

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, November 19th, 2012 at 7:32PM.

In attendance were, Chair Charles P. Barber; Vice Chair Thomas F. Haws; Police Commissioner Carol R. De Wolf; Township Manager Robert Layman; WEGO Police Lt. DiCave; and Planning Commission Member Dave Walters. There were 6 guests in attendance.

I. Call to Order.

Chairman Charles Barber called the meeting to order at 7:32PM and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (Board of Supervisors, November 5th, 2012).

Ms. Carol DeWolf, Police Commissioner of the Board of Supervisors, asked to revise her following comments:

- Page 2, Section IV-C where she elaborated on her comments from the previous meeting about the alternative energy ordinance.
- Page 3, Section V where she clarified the line item being considered is for hiring a consultant rather than the whole proposal suggested by Mrs. DiDomenico.
- Page 4&5, Section VI-A / C where she made edit suggestions after proofreading the third paragraph on Page 4 as well as paragraph on Page 5 in reference to comment made by Bobbie Pomerantz on trash billing coupons.

Mr. Haws requested the \$2,500.00 quote be removed from Page 1, Section III in reference to the lease for field usage to East Side Little League due to lack of approval from the Board on the amount of the 2013 lease. Ms. DeWolf and Chairman Barber echoed Mr. Haws. Robert Layman informed them that the quoted price has already been removed.

Mr. Haws makes a motion to approve November 5th minutes with the suggested edits. Carol DeWolf seconded the motion. November 5th meeting minutes approved pending edits.

There was no public comment at that time.

III. Summary of Board of Supervisors Workshop 11/19/2012

Chairman Barber summarized the Supervisors Workshop. Supervisors discussed the Township's Burning Ordinance due to a resident wanting clarification of what he can and can't burn specifically wood. Mr. Layman explained that no resident is permitted to burn leaves but are permitted to burn wood two ways:

- Inside a contained unit, i.e. barrel, that sits at least ten feet away from the home or
- Open area that sits at least 15 feet away from the home

After discussing the ordinance, the Board confirmed their satisfaction with the current regulations. The Supervisors entered into an executive session to discuss police personnel matters and the contract between East Goshen and Westtown in reference to possible changes proposed by East Goshen. In addition to personnel matters, the Supervisors discussed police releases to the public. The Board also discussed the Westtown School Land Development plan for their science building. The School has agreed to an extension until December 3rd, 2012. Lastly, Supervisors had a general discussion about the budget that included a possible tax increase.

There was no public comment at that time.

IV. **Departmental Reports.**

A. Westtown-East Goshen Police Department – Lt. James DiCave

Lt. DiCave reported that there were 390 calls of service in Westtown Township in the month of October. Quick summary:

- 39 year old male was arrested for driving under the influence on the 1500 block of West Chester Pike.
- 20 year old female was arrested for theft and related offenses after she took credit cards from a resident at a retirement facility and made fraudulent purchases with the credit cards.
- 41 year old male arrested for theft and related offenses for drug violations for attempting to obtain prescription medications with stolen prescription pads on the 1500 block West Chester Pike.
- 25 year old male was arrested for theft and related offenses for attempting to pawn jewelry stolen from a resident's home.
- 21 year old male was arrested for retail theft on the 1500 block of West Chester Pike due to failing to pay for merchandised from a store.
- 22 year old male was arrested for retail theft on the 1500 block of West Chester Pike due to failing to pay for merchandised from a store.
- 49 year old female was arrested for criminal trespass and other related offenses on the 100 block of Hilltop Road after entering a residence where she was not welcome and was told repeatedly to leave the premises.
- Officers located two escapees from Glen Mills School on the 1500 block of West Chester Pike that the Pennsylvania State Police had been trying to locate.
- Two burglary incidents: Valley Market on South Chester Road/Green Lane and 1500 block of Charles Road

Lt. DiCave informed the Board increases in the last six to seven months of theft from vehicles in the Tri-State area which 75% of these thefts were from unlock vehicles. The method used is just a simple trial and error to see if it opens. If it doesn't open easily than the person just moves to the next driveway because they want to stay under the radar as much as possible. Lt. DiCave stresses residents keep vehicles locked at all times especially if they have a garage door opener inside because criminals use the door openers to gain access to homes through garage. If residents are going to keep valuables in the vehicles and they live in a somewhat secluded area, he states, conceal item from sight so no one is tempted to break in or take items in to the residence.

