

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE
July 21, 2003 7:30PM

In attendance were Supervisors Chairman Victor J. Orlando, Robert A. Genzano and L. Charles Scipione; Township Manger Robert Layman; Township Engineer Angelo M. Capuzzi; Westtown-East Goshen Police Sergeant William Cahill, Township Parks Advisory Group Chairman Walter Pavelchek; Township Planning Commission Member Mary Paumen. There were fifteen 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 (July 7, 2003 Regular Meeting.

On the motion of Mr. Genzano, seconded by Mr. Scipione, the Board of Supervisors unanimously approved the July 7, 2003 regular meeting minutes as corrected. (Section V: page seven paragraph three should read "Mr. Genzano requested that the school zone speed limit of 15 mph begin at Farm Lane and continue to Dunning Drive."; paragraph seven add " Mr. Genzano said he would like to see all students bussed to school who live north of Ashley Road, either on Shiloh Road or streets off of Shiloh Road").

111. Departmental Reports.

A. Township Engineer – Angelo M. Capuzzi.

1. Approval of Payment Request #1 Chester County Milling and Paving, Inc. Johnny's Way Rehabilitation Project in the amount of \$126,195.50.

Mr. Capuzzi asked the Board to approve a change order in the amount of \$3,690.50 for additional patching that was done at the eastern end of Johnny's Way near Route 352.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve the project change order in the amount of \$3,690.50. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the change order.

Mr. Orlando asked if the Johnny's Way Rehabilitation Project has been completed to Mr. Capuzzi's satisfaction. Mr. Capuzzi responded that it has. Mr. Orlando asked if the slight indentation in the road near the storm water inlet in the Walnut Hill Road area could be corrected. Mr. Capuzzi said he will have the contractor come back and correct this situation.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve Payment Request #1 Chester County Milling and Paving Inc., Johnny's Way Rehabilitation project in the amount of \$126,195.50. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved payment to Chester County Milling and Paving Inc.

Mr. Capuzzi advised the Board that the contractor has submitted plans to PennDOT for the improvements at Green Lane and Route 352. Once the plans are approved the work will begin. He also stated that a topography plan has been done for Lot 38 in Green Lane Village and the developer is willing to do the necessary repairs. The contractor's engineer will submit a report for evaluation by the Township.

Mr. Capuzzi said he has spoken to Mr. Kravitz who stated he is ready to sign agreements with Bucarelli, for curb work and is close to an agreement with Chester County Seal Coat for paving on Kolbe Lane. This work should start within the next two weeks if the agreements are signed.

Mr. Capuzzi stated that the Planning Commission should be taking action on the preliminary/final plan for the new police station at their meeting this week.

C. Westtown-East Goshen Police Sergeant William Cahill.

Sergeant Cahill reviewed the June Police Report with the Board of Supervisors.

Mr. John Ibach, 1118 Woodstock Lane, expressed his concerns that the police, with the closure of S. Concord Road in Thornbury, are directing traffic to Cheyney Road and other roads that do not have traffic signals. Mr. Orlando stated that we do not have control over what Thornbury does and that there are traffic signals planned for Westtown-Thornton Road when the new high school is constructed.

D. Planning Commission – Mary Paumen.

Ms. Paumen reviewed the July 9th Planning Commission meeting with the Board of Supervisors. She stated that the Commission has some concerns with the amount of parking for the new police station and how it affects the parking for the Township Municipal Building. The Commission will be taking action on the plan at this week's meeting. She also stated the Commission continued review of the amendments to the Zoning Ordinance.

Ms. Paumen said the Commission reviewed the proposed plan for the Orvis tract. She stated she was pleased to see that the developer is using design principals that the Commission has been advocating for the past few years. She also stated the developer did not indicate what the plans are for the 202 frontage of the tract.

The Commission also reviewed the preliminary plan for Liberty Square on S. Concord Road. Ms. Paumen stated that there were traffic concerns from residents and issues with access, landscaping and the recreation area.

