

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
August 15, 2005 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, Vice Chairman Thomas Foster and Police Commissioner Carol De Wolf; Township Manager Robert Layman; Westtown-East Goshen Sergeant William Cahill; Township Solicitor Robert F. Adams; Township Engineer Robert Pingar; and Township Planning Commission Chairman Don L. Verdiani. There were twenty-two guests in attendance.

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 (Regular Meeting August 1, 2005).

On the motion of Mr. Foster, seconded by Ms. De Wolf, the Board of Supervisors unanimously approved the minutes of the August 1, 2005 regular meeting as presented.

III. Departmental Reports.

A. Westtown-East Goshen Police – Sergeant William Cahill.

Sergeant Cahill reviewed the July Police report. He stated how fortunate the Department is to have their new facility as the building is a safe, efficient place to work. He also stated that the Citizens Police Academy will be starting on September 13th. The Academy is a twelve week program design to present an informative behind the scenes look at the operation of a police department.

B. Township Solicitor – Robert F. Adams.

1. Acceptance of Deeds of Dedication Green Lane Village Phase IV.

Mr. Adams reviewed the Deeds of Dedication for Green Lane Village Phase IV. He stated that everything was in order for execution this evening. He also stated that approval of the dedication needs to be done by resolution.

Ms. De Wolf made a motion, seconded by Mr. Foster to approve Resolution 2005-14, Resolution 2005-15, and Resolution 2005-16 Deeds of Dedication for Phase IV Green Lane Village. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors approved execution of the Deeds of Dedication.

2. Approve Final Escrow Release Green Lane Village Phase IV in The Amount of \$59,678.23.

Mr. Adams stated the final escrow release, for Green Lane Village Phase IV, in the amount of \$59,678.23 has been reviewed and approved by Angelo Capuzzi, Township Engineer for the project. He also stated that Mr. Capuzzi has approved an eighteen month maintenance Bond in the amount of \$59,433.00.

Ms. De Wolf made a motion, seconded by Mr. Foster to approve the final escrow release for Green Lane Village Phase IV in the amount of \$59,678.23. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors approved the escrow release.

3. Conditional Use Hearing Sharon Bank.

At this time the Board of Supervisors held a Conditional Use Hearing for Sharon Bank. The court recorder and Michael Gill, attorney for the applicant were in attendance.

Mr. Adams stated the hearing was for an approval of a financial institute located in the R3 district at the intersection of Green Lane and West Chester Pike. The hearing was previously advertised and continued from the July 18, 2005 Board meeting.

Ms. De Wolf made a motion, seconded by Mr. Foster, to close the hearing but to hold the record open to receive information in accordance with the discussions of the hearing. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors closed the hearing. (Transcripts available at the Township office).

C. Planning Commission – Don L. Verdiani.

Mr. Verdiani reported that West Chester Regional Planning Commission's focus this year will be on the need for PennDOT to move forward with the proposed Route 926 intersection improvements before the expansion of Route 202.

Mr. Verdiani reviewed the August 3rd Commission meeting. He stated that the Commission reviewed the plans for faculty housing at Westtown School. The Township Fire Marshal is requiring that the fire main be extended or that both buildings have a sprinkler system. A pump and haul operation will be used until the school can connect to the Township's sanitary sewer system. Mr. Verdiani stated that the school is working with URS on options for the sanitary sewer disposal. He also stated that any trees removed on site will be replaced in other areas of the campus. The Commission sent a letter to the Board of Supervisors recommending preliminary/plan approval with conditions. Mr. Verdiani stated that the Commission also sent a letter to the Board of Supervisors recommending final plan approval for the "Fountains at Westtown" with minor conditions. The Commission has concerns with the proposed ownership of the water fountain in the jughandle. Mr. Verdiani stated that the Commission feels the applicant should own and maintain the fountain. He also stated that the Commission has never received any plans showing the details for the fountain and therefore cannot comment on this issue. Mr. Verdiani stated that the applicant has met the requirements for the architectural and landscape bonus. Ms. De Wolf asked about the emergency access details as it does not appear they are correct on the site plan. Mr. Verdiani responded that this has been resolved. He also advised Ms. De Wolf that there is a note on the plan concerning the 90% cutoff for the lighting. Ms. De Wolf asked who would approve any landscaping substitutions. Mr. Verdiani said any modifications in landscaping would be reviewed by Mrs. Adler. Mr. Adams asked if the performance issues have been addressed. Mr. Layman will check with Mr. Capuzzi about this concern.