The floor was open to public comments.

Ms. DeWolf commented how incredible the communication between the Board and the Police Department has been in the last month which she credits to the promotions of Lt. Cahill and Lt. DiCave. The Board thanks both Lieutenants for the great job of communicating with them and the work they are doing out in the field for the Township and its residents.

Mr. Haws asked Lt. DiCave if he would write up a list of safety tips that can go on the list blast to notify the public of the increase in vehicle burglaries and to be extra vigilant this holiday season.

There was no further public comment at that time.

B. Township Solicitor – Robert F. Adams

There were no items to be reported for Mr. Adams at this time.

C. Township Planning Commission – Dave Walters

Dave Walters reported that the Planning Commission continued to review the draft of the alternative energy ordinance that consultant John Snook created from tweaking another municipality's alternative energy ordinance. The Commission heard testimony at the last two meetings from a resident who has both a geothermal system and a solar panel system. This resident felt that the draft ordinance was much too restrictive. The issues with the ordinance are as follows:

- Size of solar panel array
- How high Township will allow a mast to be on a wind power windmill
- Some mechanism for ensuring that glare from solar panels does not disturb the neighbors

Mr. Walters informed the Board that Mr. Snook will be working up a new draft. The draft amendment would permit apartments on approximately 15 acres of Crebilly Farms. A Crebilly Farms representative, stated Mr. Walters, will be attending the next Planning Commission meeting and will present a development plan.

The floor was open to public comments.

Chairman Barber asked Mr. Walters how high is the windmill to which Mr. Walters responded stating that the current draft allows 35 feet from the top of the vein to the ground. The Planning Commission feels that height is too low to be effective due to the height of trees and other barriers. Mr. Walters explained that the ordinance should allow for 50 to 75 feet in height depending on what answers Mr. Snook brings back to the Commission. Chairman Barber further asked if there was a certain amount of land required to have a windmill on the property. Mr. Walters said that the ordinance states the windmill needs to be proportional to the size of the property and there is a noise restriction regulation. Walt Pavelchek mentioned the draft stated the windmill had to be at least 150 feet from the property boundary line.

Ms. DeWolf asked if the overlay in question is the land previously discussed by the Board and the Commission to which Mr. Walters answered in the affirmative. Bezzuto wants to develop the land into an apartment complex that consists of three apartment buildings and one building for facilities. The Planning Commission did notice a slight increase in this size of the buildings, the setbacks, and the impervious surface and have plans to ask John Jaros about them when he attends the next meeting. Ms. DeWolf announced that the Planning Commission has an open position and that the Township is taking letters of interest and resumes.

There was no further public comment at that time.

VI. Public Comment on Non Agenda Items.

Mike DiDomenico, 1530 Woodland Road, asked if any public comments have been received during the public comment period for ACT 537. Mr. Layman stated that the Township only received four comments back with a break down 3 to 1. Mr. DiDomenico asked if the Chester County Health Board was still monitoring the maintenance of on-lot management systems to which both Mr. Haws and Chairman Barber stated that program has been disbanded but Chairman Barber mentioned that discussion will be had in budget meetings about the Township continuing this record keeping process. Mr. Haws said that homeowners like to clean out their

systems before December or after February to not have to deal with winter weather. Mr. DiDomenico echoed Ms. DeWolf's comments early in the meeting about how the communication between the Board and the Police Department has gotten better in the month but would like to see more transparency from the Township. His example of a transparent municipality was East Goshen with their ability to disseminate information to its residents. Mr. Haws explained that the Township's current website doesn't allow for information to be uploaded like East Goshen is able to which makes updating the website a very important discussion the Board is having at present time. Ms. DeWolf echoed Mr. Haws by saying that the Township will be crafting a website so current information can be uploaded more regularly.

