

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE  
May 19, 2003 7:30PM

In attendance were Supervisors Chairman Victor J. Orlando, Robert A. Genzano and L. Charles Scipione; Township Manger Robert Layman; Township Solicitor Robert F. Adams; Township Engineer Angelo M. Capuzzi; Westtown-East Goshen Police Chief John M. Dumond; Township Parks Advisory Group Walter Pavelchek; Township Planning Commission Member Kevin Flynn. There were twelve guests in attendance.

**1. Call to Order.**

Chairman Victor J. Orlando led the Board of Supervisors, staff and guests in the Pledge of Allegiance and called the meeting to order.

**11. Approval of Minutes (May 5, 2003 Regular Meeting).**

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously approved the minutes of May 5, 2003 as corrected. (Section VI B: add "Hearing Officer")

**111. Recognition of West Chester University Students – Trail Project.**

Mr. Pavelchek, Parks Advisory Group, introduced P. J. Hernandez and Chris Faust to those present. He stated they are part of a group of students from West Chester University who mapped the proposed Township trail system. Mr. Pavelchek said the students have prepared a plan that shows three alternate trail routes. He thanked the students for their time and effort in preparing the proposed trail maps. He also stated that the original trail report is available at the Township office. Mr. Scipione asked for details of the three proposed trails. Mr. Pavelchek said the report covers the results of the study but the complete details have not been done at this time. He also stated that the Township is still planning to continue the trail through the high school tract. Mr. Genzano asked the feasibility of the trail based on the students' findings. Mr. Pavelchek said depending on technical details and cost of installation anyone of the three trails could be constructed. Mr. Hernandez stated that the mapping of the third trail plan would be the most feasible. Mr. Genzano stated that Mark Groves of the school district is working with SEPTA to acquire an easement for the trail and that Mr. Pavelchek might want to be included in those discussions.

Mr. Orlando, on behalf of the Board of Supervisors thanked the students for their work on the trial project. He also thanked Mr. Pavelchek for coordinating the work with the students.

**1V. Departmental Reports.**

**A. Township Solicitor – Robert F. Adams.**

**1. Action on 2003-3 Jaguar Landrover – Road Improvements – Construction Agreement.**

Mr. Adams stated that he has reviewed the Road Improvements Construction Agreement and finds it acceptable for the Board's adoption this evening. He also stated that the required Letter of Credit has been received from Wilmington Trust.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the Road Improvements Construction Agreement for the 2003-3 Jaguar

Landrover land development plan. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the 2003-3 Jaguar Landrover – Road Improvements Construction Agreement.

**2. Approval of the Conditional Use Order for the WCASD Bayard Rustin High School.**

Mr. Adams reviewed the Conditional Use Order for steep slope relief. He stated the Order is conditioned on Chester Valley Engineers letter of March 24, 2003. Mr. Genzano stated he would like CVE's letter to be part of the Order. Mr. Adams responded that this is not necessary. Mr. Genzano said that he has not seen any cross sections defining the slopes. Mr. Adams stated that the cross sections of the steep slope areas to be disturbed will be shown in the land development plan. He also stated that most of the areas to be disturbed are not precautionary slopes. Mr. Capuzzi stated that the Order is included in the comments in the land development plan.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the Conditional Use Order for the WCASD Bayard Rustin High School. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Order.

**B. Township Engineer – Angelo M. Capuzzi.**

**1. Award of Carroll Brown Way Drainage Improvements Bid to Rittenbaugh Inc., in the Amount of \$43,685.00.**

Mr. Capuzzi stated that six bids were submitted for the project ranging from \$43,000 to \$98,000. He recommended that the bid be awarded to Rittenbaugh Inc, the lowest responsible bidder. He stated that the contractor has to be pre-qualified by PennDOT and Rittenbaugh had failed to include this information with its bid. He stated that this has been addressed and they are pre-qualified.

Mr. Orlando asked if the cost was in line with Mr. Capuzzi's estimate for the project. Mr. Capuzzi responded that it was. He also stated that they had listed Mr. Layman as a reference for work they did in North Coventry. He stated that they have a history of projects with other municipalities.

Mr. Layman stated he feels they are capable of doing the job as long as the project is inspected on a regular basis.

Mr. Scipione made a motion, seconded by Mr. Genzano, to award the Carroll Brown Way Drainage Improvements to Rittenbaugh, Inc., in the amount of \$43,685.00. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously awarded the Carroll Brown Way Drainage Improvements to Rittenbaugh Inc.

