

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
October 4, 2004 7:30Pm

In attendance were Supervisors Chair Carol De Wolf, and Vice-Chair Dr. Kenton S. Stokes; Township Manager Robert Layman; Township Building Inspector Gerald R. DiNunzio; and Township Roadmaster Mark Gross. There were eleven 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 (September 20, 2004 Regular Meeting).

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve the minutes of September 20, 2004 as corrected. (Page 3 III:D paragraph two change to "Parks Advisory Group recommends"; Page 4 VI:A paragraph two should read ".....that all areas of the Township have, not the same, but a minimum set back requirements from streams of 75 feet".)

III. Departmental Reports.

A. Township Building Inspector – Gerald R. DiNunzio.

Mr. DiNunzio reviewed the September Building Report. He stated that September was a slow month for permits and that false fire alarms continue to be a problem with nine last month.

B. Township Roadmaster – Mark S. Gross.

Mr. Gross stated that the Road Department concentrated mainly on stormwater problems and road damage caused by the recent heavy rains. The Walnut Hill Road restoration project will be completed tomorrow with the installation of the blacktop.

Mr. Pavelchek asked for an update on the new entrance at Oakbourne Park. Mr. Gross said that the heavy rains caused the section of road that was not stoned to silt over the area already stoned. It was discovered that the upper section of the road has a soft base and will not support the blacktop load. He stated that remediation of the soft soil will be costly. The Township will be asking the County for an extension of the grant which expires on November 16, 2004.

C. Township Planning Commission.

Mr. Layman reviewed the September 20th Commission Meeting. He stated that the Commission continued their review of the amendments to the Zoning Ordinance. Mr. Layman asked that the Board please review the draft amendments that were included in their meeting packet.

IV. Public Comment-Non Agenda Items.

Alan Peppelman, 1140 Old Wilmington Pike, asked that the Township address the pile of vegetation that his neighbor has left in the middle of Old Wilmington Pike for three months. Mr. Layman will look into this situation. Mr. Peppelman asked if the Township was aware that the large pot hole on S. New Street has re-opened. Mr. Gross stated the hole has been covered with a steel plate until a repair can be made. This has been caused by a corroded metal pipe which collapsed several months ago. Ms. De Wolf stated that this is a dangerous situation and questioned if the road should be closed. Mr. Gross responded that barricades with flashing lights have been put up at the location and that the police are keeping a watch on the situation; if they feel the road needs to be closed they will let the Township know immediately. He also stated that Mr. Capuzzi is reviewing replacing the metal pipe with a standard concrete pipe which can handle

a heavy volume of water. Dr. Stokes asked that the work be done as soon as possible. Mr. Gross stated that he will have Chester County Seal Coat, who is doing the work on Walnut Hill Road, fill the area with stone on Wednesday.

Jerry Palma, 1144 Old Wilmington Pike, asked why the section of Dalmally Drive behind the Westtown Village Shopping Center was closed. Mr. Gross stated that water goes at a slow rate through a stone pit and inlets in the shopping center across Dalmally Drive to a creek on the east side. The volume of water coming through the inlets during the last rain storm was too great and eroded the underside of the road and the bank on the east side. The road is not safe and had to be closed. Mr. Palma stated that his wife had recently sent a letter to the Township asking them to address the traffic from route 202 using Old Wilmington Pike as a bypass to Route 926. This creates a dangerous situation for the residents who live on this road. He asked that the Township consider installing speed humps to slow down the traffic. Ms. De Wolf stated that she had seen his wife's letter and appreciated his comments as she realizes that traffic uses Old Wilmington Pike to avoid the light at routes 202 and 926. Mr. Layman said this is a situation that would be handled by a traffic committee which the Board is considering establishing.

Tom Galbally, developer, and Wendy McLean, Solicitor for TAG Builders, asked for guidance from the Board in order to move forward with development of the Orvis tract. Ms. McLean said in the minutes of the last Board of Supervisors meeting the Board indicated they would answer their requests within two weeks. Ms. McLean asked that the Board arrange a date to meet with them. Ms. De Wolf said the Board has discussed this matter with the Township solicitor. She stated that the Board will not be signing a Sewer Planning Module that would allow for grinder pump installation. The Board expects public sewer on the tract to be provided by gravity connections. Ms. De Wolf said the Conditional Use Order required that the contractor pay their fair share for the proposed parallel road and provide for the final engineering and grading of the road before final plan approval was given. Ms. McLean stated that this has been done. Ms. De Wolf said the developer needs to satisfy his fair share obligation. Ms. McLean asked that the Board set a time to meet with them. Ms. De Wolf said the Board will only meet to discuss the fair share issue. Ms. McLean stated that there is action that TAG Builders could take if the Board refuses to sign the Sewer Planning Modules. Mr. Layman was directed by the Board to arrange a meeting date after it is determined when Mr. Scipione will be available.

Jeffery Watkin, 1003 Ashley Road, asked what the detention basin at Ashley Road and Shiloh Road has to do with the school as he feels all the water is coming from Kilduff Circle and Shiloh Road. Dr. Stokes stated that grading has been done up to Plumly Road and this has eroded the hay fields causing additional water runoff. He also stated after a serious accident on Shiloh Road several years ago the stormwater was re-directed to a drainage ditch. The retention pond is really a sedimentation basin which is constructed to release the water slowly and let the sedimentation settle in the basin. Dr. Stokes said the Township is aware that the basin is not draining correctly. Mr. Layman advised Mr. Watkins that he and Mr. Capuzzi will be meeting with the school this week to address this issue.

