

WESTTOWN TOWNSHIP

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AGENDA **Westtown Township Board of Supervisors** **Regular Meeting** **(Virtual via Zoom)** **Monday May 18, 2020 - 7:00 PM**

- I. **Call to Order & Pledge of Allegiance**
- II. **Approval of Board of Supervisors Meeting Minutes – May 4, 2020**
- III. **Old Business**
- IV. **New Business**
 - A. **Oakbourne Park Master Plan Preparation – Contract Award**
- V. **Announcements**
 - A. **Planning Commission Meeting, Toll Brothers/Crebilly Farm II– 7:30 PM, Wednesday May 20, 2020. This is a virtual meeting via the Zoom platform.**
 - B. **Historical Commission Meeting – Thursday May 21 at 6:00 pm. This is a virtual meeting via the Zoom platform.**
 - C. **P&R Movie Night - Friday, May 29, 2020 – Cancelled.**
 - D. **Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3 – 6:00 PM, Tuesday June 2, 2020. Cancelled.**
- VI. **Public Comment (All Topics)**
- VII. **Payment of Bills**
- VIII. **Adjournment**

How to Engage in the Public Comment Sections of a Township Meeting

Public Comment is heard at three (3) different points during the meeting:

1. **BEFORE OLD BUSINESS** - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. **PRIOR TO** any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. **AFTER NEW BUSINESS.** - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
(Virtual via Zoom)

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, May 4, 2020 at 7:00 PM

Present were: Chair Dick Pomerantz, Vice Chair Carol De Wolf, Police Commissioner Scott Yaw, Township Manager Robert Pingar, Planning & Zoning Director Will Ethridge, Township Planner Mila Robinson and Township Solicitor Patrick McKenna. Eleven guests called in to participate in this virtual meeting.

I. Pledge of Allegiance & Call to Order

This meeting was held virtually due to the Coronavirus pandemic. Mr. Pomerantz called the meeting to order at 7:02 PM, and asked Mr. Yaw to lead the Pledge of Allegiance. Mr. Ethridge explained the procedure for Public Comment to the guests who called in to the virtual meeting.

II. Approval of Minutes (March 16, 2020)

Ms. De Wolf made a motion to approve the March 2, 2020 Board of Supervisors meeting minutes. Mr. Yaw seconded the motion. There were no comments, and the motion was unanimously approved.

III. Summary of Board of Supervisors Executive Sessions (March 17, 18, 20, 27 & 31 and April 2 & 20, 2020)

Mr. Pomerantz stated that the Board of Supervisors held Executive Sessions on March 17, 18, 20, 27, and 31 and April 2 and 20, 2020 to discuss emergency preparedness and personnel.

Jack Embick (189 Pheasant Run Road) asked who determined that the disclosure of the emergency preparedness information would be reasonably likely to jeopardize or threaten public safety or preparedness, or public protection.

Mr. Pomerantz asked the Township Solicitor, Pat McKenna to respond. Mr. McKenna stated that he was not present at most of the sessions. He added that the information presented at the sessions he did attend was operational updates, which he did not view as Executive Session material as they were not for the purpose of deliberating or making any decision. In direct response to Mr. Embick's question, Mr. Yaw stated that the Board made that decision that the material discussed fell under the realm of Executive Session.

Mr. Embick continued, stating that he previously addressed the issue of the definition of Executive Session at the March 16 meeting. He said he believes the public would benefit from knowing what emergency issues the Board is confronting. He explained that his understanding of the law is that emergency preparedness discussions can only be held in Executive Session if the disclosure of that information is "reasonably likely to jeopardize or threaten public safety, public preparedness, or public protection." He said no one has demonstrated that is the case with these sessions. He stated that he recognizes that this is an unprecedented public emergency and believes the Board is confronting it very well, but is concerned that the Board might be running afoul of the Sunshine Act. Ms. De Wolf stated that the sessions also included personnel decisions relative to the pandemic, and assured Mr. Embick that their Executive Sessions were not in violation of the Sunshine Act.

Nancy Harkins (1521 Woodland Road) thanked the township for hosting this virtual meeting and requested that remote access be continued even after in-person meetings resume because she believes it will increase public participation. Mr. Yaw stated that PA Act 15 passed on April 20, 2020, made allowance for public meetings to be held virtually due to the pandemic, but stated that once the governor's proclamation was lifted, the Board will return to live meetings. Mr. Pomerantz stated that he is a proponent of live streaming to increase public involvement.

