

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE
February 2, 2004 7:30PM

In attendance were Supervisors Chairman Robert A. Genzano, Vice-Chairman Carol R. DeWolf, and Police Commissioner L. Charles Scipione; Township Manager Robert Layman; Township Building Inspector Gerald R. DiNunzio; Township Roadmaster Mark S. Gross; and Planning Commission Vice – Chairman Kevin Flynn; There were eight guests in attendance.

1. Call to Order.

There being a quorum present, Chairman Robert A. Genzano called the meeting to order and led the Board of Supervisors, staff and guests in the Pledge of Allegiance.

11. Approval of Minutes (January 20, 2004 Regular Meeting).

On the motion of Mr. Scipione, seconded by Ms. DeWolf, the Board of Supervisors approved the regular meeting minutes of January 20, 2004 as corrected (Page 2 Section II paragraph 4 change to “sewer not included”; paragraph 10 change to “Oakbourne Road and S. Concord Road cannot”.....; Page 3 Section II paragraph 4 correct spelling to “contacted”; Section IV paragraph 1 change to “you will find....”).

111. Departmental Reports.

A. Township Building Inspector – Gerald R. DiNunzio.

Mr. DiNunzio asked if the Board had any questions on the January Building report. He stated that he is finally able to use the Geo Plan program for all his reports. Mr. DiNunzio said he will be meeting with Mr. Layman and Don Herb, Township Assistant Fire Marshal, to discuss the significant number of false alarms in the Township.

Mr. Genzano asked Mr. DiNunzio about the inspection memo concerning the Jaguar Dealership. Mr. DiNunzio responded that Mr. Capuzzi had a request for an escrow release and asked that the plantings and lighting installation be reviewed. He stated that 95% of the plantings have been done except for areas around the test tract.

B. Township Road Master – Mark S. Gross.

Mr. Gross reported on the recent snow and ice storms. He stated that obtaining salt has been an ongoing problem. He said conservative use of the salt should get the Township through the next three or four storms. He also stated that he feels the contractors are doing a good job this year with the snow/ice removal. Mr. Gross reported that the County has completed the GIS collection for 2003 which will be merged into the Township's GIS system.

Mr. Gross stated the burned out pump at the Kirkwood Pump station was replaced with a new one at the cost of \$4100. The work was done in house to keep down the cost.

C. Planning Commission – Vice – Chairman Kevin Flynn.

Mr. Flynn reported on the January 22nd Planning Commission Meeting. He stated that the new members were in attendance and welcomed at the meeting. Mr. Snook, Brandywine Conservancy, discussed Flex Development and open space issues with the Commission. The Commission accepted the plans for the O'Brien Subdivision for review at the February 4th, meeting. The Commission also reviewed minor changes to the Landscaping for Commerce Bank. He stated that it appears it will be difficult for the Township to enforce some of the provisions in the draft Stormwater Management Ordinance.

D. West Chester Council of Governments.

Mr. Layman reported on the January 29th, Council of Governments (“COG”) meeting. He stated there are six municipalities involved in COG; Westtown, West Goshen, East Goshen, West Chester, Thornbury and East Bradford. The Council discussed the formation of a committee to work on PEG TV (Public Access TV) which would include one representative from each municipality. They also discussed formation of a joint BOCA Review Board in order to have a wide range of expertise for building issues that may arise.

Mr. Genzano stated that Comcast is willing to work with COG in creating a public access station. He suggested any resident who would like to be involved in PEG TV contact Mr. Layman at the Township office.

IV. Public Comment (Non-Agenda Items)

Richard Hanson, 1401 Carroll Brown Way, complained about the increase of cars and speeding on Walnut Hill Road especially since the closing of the ‘Singing Bridge’. He would like the Township to address this issue before a serious accident occurs. Mr. Scipione will bring up this matter at the Police Commissioners meeting and ask for an increase in the traffic patrol on Walnut Hill Road. Mr. Hanson said increase in patrols have been done in the past and have not been very effective. Mr. Genzano suggested that the Speed Board be used on Walnut Hill Road as its use seems to get good results. Ms. DeWolf stated that both Thornburys and Westtown have created a road committee to consider and address several boundary road issues between the Township’s which will include the future alignment of Cheyney Road with Shady Grove Road and possible alternatives for traffic calming. Mr. Hanson asked about installing stop signs to slow down traffic. Mr. Scipione responded that PennDOT only approves stop signs for safety reasons not as speed controls. Mr. Layman stated that the Township has to meet state guidelines for installation of stop signs.

