

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE  
June 20, 2005 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, Vice Chairman L. Charles Scipione, and Carol De Wolf, Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams; Township Engineer Rob Pingar; and Planning Commission Member Mark Purcell. There were fifteen 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 June 6, 2005).**

On the motion of Ms. De Wolf, seconded by Mr. Scipione, the Board of Supervisors unanimously approved the minutes of the June 6, 2005 regular meeting as corrected (Section IV: Page 2, paragraph 1 change to "infiltrate into the system and cause wear and tear to the pumps").

**III. Departmental Reports.**

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

Chief Dumond reviewed the May Police Report. He reported on a burglary at the Texaco Station at Route 3 and Manley Road. A stolen vehicle used in the robbery was located in Philadelphia and the Department is working with the Philadelphia Police on this investigation. Chief Dumond stated the move into their new building went well and commented on how proud the Department is of their new facility.

Ms. De Wolf raised the issue of the temporary fence at the Sally Port. She stated the fence is unstable and becoming a safety and liability issue. Mr. Layman explained that the original fence had not been installed because the fence design would allow lights from the police vehicles to shine on the neighboring residential properties. The Township had received complaints from the residents concerning this issue. The contractor was asked to upgrade the fence to 48" in height with 6"X6" post which would include a guardrail. The cost for the upgrade would be \$9,000 with a credit of \$3,000 for the original fence. Mr. Scipione said that the original fence in the contract was designed for safety and to take a lateral load of 100 pounds per linear foot. He stated he does not know why the original design is being changed and has not seen any calculations for the new fence. He questioned if it would meet the impact requirements. Mr. Scipione said he feels the original fence design should be used with material that could screen the lights. Ms. De Wolf stated that security and liability is the main issue with screening of lights secondary. Dr. Stokes said he would like to see specifications and pictures for the proposed fencing. After some discussion Mr. Layman was directed to provide information on the fencing for the next Board meeting.

Ms. De Wolf said concerns have been expressed on the finish of the floors in the police locker rooms. The following quotes have been received for floor coverings: Resinous pour flooring with original surface removed \$4,630.00; rubber flooring \$12,500, painting floor \$1,200; and vinyl flooring \$5,700.00. Ms. De Wolf asked for approval to put one of these materials in both police locker rooms. Mr. Scipione asked who is requesting this change. He stated that in order to hold down costs it was agreed by the police, architect and contractor that a concrete slab would be sufficient for the locker rooms. Ms. De Wolf said the request is coming from the Police Commissioners, Township Supervisors, and police officers. She also stated that resinous flooring was originally specified for the police locker rooms but was deleted, on Westtown's request, to reduce cost. Ms. De Wolf said what was installed, in her opinion, is not suitable and what was originally specified should be installed. Mr. Scipione stated that anything installed now will have to be paid for by Westtown and the Board should have the right to decide what will be done.

Ms. De Wolf made a motion to approve a pour resinous flooring for the police locker rooms as originally specified in the estimated amount of \$4,630.00. Dr. Stokes and Mr. Scipione declined to second the motion. Dr. Stokes said he would like to see more information on the proposed floorings specifically the Armstrong Sheet Tile and to have a clear cost for the whole project. Ms. De Wolf asked that the Board receive the information prepared by the architect in order to make a decision at the next meeting.

Ms. De Wolf advised those present that there will be an open house in September for the new Police facility.

**B. Township Solicitor – Robert F. Adams.**

**1. Conditional Use Hearing Sharon Bank.**

Mr. Adams stated that the applicant has requested that the hearing be continued. The hearing will be re-advertised for July 18<sup>th</sup>, 2005, 7:30Pm.

**C. Planning Commission – Mark Purcell.**

Mr. Purcell reviewed the June 22<sup>nd</sup> Planning Commission meeting. He stated that Paul Huberty is representing the Township at the West Chester Regional Planning Commission meetings and Walter Pavelchek is our alternate representative. With representation on the WCRPC the Township can take a more active role in the planning process. He reported that Officer Leo Kennedy, Traffic Control, gave a presentation on speeding and congestion on Westtown's roads which was a great resource for the Commission on traffic issues. The Commission made a recommendation on the Sharon Bank Condition Use Application which was conditioned on resolution of the issues with the stream set back, flood plain, traffic, and sight lines on Green Lane. The Commission also reviewed Westtown School's application for faculty housing and have some concerns with stormwater management in proposed location. Mr. Purcell said a representative from the Homeowners Association for the Reserve at Chesterfield was present to ask if the sidewalk and some of the landscaping on the original plan could be deleted. The street is congested and the sidewalk appears only to link driveways on one side of the street. The trees are being planting on small tracks of grass and could possibly go in other locations. The Commission discussed various options which will be reviewed by the Homeowners Association. The Commission also continued review of the Fountains. Mr. Purcell stated that the Commission is recommending granting the requested density bonuses based on review of architecture features and landscaping. He stated there is an issue concerning the fountain as to what it will look like and who will maintain it. Mr. Scipione advised Mr. Purcell that Mr. McCawley placed \$45,000 in escrow four years ago for the fountain. He also stated that Mr. Layman has information and a sketch plan for the fountain.

