

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
September 20, 2004 7:30Pm

In attendance were Supervisors Chair Carol De Wolf; Vice-Chair Kenton S. Stokes, and Police Commissioner L. Charles Scipione; Township Manager Robert Layman; Township Engineer Angelo M. Capuzzi; Westtown-East Goshen Police Chief John M. Dumond; Planning Commission member Paul Huberty; and Parks Advisory Group Vice-Chair Walter Pavelchek. There were eight guests in attendance.

I. Call to Order.

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

II. Approval of Minutes (August 16, and September 7, 2004 Regular Meetings).

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve the minutes of the August 16, 2004 as corrected (Page 2:E paragraph two change to "application"). Ms. De Wolf abstained as she was not in attendance at this meeting. Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve the minutes of September 7, 2004 with a minor spelling correction. Dr. Stokes abstained as he was not in attendance at this meeting. The minutes were unanimously approved as corrected.

III. Departmental Reports.

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

Chief Dumond reviewed the August Police Report with the Board of Supervisors. He stated that there was a robbery today at Citizens Bank in the Giant at Dilworthtown Plaza in Thornbury. There was also a robbery last week at the Commerce Bank in Westtown Village which was similar to recent robberies in Delaware. Two female suspects have been arrested in this incident.

Ms. De Wolf read into the record, as required by State law, the Minimum Municipal Obligation for the Westtown-East Goshen Police Department for 2005.

Ms. De Wolf stated that the residents served by Westtown-East Goshen need to be aware of the criminal activity in all three Townships and how busy the Department has become.

Chief Dumond reported that Chief Armstrong of the Easttown Township Police Department expressed his appreciation of the help received from our Special Operations Unit with a robbery of a bank in Limerick.

B. Township Engineer- Angelo M. Capuzzi.

1. Approve Tract 2001-5 Escrow Release No. 8 in The Amount of \$28,773.00 for McCawley-Jefferson Center/Malvern Bank.

Mr. Capuzzi stated the release is for site lighting, roof and drainage work. Dr. Stokes asked about the issues concerning the berm and landscaping that were referenced in the Planning Commission Minutes. He stated that he is not happy with the applicant removing the berm which was to be installed per the approved plan. Mr. Scipione asked if there were funds in escrow for replacement of the berm. Mr. Capuzzi responded that funds are available. Mr. Layman stated that this issue is on the Planning Commissions agenda for this weeks meeting. He also stated that an occupancy permit would not be issued for the bank until this is resolved. The Board instructed Mr. Layman that any changes in the plan must come back to the Board for approval and re-recording.

Mr. Scipione made a motion, seconded by Dr. Stokes, to approve escrow release No. 8 in the amount of \$28,773.00 for McCawley-Jefferson Center/Malvern Bank. Ms. DeWolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the escrow release.

2. Approve Tract 2002-3 D & L Westtown Realty LLC Final Escrow Release in The Amount of \$9,300.00.

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve the final escrow release for Tract 2002-3 D & L Westtown Realty LLC (Landrover/Jaguar) in the amount of \$9,300.00. Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the escrow release.

3. Approve Tract 2002-8 SS. Simon & Jude Escrow Release No. 2 in The Amount of \$136,749.92.

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve escrow release for Tract 2002-8 SS. Simon & Jude in the amount of \$136,749.92. Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the escrow release.

4. Adopt Ordinance 2004-7 Amending Township Code Section 132: Sewer System Collection of Grease.

Ms. De Wolf stated adoption of this Ordinance will enable the Township to better monitor its public sewer system for excessive grease infiltration.

Dr. Stokes made a motion, seconded by Mr. Scipione, to adopt Ordinance 2004-7 amending Township Code Section 132: Sewer System collection of Grease as corrected (Paragraph B line five change to "properly cleaned"). Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously adopted Ordinance 2004-7.