Eva Foster, 734 Westbourne Road, asked if COG was involved in projects other than Cable TV. Mr. Layman responded yes and stated they are working on creation of a Joint BOCA Review Board. Mrs. Foster asked if the Township had a Noise Control Ordinance which would relate to the construction work at the new high school. Mr. Layman will address this issue. Mr. DiNunzio stated that the contractor will commence blasting work on February 9th. The blasting is controlled and should not be heard.

Mrs. Foster asked why a recent meeting held by the Board of Supervisors concerning the new police building was only advertised in the local paper on the day of the meeting and was not posted on the Township web site. She stated that residents should have an opportunity to express their opinions on the 4 million dollar project. She also asked why the residents were not notified by a post card as they had been for the meeting on sewer. Mr. Layman said the meeting was a last minute decision but it was advertised and he would take responsibility for the notice of the meeting not being on the web site. Mr. Scipione advised Mrs. Foster that for the past year and a half both the Police Commission and the Township have had public meetings where the new police building and the cost of the building have been addressed. Ms. DeWolf said the intent of the meeting was to clarify for her, as the new member on the Board of Supervisors, actions and decisions made in 2003 concerning the new police building. She stated she did not want to compromise herself or the Township in making decisions on an issue with which she was just becoming familiar. The Board of Supervisors also needed to discuss some issues where they were not totally in agreement. Mr. Genzano said he feels that this is Ms. DeWolf’s view of the meeting but the point that Ms. Foster is trying to make is that she did not have the opportunity to hear the Board’s comments. Ms. DeWolf stated that there is a tape of the meeting to which Mrs. Foster is welcome to listen. The tape discussion shows that no change in policy or direction was made at the meeting. Mrs. Foster asked that in the future when the Township is committed to spending this much money on a project that a survey be sent to the residents for their input. Ms. DeWolf said the Township needed to move forward on the General Obligation Bonds in order to provide a facility needed by the Township. Mr. Layman said the Bond Ordinance was approved at the December 15, 2003 Board meeting, settlement had been postponed once, and the Board needed to move forward to commit to execution of the bonds. Mr. Genzano apologized to Mrs.

Foster that she was not notified of the meeting and agrees that notices for public meetings should be on the web site and sent to residents on the email list as well as advertised. He also said that this has been an on going project not a recent issue.

Mr. Flynn asked if the replacement of the "Singing Bridge" is on schedule or will the weather delay the project. Mr. Layman said the contractor must complete the project within nine months or pay penalties. He stated he will check on the replacement progress.

Robert Barton, 1003 General Greene Drive, stated he has just retired after twenty-two years as an officer of the Westtown-East Goshen Police Force. He stated that during his time in the Department there were numerous opportunities to move the Department to East Goshen where there were facilities available. The four million dollar Bond would not be necessary if Genuardi's was used for the new police facility. He also feels the Township has not been forthcoming about the project and he feels that the Department does not need a big extravagant building.

V. Old Business.

A. Approval of Police Station Ownership Agreement with East Goshen.

A motion to approve the Ownership Agreement with East Goshen was called for. Ms. DeWolf said that working on the Agreement has been a difficult and emotional time for her as there have been unrealistic demands made by both Boards during the process. She stated if the Township does not move forward with the building in Westtown there will be no new police station.

Ms. DeWolf made a motion, seconded by Mr. Scipione, to approve the Ownership Agreement presented by East Goshen which includes amendment one extending the current contract and defines the contract terms.

Mr. Genzano said he could not approve the motion as he feels the Agreement is unfair to Westtown even though East Goshen has extended the agreement for nine years. He stated he has problems with how the costs are allocated in the agreement. The substation costs are allocated in the agreement to be part of the police budget but the cost of the new facility is not. Mr. Genzano said not including the cost of the new facility in the police budget will be harmful to Westtown.

Mr. Scipione said the main issue is the police building. Discussions were started six or seven years ago and it was finally decided that the responsible decision for all concerned would be to have the new facility in Westtown. The purchase of the old First National Bank building for the Township Municipal building included the land on which the new police facility will be built. Mr. Scipione said he feels that the cost of a new building should be paid as a debt service through a bond issue. Westtown is in agreement with East Goshen that East Goshen's share of the cost of the building would be 1.850 million dollars. It has also been agreed with East Goshen that the debt service would be paid separately and not included in the police budget. Mr. Scipione stated he is comfortable with seconding the motion.

Mr. Genzano asked for public comment at this time.

