

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE
June 2, 2003 7:30PM

In attendance were Supervisors Chairman Victor J. Orlando, Robert A. Genzano and L. Charles Scipione; Township Manager Robert Layman; Township Building Inspector Gerald R. DiNunzio; Township Roadmaster Mark S. Gross; and Planning Commission Chairman Don L. Verdiani. There were 16 guests in attendance.

I. 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.

II. Approval of Minutes (May 19, 2003 Regular Meeting).

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously approved the minutes of May 19, 2003 as corrected. (Section IV B: paragraph two change to "Mr. Capuzzi responded" ; D: paragraph six delete the last sentence and change to read "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; Section V paragraph one change to "Wednesday"; paragraph six delete "about"; Section VI A: paragraph one change to read " Mr. Schorn will be doing three sectors").

III. Departmental Reports.

A. Township Building Inspector – Gerald R. DiNunzio.

Mr. DiNunzio reviewed the May Building Report with the Board of Supervisors. He reported that Phase 3 and Phase 4 of Green Lane Village have been completed. He stated that final paving will not be completed until excess soil is removed from Phase 3. Mr. DiNunzio said he and Mr. Capuzzi met with Mr. Kravitz concerning completing the improvements in Enclave. He felt the meeting went well as he has already heard from the contractor who will be doing the curb work on Kolbe Lane. Mr. Scipione stated that he hopes that Mr. Kravitz is serious about completing the necessary work. Mr. DiNunzio responded that Mr. Kravitz wants to use the remaining two lots as collateral for a bank loan and the bank will not grant the loan until the necessary improvements are completed. Mr. Genzano asked that Mr. DiNunzio send a letter to Mr. Kravitz with a definite time table for when the improvements were to be completed.

Mr. DiNunzio stated that he will be issuing a Certificate of Occupancy for Mr. Shields for Westtown Associates which will leave only a quarter of the office building unoccupied. Mr. Scipione asked if a Certificate of Occupancy is issued for each individual tenant in the building. Mr. DiNunzio responded yes and the tenants must also have a certificate from the State License and Inspection Bureau. He also stated that Mr. Capuzzi is reviewing the plans for the retaining wall at the Jaguar Dealership and once they are approved he will issue the building permit.

B. Township Roadmaster – Mark S. Gross.

Mr. Gross reported that the Road Department has been working on Shiloh Road between Hunt Drive and Little Shiloh to address some of the safety issues on the Road. He stated that the stop sign at Little Shiloh Road and Shiloh Road has been moved and the vegetation cut back at the intersection. He said a "Stop Sign Ahead" sign was also installed and areas of erosion on the side of the road have been filled. Mr. Gross said and I & I has been done on the storm water

pipes in the area where sink holes are forming. It has been determined that there are cracks in the pipes and when they are repaired the sink holes will be addressed.

Mr. Gross said the pointing and painting at the Mansion should be completed this month and the Chimney completed by Thursday. He also stated that the paving at the Westtown-Chester Creek plant was completed last week but restoration of the equipment storage area needs to be addressed. Mr. Scipione asked Mr. Gross if it has been determined what caused the overflow at the plant as DEP is fining the Township for this spillage. Mr. Gross said this happened during the plant construction before both tanks were on line. He stated that a temporary air plug in the line had failed. He said this has been addressed and alarms are now in place. Mr. Scipione asked how often the alarms are checked. Mr. Gross responded they are checked once a week. Mr. Scipione asked if Chris Culbertson, Township Utility Operator, writes a report on the plant operation. Mr. Gross stated that Mr. Culbertson keeps a daily maintenance log not only for the treatment plant but all the Township pump stations. Mr. Scipione asked that Mr. Culbertson be reminded of the Board's concerns on the operation of the Plant. Mr. Gross stated that the overflow was a separate issue during construction and did not stem from the operation of the plant.

Mr. Orlando asked Mr. Gross to address the erosion on Manley Road near Westtown Mews and suggested building up the shoulder. He also asked that the storm drain outlets on Leslie Lane between Diane Drive and Pennsbury Drive be cleaned.

Mr. Gross asked the Board of Supervisors for authorization to advertise the annual Township Line Painting bid.

Mr. Scipione made a motion, seconded by Mr. Genzano, authorizing advertising of the Township Line Painting bid. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertising of the bid.

