

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
January 18, 2005 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, Vice Chairman L. Charles Scipione, and Police Commissioner Carol De Wolf; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Planning Commission Vice Chairman Kevin Flynn. There were seventeen guests in attendance.

DRAFT

I. Call to Order.

As there was a quorum present Chairman Stokes called the meeting to order and led those present in the pledge of allegiance.

II. Approval of Minutes (Organizational Meeting and Regular Meeting January 3, 2005).

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve the minutes of the January 3, 2005 regular meeting as corrected (Page 2 Section VI:G paragraph one change to "\$297,000"). Dr. Stokes asked for public comment. There was no public comment. The minutes were unanimously approved.

III. Departmental Reports.

A. Westtown-East Goshen Police – Chief John M. Dumond.

Chief Dumond reviewed the December Police Report. He stated there has been an increase in vehicle thefts from auto dealers in Westtown and Thornbury; specifically Murphy Lincoln Mercury and Landrover/Jaguar. A suspect connected with the thefts has been apprehended in Philadelphia. Chief Dumond advised residents to be aware of an identify theft scam targeting users of eBay.

B. Township Solicitor – Robert F. Adams.

1. Final Plan Approval Tract 2003-10 Tag Builders/Orvis and Approval of Parallel Road Agreement.

Mr. Adams stated that the Township and Mr. Galbally, developer of the tract, have reached an agreement on the parallel road. The terms of the agreement are stipulated in a letter from Andrew Rau, Solicitor for the applicant, dated January 6, 2005. The parallel road will be done in two segments; the first segment, from the development road north to Skiles Boulevard, will be constructed when the development receives final plan approval, the second segment, south to W. Pleasant Grove Road, is to be completed if and when the eastern portion of the tract is developed. Mr. Adams said he is comfortable with the terms of the agreement and feels the developer has been extremely cooperative with the Township on the parallel road construction. Mr. Adams recommended that the Board of Supervisors grant final plan approval conditioned on Andrew Rau's letter of January 6, 2005, the Engineers review letter of January 12, 2005, the Planning Commission's letter of January 12, 2005, the requirement of a gravity sewer system, and posting of required escrow and security.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to grant final plan approval for Tract 2003-10 Tag/Orvis as conditioned in Mr. Adams motion for approval (see attached). Dr. Stokes asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the motion.

2. Authorization to Advertise Industrial Pretreatment Ordinance.

Mr. Adams stated that when West Goshen expanded its treatment plant in 1998 they were required to upgrade their sewer ordinance to include industrial users. Westtown is

also required to do this as we use the West Goshen Treatment plant as part of our sanitary sewer system. Mr. Adams said he has prepared the Ordinance which is also applicable for any industrial users which would go to the Westtown-Chester Creek plant.

Ms. De Wolf made a motion, seconded by Mr. Scipione, authorizing the Township Solicitor to advertise the Industrial Pretreatment Ordinance. Dr. Stokes asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertising of the ordinance.

B. Planning Commission – Vice Chairman – Kevin Flynn.

Mr. Flynn reviewed the January 5, 2005 Planning Commission meeting. He stated that the Commission recommended final plan approval for Tract 2003-10 Tag/Orvis. The Commission will be reviewing the plan for renovations to the Westtown School Athletic Building and continuing discussion on the re-zoning of Gaudenzia at this weeks meeting. After reviewing the plan for the Squire Cheyney Farm in Thornbury Township Chester County the Commission sent a letter to Thornbury asking that they address the realignment of Shady Grove Way with Cheyney Road and show this realignment on the plan. Mr. Scipione said it was his understanding that Westtown had an agreement with Westtown School and Thornbury Chester County for the realignment. Mr. Flynn said Westtown School has agreed to an easement for the realignment on the north side of Route 926 but there has not been a formal agreement with Thornbury for the south side. Dr. Stokes stated that this was discussed with PennDOT five years ago and it was decided that there would be no stream disturbance if the road was realigned to the west. Ms. De Wolf asked if the realignment is shown in Thornbury's recent updated Comprehensive Plan. Mr. Flynn responded that he does not think it was addressed in the plan.