Mr. Orlando asked if the changes to the AC/O district were discussed. Ms. Paumen stated they were not discussed because of the length of the meeting. Mr. Scipione asked if rotating the Townhouses 90 degrees in Liberty Square is feasible, as suggested in CCPC's review of the subdivision plan. Mr. Capuzzi stated that this would not work well from a grading standpoint as the units would have to be stepped with retaining walls.

Ms. Paumen said she will be moving from the Township and will be submitting her resignation from the Planning Commission to the Board. Mr. Orlando thanked Ms Paumen for all her time and good contributions to the Commission.

E. Parks Advisory Group – Walter Pavelchek.

Mr. Pavelchek reported on the July 15th Parks Advisory Group's meeting. He stated that Mark Groves, Project Manager for WCASD, attended the meeting. Mr. Groves reviewed the proposed locations for the Township Trail on the school property. Mr. Pavelchek said there are still questions pertaining to the SEPTA right-of-way and areas of steep slopes on the school campus. He also stated that the Parks Advisory Group found the concepts acceptable. There are also concerns on trail maintenance and the mandated gates on the school property. The school walking paths will be five feet wide and the material will be asphalt which is different from the Parks Advisory Group's specifications of an 8' wide path with crushed rock.

Mr. Pavelchek said Andrew Durante presented an Eagle Scout project for the Basketball Courts on E. Pleasant Grove Road. The project consists of installing two benches, a fence, a small flower garden and wood chip mulch. Parks Advisory Group recommended that the Township contribute \$200.00 toward the project and purchase of plants. Mr. Orlando suggested that the flower garden be eliminated as it would be hard to maintain. Eric Kraheck from West Chester United Soccer Club would like to fence South Concord Road along the lower soccer field for ball control. He was advised to submit a plan showing the location of the fencing.

The Bid package for the Oakbourne Park improvements in Phase I will be ready by September 1st and the contract should be awarded in the beginning of October. He also stated that the Township has been awarded a matching grant from the County in the amount of \$130,000 for Phase II park improvements.

Mr. Pavelchek stated that Patrick McDonough, 7 Oakbourne Road, submitted a proposal for playground equipment in Larchbourne Park. The Parks Advisory Group feels that Oakbourne is its first priority and advised Mr. McDonough to petition the Board of Supervisors for the play equipment. The Parks Advisory Group will inform the Planning Commission that developing a trail in Liberty Square or on the Orvis tract does not fit into the overall Township wide trail plan.

The Board of Supervisors advised Mr. Pavelchek that they need specifics on the Township Trail in relation to the high school plan before the Board grants final plan approval. Mr. Orlando said final plan approval is scheduled for the August 4th meeting and when the plans are approved the trail location on the plan is what can effectively be enforced. Mr. Pavelchek said the Parks Advisory would have to hold a special meeting if a decision is needed by the 4th. He also stated that the trail route would have to be developed without use of the SEPTA right-of-way. Mr. Genzano suggested that the Group meet and decide on the preferred trail location, the width and composition of the trail to present as a condition of final plan approval.

The Board discussed replacement of the play ground equipment in Larchbourne Park. Mr. Genzano stated he feels the residents need to show an interest in the park such as being willing to volunteer time to work with the Road crew to install the equipment. Mr. Scipione said there are no funds in the budget this year for equipment replacement and agrees with Mr. Genzano that the interest should come from the local residents. Mr. Pavelchek stated it would cost \$3,000 to \$5,000 to replace what is there now. The Board suggested that Mr. McDonough provide more information on the residents interest.

1V. Public Comment (Non-Agenda Items)

Leonard Tehrani, 611 E. Street Road, reviewed a letter he had sent to the Township and local residents concerning traffic violations on Route 926. He stated he feels there is not enough police coverage on Route 926 to stop vehicles that are violating the speed limit and tailgating other vehicles. He would like the speed limit reduced on Route 926 from 45 mph to 35 mph. He would also like traffic signals at Westtown Road and at Cheyney Road and the shoulder widened for bikers and joggers. Mr. Tehrani said the speed limit is not enforced and the police informed him they only ticket vehicles going 56mph and above. He advised the Board that he was told to attend the meeting and present a petition.