Don Garaldi, 1002 Ashley Road, asked if he could have an update of the discussion with the school district after Mr. Layman's meeting. Mr. Layman advised Mr. Garaldi to contact him. Ms. De Wolf said an update could be put on the Township's web site. Mr. Garaldi asked if the Township has determined what the school district is allowed to do with the remaining acreage on the site. Ms. De Wolf said the Township is still reviewing this issue and looking at various possibilities. Mr. Layman said he has talked to the County about applying for funding through its open space program in which the County shares the cost of the purchase. The deadline for an application would be May 2005. He also stated that the Township is looking into placing a referendum before the voters for open space purchase. Mr. Garaldi asked if the entire remaining parcel would be purchased for open space. Mr. Layman said this would have to be discussed with the school district.

V. Old Business.

Ms. De Wolf stated that Westtown and East Goshen were still negotiating with Thornbury Township Chester County concerning police services for 2005. The Board discussed this prior to the meeting and Westtown is willing to make an offer to Thornbury of \$525,000 with a seat on the Police Commission. Ms. De Wolf asked for a motion to this effect.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to make an offer to Thornbury Township for police services in 2005 in the amount of \$525,000 with a seat on the Police Commission. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

VI. New Business.

A. Approval of Bus Shelter Agreement with Clear Channel and Approval of Membership Transportation Management Association ("TMACC").

Mr. Layman stated that agreement documents have been received from Clear Channel which includes the locations of the bus shelters. The documents have been reviewed by the Township Solicitor and can be approved this evening. Accepting the bus shelter agreement will give the Township a new source of revenue which will come from the advertising in the shelters. He stated that approval of membership in TMACC would be separate from the agreement with Clear Channel.

Mark Cassel from TMACC advised the Board that originally the shelters were to be located on Routes 202 and Route 3. As the bus route on Route 202 has been discontinued by SEPTA five shelters will be placed on Route 3. The shelters will be similar to the ones in West Goshen. Dr. Stokes asked what the cost and the revenue will be for the Township. Mr. Cassel responded that the membership for TMACC is totally separate from the agreement with Clear Channel for the Shelters. The shelters will be installed and maintained by Clear Channel with no cost to the Township. The Township will receive revenue from the advertising in the shelters. Under Township ordinance the location of the shelters is to be approved by the Township. Dr. Stokes asked if the Township has any control over the advertising in the shelters. Mr. Cassel stated that the Clear Channel advertisers censor themselves as they do not want their advertising pulled from the shelters. They try and meet community standards. If the advertising is offensive to the public Clear Channel will remove the ads.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve the Bus Shelter Agreement with Clear Channel, to approve the location of the shelters, and the right to censor the advertisements. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

Mr. Cassel asked that the Board consider becoming members of TMACC. He stated TMACC is a nonprofit organization that works on transportation issues with the private sector, PennDOT, and organizations such as the Delaware Valley Regional Planning Commission. West Chester Borough, East Goshen Township, West Goshen Township and West Whiteland are local communities that are members of TMACC. Ms. De Wolf asked if the \$1,000 annual fee is a graduated fee. Mr. Cassel responded that the fee is less for communities with a population under 10,000. Ms. De Wolf said the Township will consider this for next year's budget. She stated she is familiar with the organization and its work. Ms. Garvin from TMACC said the membership agreement would be the same as they have with other Townships. She also stated that they work with communities even if they are not members and that they helped Clear Channel with the location of the shelters in Westtown. Mr. Cassel asked if the Board had approved the location of the shelters and if they had approved the Consideration Agreement for revenue sharing with TMACC which was separate from the agreement with Clear Channel. Under the Consideration Agreement the Township will share 50% of the advertising revenue with TMACC.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve the location of the bus shelters as indicated in exhibits 8, 9,10,11,12 of the agreement with Clear Channel. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the shelter locations.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve the Consideration Agreement with TMACC for a 50% sharing of the advertising revenue. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Consideration Agreement.

B. Acceptance of Tract 2003-11 Preliminary Plan P. Donnelly & Associates.

Ms. De Wolf said Tract 2003-11 is a plan for construction of a two story office building at 1645 West Chester Pike.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to accept the preliminary plan for Tract 2003-11 P. Donnelly and Associates and forward the plan to the Planning Commission for its review. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors approved motion.

C. Adopt Resolution 2004-6 Phase II Oakbourne Park.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to adopt Resolution 2004-6 for a grant application submission for Oakbourne Park Phase II in the amount of \$334,400.00 with an alternative for a paver cross walk in the amount of \$3,500.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Resolution 2004-6.

D. Approval of Change Orders EL 2.01 & EL 3.01 for Westtown-East Goshen Police Station.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve change order EL 2.01 for an outdoor receptacle in the amount of \$552.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change order.

The Board of Supervisors tabled change order EL 3.01 for further review.

E. Approval of payment to Lechmanik Inc., in the Amount of \$35,857.00 for Phase I Improvements for Oakbourne Park.

Dr. Stokes made a motion, seconded by Ms. De Wolf, to approve payment to Lechmanik, Inc., in the amount of \$35,857.00 for Oakbourne Park Phase I. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

VII. Public Comment (all topics)

Ms. De Wolf stated for the record that there is a flooding issue in the basement of the Township building and directed Mr. Layman to hire a contractor to assist in resolving this issue.

VIII. Payment of Bills.

On the motion of Dr. Stokes, seconded by Ms. De Wolf the Supervisors approved payment of the bills as presented.

IX Adjournment.

On the motion of Dr. Stokes, seconded by Ms. De Wolf, the meeting was adjourned.

Respectfully Submitted
Robert Layman,
Township Manager