At this time Dr. Stokes introduced the Township's new Engineer, Robert Pingar, of McCormick/Taylor to those present.

**D. Financial Report – Robert Layman.**

Mr. Layman reviewed the financial report. He stated that financially the Township is doing well at this time. But he cautioned the Board that there are reasons for this that could change in the future. He stated that revenues are up due to additional rent from the Police Department and back billing of engineering fees. Expenses are up due to snow/ice removal and truck repairs.

**IV. Public Comment-Non Agenda Items.**

Mr. Edward Savastio, attorney for Frank Rossini, stated that Mr. Rossini has been trying to develop the lot he owns on Manley Road since 1988. He asked that Mr. Rossini be allowed to install a grinder pump in order to connect to public sewer. He stated that two adjoining properties have grinder pumps. Mr. Rossini has submitted a building permit with a plan for connection to public sewer and has been turned down as the Township is allowing only gravity connections. He also stated that Mr. Rossini was told by Mr. Cotter in July 2002 that he could install a grinder pump because Mr. Cotter did not know when the Act 537 plan would be approved. Dr. Stokes stated that this issue should be considered under new business. He stated in looking at the plan there are major drainage issues on both sides of Manley Road. Mr. Layman said he would review the 2002 minutes to see if any formal action had been taken. Mr.

Savastio said this was not discussed at a Township meeting but in a meeting with Mr. Cotter. He also stated that he does not have this in writing. Ms. De Wolf advised Mr. Rossini that Manley Road is in the first phase to receive public sewer when the Act 537 plan is approved. Mr. Rossini asked what is the timetable for public sewer. Mr. Layman said connections should commence in 2007. Mr. Rossini asked if he could put in a temporary grinder pump system and then connect to the gravity system when installed. He also stated that if he was to wait for installation of public sewer he would need a guarantee that 2007 was the starting date. Dr. Stokes said the Board will further review his request. Mr. Pingar said he has reviewed the building permit exclusive of the sewer connection. He said there are other issues with the lot concerning wetlands, steep slopes and flood plain. He said he feels that the lot cannot be developed in the manner that is proposed on the plan.

**V. Old Business:**

**A. Grant Preliminary/Final Plan Approval Tract 2004-5 Westtown School Athletic Facility Renovations.**

Representing Westtown School were Phil Genter, Operations Manager, and Daniel Wright, Gladnick Wright Salameda.

Mr. Genter said they are present to request Preliminary/Final Plan approval for renovations to the Westtown School Athletic Facility. There are two outstanding issues in the Township Engineer's review letter. The first concerns wording in the maintenance agreement and the second is a review letter from the Chester County Conservation District. Mr. Genter stated that they sent their plans to the Conservation District eight months ago but the Conservation District misplaced them. He had expected to have the review letter today but it has not been received.

Mr. Adams asked if they had determined if there are any construction costs which should be bonded or secured. He stated there are no public improvements and even though the stormwater will be installed on private property security has been required in the past by Chester Valley Engineers. Mr. Pingar will check with Mr. Capuzzi concerning this policy as the underground stormwater system is costly to construct. Mr. Wright stated that bonding has not been required in the past. Mr. Adams said if this is Township policy it should not be overlooked. Mr. Wright asked for plan approval contingent on approval from Chester County Conservation District, Township Solicitor approval of the maintenance agreement, and determination of escrow.

Ms. De Wolf asked that Westtown School's connection to public sewer be a contingency of plan approval. Mr. Adams stated that this is not a condition that the school is capable of fulfilling at this time. Mr. Genter said Yerkes is working on a plan to connect to the Westtown-Chester Creek Plant. He also stated that the renovations to the athletic building will not increase any flows to their plant. Dr. Stokes asked about the maintenance of the stormwater basin. Mr. Pingar said under the new stormwater regulations it is suggested that at a minimum the basin should be inspected annually for the first five years and then once every three years.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to grant preliminary/final plan approval for Tract 2004-5 Westtown School Athletic Facility renovations conditioned on receipt of an approval letter from Chester County Conservation District, completion of wording on maintenance agreement and reviewed by Mr. Adams, and resolution on performance security and escrow. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved Tract 2004-5 as preliminary/final.

**VI. New Business:**

**D. Approve Change Orders Police Station GC-39 – GC-45.**

Mr. Scipione reviewed the following change orders for the general contractor.

GC-39 – Flooring in the shower ante room. The material is acceptable but higher cost than original contract. Compare with original cost 20% more than credit is acceptable.

GC-40 – Architect mistake – take out glass in doors in Chief's office replace with solid panel. This is responsibility of architect

GC-41 – Wearing course on driveway blacktop – originally was to be done by Township Mr. Gross advised it should be done by contractor. Review original credit for wearing surface 15% to 20% would be acceptable.

GC-42 – Fluted steel deck – fixtures surface mounted to deck left gap between flutes. Police had gaps closed off. Mr. Scipione stated he felt this was not necessary and should be the responsibility of the police.

