

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE  
July 6, 2004 7:30Pm

In attendance were Supervisors Chair Carol DeWolf, Vice-Chair Dr. Kenton S. Stokes and Police Commissioner L. Charles Scipione; Township Manager Robert Layman; Township Building Inspector Gerald R. DiNunzio; Planning Commission member Mark Purcell; and Parks Advisory Group Vice-Chair Walter Pavelchek. There were nine guests in attendance.

**I. Call to Order.**

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

**II. Approval of Minutes (June 21, 2004 Regular meeting).**

On the motion of Mr. Scipione, seconded by Dr. Stokes, the Board of Supervisors unanimously approved the regular meeting minutes of June 21, 2004.

**III. Departmental Reports.**

**A. Township Building Inspector – Gerald R. DiNunzio.**

Mr. DiNunzio reported that June was a busy month with thirty building permits issued. He stated that the first ten permits for Liberty Square were issued for lots 11 through 20. All the townhouse plans are the same with the cost of construction starting at \$345,000. Mr. DiNunzio stated that there was a roof fire at the McCool residence on Stable Lane. The barn is being renovated for use as a residence and was 95% completed when the roof was struck by lightning.

**B. Township Roadmaster – Mark S. Gross.**

In the absence of Mr. Gross, who had another commitment, Mr. Layman reviewed the June Road Department report. He stated that the Department's major project for the month was repairing of stormwater inlets in Avonlea, Kilduff Circle, Pickett Way and Trellis Lane. Dr. Stokes expressed concern that inlets in newer developments such as Avonlea and Kilduff Circle needed repairs in less than ten years time. He questioned the design of the inlets and asked if they were inspected at the time of installation. Mr. DiNunzio said he was Roadmaster at the time Avonlea was developed and questioned the design of the inlets at that time. The inlets were designed with weep holes that take all the subsurface debris which leads to cave ins. Dr. Stokes asked if this problem has been identified and is being addressed. Mr. Layman responded that plans are reviewed more extensively than in the past and feels this issue has been addressed.

Mr. Layman stated that the oil tank at the Gate House needs to be replaced before the oil company will refill the tank. Ms. DeWolf asked if this is an underground tank. Mr. DiNunzio said he did a recent survey of the Gate House and the oil tank is not in compliance with the current building code. The tank is in the basement and has a capacity of 275 gallons. Mr. Layman stated the Board needs to decide if the Gate House is going to be retained or demolished before any major repairs are undertaken to bring the building into code compliance. Mr. DiNunzio advised the Board that he had been quoted a price of \$5,000 for demolition of the Gate House.

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

Mr. Purcell stated the Commission will be reviewing Tract 2004-1/Nagle a simple two lot subdivision at this weeks meeting. They will also discuss the options pertaining to the rezoning request of residents on Old Wilmington Pike.

Mr. Purcell reported that representatives from the WCASD and the Brandywine YMCA were in attendance at the meeting to discuss building a YMCA facility with both indoor and outdoor

swimming pools on the Bayard Rustin site. This is a use allowed by Special Exception in the A/C district. The Commission does not have a problem with the use but has concerns with the effects on the neighborhood. The concerns that were expressed related to traffic congestion, location of the facility on the site and how the remaining area of the site would be used. Mr. Purcell stated the YMCA would have the same programs as their other facilities which would include day care. Mr. Scipione asked if the YMCA was the only one interested in the site. Mr. Purcell said there is a private organization that has an agreement already in place with the District. Dr. Stokes stated his concerns with day care as part of the offered programs.

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

Mary Lyons, 1136 Kolbe Lane, asked that the Township address the condition of the two vacant lots on Kolbe Lane. The lots are overgrown and impossible to cut because of all the debris that has been dumped on them. She stated there is road material dumped on the lots that she feels was left behind by the company that paved Kolbe Lane. There is also a pallet of pavers which is blocking the sidewalk. Mr. DiNunzio advised Mrs. Lyons that Mr. Kravitz and Mr. Anderson have been sent the annual mowing letter which states the lots should be cut by June 15<sup>th</sup>. Mr. DiNunzio also stated that the Township does have the right to clean up the lot and bill the owner for the work. Mr. Layman said he will have Mr. Gross contact Chester Seal Coat concerning the road material and the pavers. A letter will be sent to Mr. Kravitz and to Mr. Anderson with a date that the lots need to be cleaned up or the Township will take further action.

Kathy Wellman, 1015 S. Concord Road, said she cannot safely exit her driveway because of the speeding on S. Concord Road. Mrs. Wellman has attended Police Commission meetings and has asked for more patrolling of S. Concord Road. The Speed Board has been used on S. Concord Road but does not effectively slow down traffic. She suggested that the Township follow Thornbury's example and install more stop signs. Ms. DeWolf said she is aware of the increase in traffic which is due mainly to traffic trying to avoid the Route 202 and Route 926 intersection. The Township is working with other municipalities to have PennDOT take this intersection out of the Section100 improvements for Route 202 and move forward to relieve this congested area.

Leonard Tehrani, 611 E. Street Road, asked if the Board of Supervisors had sent a letter to PennDOT requesting a reduction in the speed limit on Route 926 from 45mph to 40mph. Ms. DeWolf responded that the Board of Supervisors is not taking any action to ask PennDOT to reduce the speed limit and is not interested at this time in pursuing this issue. Mr. Tehrani stated that local police departments, as they do not use radar, can only ticket a vehicle going 15 miles over the speed limit. The State Police using Radar can ticket 6 miles over the speed limit. The use of the Speed Board without enforcement by the Police Traffic Unit does not help reduce speed. Mr. Tehrani stated that there are only three officers in the Traffic Unit and asked that more be hired. He also requested that traffic concerns be an item on a future Township meeting agenda.