C. Planning Commission – Paul Huberty.

Mr. Huberty stated that at the September 8th meeting the Commission reviewed a revised sketch plan for Sharon Bank at the intersection of Green Lane and Route 3. The size of the building has been reduced in the new plan. The applicant is waiting for adoption of the proposed changes to the Township Code before another plan is submitted. The Commission also reviewed a revised landscaping plan for Malvern Bank which the Commission found unacceptable as it did not meet the intention of the original landscaping plan. Representatives from Gaudenzia were also in attendance to request a change in zoning of their property. Ms. De Wolf asked who initiated this request. Mr. Huberty responded that Gaudenzia had. Mr. Layman said the Township is seeking a sewer and trail extension easement from Gaudenzia. Mr. Capuzzi said that Gaudenzia would like to convert a warehouse to living quarters. As the property is zoned R1 they must make application to the Zoning Hearing Board every time they want a change in use. As the Township Code is being revised, now is the time to re-zone Gaudenzia for its actual use. Dr. Stokes said it should not be zoned "Township" as has been suggested but correctional or institutional. Even though it is surrounded by "Township" zoning it does not conform to that category. Mr. Huberty said residents in attendance at the meeting had serious concerns about Gaudenzia's impact on the community. Gaudenzia states that they are not a correctional facility but their web site lists them as a criminal justice rehabilitation center. Mr. Scipione asked if Gaudenzia purchased their property from the State at the same time the Township purchased Oakbourne III. He questioned if the ownership of the property has been clarified and if it is a drug and alcohol rehab center.

Mr. Huberty stated that the Commission recommends that the Board of Supervisors not grant an extension for the Riley/Mears subdivision on S. Chester Road. There has been no activity on the plan and the applicant has not responded to the Township Engineer's review letter of July 2002.

D. Parks Advisory Group – Vice Chairman Walter Pavelchek.

Mr. Pavelchek reviewed the Parks Advisory Group's meeting of September 15th. He stated that the following Eagle Scout projects have been completed: Tagging of trees in Oakbourne Park and installation of a map display case by Nathaniel Morgan; Installing fencing and a bench near the tennis court by Andrew Durante; and Installing three benches and six bluebird boxes on the Cope tract by Justin Wright. Mr. Pavelchek said he will supply the map for the display case. Mr. Pavelchek said a grant application for State funding is being prepared for Phase II of Oakbourne Park. Various groups who use Oakbourne Park are being contacted to pledge their support for the grant either through funds or manpower. So far Westtown-Goshen Rotary has pledged \$2,000 and Friends of Oakbourne have pledged \$600.00. West Chester Girls Soft Ball association has not submitted a plan for upgrading of Penn Wood Park. If the field will continue to be used by FC Brandywine soccer club fencing for softball could not be installed. As new playground equipment for Oakbourne Park was deleted from Phase I a WAM grant for \$20,000 is being applied for through Senator Erickson's office to use toward the play equipment.

Mr. Pavelchek stated the Parks Advisory Group recommends that the following items be included in the Park's budget for 2005: Continuation of the Hazardous Tree program; Stream bank remediation in the Pleasant Grove open space; Removal of the old sewer treatment plant from Oakbourne 3; and design of the Township trail from the Cope tract to Bayard Rustin High School. On October 6th the Parks Advisory Group will be meeting with the Planning Commission to hear a presentation on constructing a bike trail parallel to Route 202. This meeting is open to any interested party. Ms. De Wolf asked about the Hazardous Tree program. Mr. Pavelchek gave a brief summary of the program and stated that there is material about the program at the Township office.

E. Financial Report – Robert Layman.

Mr. Layman presented the financial report to the Board. He reviewed the revenues and expenditures through August 2004 and stated that based on previous years the revenues are at the expected level.

F. Supervisors Update – Carol De Wolf.

Ms. De Wolf said both East Goshen and Westtown are still negotiating with Thornbury Chester County on police issues. An offer was made to Thornbury on September 17, 2004 to continue police service next year in the amount of \$475,000.00 with a 5% increase per year. They were not offered a position on the Commission but study panels will be formed to resolve any issues. Ms. De Wolf said the offer must be accepted by September 30, 2004, and executed by November 12, 2004.

IV. Public Comment-Non Agenda Items.

Leonard Tehrani, 611 E. Street Road, asked about an accident involving a tractor trailer on Route 926 three weeks ago. Chief Dumond advised Mr. Tehrani to call the police office for the report. Mr. Tehrani stated that drivers are making right turns on red from Shiloh Road onto Route 926 which is illegal. He also asked that a "no turn on red" sign be installed at Westtown Road and Route 926 to keep drivers from turning right to head West on Route 926. Mr. Tehrani stated that he was informed by PennDOT that this request must be made by the Township.

