

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE  
June 16, 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 Sergeant William Cahill, Township Parks Advisory Group Chairman Walter Pavelchek; Township Planning Commission Member Kevin Flynn. There were fourteen 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 27, Westtown-East Goshen Joint Meeting and June 2, 2003 Regular Meeting.**

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously approved the Westtown-East Goshen May 27, 2003 joint meeting (no corrections) and the Board of Supervisors June 2, 2003 regular meeting as corrected. (Section III.C page three paragraph four should read "he feels"; Section IV Public Comment paragraph one should read "the road is one way").

Mr. Genzano asked for an explanation of the comment in the May 27<sup>th</sup> minutes that the police had signed off on the design of the building. Mr. Scipione advised Mr. Genzano that Chief Dumond and Sergeant Cahill, who are members of the Committee meeting with the architect, have given their approval of the design in order for the project to move forward.

**111. Departmental Reports.**

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

**1. Execution of the Bowers Conditional Use Order.**

Mr. Adams reviewed the Order with the Board of Supervisors for the Conditional Use Hearing held on April 30, 2003. He stated that the Decision and Order is for approval of twenty townhouses to be constructed in the Township's Multi-Use District conditioned on the Chester Valley Engineer's Letter of May 5, 2003. He also stated that the record was held open for thirty days for additional comments from the lawyer for the Wild Goose Homeowners Association and Township Engineer. Mr. Adams said there had been a question concerning Mr. Bowers stormwater rights in the Wild Goose Development and that it was not demonstrated by the lawyer for the homeowners association that these rights had not been granted.

Mr. Genzano stated that he would refrain from voting as he was not in attendance at the hearing.

Mr. Orlando made a motion, seconded by Mr. Scipione, to approve execution of the Bowers Conditional Use Order. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors approved the Bower Conditional Use Order.

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

**1. Execution of Agreement – Chester County Seal Coat and Paving Johnny's Way.**

Mr. Capuzzi stated that a pre-construction meeting was held with the contractor and, weather permitting, the work should be completed by July 4, 2003.

Mr. Genzano made a motion seconded by Mr. Scipione, to approve execution of the Agreement with Chester County Seal Coat and Paving for Johnny's Way in the amount of \$95,905.00. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved execution of the Agreement.

**2. Execution of Agreement – Rittenbaugh – Carroll Brown Way Drainage Project.**

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve execution of the Agreement with Rittenbaugh for the Carroll Brown Way drainage project 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 approved execution of the Agreement.

**C. Westtown-East Goshen Police Sergeant William Cahill.**

Sergeant William Cahill reviewed the May Police Report with the Board of Supervisors. He advised the Board of Supervisors that there had been an accident on June 5<sup>th</sup> at the intersection of Sage Road and Oakbourne Road which unfortunately resulted in a fatality. He also reported that a showing of stolen property from recent robberies was held at the Goshen Fire Company. He stated that arrests had been made in Philadelphia of suspects in the robberies. Sergeant Cahill explained a 28' UHaul was needed to bring back the stolen items which were found at the time of the arrests in Philadelphia. As digital photos were taken of all the items the District Attorney allowed the items to be returned.

Sergeant Cahill advised those present that the Residents Police Academy would be held starting in September on Wednesday evenings at the East Goshen Township Building. Anyone interested should contact the Police Office at 610-692-9600.

Mr. Genzano asked if the police patrol of the change in traffic pattern on S. Concord Road in Thornbury was being done separate from Thornbury's contract with the Department. Sergeant Cahill responded that it is not part of the Agreement and that Thornbury is hiring off duty police officers for this service.

**D. Planning Commission – Kevin Flynn.**

Mr. Flynn reported on the June 4, 2003 Planning Commission meeting. He stated that the Commission is recommending approval of the West Chester Area School District plan for the Bayard Rustin High School with seven conditions. Mr. Flynn stated that the Commission is asking that the Board of Supervisors revisit the following concerns; The realignment of Shiloh Road, reconsider moving the soccer fields on the south east corner of Shiloh Road to the main campus, address the Dunning Drive residents concerns with Dunning Drive becoming part of the main campus, the concerns of the Westtown-Thornton Road residents on the realignment of Shiloh Road, revisit the buffering of the Township trail on the north and west sides of the school tract, and address the traffic concerns on Shiloh Road north of Ashley Road and traffic concerns on roads in the immediate area.

Mr. Orlando advised those present that the School District will be attending the July 7, 2003 Board meeting to ask for plan approval. He stated the Township will

not know if any changes have been made to the plan until that meeting. Mr. Adams advised the Board that he was in attendance at the Planning Commission meeting and stated that the Commission recommended approval of the plan as submitted by the District and the Commission is requesting that the Board review the issues presented by Mr. Flynn. Mr. Adams stated that the Commission has not taken any position on those issues.

Mr. Flynn stated that the Planning Commission, at the June 18<sup>th</sup> meeting, would be reviewing the revised Joyce Realty Plan, Sts. Simon and Jude's plan for expansion of the Church, and continue to review the revisions to the Zoning Ordinance.