Mr. Verdiani said the Commission also reviewed an application for Gayle Worth, 803 Sharon Circle, who has applied for a variance to have a daycare in her home. Mr. Foster stated that the Zoning Hearing Board approved her application on August 11th.

D. Financial Report – Robert Layman.

Mr. Layman stated that the financial condition of the Township continues to be stable at this time. A reimbursement, in the amount of \$106,434.00, has been received from the County for the Oakbourne Park Phase I improvements.

IV. Public Comment-Non Agenda Items.

Barbara Magner, 1174 Fielding Drive, questioned if Mr. Adams had reviewed the documents supplied by Mr. Murphy at the last Township meeting concerning the shed installation at 203 Baywood Road. She stated that Mr. Adams was to give a written opinion on this issue. Mrs. Magner also asked if the shed installation meets the Township code. Mr. Layman responded that the Building inspector has inspected the installation. Ms. De Wolf stated that Mr. Adams has

been directed to give a written opinion to the Board of Supervisors. She also suggested that Mrs. Magner place an article in the Pleasant Grove Newsletter concerning the deed restrictions. Mr. Foster stated that Mrs. Magner could contact Pleasant Grove Corporation, Hankin Builders, original contractors for the development, and ask for their help as was recently done by residents in Uwchlan Township as reported in the Daily Local News.

Eva Foster, 734 Westbourne Road, reported on the Friends of Oakbourne ("Friends"). She stated that information on fund raising had been presented to the Board of Supervisors and asked if they had any comments. Ms. De Wolf advised Mrs. Foster that the Board received the information this evening and did not have time to review before the meeting. Mrs. Foster stated the Friends would like to incorporate as a 501.3c in order to receive funds as a charitable organization. Ms. De Wolf asked if the Friends are affiliated with the Township or are they a separate entity. Mrs. Foster said the Bylaws state that they are to raise funds for Oakbourne Park which indicates to her that they are part of the Township. Mr. Layman stated that the Friends were conceived through the Township but the Board does not appoint the members. Ms. De Wolf said she feels the Friends would need their own lawyer to set up the 501.3c. Dr. Stokes expressed his concern as to any Township liability relating to fundraising by the Friends. Mr. Adams said he does not see any great liability but they should ask the Board before they consider an event. He also stated that he feels it would not be inappropriate for the Board of Supervisors to ask him to provide legal services as the Friends do provide a benefit to the Township. Mr. Foster stated that the Bylaws are clear that they are not part of the Township and that any funds they raised would have to be held separate from the Township in order to qualify for a 501.3c.

V. Old Business:

A. Execution of Final Plans Tract 2003-14 J & A Construction (Sineath).

Mr. Tordone, J & A Construction, stated that the only outstanding item was approval from DEP which they have received. He also stated that the Zoning Hearing Board has granted variance approval for rear yard sets allow the original garage and stable to remain on lot 1.

Dr. Stokes said the applicant received final plan approval on June 6th, 2005 and was asked at that time to appeal to the Zoning Hearing Board. He asked for a motion to execute the final plans.

Ms. De Wolf made a motion, seconded by Mr. Foster, to execute the plans for Tract 2003-14. The Board of Supervisors approved execution. Mr. Layman stated that the plans should be signed by the members of the Board who approved the final plans on June 6, 2005.

Mr. Tordone advised Mr. Foster if he has any concerns during construction of the project to please contact him.

B. Execution of Final Plans Tract 2003-11 Donnelly,

Mr. Layman advised the Board that they did not have to have a motion to approve execution of the plans.

The Board of Supervisors accepted the plans for execution by the members of the Board who approved the plans on March 7th, 2005.

VI. New Business:

A. Approve Escrow Release No.12 Tract 2002-8 SS. Simon & Jude in the Amount of \$72,338.94.

Mr. Layman stated that the release has been approved by Mr. Capuzzi, Township Engineer for the project.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve escrow release No.12 in the amount of \$72,338.94 for Tract 2002-8 SS. Simon & Jude. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

B. Adopt Resolution 2005-13 Emergency Operations Plan Revision.

Mr. Layman stated that the Emergency Operations Plan needs to be revised to reflect the change in the Board of Supervisors by deleting L. Charles Scipione and adding Thomas A. Foster.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve Resolution 2005-13 Emergency Operations Plan Revision. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors adopted Resolution 2005-13.

C. Grant Final Plan Approval Tract 2000-8 Fountains at Westtown.

In attendance were Joseph McCawley, applicant, Greg Adelman, Kaplin Stewart, Solicitor, Bill Wendling, Engineer and James Silvery, Architect.