Mr. Flynn asked if East Goshen was still responsible to pay the debt service on the twenty year loan if the Department was dissolved in the next ten years. Mr. Scipione responded East Goshen would not continue to pay but equitable financial arrangements would be agreed upon at that time. Mr. Scipione said this is included in the Agreement only in case East Goshen would dissolve the department but he feels they would have no reason to do so. Mr. Flynn said he feels the Township would have a problem with selling the police building if the department was dissolved and the Township would be left with an outstanding debt. Ms. DeWolf said that it would be costly to both Townships if the Department were dissolved. She also stated that the current Township building could be sold and the Township could move into the police building. Mr. Flynn asked what would happen with the debt service if the Department merges and becomes part of a larger force. Mr. Genzano said this is why he feels the cost of the building should become part

of the police budget. Mr. Flynn stated he feels it is a benefit an asset to have the Department in Westtown but is concerned that if the Department is dissolved there would be no supporting revenue. Mr. Scipione said contracting municipalities are buying police services which are a separate issue from the cost of the new police building. Ms. DeWolf said if you include the debt service in the cost of a contracting municipality you would possibly discourage that municipality from joining. Mr. Genzano said he feels as the building is being constructed to house the police the true cost should be allocated to the proper place which is the police budget.

Mr. Pavelchek stated Article 7 page 2 section H of the Agreement shows the police budget will bear the operating costs for the new substation but does not show the operating costs for the new police building. Mr. Scipione said under the police budget East Goshen pays approximately 50% and Westtown 40%. Mr. Genzano said the operating costs are not part of the Agreement.

The Ownership Agreement with East Goshen was approved by a vote of two ayes (LCS CDeW) and one nay RAG).

V1. New Business.

A. Execution of GIS Consortium Agreement.

Mr. Genzano said this is an agreement with other municipalities to contract with the County for GIS services. Mr. Gross explained the Township is digitalized on map layers that show the topography of the Township, location of stormwater, sewer lines, signs etc. This is a great tool for use by the road department and planning department. The County will provide quarterly updates and software support.

Ms. Foster asked how this data is collected. Mr. Gross responded the information is collected with a GPS backpack unit.

Mr. Scipione made a motion, seconded by Ms. DeWolf, to approve execution of the GIS Consortium Agreement. Mr. Genzano asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved execution of the Agreement.

B. Green Lane Village Homeowners Association Amendment of Declaration of Covenants and Easements.

Mr. Genzano stated that the Township solicitor has reviewed the amendment and recommends approval.

Mr. Elek Fenykes, President of the Homeowners Association, stated that the amendment was to make the contributions by property owners equitable to the type of dwelling unit on their property.

Ms. DeWolf made a motion, seconded by Mr. Scipione, to approve the amendment to the Green Lane Village Homeowners Association's Declaration of Covenants and Easements. Mr. Genzano asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the amendment.

C. Approval Tract 2003-2 Liberty Square Escrow Release #2 in the Amount of \$53,180.37.

Mr. Genzano stated that the Township Engineer in his memo of January 20, 2004 approved release of the escrow.

Mr. Scipione made a motion, seconded by Ms. DeWolf, to approve Liberty Square Escrow Release #2 in the amount of \$53,180.37 as per CVE's letter of January 20, 2004. Mr. Genzano asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved escrow release #2 for Liberty Square.

D. Approval Tract 2002-3 Jaguar/Land Rover Escrow Release #1 in the Amount of \$516,028.12.

Mr. Genzano stated the escrow has been adjusted based on Mr. DiNunzio's review of the plantings and lighting at the site.

Mr. Scipione made a motion, seconded by Ms. DeWolf, to approve escrow release #1 for Jaguar/Land Rover in the amount of \$516,028.12 as per CVE's letter of January 29, 2004. Mr. Genzano asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved escrow release #1 for Jaguar/Land Rover.

E. Approval of South Concord Road Rehabilitation Payment Release #1 in the amount of \$109,289.24.

Mr. Gross stated that the Township is holding a 10% retainage on the project as the project is not totally completed due to weather conditions.

Mr. Scipione made a motion, seconded by Ms. DeWolf, to approve payment release #1 in the amount of \$109,289.24 to Chester County Milling and Paving Company for the South Concord Road Rehabilitation project. Mr. Genzano asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved payment release #1 for Chester County Milling and Paving.

V11. Public Comment (All Topics).

There was no public comment at this time.

VIII. Payment of Bills.

Mr. Scipione made a motion, seconded by Ms. DeWolf, to approve payment of the bills as presented. The Board of Supervisors unanimously approved payment of the bills.

IX. Adjournment:

The meeting was adjourned.

Respectfully Submitted,
Robert Layman
Township Manager