

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
May 16, 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, Vice Chairman L. Charles Scipione (arrived at 8:05pm) and Carol De Wolf, Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams and Planning Commission Member Paul Huberty. There were nineteen guests in attendance.

I Call to Order.

Chairman Stokes called the meeting to order and led those present in the pledge of allegiance.

II. Approval of Minutes (Regular Meeting April 4, 2005).

On the motion of Ms. De Wolf, seconded by Dr. Stokes, the Board of Supervisors unanimously approved the minutes of the May 2, 2005 regular meeting as corrected (Section IV: Page 3, paragraph 3. change to "Sphar").

III. Departmental Reports.

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

Chief Dumond reviewed the April Police Report. He reported that the department is investigating an armed robbery at the WaWa at Routes 3 and 352 and the theft of two vehicles from the Lincoln Mercury Dealership. He reminded those present to make sure their vehicles are locked at night and to leave nothing of value in the vehicle. The Citizens Police Academy will be held in September at the new police facility.

Ms. De Wolf asked when the Police Department will be moving to the new building. Chief Dumond responded that they will move in once the paving and security system are completed. Ms. De Wolf, in her capacity as Police Commissioner, expressed her concerns with the finish on the locker room floor in the new building. She stated that the floor has a very rough finish and is already chipping in some areas. She would like to see a smooth finish on the floor for easier cleaning and aesthetics. Chief Dumond said he will have Officer Cahill discuss this at the building meeting to be held tomorrow.

Ms. De Wolf announced that there has been no agreement between the Police Commission and the Police Union on the new contract. An arbitration hearing will be held at the Stokes Assembly Hall, commencing at 9:00AM on May 19, 2005.

B. Township Solicitor – Robert F. Adams.

1. Conditional Use Hearing Sharon Bank.

Mr. Adams stated that Sharon Bank has asked for a continuation of the hearing. As neither the applicant's lawyer nor the court recorder was present, the hearing will be re-advertised for the Board of Supervisors regular meeting on June 20th. The applicant will be charged for the re-advertising of the hearing.

2. J & A Construction (Sineath) Planning Module.

In attendance were Fred Tordone, Developer; Mary Ann Rossi, Solicitor; and Stephen Sauselein, Project engineer.

Mr. Adams said he has spoken to Ms. Rossi concerning this issue. He also stated that he has reviewed the revisions to the Developers Agreement, Escrow Agreement, Declaration

of Covenants, and the new plan sheet relating to the sewage system for the tract. The subdivision plan has been approved contingent on documentation providing for an easement to provide a sewage facility for lot 4 on lot 3.

Ms. Rossi stated that after receiving final plan approval an application was made to the Chester County Health Department ("CCHD") and DEP for approval of the sewage planning module. The CCHD keeps a record of wells that have problems and determined that a well on a property adjacent to lot 4 on the applicant's property is high in nitrates. In meeting with CCHD and DEP it was suggested that the sewage disposal for lot 4 be placed on lot 3. Ms. Rossi said she prepared draft easements agreements for this proposal and a revised plan was submitted to Mr. Capuzzi for his review. Mr. Capuzzi raised the issue that the Township Subdivision Ordinance requires that the sewage disposal system should be on the lot that the system serves. Mr. Capuzzi suggested that the applicant consider changing the lot lines or request that the Board of Supervisors grant a waiver from the subdivision requirements. Ms. Rossi stated that her client would need zoning approval to change the lot lines. She stated the Board can grant a waiver from the Subdivision Ordinance where a hardship is shown. This is truly a hardship as one of the lots would not be approved because a primary sewage system would not be in place. The hardship is not created by the applicant but by a condition off of the applicant's property. The easement document gives the owner of lot 4 the right to access lot 3 to install, maintain and inspect the system. Mr. Capuzzi asked that a note be placed on the plan concerning the easement. As this is a private agreement the Township would be indemnified. Mr. Adams advised the Board of Supervisors that the waiver could be granted if they felt the circumstances described by Ms. Rossi are justifiable.

Dr. Stokes stated that the Board feels they need to further discuss this issue. Ms. De Wolf stated that at the last meeting the Board asked to see a lot line revision. She also stated that the letter from DEP mentioned by Ms. Rossi does not address the well situation. Mr. Sauselein said adjusting the lot line on lot 3 creates an irregular shaped lot and a setback issue because of the accessory building on lot 3. He stated testing was done on lot 4 and no suitable location was found for the septic system. The most suitable location is at the rear of lot 3. Ms. De Wolf stated that even if the Township is indemnified locating a sewage system on another lot can create future problems.

Ms. Rossi stated that it is her understanding that the Board will not approve the Planning Module until they see a lot line revision and the zoning issues this would involve. Ms. Rossi stated that they will look at the lot line change and report at the next meeting.

Mr. Adams tabled this item for further review at the June 6th meeting.

C. Planning Commission – Paul Huberty.

Mr. Huberty reported on the May 18 Planning Commission meeting. He stated, due to his work schedule, Mark Purcell stepped down as the representative to West Chester Regional Planning Commission. Mr. Huberty said he will be the representative and Mr. Pavelchek volunteered to be the alternate. The Commission also reviewed the plan for the expansion of the Westtown School athletic facility. The Commission is recommending approval with the following conditions: Calculations of parking added to the plan; additional data on lighting; a stormwater management agreement; and a letter from the Township Fire Marshal approving the fire hydrant locations.

