

# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Tuesday, November 2, 2015 at 7:30 PM

In attendance were: Chair Mike Di Domenico, Vice Chair Carol De Wolf, Police Commissioner Tom Haws, Township Manager Rob Pingar, Township Roadmaster Mark Gross, Historical Commissioner Erica Reilly, and Planning Commissioner Jim Lees. There were 11 guests present.

## **I. Pledge of Allegiance & Call to Order**

Mr. Di Domenico led the Pledge of Allegiance and called the meeting to order at 7:33 PM. He asked if anyone in the audience was using a recording device. No one was.

## **II. Approval of Minutes (October 19, 2015)**

Mr. Pingar stated that the minutes were not ready due to staffing.

## **III. Workshop Meeting Summary (November 2 2015)**

Mr. Di Domenico stated that there were 4 items on the workshop agenda:

1. Kristin Camp of Buckley Brion presented a preliminary proposal for a Dunkin Donuts in the former Malvern Bank building at 100 Skiles Boulevard.
2. The Board discussed a sewer connection at 1148 S. Concord Road. This will be on the regular agenda tonight.
3. The SPCA Contract renewal.
4. Consultant proposals for the Comprehensive Plan update.

The workshop ended with an executive session, which will be continued after this meeting.

Mr. Haws elaborated on the Dunkin Donuts proposal. He said the proposal would require a change to the existing Planned Office Complex (POC) regulations and the representatives wanted to get the Board's thoughts before proceeding with formal application. There were no questions from the public regarding the workshop.

## **IV. Departmental Reports**

### **A. Public Works – Mark Gross**

Mr. Gross reported that fair weather in October allowed for grading the walking trail in Oakbourne Park. New swales were cut to divert the water runoff from the multi-purpose field away from the trail. At General Howe Drive & Barnsworth Lane the crew trimmed overgrown vegetation to open up the intersection and improve the sight triangle. The crew also provided flagging service while a tree contractor came in to trim old maple trees along S. New Street.

Several sinkholes developed over stormwater pipes in Plumy and Pleasant Grove. Mr. Gross had a contractor camera the pipes to find the defects. He also had the contractor camera the stormwater systems on most of the roads being considered for paving next year to do a condition assessment so he can factor in repairs and any pipe replacements in the contract. In addition, the annual back flow valve inspection was performed by Aqua on all township buildings serviced by public water.

The cedar roof was replaced on the water tower at Oakbourne Park. The old roof was from 1972 and had thin cedar shingles. The contractor used thicker shingles and copper flashing. Mr.

Gross acknowledged the assistance of Patrick McDonough, Historical Commission member and architect with John Milner and Associates, for his consultation services.

Mr. Gross reported on issues with Verizon at Kirkwood Pump station. Last April Verizon was trenching to put lines into an office there and cut through the phone wire that services the alarm system at the pump station. They did an over-ground splice across the parking lot and never came back to repair. Mr. Gross was finally able to get the line fixed by contacting a Verizon Government Representative.

Tomorrow, since it is Election Day and schools are closed, Mr. Gross said the crew is going to erect the new neighborhood traffic sign at the entrance of Jacqueline Drive. The old stone pillars will be taken out and the sign will be installed. Mr. Di Domenico asked if that completes everything promised to the residents regarding the traffic complaints there. Mr. Pingar stated that all four traffic calming measures have been completed:

1. Installed stop sign at Suplee Way and Jacqueline Drive
2. Trimmed overgrown vegetation
3. Installed 25 MPH speed sign
4. Installed decorative 2'x4' neighborhood gateway sign

Mr. Pingar stated that the traffic situation will be reevaluated in six months to determine the effect of the measures.

There were no questions or comments.

**B. Building Department – Rob Pingar**

Mr. Pingar stated that due to staff vacation there was no report this month.

**C. Historical Commission (HC) – Erica Reilly**

Ms. Reilly stated that at their November 19 meeting the HC discussed the Crebilly Farm / Westminster Church properties. The church is allowing the HC to photograph the exteriors of all six structures on the property prior to transferring ownership of the property to the Robinsons.