Jeffrey Watkin, 1003 Ashley Road, stated that it appears the detention pond on Shiloh Road at Ashley is causing the flood plain area behind his property to retain water and not drain. Mr. Capuzzi said the basin is not a permanent pond but is a sedimentation basin. The basin was constructed to hold the water so that sediment settles in the pond and does not go onto adjacent properties. It takes five to seven days for the water to settle. Once the area is stabilized the basin will drain within 24 hours. Any runoff should go to the culvert at Ashley Road and into the flood plain. Mr. Capuzzi also stated that the School District is re-looking at the drainage and working on revising the plan.

Tom Galbally, Tag Builders, said it has been 9 months since they received Conditional Use Approval to build on the Orvis Tract at which time it appeared there was agreement on the plan. He asked that the Board of Supervisors expedite the planning process. Ms. De Wolf stated that the Board has received two offers from Mr. Galbally, relating to the Board's issues with the plan, but that the Board was not in a position this evening to respond to the offers. Mr. Galbally said he was not looking for final approval only

to plead his case and asked for help from the Board. Ms. De Wolf stated that the Board needs to discuss the issues and should have a response within the next two weeks. Mr. Scipione advised Mr. Galbally that the Board had just received a letter from Mr. Galbally's attorney this evening and did not have time to review the offer before the meeting

V. Old Business:

A. Action on Tract 2000-14 Riley/Mears.

Ms. De Wolf stated that a letter has been received from the applicant requesting an extension until January 31, 2005. The Board of Supervisors has received a memo from the Planning Commission recommending that an extension not be given. Dr. Stokes said he understands the Planning Commission's position but feels the extension should be accepted with the stipulation that the plan move forward by January 2005 or no further extensions will be given.

Dr. Stokes made a motion, seconded by Mr. Scipione, to approve the extension for Tract 2000-14 Riley/Mears to January 31, 2005 conditioned that the plan moves forward by January or no further extension will be given. Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the extension as conditioned.

VI, New Business.

A. Adopt Ordinance 2004-8 Stormwater Regulations.

Mr. Capuzzi reviewed the Ordinance. State Act 167 requires the Township to adopt an Ordinance for the Chester Creek Water Shed to include a management plan, runoff control and water quality requirements. Chester County and Delaware County Planning Commissions together with the municipalities in the Chester Creek Water Shed wrote the Ordinance. The Ordinance was submitted to and approved by DEP. Mr. Capuzzi stated that 2/3 of the Township is in the Chester Creek Water Shed but feels the Ordinance should be adopted for the whole Township.

Ms. De Wolf stated that the set back requirement from the center line of a stream should be 75 feet as designated in our Township Code not 50 feet as stated in the proposed Stormwater Ordinance. Ms. De Wolf believes the FEMA Flood Plain designations for the Township are incorrect in certain areas and would like to ensure that all areas of the Township have, not the same, but a minimum set back requirements from streams of 75 feet.

Dr. Stokes, made a motion, seconded by Mr. Scipione, to adopt Ordinance 2004-8 Stormwater Regulations conditioned on changing the steam set back line from 50 feet to 75 feet. Ms De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously adopted Ordinance 2004-8 as conditioned.

B. Authorization of Payment Request No. 2 Lechmanik, Inc. Oakbourne Park Phase I in The Amount of \$16,322.48.

Mr. Scipione made a motion, seconded by Dr. Stokes, to approve payment request No. 2 for Lechmanik, Inc., Oakbourne Park Phase I in the amount of \$16,322.48. Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved payment to Lechmanik, Inc

C. Authorization of Payments for Westtown-East Goshen Police Station MCA \$182,661.20, Keares Electric \$24,480.00, G. Bass Plumbing \$13,848.30.

Mr. Scipione stated that both he and the architect have reviewed the requests and approve the payments.

Mr. Scipione made a motion, seconded by Dr. Stokes, to approve payments for the Westtown-East Goshen Police Station to MCA for \$182,661.20, Keares Electric \$24,480.00 and G. Bass Plumbing \$13,848,20. Ms. De Wolf asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the payments as presented.

VII. Public Comment (all topics)

There was no public comment at this time.

VIII. Payment of Bills.

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 Board of Supervisors unanimously adjourned the meeting.

Respectfully Submitted,
Robert Layman
Township Manager