**2. Action on Kindercare Final Escrow Release in The Amount of \$81,569.96.**

Mr. Capuzzi stated that the Township has been holding the Kindercare escrow for two years as the final 'as built plans' for the project had never been received. He stated that he had recently received and reviewed the plans and everything is in order for release of the final escrow funds.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the final escrow release for Kindercare in the amount of \$81,569.96. Mr. Orlando asked for public comment at this time.

Mr. Capuzzi stated that the infrastructure of the Jefferson Center will be modified when the bank is constructed. Mr. Verdiani asked about the proposed road to be built around Kindercare. Mr. Capuzzi stated that Mr. McCawley is required to construct a paved access road around the entire perimeter of Kindercare during construction of the bank/office project. He also stated that the Kindercare trash enclosure will be moved to a site near the proposed bank building.

The Board of Supervisors unanimously approved the final escrow release for Kindercare.

**C. Westtown-East Goshen Police Chief John M. Dumond.**

Chief Dumond reviewed the April Police Report with the Board of Supervisors. He stated there was an armed robbery at the Blockbuster in Thornbury on April 21<sup>st</sup>. He said Officer Balchunis responded to the call and two suspects were arrested. Chief Dumond also commended Officer Pete Keegan for administering CPR to an 82 year old woman. He stated that the AED presented to the Department by the Westtown-Goshen Rotary has been very helpful in these situations.

Mr. Scipione asked Chief Dumond about the recent DUI check held in East Goshen. Chief reported that they had four arrests. Mr. Orlando said he feels the speed board is helping to decrease the amount of speeding tickets issued in the Township.

**D. Parks Advisory Group – Walter Pavelchek.**

Mr. Pavelchek reported on the May 13<sup>th</sup> Parks Advisory Group meeting. He stated that Shirley O'Leary, architect from Lynch Associates, reviewed the proposed renovation plan for the Smith Mansion. Mr. Pavelchek said the major changes will be a new entrance on the north side with a basement to second floor elevator that will allow for handicap access. There will also be two new unisex sanitary facilities off the Dunning Room, a new internal stairway, a new caterers entrance, and a new basement entrance. He also stated that the third floor will be sealed off. Mr. Pavelchek reported that it appears the bids for the HVAC and electrical work will be ready in September. The work should take approximately three months.

Mr. Pavelchek said Justin Wright, Eagle Scout, attended the meeting to present a project for erection of Blue Bird boxes and five trail side benches in Oakbourne II (Cope Tract). The Parks Advisory Group is favorably to his proposal and suggested he consult with David Woodward about the project. He will present a more detailed plan at the June meeting.

Mr. Pavelchek announced that our October grant submission to DCNR has been denied.

Mr. Orlando asked about labeling of trees in Oakbourne Park and the spraying of the evasive species. Mr. Pavelchek said there is a proposal from the forester to label the trees in the arboretum area around the Mansion. Friends of Oakbourne have expressed an interest in being involved with the labeling. He also stated that the evasive weeds were sprayed last year and will be sprayed again this spring. Mr. Orlando asked about the replacement of the playground equipment in Larchbourne Park. Mr. Pavelchek said David Woodward has inspected the equipment and reported that it does not meet safety standards, is unsafe and should be removed. Mr. Adams advised the Board of Supervisors that they

should entertain a motion to remove the equipment immediately. Mr. Scipione asked if there is a written document concerning the condition of the equipment. Mr. Pavelchek responded that there is a report from David Woodward.

Mr. Genzano made a motion, seconded by Mr. Scipione to remove the unsafe playground equipment from Larchbourne Park. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved removal of the equipment. The Board directed Mr. Layman to write a letter to the residents in the area of the park explaining why the equipment was being removed.

Mr. Genzano asked if the Mansion is being upgraded so that it can be rented to corporations for meetings and seminars. Mr. Orlando said the purpose of the renovations is to make the Mansion more functional for this type of activity. The Mansion will be wired for audio, visual and internet access. Mr. Scipione said he has been meeting monthly with the architects and Mr. Gross was to keep the Parks Advisory Group informed on the progress of the renovation plans. He stated that renovations to the second floor have been removed from the plan because of budget considerations. Mr. Genzano asked the need for an elevator since the second floor will not be used. Mr. Scipione explained the elevator meets ADA requirements as it can be driven up to and a handicapped person can enter from street level. The elevator will not be used in case of fire, only the stairs will be used. The elevator will serve to discharge a handicapped person or anyone else at any level that is opened to access.