Dave Walter, Chair, was invited to a meeting of the Brandywine Battlefield Task Force this Thursday (11/4) for a discussion on the possibility of acquiring or preserving some portion of Crebilly farm where skirmishes occurred during the Battle of the Brandywine in 1777.

Local chapters of the Sons and Daughters of the American Revolution have agreed to work with the HC to raise funds for markers on the Taylor burial ground in Pleasant Grove, where five Revolutionary War veterans are buried.

The HC is working with the Parks & Recreation commission to plan a Westtown Community Day on Saturday, September 17, 2016 at Oakbourne Park.

Thus far, the HC has received comments from one resident whose property is on the Historical Resources List. The resident provided additional information which may result in reclassification of his property. As other comments are received they will be investigated and resolved.

Ms. Reilly reported that the historic property at 701 Oakbourne Road is on the market and is already under contract. The HC is going to try to get photos of the exterior and interior during the transfer process. The HC is waiting for all the leaves to drop before proceeding with the Westtown photography project, so they can get better views of the exteriors of buildings in the township.

Mr. Haws asked Ms. Reilly to elaborate on the comments received from a resident about his property on the Historical Resources list. Ms. Reilly did not know the details, but stated the comments came from Mr. Pavelchek. Mr. Pavelchek was in the audience and said that he did not think his property belonged on the list because it was built in the 1930's.

Kathy Di Domenico, 1530 Woodland Road, asked who people should contact if they want to get involved with the Westtown Historical Day. Mr. Pingar replied that residents could contact him.

There were no other questions or comments.

**D. Planning Commission (PC) – Jim Lees**

At their last meeting the Planning Commission met with the Board of Supervisors to discuss ways to improve communication. Mr. Lees reported that it was a very beneficial meeting. Ms. De Wolf stated that it was helpful to meet with the PC and she looked forward to future meetings. Mr. Di Domenico added that the Board is meeting with all of the Township commissions in an effort to improve relations and communication.

There were no other questions or comments.

**V. Public Comment Non Agenda Items**

There was none.

**VI. Old Business**

**A. Historic Resources List Public Comment**

Mr. Di Domenico stated this is to allow any resident to speak on the issue of the Historic Resources Map as a result of the mailing to affected property owners from the week of October 12. This item will remain on the agenda through the December 7 meeting.

Mr. Haws asked Mr. Pingar if he was aware of any comments received. Mr. Pingar stated Mr. Patriarca has fielded comments from a few residents who have come into the office. Mr. Haws asked that their comments be included in the next board packet.

Don Asplen of 949 S. New Street (residence) & 950 S. New Street (lot with remnants of Huey House) stated he supported the mission of the Historic Commission, but expressed concern that the Historical Resources List is a harbinger to a HARB (Historic Architecture Review Board). Ms. De Wolf stated that the Township has no intention of creating a HARB. She added that the properties are not being "designated" as historic, they are only being documented. Mr. Haws suggested that Mr. Pingar contact the Township solicitor to see that language in the proposed amendment to the Zoning Ordinance clarify the intent of the Historic Resources Map and Listing. He asked if Mr. Asplen had called the Township to express his concerns. Mr. Asplen said he had spoken to Mr. Patriarca, who suggested he attend the Board meeting. Mr. Haws thanked Mr. Asplen for his comments.

**VII. New Business**

**A. SPCA Contract Renewal**

This year the SPCA is offering a 3 year contract for stray boarding services and animal control. There are two contract options: Full service (animal control & stray boarding services) or Limited (no animal control).

Ms. De Wolf then made a motion to execute the 2016-2018 SPCA full contract in the amount of \$1500.00, with 3% escalation in 2017 and 2018 (applicable to base contract and all fees). Mr. Haws seconded the motion. There was no public comment and the motion was approved.

#### **B. 1148 S. Concord Road Sewer Connection**

Rita and John Essaf are under contract to sell their home at 1148 S. Concord Road. Settlement is December 2. The property has a failed septic system. To allow settlement to occur, the Essafs are proposing to install a gravity or grinder pump system on this lot, and connect the discharge lateral to Westtown's sewer main on open space adjacent to their property. Board approval is required to grant a sewer lateral easement on Township open space. Mr. Haws stated that the Essafs have worked with the county and exhausted all other options for rectifying their failed system. The easement would be approximately 30 feet.