Mr. Alderman advised the Board of Supervisors that the applicant received a letter of recommendation for final plan approval, with conditions, on August 8th, 2005 from the Planning Commission. He reviewed the following conditions with the Board of Supervisors.

Landscaping: The Planning Commission is agreeable to reducing the size of the trees and the applicant is willing to accept a procedure for plant substitution if necessary. Mr. Wendling explained that the cutoff for the lighting is for the loop road that the Township will not be accepting as part of dedication.

Architectural: James Silvery reviewed revised plans with the Board of Supervisors for the rear elevations and the type of building materials that would be used. He stated that the Planning Commission is recommending version two of the revised plans.

Fountain/Jug Handle: Mr. Adelman stated that there is an issue concerning ownership and maintenance of the Fountain. If the Board does not want ownership the fountain design should be the responsibility of the applicant. Mr. Wendling said the original concept was for a 10-12 foot high fountain with perennial beds, shrubbery, a front wall and two signs. Dr. Stokes said he had not thought about ownership until he received the Planning Commission's Memo. He stated that the fountain discussions were held between Mr. McCawley and Mr. Scipione. Mr. Adelman said this was a condition of preliminary approval and was to be offered for dedication to the Township. Mr. McCawley said his initial agreement with Mr. Scipione was for a fountain with a 25 foot spout and would include a wind diverter. He stated that Mr. Scipione agreed at that time the fountain would be dedicated to the Township. Mr. McCawley said he does not own the whole jughandle circle. Mr. Adelman said the fountain would be within the property boundaries. He also stated that it would be rare to see this dedicated to the Township and feels it would be in the best interest of the property owner to own the fountain. Ms. De Wolf asked if this was part of the landscape agreement for density. Mr. Verdiani said that the landscaping pertained to the buildings.

Dr. Stokes stated that the Board of Supervisors is in agreement with the landscaping and architectural issues but needs to clarify what the previous Board committed to concerning the Fountain. He stated that the Board needs to speak with Mr. Scipione concerning this issue. He also stated that the present Board of Supervisors needs to determine their position on the fountain. He asked if the applicant would grant a thirty day extension to the Board until September 19th, 2005. Mr. Adelman said the extension would be granted. Mr. Adams stated that the Performance Bond should also be approved in order to grant final plan approval.

D. Grant Preliminary/Final Plan Approval Tract 2005-1 Westtown School Faculty

Housing.

This item was tabled.

E. Approve Escrow Release No.1 Tract 2003-10 Arborview (Greenstone).

Mr. Layman stated that there are some unresolved issues with this release. Wendy McLean, Solicitor for the applicant, asked for clarification of the issues. Mr. Layman stated that the revised estimate for escrow had just been received. Ms. McLean stated that they had agreed to raise the inspections fees to 5%. The Letter of Credit has been approved and the first escrow release would cover the 5% increase in fees. Mr. Adams stated that the Township is protected by the Letter of Credit and this is not a critical issue.

Ms. McLean stated that this release is for site work and the proper documentation has been submitted for approval this evening. Mr. Layman said he had received a call from Mark Prouty, URS, concerning replacement of manhole covers in the development. Ms. stated that this is a totally separate issue.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve escrow release No.1 in an amount not to exceed \$235,660.66 for Greenstone Development Corporation, conditioned on final review by the Township Engineer. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors approved the escrow release.

F. Approval Change Orders Police Station EL 28.01, HVAC 5.01, PL 5.01, GC 46.01 and EL 25.01.

Mr. Layman stated that change orders EL 28.01, HVAC 5.01, PL 5.01 and GC 46.01 are for damage done by contractors for the Police Department. The change orders were reviewed at the Police Commission meeting and the Police Department has accepted responsibility.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve change orders EL 28.01, HVAC 5.01, PL 5.01 and GC 46.01. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change orders.

Mr. Layman reviewed change order EL 25.01 to install power wiring to make the public access door ADA compliant. He stated the architect has indicated verbally that the wiring was not supplied in the original building specifications. Mr. Foster asked what leverage the Township has for reimbursement of change orders not the responsibility of the Township. Mr. Layman stated that payment can be withheld from the architect.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve change order EL 25.01. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change order.

VII. Public Comment (all topics).

There was no public comment

VIII. Payment of Bills.

On the motion of Mr. Foster, 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. Foster, the meeting was unanimously adjourned.