**E. Planning Commission – Kevin Flynn.**

Mr. Flynn reported on the May 7<sup>th</sup> Planning Commission Meeting. He stated that the Commission reviewed the Westminster Church proposed plan for additional parking for the Church. He stated the Commission has some concerns about the addition of a second driveway access onto West Pleasant Grove Road. Mr. Flynn said the Commission also had its first review of the preliminary/final plan for the Bayard Rustin High School. He stated that there are issues concerning the impact of traffic on surrounding intersections. Mr. Flynn advised the Board that a group of residents from Dunning Drive were in attendance at the meeting to present their concerns on the reconfiguration of Dunning Drive which makes Dunning Drive part of the school campus. There were also concerns about the soccer fields on the south east corner of Shiloh Road being separate from the school tract by Shiloh Road.

Mr. Flynn stated the agenda for this week's Planning Commission will be a review of the McCool small lot subdivision and a continued review of WCASD's plan.

**V. Public Comment (Non-Agenda Items)**

Mrs. Maria Lain, 1540 Johnny's Way, thanked the Board of Supervisors for lowering the speed on Johnny's Way and closing Oak Lane which has created less traffic on Johnny's way. She asked the Board of Supervisors for an update on the Act 537 plan. Mr. Orlando said the Township is still waiting for approval from DEP who had the plan since June 2002. He stated that there has been a change in personnel at DEP and he feels this is the reason for the slow approval process. Mr. Layman stated that a meeting is being held with URS, Township consultant, and DEP on Wednesday June 4<sup>th</sup> to try and move the project forward. Mr. Orlando stated that West Chester University is in the process of compiling the results of the recent sewer survey. He said he has directed Mr. Layman and URS to expedite this issue. Mrs. Lain asked if a complete analysis of septic systems would be done. Mr. Orlando stated the systems to be tested will be by random selection. Mrs. Lain asked if there is a time frame. Mr. Orlando responded that the Township would be hard pressed to start anything substantial this year but expects to move forward in 2004.

Mr. Genzano said that the Board has made this its highest priority as the Township needs to generate revenue from the available capacity. He stated that the results will be presented at a public meeting and a decision made as to the time frame for each of the six sectors. Mr. Orlando advised Mrs. Lain that there are sewer lines to the east of her property and her area would probably be gravity fed. He also stated that in order to keep the cost down large sections will be done at one time. Mrs. Lain said she just wants the Board aware that this issue is on everyone's mind.

Mr. Robert McGreevy, 1133 Kolbe Lane, said he has recently moved back to the area and commends the Township for its history, culture, technology and responsible growth. Mr. McGreevy stated that he feels the island at the entrance to Kolbe Lane is an obstruction for emergency vehicles entering the development and feels it should be removed. He also asked what is the contractual responsibility for the developer to pave Kolbe Lane. Mr. McGreevy also asked that the bushes on the south west corner be trimmed as they are blocking site visibility when exiting Kolbe Lane.

Mr. Orlando asked that the Roadmaster be directed to assess the site visibility concern. Mr. Capuzzi said he would be meeting with Mr. Kravitz and Mr. DiNunzio tomorrow to review the road improvements. He stated that there is not much of the original paving that can be salvaged and that Mr. Kravitz will also have to complete the curb work. He also stated he will be setting a time frame for completion of the work. Mr. Capuzzi said the remaining money in the escrow account is for the wearing course and Mr. Kravitz will have to provide the funding for the remedial work. Mr. Genzano asked if the base road was done. Mr. Capuzzi said in order to complete the road improvements two inches of blacktop will have to be removed, new stones installed if necessary, new binder course and a new wearing course would need to be done. Mr. Capuzzi said the island could come out when the road work is done. He stated he would like the work done by September.

Mr. Dean Orsini, 1518 Manley Road, President Westtown Mews Condominium Association, stated that for the past five years he has been dealing with the situation of BFI and Waste Management picking up trash at the Market Place Shopping Center between 2:00Am and 5:00Am. He feels this is a violation of the non-criminal noise ordinance and would like more police assistance in this matter. Chief Dumond said he would meet with Mr. Orsini concerning this issue.

