, that the gentleman Ms. De Wolf is referring too had enough time to submit his resume and he was previously interviewed by Mr. Layman and Mrs. Adler.

Mr. Foster made a motion, seconded by Mr. Barber, to appoint Eric Rohrbach to the vacancy on the Planning Commission. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors on a two to one vote, Ms. De Wolf opposed, approved the appointment.

**VIII. Public Comment.**

There was no public comment.

**IX. Payment of Bills.**

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

**X. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned.

Respectfully Submitted  
Robert Layman  
Township Manager