

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike  
May 7, 2007 7:30PM

In attendance were Supervisors Chair Carol De Wolf, Vice-Chair Thomas A. Foster and Police Commissioner Charles Barber; Township Manager Robert Layman; Township Roadmaster Mark Gross; Township Planning Commission Secretary Elaine L. Adler; and Parks Advisory Group Chairman Rob Upton. There were fourteen guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair De Wolf led those present in the Pledge of Allegiance and called the meeting to order (7:31PM).

**II. Approval of Minutes (April 16, 2007 Regular Meeting).**

Mr. Barber made a motion, seconded by Mr. Foster to approve the minutes of the April 16, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Departmental Reports.**

**A. Township Building Inspector.**

In the absence of Mr. Wilson who was on vacation Mr. Layman reviewed the April Building report. He stated that the contractor has completed the work on the Gate House and will be submitting a change order for review by the Township. Mr. Foster stated that he would like to move forward with renting the Gate House. Mr. Layman said he was been contacted by several parties who are interested in renting and that he has asked the Township Solicitor to prepare a lease agreement.

**B. Township Roadmaster- Mark Gross.**

Mr. Gross presented the April Road report. He stated the Department, as required under the MS4 permit, did an assessment of the stormwater outfalls. Samples of running water were taken from the outfalls 72 hours after a rainfall to be tested for fecal coliform. The results of the testing were negative. Mr. Gross reported that Aqua PA has paved the area on Goodwin Lane that was disturbed when public water was installed. They did a base repair which will be a help to the Township when paving is done on Goodwin Lane this summer. The Department is replacing the manhole castings on the streets that are to be paved this year. He also reported that there was a problem with the comptroller for the traffic signal at Routes 352 and 926. As Lobec, our traffic signal maintenance contractor did not respond to our calls concerning this emergency it was necessary to contact another contractor who located and repaired the problem. The Township has now contracted Charles H. Higgins and Son's Inc., for our traffic signal maintenance work. Mr. Gross stated he appreciated the efforts of Friends of Oakbourne, who planted ten trees at Oakbourne Park on Earth day and the efforts of the Girl Scout troop who did cleanup around the park. The Department graded the stone parking lots at the ball field and near the water tower at Oakbourne Park.

Mrs. De Wolf asked that thank you notes be sent to the Girl Scout Troop who worked in the park. She also welcomed the two cub scouts that were in attendance at the meeting.

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

Mrs. Adler reported that the Planning Commission at their April 18<sup>th</sup> meeting did a final review of the Conditional Use Application for Fair Share Properties. The Application is for a proposed medical office and bank building on lot 36 of the Orvis tract. A letter has been sent to the Board of Supervisors with the Commissions recommendations. Because of the decisions made by the

Board in the course of the subdivision of the Orvis tract this lot was created with dimensional problems which will require variances for set backs. The Commission has concerns with the road system on the west side of Route 202. The road that has been called the parallel road was conceived as a circulation pattern for the west side of Route 202 rather than specifically a parallel road to Route 202. The Commission is recommending, because there are tracts north and south of Pleasant Grove Road that are already in some stage of planning, that the Board direct the Township Engineer to work with all the parties concerned to come up with a logical and practical solution for the intersections involved. Mr. Layman stated that the Township Traffic Engineer has been directed to do so. Mrs. Adler stated that the Commission discussed the traffic concerns on Route 926 because of the request from a developer in Thornbury Delaware County who wants to install a light at Avonlea (Tanguy Road). The Commission feels that improvements to the intersection of Routes 926 and 352 are more critical. Unfortunately the developer of the Balderson Tract in Thornbury is only required to do construct a right turn lane at this intersection. This will not help with the functioning of this intersection that has major backups at all hours. Ms. De Wolf said she has heard that there may not need to be a light at Avonlea as the developer in Thornbury might be using his escrow for the Route 926 and 352 intersections. Mr. Foster asked Mr. Layman if there is an update on the issues that the Avonlea Homeowners Association have with Orleans. Mr. Layman stated he will address this. Mrs. Adler stated that the Commission will be reviewing the WAWA plan at this week's meeting and that all parties who are developing the apartments in East Goshen have been notified.

**D. Parks Advisory Group – Rob Upton.**

Mr. Upton said the Parks Advisory Group and the Oakbourne Mansion Commission had a joint session at their April 10<sup>th</sup> meeting. After the joint session the Parks Advisory Group reorganized for the year. Leonard Tehrani was elected chairman of the group but they did not elect a vice-chairman. The Group continued discussion of the Eagle Scout project for the relocation of the fire circle. Mr. Layman stated that he has passed the Group's comments onto the Eagle Scout. Mr. Tehrani is looking into have West Chester University Students coordinate summer activities for the Township. It was suggested the Parks budget of \$10,000 could be used for this purpose. Mr. Upton then advised the Board of Supervisors that he felt it necessary to tender his resignation from Parks Advisory at this time because he can not give the time necessary to work in this realm. He stated he has enjoyed his ten years of service on Parks Advisory. Ms. De Wolf said the Board would accept his resignation.

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

John Jaros, Solicitor for Presby Homes, stated that his client is under agreement with the Robinson family for 100 acres of their property to build a Continuing Care Retirement Community ("CCRC"). The applicant is anxious to engage in a dialogue with the Board of Supervisors concerning the proposed overlay amendment to the A/C District zoning district which is before the Board for their review and approval. There are a number of issues they would like to discuss with the Board which include public sewer, traffic improvements at Route 202 and W. Pleasant Grove Road, and implementation of the collector Road. They would like to meet with the Board, possibly at a workshop meeting, as they want to move forward with this project. Mr. Foster advised Mr. Jaros that the Board would also like to move forward but needs to complete their review of the proposed zoning amendments to the A/C District before they meet with Presby Homes. Ms. De Wolf stated that Mr. Adams would be contacting Mr. Jaros concerning the Board's position at this time.