Mr. Embick added that he also supports accessibility to township meetings via live audio or video streaming.

IV. Old Business

A. Rite-Aid Land Development Project – Financial Security Release #1

Mr. Pomerantz explained that the Rite-Aid project on West Chester Pike near Rt. 352 was completed in 2015, but Rite-Aid never requested any financial security releases until recently. McCormick Taylor reviewed this release request. Ms. De Wolf made a motion to approve Financial Security Release #1 for the Rite-Aid land development project in the amount of \$561,962.03. This is the final escrow release leaving a balance of \$0.00. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

V. New Business

A. Resolution 2020-07, Extension of the Discount Period and the Face Value Period for Payments of Real Estate Taxes

Mr. Pomerantz explained that on April 20, 2020, Governor Tom Wolf signed Senate Bill 841, which generated Pennsylvania Act No. 15 of 2020. This bill was passed in response to hardships caused by the COVID-19 pandemic, and permits local taxing districts within the Commonwealth to temporarily extend the discount and face value periods for payment of real property taxes. Westtown Resolution 2020-07 states the township shall:

- 1) collect the 2020 real property tax at the Township's prescribed discount rate through August 31, 2020; and
- 2) waive any fee or penalty otherwise associated with the late payment of the 2020 real property tax if paid in full by December 31, 2020.

Ms. De Wolf made a motion to adopt Resolution 2020-07 extending the discount period and the face value period for payments of real estate taxes for calendar year 2020. Mr. Yaw seconded the motion.

Mike Di Domenico (1530 Woodland Road) asked how residents who mailed their tax payment can be assured that it was received. Mr. Pingar stated that some residents include a self-addressed stamped envelope for a receipt, others use their cancelled check, or residents can email info@westtown.org to verify payment. Ms. De Wolf added that township staff has been working remotely, and coming into the office as needed to ensure that township business is conducted in a timely manner.

Jack Embick asked if the township would prefer that residents pay their taxes now, even though the deadlines have been extended. Mr. Pingar replied that if residents are able to pay their taxes now, the township would prefer they do so.

There was no additional comment and the motion was unanimously approved.

B. Appointment of Ann Yost, RLA, to prepare Oakbourne Park Master Plan Request for Proposals (RFP)

Mr. Pomerantz stated that the Township retained the services of professional landscape architect, Ann Yost, RLA, ASLA of YSM Landscape Architects, to prepare a Request for Proposals (RFP) to seek a professional consultant to prepare a Master Plan for Oakbourne Park. The township assigned this work to Ms. Yost on April 2, 2020. Ordinarily, this would have been announced at a public meeting in advance; however, due to the Covid-19 pandemic the April Board meetings were cancelled. The RFP preparation could not be delayed until a May meeting. There is a need to have the master plan consultant selected before June, 2020 and have the Plan completed by January, 2021, so the township can apply for a sizable grant to design and construct the recommended Oakbourne Park improvements. Ms. De Wolf made a motion to affirm the appointment of Ann Yost to prepare a RFP for the development of an Oakbourne Park Master

Plan. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

C. Rt. 3/Rt. 352 Traffic Signal Improvements Project – Approval of Payment Request #1

Mr. Pomerantz stated that the contract for this Green-Light Go project was awarded to Kuharchik Construction on October 15, 2019. This payment request is for equipment and materials purchased for this project. Construction will soon start now that Governor Wolf's "Closure of Businesses that are not Life Sustaining" Order has been amended. Ms. De Wolf made a motion to approve payment request No. 1 from Kuharchik Construction Inc. in the amount of \$114,914.71, in accordance with the approval recommendation letter from McCormick Taylor dated April 28, 2020. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

VI. Announcements

Mr. Pomerantz made the following announcements:

- A. Aqua Water Main Replacement Project on Ponds Edge Road** – This project is scheduled to start on May 11, 2020 and is anticipated to be completed in fall, 2020. Affected residents on Ponds Edge Road, Rollinview Drive, and Nectar Lane were notified by letter and door hangers from Aqua PA.
- B. Planning Commission Meeting Cancelled** – Wednesday, May 6
- C. Parks & Recreation Commission Meeting Cancelled** – Tuesday, May 12
- D. Toll Brothers/Crebilly Farm II, Planning Commission Meeting** – 7:30 PM, Wednesday May 20, 2020. This is a virtual meeting via the Zoom platform.
- E. P&R Movie Night Cancelled** – Friday, May 29
- F. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3** – 6:00 PM, Tuesday June 2, 2020. Location to be determined.