Kathy DiDomenico, 1530 Woodland Road, provided follow-up comments from the November 5th meeting. She thanked Mr. Layman for meeting with her earlier that day to discuss items regarding the redesigning of the Township's website. The purpose of that meeting, explained Mrs. DiDomenico, was to brainstorm items before the 2013 budget was put into place. She and Mr. Layman covered two parts that could be updated, public access sections and a portal for secure access that involves a login name and password. During her meeting with Mr. Layman, she asked how many residents were signed up for list serv and was told about less than 50% but wasn't clear if that represented households or overall population. Mrs. DiDomenico stated that she and Mr. DiDomenico were receiving the releases from the police in the accounts they currently have but stresses that the Township can't rely on the assumption that every resident has the ability or desire to find the necessary information and that the website is only one tool to facilitate communication between Township elected officials and the residents. She spoke about how 15% of households had to be called to inform them of Phase 1 of Act 537 Plan because they were uninformed due to lack of computer knowledge and/or interest. Mrs. DiDomenico would like to include a call system into the discussion; which someone mentioned was called the robo call system, as another way to send information to those with limited to no access to computer/internet. Redesigning a website is not a little job, Mrs. DiDomenico surmised, so spending a lot of money on ridiculous items rather than doing it right the first time is a waste of Township resources. Furthermore, that a newly created infrastructure that would require small updates for the next five to eight years would be much more beneficial in the long run. Mrs. DiDomenico recounted that five of the residents from the Phase 1 group do web design. She proposed that the Board of Supervisors create a Citizen Advisory Committee to enable the Township officials to gather a group of residents who are educated/trained in web design to inform the entire Township what could be done to educate everyone on how dissemination of information by using electronic tools (website & robo call systems) will be handled and the website appearance and its content. In addition to these duties, added Mrs. DiDomenico, the advisory committee can assist Mr. Layman in reviewing requests for proposals for a web designer as well as other related items.

Walt Pavelchek, 1050 South New Street, thought the Township was planning to gather personal information and archive it on the secure access portal part of the Township's website. Mr. Pavelchek felt disturbed at that possibility because he doesn't like the idea of government having access to personal information. Mr. Haws clarified that the secure part would provide an option for residents to pay their sewer/trash bills online and that each household would need to create a secure login name and password to log into the portal to access their specific bill. Furthermore, the Township will not be asking for social security numbers or any personal identifiable information from residents. Mr. Pavelchek thought Mr. Haws's revision of the portal comments were was interesting and that he didn't gather that impression from the way the comments had been made previously. Mr. Layman followed up Mr. Haws's comments by stating that the Township isn't looking to create a "Big Brother" type of situation.

Ms. DeWolf agrees with Mrs. DiDomenico's comments about looking at a communications plan as a whole where the website is just one tool and that there may be other avenues worth looking into.

There was no further public comment at that time.

VII. Old Business.

A. Tract # 2012- 5 Westtown School Land Development of Science Building

Chairman Barber stated that Westtown School has provided another two week extension of the renewal period for their plan. The Board agreed to table this item and it will be placed on the agenda for the December 3rd, 2012 meeting.

B. Repair To Sewer Main – South Concord Road

Chairman Barber announced that the Township received a revised quote from Bull Dog Construction for \$139,500.00 for total replacement of 450 feet of pipe and cutting back the bank to make snow removal easier. Depending on the road conditions, he explained, the cost may increase due to any damage to the road that will require it to be repaved. A PennDOT road inspector will be available to provide feedback when needed. Mr. Haws made a motion to approve the quote from Bull Dog Construction for \$139,500.00. Ms. DeWolf seconded the motion and it was approved.

The floor was open to public comments.

Mike DiDomenico, 1530 Woodland Road, asked if the 450 feet pipe in question is old sewer line. Chairman Barber explained that it was an old sewer line located in front of the cottage which carries sewage to West Goshen. Ms. DeWolf commented that the disintegration found in the pipe wasn't normal for the age of the pipe which was about 35 years but is due to hydrogen sulfate gas affecting the pipe's integrity. Mr. Layman believes it is a septic made gas that had arisen slowly and there was a gap present which had allowed the gas to eat away at the pipe. Mr. DiDomenico asked if it was being rectified and Mr. Haws answered affirmatively.

There was no further public comment at that time.

VIII. New Business

A. Advertisement of 2013 Budget

Chairman Barber stated that redesigning the Township website as well as road repairs have been requested among other items but there has been a decrease in the Reserve Fund in the General Account. Due to this, there will most likely be a tax increase.