Walter Pavelchek, 1050 S. New Street, announced that a representative from the Chester-Ridley-Crum Water Shed Association will present a report on their study of Goose Creek at the July 13<sup>th</sup> Parks Advisory Group meeting. Friends of Oakbourne will also meet that evening to discuss the implementation of the grant from the Heritage Association for remediation of the pond at Oakbourne.

**V. Old Business:**

There was no old business before the Board at this time.

**VI. New Business.**

**A. Adopt Ordinance 2004-4 Uniform Construction Code.**

Ms. DeWolf reviewed the Uniform Construction Code ("Code"). She stated that the Township has the option to adopt the Code or opt out of the program. If the Township does not adopt the Code the State Department of License and Inspections ("L&I") will enforce the Code for the Township. Mr. Scipione stated he does not like how the State is forcing the adoption of the Code and feels this is taking authority away from the Townships. Mr. DiNunzio said the only choices the Township has are to adopt the Code or opt out of the program. If we don't adopt the Code L & I will step in and take over issuing permits in the Township or we can work jointly with another

Township or hire third party agencies that would issue permits and do inspections. He also stated that the State is considering not having a residential building code. Mr. Scipione asked if the Township would have the option to keep a residential building code. Mr. DiNunzio said the Board would need to discuss this with the Township Solicitor. Mark Purcell, speaking as an architect, said the intent behind the Code is for the State to have a more uniformed program. He stated the Township will have the ability to customize the Code if they have any issues. Mr. DiNunzio said L & I enforces fire and panic regulations and are not qualified as building inspectors. He strongly recommended that the Board adopt the Code.

Mr. Scipione made a motion, seconded by Dr. Stokes, to adopt Ordinance 2004-4 Uniform Construction Code as advertised. Ms. DeWolf asked for public comment. Mr. Layman advised the Board they could adopt the Code and if they decide in the future to opt out of the program they would need to notify the State within 180 days of their intent. The Board of Supervisors unanimously adopted Ordinance 2004-4.

**B. Approval of Council of Governments Resolution – Joint Appeals Board for the Uniform Construction Code.**

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve the Council of Governments Resolution creating a Joint Appeals Board for the Uniform Construction Code. Ms. DeWolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted the resolution of the Council of Governments.

**C. Authorization for Payment of Township Sewer Extension Shiloh Road in The Amount of \$23,750.00.**

Mr. Scipione made a motion, seconded by Dr. Stokes, to authorize payment to the West Chester Area School District for the Township sewer extension in the amount of \$23,750.00 as recommended by the Township Engineer. Ms. DeWolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the payment.

**D. Authorization for Escrow Release #7 Tract 2001-5 Jefferson Center/Malvern Bank in The Amount of \$77,125.75.**

Ms. DeWolf stated the Township Engineer in his letter of June 29, 2004 recommends approval of escrow release #7 for the McCawley/Jefferson Center.

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve escrow release #7 Tract 2001-5 Jefferson Center/Malvern Bank in the amount of \$77,125.75. Ms. DeWolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved escrow release #7 for Tract 2001-1.

**E. Approval of Change Orders of Westtown-East Goshen Police Building.**

Mr. Scipione reviewed the change orders. The first eliminates the vinyl chair rail on the concrete wall in the entrance and lobby for a credit of \$965.00. The second is changing from copper to rubber membrane on the joints of the water diverter on the roof of the building for a credit of \$2,000.00.

Mr. Scipione made a motion, seconded by Dr. Stokes, to approve the two change orders for a credit of \$2,965.00 for the Westtown-East Goshen Police Building. Ms. DeWolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the change orders.

**F. Authorization to Submit a Proposal to Thornbury Chester Co. for Police Service in 2005.**

Ms. DeWolf stated that Thornbury's contract for police service is up at the end of this year and Westtown and East Goshen have been negotiating for a new contract for 2005. This proposal is in answer to a confidential letter received from Thornbury.

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve submission of the proposal to Thornbury Township for Police Service in 2005. Ms. DeWolf asked for public comment.

Mr. Pavelchek asked if this proposal increased or decreased what was proposed in a previous letter. Ms. DeWolf responded the proposal states what WEGO can provide Thornbury in 2005. The cost is approximately the same as this year.

Mrs. Wellman questioned how we can provide service for Thornbury when it seems we can't provide for coverage on Westtown roads. Mr. Scipione advised Mrs. Wellman that we have been providing police service under a contract with Thornbury for fourteen years. He also stated that police service is 46% of Westtown's budget. Ms. DeWolf stated that WEGO has the manpower to provide the services that Thornbury is requesting.

The Board of Supervisors unanimously approved submission of the proposal for police service to Thornbury Township.

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

There was no public comment at this time.

**VIII. Payment of Bills.**

Ms. DeWolf questioned the amount of the PECO bill for the Westtown-Chester Creek plant. Mr. Layman stated that PECO changed the meter at the plant and for the first few months after the change was not reading the meter but estimating the billing. Mr. Layman stated that the billing is in line with what was paid last year. Dr. Stokes asked about the bills from American Water Service and Applied Water Management. Mr. Layman explained the charges. Dr. Stokes would like future bills to reflect what services have been performed.

On the motion of Dr. Stokes, seconded by Mr. Scipione, the Board of Supervisors unanimously approved payment of the bills.

**IX Adjournment.**

On the motion of Dr. Stokes, seconded by Mr. Scipione, the meeting was unanimously adjourned.

Respectfully Submitted  
Robert Layman, Township Manager