VII. Public Comment on All Topics

Mike Di Domenico asked for an update on the Sunoco Pipeline operations. Mr. Pingar replied that Sunoco is still working near St. Simon & Jude. Mr. Di Domenico also thanked the Board for conducting this virtual meeting. Lastly, he mentioned that his neighborhood was without power for 33 hours due to the storm last Thursday. He commended WEGO police for closing the road.

Michele Costello (1022 Preserve Lane) asked about the agreement between the township and the developer of Rustin Walk regarding the expansion of driveways. Mr. Pingar explained that a number of residents in Rustin Walk mounted an effort to have their driveways expanded. Mr. Pingar said that the road is owned by the developer, who has not agreed to widen the driveways in Rustin Walk. He stated that the Board needs to further discuss the topic, but that discussion has been postponed in light of matters related to the pandemic.

Kathy Di Domenico (1530 Woodland Road) asked if written minutes for this virtual meeting will be prepared. Mr. Pomerantz replied in the affirmative.

Mr. Pomerantz (1005 Robin Drive) thanked first responders for their service during this public health emergency. Mr. Pomerantz also expressed confusion and frustration over inconsistency in explanations from the State regarding waivers to non-essential businesses allowing them to operate.

There was no other public comment.

VIII. Payment of Bills

Ms. De Wolf made a motion to approve General Fund bills in the amount of \$836,493.67 and Wastewater Fund bills in the amount of \$26,249.24, for a grand total of \$862,742.91. Mr. Yaw seconded the motion. There were no questions or comments and the check registers were unanimously approved.

IX. Adjournment

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Yaw. The meeting adjourned at 7:43 PM.

Respectfully submitted,

Robert Pingar
Township Manager

DRAFT

Check Register

Westtown Township

15-May-20

From: 05-May-20 To: 18-May-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15568	5/8/2020	7220	Delaware River Basin Comm	\$638.00	O
15569	5/8/2020	140	HUBER ELECTRIC	\$110.00	O
15570	5/8/2020	5666	M&B Environmental, Inc.	\$2,692.20	O
15571	5/8/2020	1196	McGovern, Inc.	\$375.00	O
15572	5/8/2020	1196	McGovern, Inc.	\$1,702.80	O
15573	5/8/2020	7133	PA Rural Water	\$432.00	O
15574	5/8/2020	86	PRESTIGE MAILING SERVIC	\$415.00	O
15575	5/8/2020	7261	Allison Corcoran	\$102.69	O
15576	5/8/2020	6038	Cedarville Engineering Group	\$25,923.75	O
15577	5/8/2020	7196	GreatAmerica Financial Svcs	\$217.00	O
15578	5/8/2020	624	Hanson Aggregates, Inc.	\$544.48	O
15579	5/8/2020	1061	McCormick Taylor	\$2,654.95	O
15580	5/8/2020	862	Pipe Xpress, Inc.	\$773.08	O
15581	5/8/2020	996	THE PROTECTION BUREAU	\$2,485.84	O
15582	5/8/2020	5379	TPS Graphics	\$2,700.00	O
15583	5/15/2020	406278	Kuharchik Construction, Inc	\$114,914.71	O
15584	5/15/2020	1009	Ann Marie Cassidy	\$680.00	O
15585	5/15/2020	7178	Buckley Brion	\$490.00	O
15586	5/15/2020	1201	Charles A. Higgins & Sons, Inc	\$469.25	O
15587	5/15/2020	406279	Laura Rohleder	\$1,250.00	O
15588	5/15/2020	406280	Peggy Upton	\$600.00	O
15589	5/15/2020	406052	Pennoni	\$857.43	O
15590	5/15/2020	153	Rothwell Document Solutions	\$565.89	O
Bank Total:				\$161,594.07	
Bank Account: 18 CAPITAL PROJECTS FUND					
1213	5/15/2020	7234	Linn Architects	\$6,611.76	O
Bank Total:				\$6,611.76	
Total Of Checks:				\$168,205.83	