Mr. Haws echoed Chairman Barber comments but announced his position on increasing the millage from 2.5 to 3.5 through the final increase could be anywhere from .5 to 1 millage. The 1 mill increase provides the ability, pointed out by Mr. Haws, to fund the redesigning of the website and other aspects of the communication system, develop a better road program for the Township's 55 miles of responsibility, raise the balance the Reserve Fund in the General Account, etc. Mr. Haws explained that the Township's current road program only handles about one mile of road repair per year but it should be handling about two and a half miles per year at price tag of \$750,000 per year taking approximately 20 years to complete. Furthermore, the Sunday's Inquire had an editorial article stating Pennsylvania has to find the funds to update their roads indicating that road maintenance is a wide spread state issue. Due to not raising taxes in several years and unseen expenditures, said Mr. Haws, the balance of the Reserve Fund in the General Account has steadily dwindled. Mr. Haws believes that a good business practice is to have 15% of funds in reserve and the Township will only have 9% in the account by the end of the year. He also discussed a proper Public Works Fleet program instead of the current program and the lack of reserves for maintenance

of Township owned buildings that could lead to higher expenditures should repairs become necessary. Times are hard economically for the residents of Westtown, stated Mr. Haws, and he understands but the Township could raise about \$737,331 in revenue with a 1 mill tax increase that will help put the Township on the right course for the future.

Chairman Barber commented that he is not in favor of the 1 mill tax increase proposed by Mr. Haws but rather the .5 mill option. The Township has unpaid sewer and trash bills in the amount of about \$250,000 that it has been trying to collect, reported Chairman Barber. Westtown has hired Portnoff Law Associates to help collect these funds. At this time, the necessary letters have been sent to those individuals and the Township is now ready to heavily pursue the outstanding bills, warned Chairman Barber. He further advised residents to reach out to Portnoff if experiencing hardship or be prepared to have an unpleasant visit from the Sheriff to the residence. Chairman Barber thinks that some people seem to think that not paying their bills is a joke but the Board has an obligation to the tax payers to collect these monies. In addition to what Mr. Haws commented about what expenditures might be in the Township's future, Chairman Barber spoke about the Township wide mandatory instituting of the on-lot sewer management program and hiring an appropriate professional to handle this program as well as other duties for the Township.

Ms. DeWolf mentioned that Chester County is raising their taxes but unsure about WCASD increasing theirs too. She asked for an illustration of the impact of a tax increase of 1 mill versus .5 mill on a single household. The following is an example of a property within Westtown Township with a Chester County Assessed value of \$200,000:

Current tax rate of 2.5 mill	
Face Amount	$\$200,000 \times .0025 = \500.00
Discount Amount (2%)	$\$200,000 \times .0025 = \$500.00 \times .98 = \$490.00$
1 mill increase	
Face Amount	$\$200,000 \times .0035 = \700.00
Discount Amount	$\$200,000 \times .0035 = \$700.00 \times .98 = \$686.00$
.5 mill increase	
Face Amount	$\$200,000 \times .0030 = \600.00
Discount Amount	$\$200,000 \times .0030 = \$600.00 \times .98 = \$588.00$

Proposed Tax Increase for 2013 Summary		
	(2.5 mill to 3.5mill)	(2.5 mill to 3.0mill)
Face Amount	+\$200.00	+\$100.00
Discount Amount	+\$196.00	+\$98.00

Mr. Haws made a motion to authorize the advertisement of the 2013 Proposed Budget with a tax increase of .5 mill. Ms. DeWolf seconded the motion to authorize the advertisement of the budget which still needs the Board's final approval of the millage. Mr. Layman reminded the Board that the budget will be up for adoption at the December 17th meeting.

The floor was open to public comments.

Laura Scanlon, 1524 Pennsbury Drive, asked how much of the budget will be dedicated to repairing the curbs of Township owned roads. She spoke about the erosion present at curb in front of her driveway that she first mentioned to the Township in 2009. The curb has deteriorated to the point, Mrs. Scanlon recounted, that the underlayment is visible with nine inches washed away and areas that are about three inches deep as well as eroding the road bed underneath by water that still flows down it. Mrs. Scanlon has made numerous requests to the Township to proper repairs to be made and understood that repair may involve the road but isn't clear whether curbs are covered under Stormwater Management or the Roads

Program. In 2009 the Board tried to pass an ordinance, stated Mrs. Scanlon, giving back sidewalks and curbs to the respective homeowners that would make any repairs their responsibility. The problem the residents had with the ordinance, she explained, was the poor condition of the sidewalks and the curbs. To Mrs. Scanlon's knowledge, the Township has done no replacements, repairs, or maintenance on the Pennsbury Drive Stormwater Management System in its 30 year existence and felt it was inappropriate to have discussions about passing responsibility of a broken system back to the homeowners. Mr. Haws made a comment that at the present time, it hasn't been determined what category curbs would be included under, either Stormwater Management or Roads Program, or whether or not Township will assess homeowners but does consider curbs a part of a road. Mr. Layman disclosed that the Second Class Township Code allows the Township to adopt an ordinance that gives responsibility back to homeowners. Mrs. Scanlon also asked what the residents of Carrie Drive did to get the Township to replace their curbing to which Ms. DeWolf responded that there was a stormwater emergency that involved the stormwater basin that needed an immediate fix.