C. Planning Commission – Don L. Verdiani.

Mr. Verdiani reviewed the May 22, 2003 Planning Commission meeting with the Board of Supervisors. He stated the Commission continued review of the WCASD plan for the new high school. Mr. Verdiani stated the principal issue with the plan appears to be the realignment of Shiloh Road. He stated that the residents of Dunning Drive are concerned that the extension of Dunning Drive to Shiloh Road makes their neighborhood a part of the school complex. The Dunning Drive residents also feel that the proposed fields on the south east corner will create a parking problem on their road. Mr. Verdiani stated that residents of Westtown-Thornton Road in Thornbury were also in attendance and expressed their dissatisfaction with the realignment. He stated that the Thornbury residents would like the School District to consider the proposed realignment of Shiloh Road that was presented in the Westrum plan. Mr. Verdiani said the Planning Commission has concerns with the fields being separated from the main campus by Shiloh Road, which is a safety issue, and also the possible lighting of the field. He also stated that the residents of Barnview Lane would like the site of the school building moved. He stated that Mr. Snook addressed this issue when he presented the landscaping plan and that where the school is sited is the best location. He said other issues are the proposed gates for the loop road around the school and the cyclone fence proposed for the west side of the property.

Mr. Verdiani said concerns for improvements to Shiloh Road north of Ashley were discussed. He stated that agreements were being finalized with Westrum who had agreed to do improvements to the vertical curves in this area. He said the Zoning Hearing Board Order and Agreement with the WCASD only requires the

District to do certain road improvements and does not include this section of Shiloh Road. He said the District does not feel this is their problem even though it has been pointed out to them that six hundred students driving to school have made the road concerns worse. Mr. Verdiani said he hopes there will be a discussion and resolution to this issue. Mr. Verdiani said the Commission is continuing with its subdivision and land development review of the plan and they feel the realignment of Shiloh Road as proposed by the traffic engineers is the best solution. There are some concerns with the proposed fields being used by the various soccer leagues in the summer and the proposed Township trail location.

Mr. Genzano commended the Planning Commission on the excellent job they are doing with the plan review. He stated he feels they are not ignoring the issues even though there is an Agreement in place. He said he feels the Township is acting under the assumption that WCASD will be flexible with suggested changes if they are in the best interest of the students and cost effective. He also stated that there might be things that the Township staff overlooked in their review and should now be addressed if they are in the best interest of the Township and School District. Mr. Verdiani said he appreciates the fact the School District is willing to listen to the Planning Commission even though there is an Agreement and there may be some things that could be done to make for an even better plan. Mr. Genzano said he is optimistic that the School District will be sensitive to the Township's needs. Mr. Verdiani said the Thornbury residents have engaged someone to represent them and are also working with their Supervisors. The Thornbury residents feel that Westtown is making all the decisions and he feels maybe the residents should talk to our Board. Mr. Orlando said PennDOT has been working very closely with the School District and the realignment is PennDOT's decision not Westtown's.

Mr. Verdiani advised the Board of Supervisors that the Township must institute an ordinance to comply with ACT 167 which was adopted last June and approved by DEP in March. He stated the Ordinance must be adopted by November 28, 2003. The Township can either adopt the ordinance to pertain to the Chester Creek Water Shed only or adopt it for the whole Township with a provision pertaining to the treatment of the Chester Creek Water Shed area.

Mrs. Carol Leszczynski, 919 Shady Grove Way, said it is her understanding that Crebilly Farm is for sale. She feels this would be a much better location than Shiloh Road and Route 926 for the new high school and what can the Township do about this. Mr. Orlando responded that the Township presented their case to the School District as to why the Jones Tract was not the best location for the new high school but were limited in what they could do. Mr. Orlando said our duty now is to look after the safety of anyone who will be using Shiloh Road. Mr. Genzano said he feels the District mismanaged acquiring a site for the new high school as the growth in the District is in West Whiteland and East Bradford. He advised Mrs. Leszczynski to direct her comments to the School Board. Mrs. Leszczynski asked if the improvements to the 'Singing Bridge" could be postponed until the Westtown Road bridge was repaired. Mr. Genzano responded that Westtown Road and Route 926 is a very dangerous intersection and the bridge improvements need to be done now. He stated that a traffic signal would be installed when the work on the bridge is done. Mrs. Leszczynski asked when the Board of Supervisors would be addressing the traffic and speeding problems on Shady Grove Road that she has previously brought to their attention. Mr. Orlando said that speed checks are being done. Mr. Genzano said the Board is trying to resolve this issue.

