

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
May 4, 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; Township Solicitor, Robert F. Adams; Township Building Inspector John Wilson; Township Road Master Mark Gross; Parks Advisory Group chairman Leonard Tehrani; and Oakbourne Mansion Commission Chair Eva Foster. There were twenty-two guests in attendance.

I. Call to Order.

As there was a quorum present Chair De Wolf called the meeting to order at 7:35Pm and led those present in the Pledge of Allegiance.

II. Approval of Minutes (April 6, 2009 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the April 6, 2009 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. Summary of Board of Supervisors Workshop 5/4/09.

Ms. De Wolf stated that the following items were discussed at the workshop: 2009 road resurfacing project; The representation of Mr. Foster and Mr. Barber on the Tax Collection Committee and the workshop they will attend; Discussion of the fee for use of the upper soccer field at Oakbourne by the Brandywine Women's Rugby Club; Discussion of the regulations for sale of fireworks in Westtown; and discussion of a projected \$200,000 increase in the Police Pension Plan next year.

1V. Departmental Reports.

A. Township Solicitor Robert F. Adams.

1. Conditional Use Hearing J. Loew & Associates, 1081 Wilmington Pike.

In attendance for the Applicant were John Good, Solicitor, and Tim Townes,

Mr. Adams stated that the applicant has already received conditional use to construct an office building at 1081 Wilmington Pike but due to the marketing of the property they are submitting an alternate plan for a medical building. Mr. Adams opened the hearing.

At the conclusion of the hearing Mr. Foster made a motion, seconded by Mr. Barber, to accept the alternate plan conditioned on the Planning Commission Letter of 4/30/09. There was no public comment. The Board of Supervisors unanimously approved the motion. (Transcripts available at the Township Office upon completion).

2. Approve Agreements with Dr. Smith, Thornbury Commons, for Connection to Westtown's Sanitary Sewer Lines.

Mr. Adams stated he has reviewed the first amendment to the sewage conveyance agreement with Dr. Smith and everything is in order for execution this evening. He also stated that he has received the Highway Occupancy Permit and three checks pertaining to the project. The first check in the amount of \$2,860.00 for 2 edu's; the second check, to be escrowed, in the amount of \$2800 for projected inspection and review fees; and the third check in the amount of \$3,476.35 for invoiced URS fees.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the amendment to the sewage conveyance agreement for inclusion of 2 edu's and to accept the Highway

Occupancy Permit. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the amendment and receipt of the Highway Occupancy Permit.

B. Township Building Inspector – John Wilson.

Mr. Wilson reviewed the April Building Report. He stated there has been an increase in requests for Certificate of Occupancy for re-sales. He also stated that he surveyed the sidewalks of 56 homes in Pleasant Grove. All are in need of repairs and he asked direction from the Board on how to proceed as the Township Sidewalk Ordinance places the responsibility for repairs on the property owner. Mr. Wilson said he has been working with Mr. Gross on the grease issue in Market Place. It has been determined that the Chinese restaurant is causing the problem. Dye was run through all the sinks and the drain located where there are no grease traps. The owner will install new grease traps that include all the drains. Mr. Foster asked if a complaint can be filed against the owner. Mr. Wilson stated that Mr. Adams was consulted and stated that the Township could not be reimbursed for the cleaning of our sewer lines and our only recourse is to fine the owner. Mr. Wilson will proceed with filing a complaint against the owner. Mr. Wilson also suggested amended our ordinance to require that only licensed haulers can clean the grease traps. Mr. Layman will review changing the ordinance.

C. Township Roadmaster- Mark Gross.

Mr. Gross covered the April Road Report. He stated that Higgins has completed their yearly inspection of our traffic signals and they are in compliance with PennDOT standards. There are only some minor issues which include re-lamping of the non LAD signals. The Department cut trees and did general cleanup in Oakbourne Park getting ready for summer usage. Mr. Gross stated that the summer help will be starting this month and the Department will begin work on stormwater repairs in the Avonlea and South Hills developments. The Department worked with Tom Bare, Friends of Oakbourne, to plant two trees in Oakbourne Park and also with the Girl Scouts who planted three specimen trees on Earth day. Mr. Gross said that the Chester-Ridley Crum Creek Association, on Earth Day, cleaned up an area of Goose Creek from Westbourne Road to Route 926 that has never been cleaned before. They had help from Bayard Rustin and Westtown School students. They removed 1,000 lbs of debris from the creek including tires and small motors. The tires will be taken to a firm in Pottstown for recycling.

D. Township Planning Commission.

In the absence of Mr. Purcell, Mr. Layman reported for the Planning Commission. The Commission did not meet on April 22nd as they only had one item on the agenda and the material to be reviewed was not completed in time for the meeting. At this week's meeting the Commission will review the Reserve at Westtown.

D. Parks Advisory Group – Leonard Tehrani.

Mr. Tehrani stated that the Board of Supervisors has approved the following schedule of summer activities: Two movie nights, June 26th and August 7th; Christmas in July will be July 25th; and the Best in Westtown Dog Show will be held on September 26th. Mr. Tehrani said Parks Advisory has received a letter from a resident concerning a Township trail. He stated that Parks Advisory will be reviewing the Township trail system at their meeting on May 12th. at 7:30Pm. Ms. De Wolf stated she would like to give guidance to Parks Advisory on how to proceed with this process. She also stated that she is an advocate of a cross Township trail. Mr. Foster asked that Parks Advisory keep the Board apprised on this as there are some differences of opinions on how to proceed. Mr. Tehrani advised the Board that they are working with Thornbury on joint events and that they are very receptive. Ms. De Wolf stated she appreciates Parks Advisory's outreach to Thornbury.