IV. Public Comment-Non Agenda Items.

Dr. Liberace, 1126 Talleyrand Road, asked for an update on the Fountains, senior apartments to be built in Jefferson Center. Dr. Stokes stated that the Township has approved a preliminary plan for the Fountains but has not received a final plan submission from the developer. Mr. Layman advised Dr. Liberace that a final plan was received today from Mr. McCawley's engineer. He advised Dr. Liberace to contact Mrs. Adler, Planning Commission Secretary, to see when the review of the plan will be on Commission's agenda. Dr. Liberace also asked for the status of public sewer for the Township. Dr. Stokes responded that the Township is still waiting for approval of the Act 537 plan from DEP. He advised Dr. Liberace that the Township has been divided into five sections for public sewer with the first area projected for 2007.

Richard Viscusi, 824 Braeburn Court, said he has not received a response from the Township, since the last Board of Supervisors meeting, addressing his concerns with the grading and landscaping of his property. Mr. Layman said he was advised by Stewart Shanbacher RWC, that Mr. Viscusi needs to appeal to RWC who is the third party arbitrator for the developer. The arbitrator will address your concerns with the developer and give you a written decision. He advised Mr. Viscusi that the necessary arbitration form can be obtained from the Green Lane Village Homeowners Association. Mr. Viscusi said he has the necessary forms but feels the Township should be involved as the work was done under Township building codes. Mr. Layman stated that he was advised by the Township Engineer that Mr. Viscusi home was built with a walk out basement which was not in the original house plan. This could be the cause of the water problem. Mr. Viscusi stated all the homes in his area have walk out basements. He questioned why the Township has codes if they are not enforced. Mr. Adams stated that it has not been demonstrated to the Township that there has been a violation of our codes. The fact that both the Township Engineer and the Township Building Inspector have inspected your property and have tried to contact the responsible parties does not mean that the Township is responsible. Mr. Adams advised Mr. Viscusi that he has a remedy to this issue and that is to have representation and address the grading issue with Mr. Iacobucci. If Mr. Viscusi can explain how the Township has not enforced its ordinances we will then address the issue. Ms. De Wolf stated that in reviewing the Township's response to this issue she does not feel that it is the responsibility of the Township but between Mr. Viscusi and the developer.

Elizabeth Lewis, 1100 Station Way, stated that she was bothered by the comments on recycling in the Township Newsletter. She recycles faithfully and does not think she should have to pay more because others are not doing their part. Ms. De Wolf said unfortunately the Township costs are rising but there are things the Township can do, such as additional education, to make the residents aware of the need to

recycle. Mrs. Lewis feels the public is more than educated about recycling and suggested that residents who do not recycle should be fined. Ms. De Wolf said she would like to find a better way to encourage residents to recycle. She asked if Mrs. Lewis would be willing to serve on a recycling committee. Mrs. Lewis responded that she would.

V. Old Business:

A. Approve 2005 Contract Township – Auditors – Mingis, Gutowski & Co.

Dr. Stokes stated that this item had been tabled at the last meeting for further review. Mr. Scipione asked if the contract included GASB. Mr. Layman responded that it is not included in the contract. Ms. De Wolf made a motion, seconded by Mr. Scipione, to approve the 2005 contract for auditor's services with Mingis, Gutowski and Company in the amount of \$11,500. Dr. Stokes asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the contact.

B. Approval of Refinancing of Series 1997 Bond and Adoption of Ordinance 2005-1.

In attendance were Michael Wolf, Boenning and Scattergood, and David Franklin, Solicitor Pepper and Hamilton. Mr. Wolf stated on the direction of the Township last week he marketed bonds to replace the 1997 Series bond issue. After all fees the debt service to the Township will be a savings of \$360,000 in 2005 and 2006. Mr. Franklin stated that the Ordinance has been advertised and is ready for adoption by the Supervisors. The Ordinance covers all terms and agreements of the proposal, issuance of the bonds, and the payment of the debt service by Township sewer service charges.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to approve the refinancing of the Series 1997 Bond issue and adoption of Ordinance 2005-1. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to appoint Boenning and Scattergood as an additional designator depository for the Township for 2005. Dr. Stokes asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the motion.