Mr. Pavelchek, 1050 S. New Street, Parks Advisory Group, reviewed the Township trail system with the Board of Supervisors. He stated that the School District had originally indicated that the trail would be on School property but now they are saying they do not want the public on School property. They are to have a fence on the West Side of the property which places the trail along the railroad

tracks. He stated the District is negotiating with SEPTA for a trail easement in its right-of way. Mr. Genzano stated he feels the school is public property and the trail should be allowed. Mr. Scipione said there are legal and security considerations concerning the trail that the District must address. Mr. Pavelchek said he is working with the Planning Commission and Mark Groves from the School District on the trail issue.

1V. Public Comment (Non Agenda Items).

Mrs. Eva Foster, 734 Westbourne Road, stated her concerns that S. Concord Road in Thornbury Township has been closed again. She said it was her understanding from Chief Dumond that legally the road cannot be closed. Mr. Orlando said Thornbury apparently has installed the proper signage designating certain hours that the road is one way. He stated the Westtown-East Goshen Police Department is contracted for service by Thornbury therefore they have to enforce the closing. Mr. Scipione said S. Concord Road is the jurisdiction of Thornbury Township as it is not a State Road and Westtown cannot control what Thornbury does.

Mrs. Foster mentioned when she heard that Crebilly was no longer in the Agriculture Security District she had approached a School Board member about changing the location of the high school. The answer from the District was that they would not consider a change because of the amount already spent in engineering fees.

V. Old Business.

A. Oakbourne Mansion Commonwealth Funding.

Mr. Layman stated that the Township has received \$20,000 for renovations to the Oakbourne Mansion from the Pennsylvania Department of Community and Economic Development's Community Revitalization Program. He advised the Board of Supervisors that the contract they are approving is the standard contract used by the State for funding projects. Mr. Orlando said the funding would be used toward the recent pointing and painting of the Oakbourne Mansion.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve the contract with the Pennsylvania Department of Community and Economic Development for \$20,000 in funding. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the contract.

B. Resolution 2003 - 9 Emergency Operations Plan Update.

Mr. Verdiani advised the Board of Supervisors that the State is requiring changes to the Township's Emergency Operation Plan. The standard operating procedures are being revised to create three new documents. He stated the first document for approval is the revised Standard Operating Plan and must be adopted by June 20th. Mr. Verdiani said the plan has been revised by removing the notification section and resource manual. The Standard Operating Plan is now just an overview of how the Township would respond in an emergency and will remain a public document. Mr. Scipione asked if Mr. Verdiani recommends the plan be adopted. Mr. Verdiani advised Mr. Scipione that the whole Emergency Management Team has reviewed the document over the past two months and it is ready for adoption this evening. Mr. Orlando said with the threat of terrorism it is understandable why the details would be kept private. Mr. Genzano asked where the notification list and resource manuals would be kept once they are adopted. Mr. Verdiani stated that each member of the team, which the Supervisors are a part of, would have a copy of all three documents.

Mr. Genzano made a motion, seconded by Mr. Scipione, to adopt Resolution 2003-9 Emergency Operations Plan Update. Mr. Orlando asked for public

comment. There was no public comment at this time. The Board of Supervisors unanimously adopted Resolution 2003-9.

C. Preliminary/Final Plan Approval Tract 2003-3 McCool.

Mr. Layman advised the Board of Supervisors that plan approval is subject to the conditions outlined in the Township Engineer's letter of May 12th. The conditions are as follows; a permit from the Chester County Health Department for the proposed septic system for lot two; and an agreement for the responsibility of the common driveway prepared to the satisfaction of the Township Solicitor.

Mr. McCool, who was in attendance, stated that he feels he has met all the conditions in Mr. Capuzzi's letter. He stated that Mrs. Adler has received verbal approval from Mr. Fazio of the Chester County Health Department concerning the sewer planning module. He also stated that the declaration of easement and maintenance agreement for the common driveway has been submitted to Mr. Adams for his review.

Mr. Genzano made a motion, seconded by Mr. Scipione, to grant preliminary/final plan approval for tract 2003-3 McCool subject to the conditions in CVE's letter of May 12th. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Tract 2003-3 McCool as conditioned.