Mr. Pavelchek, 1050, S. New Street, stated that the Growth Management Plan includes an extensive trail system. He also stated connecting the Township trail to Thornbury was discussed when Bayard Rustin was being built. He would be glad to provide background on the trail to the Group. Ms. De Wolf suggested he attend the Parks Advisory's next meeting.

E. Oakbourne Mansion Commission – Eva Foster.

Mrs. Foster stated the Commission had a booth at the Women's Expo at Exton Mall on April 17th – 19th which generated a lot of interest in the Mansion. She also stated that the Commission is working on having vendors in the Mansion at the Car Show on June 6th. Mrs. Foster said some of small business vendors do not have the insurance required by the Township and asked how this should be handled. Mr. Layman will address this with the Township's insurance carrier. Jon Pennington is continuing his refurbishing of the Marble Room in the Mansion. Ms. De Wolf asked about use of the upper soccer field by the Women's Rugby Team as she would not want any playing time to interfere with Mansion events. She was advised the team has requested use on Tuesday's and Thursday's from 6Pm – 8Pm from June to October. Mr. Foster stated that the Township has proposed a fee to the team for use of the field. Mrs. Foster said those times should not interfere with Mansion events. Mrs. Foster also asked about replacement of the Mansion gutters. She was advised if the advertising of the bid is approved this evening the bid opening would be May 29th.

VI. Public Comment (None Agenda Items).

John Edwards, 613 Bowers Drive, asked if Mr. Kilgarif has been contacted about completing the improvements at Liberty Square. Mr. Layman stated that Mr. Wilson has spoken with Mr. Kilgarif who indicated that he would not be doing any work this year. Mr. Layman said using the money in escrow for the project is being discussed with the Township Solicitor. Mr. Foster asked if Liberty Square has a Homeowners Association. Mr. Edwards responded that the property owners are trying to organize one. He also stated that they are still paying association fees to the builder but as he is not doing anything they are putting their fees in an escrow account. There was a question of who is responsible for the stormwater basin on the property, the homeowners or the Township. Mr. Edwards will provide Mr. Layman with a copy of the Homeowners agreement he received at settlement to be forward to Mr. Adams for review.

Jacqueline Bivens, 616 Bowers Drive, explained that while the development was being completed the builder acted as the Homeowners Association. The property owners paid a monthly fee of \$140.00 to cover the outside expenses. She stated that since July their payments have been returned unopened and that the developer will not respond to them. Ms. Bivens said the plan that was shown to her when the property was purchased is not what is being done. The trees that are part of the plan have not been planted. The property owners do not want to accept responsibility for the Homeowners Association until the developer completes his part of the agreement.

VII. Old Business

There was no old business at this time.

VIII. New Business.

A. Adopt Proclamation Composting Awareness Week.

Mr. Layman stated that the Composting Council has asked municipalities to pass a proclamation encouraging their residents to compost. Passing the proclamation shows the Board's support of composting.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt the proclamation for Composting Awareness Week, May 4th – May 8th. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the proclamation.

B. Approve Advertising of the Oakbourne Mansion Gutter Replacement Bid.

Mr. Foster stated that the Township has received a grant through Representative Killion's office to have this necessary work done.

Mr. Foster made a motion, seconded by Mr. Barber, to approve advertising of the Bid for replacement of the Gutters at Oakbourne Mansion. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

C. Adopt Advertising of the Proposed Field Lighting Ordinance.

Ms. De Wolf stated that the Township has received the comments from Chester County Planning Commission on the Ordinance and are now ready to advertise.

Mr. Foster made a motion to approve advertising of the proposed Field Lighting Ordinance. Mr. Barber said he would like to make a few comments on the record, as a resident not a supervisor, before he would second the motion. He addressed his comments to Gary Bevilacqua as he knows how active Mr. Bevilacqua has been on this issue. Mr. Barber, addressing Mr. Bevilacqua, as a tax payer in the West Chester Area School, said you have an extremely modern complex with facilities where you can play during the day. It is asking a lot of tax payers to put lights there. He stated he realizes that an ordinance needs to be passed to protect the Township but what he has found is that there are several school districts that have raised private funds for lights. He advised Mr. Bevilacqua that you have organizations for football, band, etc that could raise donations and since he has been so active would he be in favor of those that play pay.

Mr. Bevilacqua stated that Mr. Barber's point was well stated. He expressed that there are many residents of the School District concerned with the 6.6% tax increase. Mr. Bevilacqua said he has attended the budget meetings for the District and this issue can be addressed with them. He feels they need to be more creative and with long term fund raising the cost could be 50% private and 50% School District. He stated that he feels this could be done but if the Board approves the ordinance it would still need to go before the School Board. They would have to approve the lighting as capital improvements in their budget. Mr. Barber said speaking as a tax payer, not 50-50 but 100% by fund raising. Mr. Bevilacqua stated that this should definitely be discussed with the School District. Mr. Baber then seconded the motion.

Mr. Bevilacqua asked about the requirements for advertising and when would the Board vote on the ordinance. Mr. Layman responded that the ordinance has to be advertised for two separate weeks and hopes to have approval of the ordinance on the May 18th, agenda.

Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors approved advertising the ordinance with Mr. Barber abstaining.

VIII. Public Comment (all topics)

There was no public comment.

IX. Payment of Bills.

Mr. Foster made a motion, seconded by Mr. Barber to approve the bills as presented.

X. Adjournment.

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

Respectfully Submitted,
Robert Layman,
Township Manager