Mr. Orsini asked Mr. Capuzzi about the widening of Manley Road at the curve between Westtown Mews and the gas station. Mr. Capuzzi said he had prepared a sketch plan for this work which he had given to Mr. Cotter. He stated that Mr. Cotter had not proceeded with the plan at that time as Mr. Brandolini, Mr. Reich, and Westtown Mews were in discussions concerning the expansion of the shopping center. Mr. Orlando asked Mr. Layman to direct the Roadmaster to review this situation.

**V1. Old Business.**

**A. Award of Snow/Ice Control Bid.**

Mr. Layman stated that Derryl Mills and John Schorn were the only two bidders for the snow removal contract. He stated that Mr. Gross had reviewed the bids and that Mr. Schorn had lowered his price. He also stated that both bids are for three years and Mr. Mills will be doing two sectors of the Township and Mr. Schorn will be doing three sectors.

Mr. Scipione made a motion, seconded by Mr. Genzano, to award the Snow/Ice Control Bid for three years to Derryl Mills Excavating and John Schorn Companies. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved award of the Snow/Ice Control Bid.

**VI1. New Business.**

**A. Acceptance of Final Plan 2003-2 Qualls Land Development Plan.**

Mr. Layman stated the plan is for an additional office building to be constructed at the Kirkwood Fitness Center, 1632 West Chester Pike. He stated that Mr. Qualls has received Conditional Use from the Board of this project.

Mr. Scipione made a motion, seconded by Mr. Genzano, to accept tract 2003-2 the Qualls Final Land Development Plan. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously accepted the Qualls Final Land Development plan and passed the plan to the Planning Commission for review.

**B. Chester County – Acquisition Grant – Extension.**

Mr. Layman said as Mr. Pavelchek had West Chester University prepare additional plans for trail expansion he has asked the County if they would be willing to extend the time for our grant application which has just expired. He advised the Board that the County will extend the grant until November 16, 2003. He also stated that the Township might not need the grant but the funding would be available if necessary.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve extension of the Chester County Land Acquisition Grant. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the grant extension.

**C. EIT Tax Consulting Services.**

Mr. Layman advised the Board of Supervisors that all the Townships in the West Chester Area School District have discussed the possibility of preparing an RFP and contracting with a different person to collect the earned income tax as there are some concerns with Berkheimer's collections. He stated that Westtown's share of the cost for hiring the firm of RSM McGladrey to do the RFP will be \$3,000. The Supervisors said that they would participate if the West Chester Area School District and all the municipalities in the District were participating.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve the EIT Tax Consulting Services conditioned on participation by the West Chester Area School District and all municipalities in the District. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the EIT Tax Consulting Services.

**VIII. Public Comment (All Topics)**

Mr. Pavelchek discussed with the Board of Supervisors that the proposed plan for the new high school that shows a fence with a locked gate on the west side of the tract. He stated this would not allow the Township trail to continue through the school property as planned. He asked if the fence installation was part of the Intergovernmental Agreement. Mr. Capuzzi stated that is not part of the agreement but part of the Special Exception. The trail is to run on the west side of the SEPTA tracks and the School District is in contact with SEPTA about this. Mr. Flynn said he feels the reason for the locked gate is the District does not want the public to have access to the campus for security reasons. Mr. Capuzzi suggested that the trail could be linked from the railroad to Shiloh Road through the easement for the force main. Mr. Genzano said the Township should make sure the School District knows that we want to continue the trail link to the east side of the property. He also stated that the Township is committed to the trail expansion.

Mr. Flynn stated he feels there are issues concerning Thornbury Township Chester County with the new high school which appear to be overlooked. He

asked where Thornbury stands with the School District. Mr. Genzano said Thornbury is working with the District independently of Westtown. Mr. Adams said he is aware that residents from Thornbury will be attending this week's Planning Commission Meeting. Mr. Flynn said he feels that representatives from Thornbury or its solicitor should be formally invited to our Planning Commission meetings to address these issues. Mr. Layman was directed to send a letter to ask them if they would like to attend.

**X1. Payment of Bills.**

Mr. Orlando stated that he did not receive a bill list and asked that payment be deferred. The Board deferred payment of all bills with the exception of PSWCO and URDC.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve payment to PSWCO and URDC. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the two payments

**X. Adjournment:**

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

Respectfully Submitted

Robert Layman  
Township Manager