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

Mr. Pavelchek reported on the June 10<sup>th</sup> meeting of the Parks Advisory Group ("Group"). He stated that the architect for the Smith Mansion renovations expects to have the bid package, which includes all HVAC and electric work, ready by September. Mr. Pavelchek said the Group also approved the interior color scheme for the inside of the Mansion. He stated that the Group's material preference for the area at the new entrance would be brick not asphalt.

Mr. Pavelchek stated that PennDOT has issued a highway occupancy permit for the new park entrance on S. Concord Road. He said that PennDOT is requiring a decel lane on S. Concord Road for south bound traffic. He also stated that URDC was asked to submit a bid package for review by June 30<sup>th</sup>.

Mr. Pavelchek also reported that letters have been received from residents concerning the removal of the play equipment at Larchbourne Park. The residents would like the play equipment replaced. Mr. Pavelchek said this issue would be addressed at a future time as the Group is currently committed to the major improvements at Oakbourne. He also stated that the Road and Parks Department is working on a plan of action for removal of the trees identified in the Hazardous Tree survey. He stated that the poplar tree in the circle in the front of the Mansion should be removed immediately as it poses a threat to the Mansion. Mr. Orlando directed Mr. Layman to have Mr. Gross expedite the tree removal. Mr. Layman responded that Mr. Gross is already addressing this issue.

Mr. Scipione addressed the using of brick in the new entrance way. He said the asphalt material was chosen as it gives the appearance of a continuation of the parking lot. He said he will re-visit this issue and see if the budget would allow the use of brick.

**F. Financial Report.**

Mr. Layman reviewed the financial report with the Board of Supervisors. He informed the Board that he is working on a revised format for the financial report. Mr. Layman stated that as well as he could surmise the revenues and expenditures are close to what was expected as of the end of May. He also stated that the snow storm on Presidents weekend was declared a federal emergency and the Township will be receiving \$45,000 in funding for the storm.

**1V. Public Comment (Non-Agenda Items)**

Mr. Ronald Miller, 1220 Westtown-Thornton Road, stated his and his neighbors concerns that the realignment of Shiloh Road with Westtown-Thornton Road will have an adverse impact on their community. Mr. Miller said they were not aware of the alignment until notification by a letter from the School District dated November 22, 2002. He said this is an old community with homes that are approximately one hundred years old built before zoning and set back regulations were instituted. Mr. Miller said on one property alone seventeen trees will have to be removed. He also stated that the residents would like the Board of Supervisors to consider using the realignment for Shiloh Road that was

presented at the time of the Westrum plan. Mr. Miller said the residents have spoken to their elected officials and PennDOT as suggested by Westtown's Planning Commission. They also had a meeting with State Representative Barrar and PennDOT at which PennDOT appeared open to other options. He asked that the Board of Supervisors revisit this realignment.

Mr. Orlando advised Mr. Miller that the Planning Commission presented their opinions and the opinions of the residents to the School District. He stated that we will not know until the July 7<sup>th</sup> meeting if any of the concerns have been addressed.

Mr. Genzano asked Mr. Capuzzi about the Westrum realignment which was proposed east of Westtown-Thornton Road toward Shiloh Road. Mr. Capuzzi said first he would like to clarify that the cut to align Shiloh Road with Westtown-Thornton Road is only 32' not 40'. He also said the net affect may be 40' depending on the berm that will be built. Mr. Capuzzi advised Mr. Genzano that Westrum had a completely different design which was approved under Conditional Use. They did not need PennDOT's approval as this was a completely different type of development which did not require the extensive left turn stacking lanes needed by the school. Mr. Orlando said as both Route 926 and Westtown-Thornton Road are State Roads the School Districts design was controlled by the State. Mr. Miller said that at the recent meeting with PennDOT they stated the realignment was the School District's decision. Mr. Capuzzi asked if representatives from the School District were at this meeting. Mr. Miller responded no. Mr. Capuzzi asked Mr. Miller if Thornbury Supervisors had asked their Township Engineer to look at the plans. Mr. Miller said he did not know if they had. Mr. Flynn said the Township and the School District along with their traffic consultants spent a great deal of time looking at various road alignments. He said both engineers felt the safest design was an aligned signalized intersection. Mr. Genzano stated that in the initial meetings with the School District he asked and was informed that the major road changes would be on Westtown's side of Route 926 and now it seems there are more changes on the south side. He feels his question was not answered correctly at that time.

Mr. Edward Callahan, 1012 Westtown-Thornton Road, said the road realignment is not good for the population of both Townships due to the fact that traffic will be increased on an old county road with three blind curves.