Mr. Orlando advised Mr. Tehrani that the speed limit on 926 has been 45 mph for the last thirty to forty years and at the present time there is nothing to warrant the reduction in speed. He also advised Mr. Tehrani that as the police cannot use radar they are limited in how they can enforce speeding violations. He suggested Mr. Tehrani contact his State Representative concerning the use of radar by local police forces. Mr. Orlando stated that PennDOT would not allow the Township to put a temporary traffic signal at Westtown Road before the bridge was done as they want all the work done at the same time. He also stated that there will be a light at Westtown-Thornton Road and Shiloh Road when the new high school is constructed.

Mr. Tehrani stated that the police hardly use the "Speed Board" on Route 926. Mr. Genzano said there are only certain locations on Route 926 where the "Speed Board" can be set up. He advised Mr. Tehrani that the Board will address his comments to the best of their ability. He said the Township will contact PennDOT concerning installing no passing signs, no tailgating signs, and ask that the "no passing zone" be extended from Pete's Produce to the Shady Grove Road intersection. He also said he would address this issue with the police commission so that they are aware of the seriousness of Mr. Tehrani's concerns. Mr. Tehrani said his real issue is more police presence and would like the "Speed Board" on route 926 at least once a month.

Mr. Orlando asked Mr. Layman to contact both Thornburys to see how they responded to Mr. Tehrani's issues when presented to their Boards. He stated that a letter should be sent to PennDOT from all Townships who border on Route 926. He also asked Mr. Layman to review WCASD's traffic study for the intersection of S. Concord Road to see if they made any recommendations concerning the crown in the road at that intersection.

Mrs. Mary Lyons, 1136 Kolbe Lane, stated she is glad that Mr. Capuzzi has spoken with Mr. Kravitz and there appears to be a schedule for completion of the road improvements. She asked Mr. Capuzzi if he will still be doing bid specifications for the improvements. Mr. Capuzzi responded that he has been directed to do so. Mrs. Lyons asked about the two vacant lots that have not been cut this season. Mr. Layman will address this with Mr. DiNunzio.

V. Old Business.

A. Acceptance of Extension for Tract 200-14 Riley/Mears Three Lot Subdivision Application.

Mr. Layman stated that the Rileys would like to grant an extension of their plan until September 30, 2003.

Mr. Scipione asked the reason for the extension request. Mr. Capuzzi said the property owner is trying to obtain a public sewer easement from an adjoining property owner. He also stated that the applicant has been granted a waiver from providing additional right-of-way on Route 352. If the right-of-way is needed in the future there would be a cost for the right-of-way.

Mr. Scipione made a motion, seconded by Mr. Genzano, to accept the Riley/Mears plan extension to September 30, 2003. Mr. Orlando asked for public comment. There was no public comment at this time.

B. Final Plan Approval for Tract 2002-2 Joyce Realty Office Building.

Mr. Layman said the applicant is here tonight to ask for final plan approval for an office building on two lots that have been combined. He stated that the Planning Commission recommends approval with conditions as stated in their letter of June 30th.

Mr. Jim Hatfield, Engineer, Vandermark and Lynch, and Spencer Qualls, Joyce Realty, were in attendance at the meeting.

Mr. Hatfield advised the Board of Supervisors the plan presented this evening for a 10,270 square foot office building is the plan presented at the Conditional Use Hearing. He stated that they will comply with the comments in CVE's letter of June 3, 2003. The plan will be noted that reports will be sent to the building inspector concerning the maintenance of the pond. He stated that Mr. Capuzzi is agreeable to using a professional engineer instead of a geo-technical engineer for dam inspection as long as the engineer signs and seals the reports to the Township and DEP. A geo-technical engineer will only be used if the engineer does not feel qualified to do the inspection. Mr. Hatfield stated the applicant has also addressed the comments in the Township Fire Marshal's letter of December 6, 2002. Mr. Hatfield stated that they

will include language in the tenant lease agreement that the tenant must connect their security alarm system to the smoke detectors.