Craig Kalemjian, representing the Robinson Family, reviewed what they are proposing for the remainder of the property. The property east of the CCRC and south of the church is proposed to be developed in a commercial format. The remainder of the property would be 13 large lots of 5 plus acres for single family homes. The 61 acre tract west of S. New Street is proposed for a residential development of cluster housing. There would be 8 clusters of three homes. Mr. Kalemjian stated that the Robinson Family will be submitting a Conditional Use application at the same time as Presby homes in order to move forward together. Ms. De Wolf asked what type of commercial they were considering. Mr. Kalemjian said as they have not finalized their agreement with Westminster Church it is premature to speculate on the acreage that would be commercial but they would consider the uses, such as a medical office building, in the proposed zoning overlay. Mr. Foster asked about a conservation easement. Mr. Kalemjian said they are speaking with two different conservancies and this will be covered at the time of Conditional Use.

Rob Upton asked the Board as they consider road changes in the Pleasant Grove area that they keep in mind the proposed bicycle trail that has been submitted to PennDOT. Ms. De Wolf said the Board is aware of the trail and also the multi-modal transportation concerns.

David Flurer, 204 Swinburne Road and Jan Scharisg, Star Scouts, said they were attending the meeting as it is a requirement for their Community Citizenship Merit Badge. Ms. De Wolf said the Board would be glad to answer any questions the scouts may have and they are welcome to call her with questions.

**V. Old Business.**

**A. Approve Ceritano Settlement Agreement.**

The settlement has been reviewed by the Township Solicitor and should satisfy Mrs. Coghlan, as the work is to be done in a 30 day time period. The work will be done at no cost to the Township.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the Ceritano Settlement Agreement. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Agreement.

**VI. New Business.**

**A. Authorize Gawthrop Greenwood to Proceed With Litigation – Stokes Assembly Hall.**

The Board of Supervisors met in an executive session with Council to discuss remedies to the mold issue in the Stokes Assembly Hall and the Township Office area. The Township Solicitor will be authorized to proceed on behalf of the Township to seek recovery from all responsible parties for the damages that have been sustained.

Mr. Foster made a motion, seconded by Mr. Barber, to authorize Mr. Adams to move forward with the litigation. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved moving forward with litigation.

**B. Approve Agreement URS Preparation/Participation Public Sewer Meetings.**

Ms. De Wolf stated that when the ACT 537 Plan was approved for public sewer it was to be mostly gravity but at this time the Township is considering some grinder pumps. This would require amending the ACT 537 Plan. Representatives of URS will be attending the neighborhood public meetings to explain the implementation of public sewer and the cost involved.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the URS Agreement for Preparation/Participation for the Public Sewer Meetings not to exceed the cost of \$36,800. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the URS Agreement.

**C. Approve URS Agreement Update Official Sewage Facilities Plan.**

Because of the cost of implementation of public sewer the Township is looking at alternatives to the approved ACT 537 plan. The Agreement is for URS to prepare the revisions to the ACT 537 Plan as required by DEP.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the URS Agreement for updating of the Township's Official Sewage Facilities Plan, not to exceed the cost of \$67,235. Ms. De Wolf asked for public comment. Mr. Barber said it is his understating that the Township can be reimbursed by DEP for half of the cost of this project. The Board of Supervisors unanimously approved the Agreement with URS.

**D. Execution of Agreements Tract 2006-7 Stetson Middle School Land Development Plan.**

This item was tabled.

**E. Approve Benner Right –of –Way Agreement Force Main – Westtown Rd.**

Mr. Foster made a motion, seconded by Mr. Barber, to approve the Westtown Road right-of-way agreement with John and Judith Benner. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Right-of-Way Agreement.

**F. Proposed Zoning Change R-3 to C-1 – 1081 Wilmington Pike.**

Ms. De Wolf said as the old Township Building will be up for sale in the near future there has been some discussion about changing the zoning of the property from R3 to C1. She stated that because of the issues involved any potential change in the zoning should be evaluated by the Planning Commission. Mr. Foster said of course the role of the Planning Commission is to review any change in zoning but as the proposed overlay district will create some C1 zoning on Route 202 this would be an opportunity to look at a possible change to C1 for the Township property. Ms. Adler advised the Board that the business uses proposed in the overlay for the A/C district are not the same as those in the current C1 district in our zoning ordinance. What is proposed for the A/C district are restricted uses and do not include business such as gas stations and warehousing which are allowed in the current C1 district. Ms. Alder said the Planning Commission would need direction from the Board as to what type of commercial they would envision for this property. Ms. De Wolf said that she is not in agreement with Mr. Foster on this issue and feels 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 for this area. Ms. De Wolf said the Planning Commission needs to address what would be most beneficial to the area. The Board passed the issue of re-zoning to the Planning Commission.

**VII. Public Comment (all topics)**

There was no public comment at this time.

**VIII. Payment of Bills.**

Mr. Foster made a motion, seconded by Mr. Barber, to approve payment of the bills. 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 adjourned at 8:23 Pm.

Respectfully Submitted,

Robert Layman,  
Township Manager