George Frey, 1521 Pennsbury Drive, echoed Mrs. Scanlon's comments but added that there are only a few spots, that it isn't neighborhood wide issue yet, and that he tried to fix the problem himself. He would like the Township to consider going out to assess the area to see how big the problem is, what the cost may be, and create a manageable plan to tackle the issue in a reasonable time period. This was echoed by Mrs. Scanlon. Mr. Frye has asked between six to seven years for repairs and hasn't received any feedback on the Township's plan to move forward these repairs. Ms. DeWolf commented to Mr. Layman that she believed that Mark Gross had already produced an assessment of curbs in regards to the cost and total footage. She would like to look at alternative non concrete stormwater systems and concluded that many neighborhoods within the Township are in need of repairs.

Guy Rosato, 1505 Pennsbury Drive, asked if the residents of Carrie Lane were assessed for their rolling curbs/gutters. Mr. Layman replied that the Township replaced the gutters. Mr. Risotto reported that some spots were six to ten inches deep and someone could get seriously injured. He inquired whether or not the Township assessed then replaced the curbing on Ponds Edge Road. Mr. Layman couldn't address that topic because it was before his time with the Township.

There was no public comment at that time.

Chairman Barber called for vote of the motion. Approved by the Board.

B. SPCA Contract For 2013

Chairman Barber stated the Township was presented with two choices for the 2013 contract, full versus limited. The difference between the two contracts is that the former includes an animal control service that also handles the collection which the latter does not. Mr. Haws made a motion to approve the full contract in the amount of \$1,945.00. Ms. DeWolf seconded the motion.

There was no public comment at that time.

Chairman Barber called for vote of the motion. Approved by the Board.

C. Public Comments on All Topics

Dave Walters, 937 Thorne Drive, thanked the Board of Supervisors for their letter of endorsement for the request for the historical marker for Oakbourne and Trellis Lane. In addition to this letter, stated Mr. Walters, that he had received endorsements from PA Sen. Pileggi, Sen. Dinniman, Rep. Truitt, and the Chester County Historical Association. The application was sent to the PA Historical and Museum Commission last week, he reported,

and hopes to have a ruling by this spring. Also, the homeowners at Wild Goose Farms expressed their excitement to Mr. Walters for the project. Mr. Walters thought the Board could consider setting up a Historical Commission to access opportunities to document the Township's historical past and Mr. Haws asked him to write a proposal of what he would like the Commission's mission to be, what it should look like, etc. Ms. DeWolf thinks Westtown Township could be the second oldest municipality in the area with a rich, deep, historical, and cultural past and residents should be encourage to investigate. Mr. Walters answered Ms. DeWolf's question about who was funding the marker by stating that the funds, roughly \$2000.00, was gathered from sponsors to cover the cost of the marker and its installation. Chairman Barber asked if there would be any legal ramifications in creating a Historical Commission in regards to whether or not they will be able to dictate to homeowners. Mr. Layman explained that the Historical Commission would only have advisory abilities where as a Historical Architectural Review Board has the ability to limit, for example, the colors a homeowner can use to paint his/her house. Mr. Walters stressed that he only wants to educate residents of Westtown about this area wealth of history and suggested having a column in the Township newsletter that highlights an aspect of Westtown of historical significance.

There were no further public comments at that time.

D. Payment of Bills

Chairman Barber made a motion to pay the bills as presented. Mr. Haws seconded the motion and Ms. DeWolf was so moved.

There were no public comments at that time.

Chairman Barber called for vote of the motion. Approved by the Board.

X. Adjournment.

On the motion of Mr. Haws, seconded by Chairman Barber, the meeting was adjourned at 9:00 pm.

Respectfully Submitted,
Robert Layman,
Township Manager