D. Final Plan Approval for Tract 2001-5 Jefferson Center Bank.

Mr. Layman advised the Board of Supervisors that Mr. McCawley was present this evening seeking approval of a financial subdivision for the Jefferson Center Bank and Office building. He stated granting approval would separate the bank from the office portion of the property. He also stated that Mr. Capuzzi has conditioned issuance of the building permit on his approval of the retaining wall plans and the stormwater recharge system. Mr. Layman said the Board of Supervisors wants verification that the office building when constructed would not be used as a medical building because of the inadequate parking. Mr. McCawley said the revised plans, note 24, states that the plan is for general office only. Mr. Genzano asked if this means someone who purchased the office property could not build a medical facility because of the parking requirements. Mr. Orlando said note 24 on the plan references a 40,000 square foot building. If someone wanted to construct a 20,000 square foot building the parking requirement would change. Mr. Genzano asked if the lighting meets the Township's current lighting standards. Mr. Orlando said the plan was submitted and reviewed under the old lighting ordinance. The new lighting ordinance does not affect this plan.

After some discussion Mr. Genzano said he has reservations approving the plan based on Mr. Capuzzi's handwritten memo of May 29th, 2003. He stated that the memo is not signed and he is unable to determine if Mr. Capuzzi's comments are based on the review of Pennoni Associates letter of May 20, 2003 and Mr. Adams letter of May 22, 2003. Mr. Layman advised the Board that they could delay approval until their June 16, 2003 regular meeting or grant approval conditioned on a letter from Mr. Capuzzi stating that all the conditions for approval have been addressed.

Mr. Genzano made a motion, seconded by Mr. Scipione, to grant final plan approval to tract 2001-5 Jefferson Center Bank conditioned upon the seven conditions of approval in CVE's memo of May 29, 2003 and also conditioned upon verification from Mr. Capuzzi that Pennoni Associates letter of May 20, 2003 and Mr. Adams letter of May 22, 2003 are incorporated in his comments. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously granted final plan approval for Tract 2001-5 Jefferson Center Bank as conditioned.

VI. New Business.

A. Payment Application #13 D. J. Adams Westtown-Chester Creek.

Mr. Layman stated this request is in the amount of \$1,701.90 for completion of the "as built drawings" and the E-11 change order for work on the scrubbers. He stated all work by D. J. Adams has been completed and the Township is holding a retainage of 10% of the final contract price.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve payment application #13 for D. J. Adams in the amount of \$1,701.90. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the payment to D. J. Adams.

B. Acceptance Tract 2003-2 Liberty Square Bowers Land Development Plan.

Mr. Layman reviewed the plan submission. He stated that the Order for the Conditional Use Hearing on April 30, 2003 has not been rendered as Mr. Adams was keeping the record opened until the end of May. Mr. Orlando said the record was being held open for additional comments from the Wild Goose Home Owners Association's attorney. Mr. Orlando said he feels the Board of Supervisors could accept the plan to start the "clock" conditioned on the Conditional Use Opinion. Mr. Genzano, who was not in attendance at the Hearing, asked if there were any conditions stipulated at that time. Mr. Orlando said Mr. Capuzzi is requiring stormwater discharge calculations based on a ten year storm. Mr. Orlando asked Mr. Bowers to explain the drainage situation with Wild Goose Farms.

Mr. Bowers said there was an ongoing runoff from his property onto Wild Goose Farms. He stated that the system originally designed for Wild Goose was a French drain that drained into Goose Creek. He said Dwight Wagner asked him for permission to dig a drain on his property with a surface opening and berm that would capture the water which would be sent to a pipe which would bypass the French drain. Mr. Bowers stated that for allowing Mr. Wagner to do this on this property Mr. Wagner granted him an easement for future use for discharging of water from any basin on his property directly into the underground system. Mr. Bowers said the homeowners are under the misconception that the water is being discharged in the Wild Goose basins.

Mr. Genzano made a motion, seconded by Mr. Scipione, to accept the Tract 2003-3 Liberty Square as preliminary and pass the plan to the Planning Commission for their review. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously accepted Tract 2003-2 Liberty Square.

VII. Public Comment (All Topics)

There was no public comment at this time.

VIII. Payment of Bills.

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

IX. Adjournment:

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

Respectfully Submitted

Robert Layman
Township Manager