Mrs. Mary Lyons, 1136 Kolbe Lane, questioned why the proposed sidewalk in her development will end half way through her front yard. She asked to have the sidewalk either continue through her property to the handicap access or stop at the beginning of the property. Mr. Orlando asked Mr. Layman to provide copies of the plan for the Board in order to review this issue. Mrs. Lyons also stated that the two undeveloped lots are overgrown and some one is dumping yard waste on the lots. She also asked that the overgrown hedges on the south west corner of Kolbe Lane be cut back as they are causing site visibility problems when exiting the development. Mr. Orlando directed Mr. Layman to have Mr. Gross determine if the hedges are in the road right-of-way and have them trimmed if they are. Mr. Capuzzi said he had met with Mr. Kravitz and gave him a deadline of September 1, 2003 for all improvements to be completed.

Mr. Pavelchek said that on a recent visit to Larchbourne Park he noticed that wood has been dumped in the park since last fall's cleanup and feels there is a lack of respect for Township property. Mr. Pavelchek asked if the Board of Supervisors would consider increasing trash collection to twice a week. He said he has received complaints about this from his neighbors and knows that the Township Office is also receiving complaints on the once a week pickup. Mr. Orlando said that once a week collection has not affected the amount of trash that residents can discard. Mr. Genzano said he also has had complaints and would like to re-visit the once a week collection but feels there might be some issues with our current contract. Mr. Orlando said the option for once a week collection was chosen to keep down the cost to residents and a change to twice a week will affect the cost of the contract. .

## **V. Old Business.**

**A. Payment Request #18 Klipper Construction Westtown-Chester Creek Waste Water Treatment Plant.**

Mr. Genzano asked that this item be deferred as he would like to review the payment request with Mr. Gross before any action is taken. The Board deferred action on this item.

**B. Adoption of Resolution 2003-8 Approving Berkheimer Associates As Appeal Officer For EIT.**

Mr. Layman advised the Board of Supervisors that if they chose not to appoint Berkheimer Associates as the Appeal Officer for EIT they would have to either appoint a firm similar to Berkheimer Associates or the Board of Supervisors would have to act on any appeal in an executive session. He said as discussed in a previous meeting it would appear to be a conflict of interest if the Board of Supervisors were the Appeal Officer. Mr. Layman said the State requires that an Appeal Officer be appointed and also directs how the appointment should be made. He said the least conflict of interest would be to appoint Berkheimer Associates as the taxes they collect go directly to the Township. Mr. Orlando stated that he was in agreement with Mr. Layman and that an Appeal Officer from Berkheimer Associates would be more familiar with the appeal laws.

Mr. Scipione made a motion, seconded by Mr. Genzano, to adopt Resolution 2003-8 approving Berkheimer Associates as Appeal Officer. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Resolution 2003-8.

**V1. New Business.**

**A. Adoption of Resolution 2003-10 Application for Flashing Warning Signals On Shiloh Road at Farm Lane for the Bayard Rustin High School and Adoption of Resolution 2003-11 Application for Flashing Warning Signals On Shiloh Road and Dunning Drive for the Bayard Rustin High School.**

Mr. Orlando explained that the Township, on behalf of the West Chester Area School District, is required to submit the application to PennDOT for the flashing warning signals.

Mr. Genzano said he felt that it is premature to make application to PennDOT as the plans have not been approved. He also stated that overhead flashers would be necessary if the soccer fields remain in the proposed location. Mr. Adams said he agreed with Mr. Genzano and felt this should be discussed at the July 7<sup>th</sup> meeting.

The Board of Supervisors tabled adoption of the resolutions at this time.

**B.. Adoption of Resolution 2003-12 Participation in PEG Through the West Chester Area Council of Governments.**

Mr. Orlando stated that PEG is public access cable television and that the Township's Franchise Agreement with Comcast requires Comcast to provide a public television station for public and governmental educational broadcasts.

Mr. Genzano said this is one of the projects that the Council of Governments is working on and adoption of the resolution will help move the project forward.

Mr. Scipione made a motion, seconded by Mr. Genzano, to adopt Resolution 2003-12 Participation in PEG through the West Chester Area Council of Governments. Mr. Orlando asked for public comment. There was no public comment at this time.

**V11. Public Comment (All Topics)**

Mr. William Steele, 1005 E. Niels Lane, asked why the agenda for tonight's meeting was not on the Township's Web Site on the Friday before the meeting as promised. Mr. Genzano apologized to Mr. Steele and said that there were technical problems with the site which involved posting. He said in the future he would like to have a banner on the web site home page which would inform users when there is a problem with the site.

Terry Kilgarif thanked the Board of Supervisors for approving the Bowers Conditional Use Application.

Mr. Layman advised the Board of Supervisors that Thornbury Township Chester County has invited them to attend a meeting concerning the proposed improvements to Section 100 of Route 202 by PennDOT.

**VIII. Payment of Bills.**

Mr. Genzano asked about The Protection Bureau bill for \$10,754.04. He asked that the Board of Supervisors receive a breakdown of the costs before the payment is approved.

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously approved payment of the bills excluding payment to The Protection Bureau.

**1X. Adjournment:**

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

Respectfully Submitted  
Robert Layman  
Township Manager