GC-43 – Police asked for two additional coats of wax on vinyl floor after completion. Specifications only called for two coats. Mr. Scipione stated this was not necessary - police responsibility.

GC-44 – Credit – check that the amount of credit is correct.

GC-45 – The cost to provide pavement marking for parking and handicapped parking. Mr. Scipione approved this change order.

Mr. Scipione stated that change orders GC-39-44 should be deferred to the next meeting for additional review by the architect and Mr. Layman.

Mrs. De Wolf made a motion, seconded by Dr. Stokes, to approve change order GC-45. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved change order GC-45.

**B. Approve Payment Request Westtown-East Goshen Police Station MCA \$125,365.56, Keares Electric \$5,513.71, Cooks Service Company \$11,377.20.**

Mr. Scipione stated both he and the architect have reviewed the payments and they are acceptable for payment at this time.

Mr. Scipione made a motion, seconded by Ms. De Wolf to approve the following payments for the police station: MCA \$125,365.56, Keares Electric \$5,513.71, and Cooks Service Company \$11,377.20. Dr. Stokes asked for public comment. There was not public comment. The Board of Supervisors unanimously approved the payments.

**C. Resignation Board of Supervisors – L. Charles Scipione.**

Mr. Scipione said he is making the announcement of resignation from the Board of Supervisors with great trepidation. He stated that he has enjoyed being a Supervisor for twenty-eight years since 1977 and served that time with great affection for the citizens of Westtown Township. He thanked the citizens for putting their trust in him. He stated he served with a number of Supervisors who were pleasant to work with. Mr. Scipione said being a Supervisor is not something that you can be taught but something you gained by experience. He stated this is done by truth, not political, you rationalize what is good for the majority of the residents and the entire Board works together to resolve problems and make decisions. Mr. Scipione said we had to raise taxes this year because fiscally it was difficult for the Township to meet their debt. There are six schools in Westtown which place a burden on the Township as they are tax exempt. Mr. Scipione expressed his feelings on why we have the burden of the new high school in the Township. He stated that the residents of Westtown were complacent. There was a wonderful project before the Township that was approved. There was a group of residents in the Township that felt the approval was wrong, took exception and went to court. The lower court upheld the Township and the residents appealed to a higher court. At this time the School Board was looking for land and we were advised by our lawyer they could take the land by eminent domain and we could not stop them. He stated he went before the School Board and spoke on behalf of the Township against the high school and at that time there was no real support from the residents of the Township. Mr. Scipione said that this was the most sorrowful thing that happened to him during his tenure on the Board. He stated he enjoyed working with the other Board members because they were truthful, honest and always felt good inside that they were doing the right thing. Mr. Scipione said he is resigning because he and his wife have reached the age where we feel we need less responsibility. He said they are moving to a retirement community and will no longer be living in the Township. He wished Mr. Foster a good experience and advised him to follow Dr. Stokes advice. He thanked everyone and said goodbye.

Dr. Stokes thanked Mr. Scipione for twenty-eight years of great leadership. He stated that neither he nor anyone here can begin to say how much Mr. Scipione has shaped this Township with his gentlemanly ways, and his hours of free service. Dr. Stokes said I thank you sincerely for the residents who may never know who you were but will see the things that your hand has shaped. Dr. Stokes said there will be a retirement dinner for Mr. Scipione on Friday August 5<sup>th</sup>, at the Radley Run County Club and everyone is welcomed to attend.

Ms. De Wolf made a motion, seconded by Dr. Stokes to accept the resignation of L. Charles Scipione from the Board of Supervisors. The Board of Supervisors unanimously accepted the resignation.

**D. Appointment of Thomas A. Foster – Board of Supervisors.**

Dr. Stokes said that he and Ms. De Wolf had agreed that who ever was the winner of the May Primary Election would be appointed to fill Mr. Scipione's position. This appointment will give Mr. Foster time to grow and understand the nature of his responsibility. Dr. Stokes said he will be finishing out his appointment in December and there will be two new supervisors in 2006.

Ms. De Wolf made a motion, seconded by Dr. Stokes to appoint Thomas Foster to fill the unexpired term of L. Charles Scipione effective as of June 20<sup>th</sup>, 2005. The Board of Supervisors unanimously approved the appointment.

Ms. De Wolf welcomed Mr. Foster to the Board of Supervisors, and stated that he has the support of the public and she is looking forward to working with him. Dr. Stokes also welcomed Mr. Foster to the Board.

Mr. Foster expressed his appreciation to Mr. Scipione for his integrity, his many years of service, dedication and his model for all who will follow in the years to come.

**VII. Public Comment (all topics)**

William Steel, 1055 E. Niels Lane, a long time resident of Westtown thanked Mr. Scipione for his contribution to the Township and fine done that he has done.

Victor Orlando, 1506 Johnny's Way, thanked Mr. Scipione for his years on the Board of Supervisors and Planning Commission. He stated that Mr. Scipione was always a model for honesty and truth and further instilled these values in the Board.

**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