D. Financial Report – Robert Layman.

Mr. Layman reviewed the April financial report. He stated the financial condition of the Township continues to be stable with revenues and expenditures approximately where they should be for this time of the year.

IV. Public Comment-Non Agenda Items.

Jeff Watkin, 1003 Ashley Road, asked the status of the runoff affecting his property. Mr. Layman stated that he met on site with the Township Engineer and Township Roadmaster to try and determine where the

runoff is originating. Mr. Watkin expressed his concerns about the water retention in the basin, the fence not completed and the gate left opened. He also expressed concern that with the widening of Shiloh Road the telephone poles appear to be right on the road. Mr. Layman stated that the utilities are to be relocated. Ms. De Wolf asked that Mr. Layman inform the School District in writing of these concerns.

Steve Denno, 568 Coventry Lane, asked if the Board had made any decisions concerning the water problem in their development. Ms. De Wolf advised Mr. Denno that all the Board members had visited the area in question. Mr. Layman stated that the Township Engineer made a site inspection and will be preparing a report on his findings which will be made available to the Homeowners Association. Mr. Scipione said he feels that this is not a Township problem and that the residents should consult with a Hydraulic engineer.

Coventry Village Homeowners Association is meeting with an engineer on site next Tuesday and will let the Township know the time of the meeting if Mr. Layman or members of the Board would like to attend.

Walter Pavelchek, 1050 S. New Street, said there are two more ponds on the school site that have not been mentioned, but are equally hazardous. Mr. Scipione stated that the retention basins should have been installed in accordance with the plan design. Mr. Layman will address this issue with the Township's site inspector. Dr. Stokes said the Township needs to know which basins are temporary and which will be permanent on site.

V. Old Business:

Ms. De Wolf reviewed with Mr. Scipione her concerns about the locker room floor in the new police building. Mr. Scipione will look into this matter.

Ms. De Wolf would like the Township to institute a tracking system that would be used by all employees to track resident's complaints and requests for information.

VI. New Business:

A. Acceptance of Westtown School Preliminary/Final Plan for Faculty Housing.

Philip Genter, Director of Facilities, and Robert Lambert, Design Engineer, were present for Westtown School.

Mr. Genter said the school is proposing to build two duplex units for faculty housing on Westtown Road near the Westtown Farm House. The units will be 2000 square feet and include a basement. Mr. Lambert stated access to the units will be through the existing driveway on Westtown Road. The stormwater management will be located behind the units. The units will be connected to campus water and connected to the Township public sewer system when available. A temporary holding tank will be used until the public sewer connection is available. Ms. De Wolf stated that Westtown School needs to be working with the Township on the sewer connection not the School District. Mr. Genter said Yerkes Associates is working with Mr. Adams on this issue.

Mr. Scipione made a motion, seconded by Dr. Stokes, to accept the Westtown School faculty housing plan as preliminary/final and pass the plan to the Planning Commission for their review. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously accepted the Westtown School plan.

B. Adopt Resolution 2005-11 Amend Township Fee Schedule.

Mr. Layman stated that the Township fee schedule is being revised to reflect the revision to the Township Zoning Ordinance which requires a Use and Occupancy permit on resale of residential property in the Township.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to adopt Resolution 2005-11 amending the Township fee schedule. Dr. Stokes asked for public comment. There was no public comment at this time. The Board of Supervisors approved adoption of the resolution.

C. Approve Escrow Release No.9 SS. Simon and Jude in The Amount of \$11,990.70.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve escrow release No.9 SS. Simon and Jude in the amount of \$11,990.70. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

D. Approve Change Orders Police Station EL 14.01 – EL 23.01.

Mr. Scipione stated that some of the change orders are the fault of the contractors and should be charged to them for payment. Mr. Layman said the responsibility for payment of the change orders is a separate issue which needs to be reviewed with the architect. The change orders should be approved at this time.

The following change orders were reviewed:

- EL 14 addition to drawings – approved
- EL 15 HVAC fault of contractor – charge back to Cooks
- EL 16 approved
- EL 17 lighting of outside flag – reimburse by police operating budget not in contract
- EL 18 approved
- EL 19 charge back to Bass (plumbing)
- EL 20 charge back to be determined
- EL 21 relocate switches – charge back to be determined
- EL 22 approved
- EL 23 rewiring water heater – HVAC – charge back to Cooks

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve police building change orders in the amount of \$7,369.76 as presented. Mr. Layman will determine the charges to the contractors. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors approved the change orders as presented.

E. Approve Payment Requests Westtown-East Goshen Police Station MCA \$109,875.72 Keares Electric \$17,977.46 & \$24,520.00 Cook's Service Company \$21,071.00.

Mr. Scipione stated he has reviewed the payment requests and everything is in order for payment this evening.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve the following payments: MCA \$109,875.72; Keares Electric \$17,977 & \$24,520.00 (retainage); and Cooks Service Company \$21,071.00. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payments.

VII. Public Comment (all topics)

Mr. Peppelman, 1140 Old Wilmington Pike, questioned how payments are made for change orders. Mr. Scipione explained if the change order is the fault of another contractor they are responsible to pay for the work which resulted in the change order.

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

Respectfully Submitted
Robert Layman,
Township Manager