VI, New Business.

A. Approve Escrow Release No. 6 Tract 2002-8 SS. Simon and Jude in the Amount of \$15,468.42.

Mr. Layman advised the Board that Chester Valley Engineers has approved release of the escrow funds in Mr. Capuzzi's letter dated January 4, 2005.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to approve escrow release No. 6 for Tract 2002-8 SS. Simon and Jude in the amount of \$15,468.42. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

B. Grant Preliminary/Final Plan Approval for Tract 2000-14 Riley/Mears Subdivision.

Susan Boswell, Solicitor for the applicant, reviewed the plan. The plan is for a three lot subdivision; the original house, the tenant house with garage, and a building lot. The Township required connecting to public sewer for the project. The applicant was unsuccessful in obtaining an easement for connecting to public sewer from a neighboring property. The connection will now be made on Route 352 for both water and sewer. A permit has been obtained from PennDOT for the road opening on Route 352. All the comments of the Planning Commission's memo of November 9, 2004, and the Chester Valley Engineer letter of January 14, 2005 have been addressed. The comments in the URS letter of December 3, 2004 have been address but URS has not responded to the applicant's most recent comments. The applicant will prepare a Declaration of Covenants that will cover the maintenance of the common driveway. Ms. Boswell said the applicant is asking for final approval this evening subject to conditions. Mr. Adams asked

if the Planning Commission has seen the final plan. Ms. Boswell stated the only change the Planning Commission has not seen is the walk way from the tenant house to the existing garage. Mr. Scipione asked if the road improvements proposed for the intersection of Route 352 and Green Lane were taken into consideration by PennDOT when they issued the permit for this project. Ms. Boswell responded, as they have received a permit from PennDOT they are assuming that this has been taken into consideration. Mr. Adams stated that Chester Valley Engineers has reviewed the plan and approved the site distance. Mr. Adams advised the Board of Supervisors that they could grant final approval with conditions.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to grant final plan approval for Tract 2000-14 Riley/Mears conditioned on the Planning Commission letter of November 9, 2004, the URS review letter of December 3, 2004, Chester Valley Engineer's review letter of January 14, 2005, submission of a Declaration of Covenants for review by the Township Solicitor and all notes and revisions to be made on the final plan before execution of the plan by the Board of Supervisors. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously granted final plan approval for Tract 2000-14 Riley/Mears.

C. Authorization of Payments Westtown-East Goshen Police Station – MCA \$180,292.70, Keares Electric \$40,590.00, Cooks Service Company \$72,126.00 and G. Bass Co \$20,572.00.

Mr. Scipione stated that he has reviewed the payments with the architect and all are in order for approval this evening. Mr. Scipione advised the Board that even though G. Bass Co, plumbing contractor, for the project has not been performing to the satisfaction of the other prime contractors he is hesitant not to approve the payment.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to authorize the following payments: MCA \$180,292.70, Keares Electric \$40,590.00, and Cooks Service Company \$72,126.00. The payment in the amount of \$20,572.00 to G. Bass Co is approved conditioned on agreement of the architect. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

VII. Public Comment (all topics)

Walter Pavelchek, 1050 S. New Street, asked that the residents be educated through the newsletter not to leave their empty trash cans in the street after the trash is collected as some residents tend to leave the cans out for almost a week. This is unsightly as one drives through the Township.

VIII. Payment of Bills.

On the motion of Mr. Scipione, seconded by Ms. De Wolf, the Board of Supervisors unanimously approved payment of the bills as presented.

IX. Adjournment.

On the motion of Mr. Scipione, seconded by Ms. De Wolf, the meeting was unanimously adjourned.

Respectfully Submitted,
Robert Layman
Township Manager