Ms. De Wolf made a motion to approve a Sanitary Sewer Lateral Easement for 1148 S. Concord Road, subject to receipt of the legal description of the easement from the County. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

Amy Novak, 902 General Howe Drive, is the buyer of the Essaf's property. She asked the timing for having the easement fully approved to allow construction of the system to begin. Mr. Pingar said that once the legal description is received, the easement will be signed, and then recorded with the County. He estimated that may take a week or two. Once the easement is recorded, then the building permit can be issued. He said the building permit review process usually takes two weeks, but can be expedited.

#### **C. Announcements**

Mr. Di Domenico read the following announcements:

1. Parks & Recreation Commission meetings have been changed to the second Monday of the month thru December of this year. Meetings are 7:00pm at the Oakbourne Mansion.
2. CRC Watersheds Stormwater Survey: Westtown is working with the Chester Ridley Crum (CRC) Watersheds Association to improve water quality in our local streams. Your responses to a quick five-minute survey will help us efficiently meet state requirements for public education and outreach on stormwater and create programs that will improve our streams. A link to the survey is on the home page and the Stormwater Management page of the Township website. The Board instructed Mr. Pingar to also send the survey out on the listserv.
3. Westtown Township's Goose Creek MS4 Total Maximum Daily Load (TMDL) Strategy is available to the public for review on the Stormwater Management page of the Township website and at the Township Building. Written and verbal comments will be accepted for 30 days from the date of this notice. The Strategy outlines how the Township is proposing to address the phosphorous wasteload allocation assigned in the Goose Creek Watershed TMDL Report per NPDES (National Pollutant Discharge Elimination System) MS4 permit requirements.

Tom Foster, 734 Westbourne Road, read the document on the website and had concerns. He said the current TMDL are based on a June 2008 numbers provided by the EPA/DEP. He stated that West Goshen legally challenged the accuracy of the numbers (nitrogen & phosphorus base numbers), and the court ruled in West Goshen's favor. He asked if anyone has looked into the numbers or contacted any of the other townships about these numbers. Mr. Pingar stated that townships have disputed the accuracy of the numbers with DEP.

Mr. Foster also asked about the Best Management Practices (BMPs) suggested by Cedarville Engineering in the report. He said that in addition to BMPs on Township property, the report suggested three homeowner options. Mr. Foster asked if there was any plan to impose standards on private properties. Mr. Pingar responded that the Township is in the very early stages of a multi-year process. Some of the options suggested in the report are simply ideas to improve the TMDL, but the Township has no formal commitment to them at this time.

Ms. De Wolf stated that she felt blindsided because the report had not been given to the Board. Mr. Foster stated that it was on the Township website. Mr. Pingar stated that a draft of the report was received last week, and has to be provided to DEP by year end. He suggested that the Board meet with Cedarville to review the report prior to submission. Mr. Haws stated that unfortunately, municipalities are required to submit their annual MS4 plans, even though the veracity of the DEP/EPA numbers is being disputed.

Mr. Foster asked if the Township is budgeting for the BMP's. Mr. Pingar said the Township will have to do so in the future, but is not considering an ordinance to impose stormwater management fees on individual homeowners at this time.

Mr. Haws asked Mr. Foster to put his comments in writing and submit them to Mr. Pingar.

There were no other comments on the TMDL strategy.

**VIII. Public Comment on All Topics**

There was none.

**IX. Payment of Bills**

Ms. De Wolf made a motion to approve General Fund bills in the amount of \$284,804.93 and Wastewater Fund bills of \$59,605.25, totaling \$344,410.18. The motion was seconded by Mr. Haws.

There was no public comment and the check registers were approved.

**X. Adjournment**

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Di Domenico. The meeting was adjourned at 8:24 PM.

Respectfully submitted,

Robert R. Pingar  
Township Manager