Mr. Hatfield stated they are waiting for the dam permit from DEP and there are still some issues with the Chester County Conservation District concerning the NPDES permit. The financial security agreement has been reviewed with Mr. Capuzzi and will relate to erosion and sediment control, stormwater management, landscaping, lighting, and sanitary sewer. Mr. Scipione asked if this was acceptable to Mr. Capuzzi. Mr. Capuzzi responded historically we have not asked for a guarantee for everything built on a project. The Municipal Planning Code only requires that the improvements dedicated to the Township be escrowed. He stated as there will be no improvements dedicated to the Township he feels this is a fair financial agreement.

Mr. Orlando asked what affect the recent heavy rainfall had on the pond as water was coming across Green Lane into the grass area. Mr. Hatfield stated that storm calculations were done for an area of 200 acres and the pond can accommodate large amounts of water without raising much. An 18" pipe has been designed for the new driveway with a 20' wide 4 1/2 foot deep clean span pipe arch for the new driveway crossing. Mr. Hatfield said they had to prepare documentation for the dam permit for DEP of the down stream channel from their property to Dutton Mill Road at Route 3. He stated that DEP was satisfied with their calculations.

Mr. Hatfield stated that the applicant is not required to pay the sewer tapping fee as credit was granted for 3 EDU's in a letter of July 13, 1998 between Joyce Realty and the Township for use of the Thompson property for the Township pumping station.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve the final plan Tract 2002-2 Joyce Realty Office Building conditioned on the Planning Commission's Letter of June 30, 2003. Mr. Orlando asked for public comment.

Mr. Walter Pavelchek, 1050 S. New Street, asked if the building will be leased to one tenant. Mr. Qualls said there will be multi-tenants. Mr. Pavelchek stated that the areas not leased would not be protected if fire alarms were not installed in those area. Mr. Qualls said the building is steel and each office section will not be closed in until leased

The Board of Supervisors unanimously approved the final plan for Tract 2002-2 Joyce Realty.

V1. New Business.

A. Approval of Park Facilities Grant Application with Chester County.

Mr. Layman stated that the County has approved a grant in the amount of \$130,000 for Phase II improvements in Oakbourne Park. The grant is for playground equipment, driveway lights, new restrooms and parking facilities. This is a matching grant with a deadline for completion of work by September 1, 2006. The grant application to be approved is the standard County Grant Application.

Mr. Orlando asked about the Phase I grant. Mr. Layman said once we receive PennDOT approval for the new driveway the bids can be prepared. He stated as long as we can show the County that we are making progress they will give an extension from our November 26, 2003 deadline. Mr. Scipione stated he thought URDC was to apply for the PennDOT permit. Mr. Capuzzi said there appeared to be a misunderstanding as Mr. Cotter had indicated to URDC the Township would apply for the permit. He stated he had not been aware that he was responsible for the permit application. Mr. Orlando asked Mr. Layman to review the contract with URDC. Mr. Layman stated that for the Phase II grant URDC is only responsible for the design and application process.

Mr. Capuzzi stated that PennDOT is requiring that the Township abandon the current entrance to the park which the Township wants to keep as an emergency entrance/exit. He stated we have to prove that the gate house has been a residential property and give details of the bollards to be used at the entrance.

Mr. Genzano made a motion, seconded by Mr. Scipione, to execute the grant application with Chester County for Phase II Oakbourne Park improvements. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the grant application.

B. Award of 2003 Street Line Painting Bid to Alpha Space Control Co. Inc. in the amount of \$12,445.54.

Mr. Genzano made a motion, seconded by Mr. Scipione, to award the 2003 Street Line Painting bid to Alpha Space Control Co., Inc. in the amount of \$12, 445.54. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously awarded the 2003 Line Painting Bid to Alpha Space Control.

V11. Public Comment (All Topics)

Mr. Marc Dellaporta asked if the WCASD would extend the deadline for plan approval. Mr. Orlando stated that they would extend to August 18th but not before the August 4th meeting. He also wanted to express to the Board of Supervisors that most of the residents along Shiloh Road do not have a problem with the proposed soccer fields for the high school being on the east side of Shiloh Road.

VIII. Payment of Bills.

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

1X. Adjournment:

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

Respectfully Submitted
Robert Layman
Township Manager