

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE
September 15, 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 Chief John M. Dumond, Township Parks Advisory Group Chairman Walter Pavelchek; and Township Planning Commission Members Kevin Flynn and Elaine L. Adler. There were forty-eight 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. Police Awards Ceremony.

Chief Dumond presented the following awards: Officer Pete Keegan, Award for Bravery; Unit Citation to Sgt. Larry Finn, Cpl. William Doyle, Officers Jason Large and Angel Colligan; Certificate of Appreciation to Corporal M. Tomlinson, Pa State Police; Award for Bravery Detective Robert Balchunis; Unit Citation to Cpl Tim Hubbard, Officers Angel Colligan, Gary Frey, Mike Gallagher, Jon Stafford, Mark Seuffert, Ted Cam and Mike Meiswich; Chief's Commendation – Detective Glenn Bretz, Corporal Guy Rosato, Officer Angel Colligan and Officer Pete Keegan.

Captain Andy Chambers, Tredyffrin Township, Chairman of the Heart Associations "Operation Heart Beat", presented Officer Pete Keegan with an award for his quick response to an incident at SS. Simon & Jude Church where use of an Automatic External Defibrillator was necessary.

Chief Dumond thanked all the family, friends, and Officers, who were in attendance, for their support.

Mr. Scipione, Westtown's Police Commissioner, expressed the Board of Supervisor's appreciation to the Officers for their heroic actions. He thanked the Officers and stated how proud the Township is of its police department.

Mr. Walter Pavelchek, 1050 S. New Street, as a citizen of the Township, thanked all the Officers who received awards.

111. Approval of Minutes (September 2, 2003 Regular Meeting).

On the motion of Mr. Scipione, seconded by Mr. Genzano the Board of Supervisors unanimously approved the minutes of the September 2, 2003 regular meeting as corrected (Page 4 Section 1V:D: paragraph two change to 2 ½", delete last sentence; change "field" designation to east and west of Shiloh Road in all paragraphs; Page 6 paragraph one correct "Township" to "WCASD").

1V. Departmental Reports.

A. Westtown-East Goshen Police Department – Chief John Dumond.

Chief Dumond reviewed the August Police Report with the Board of Supervisors. He stated a suspect has been arrested in the recent motorcycle thefts in the area. The Citizens Police Academy has started and is being held at the East Goshen Township building this year.

Mr. Genzano stated that he feels Shiloh Road will become a major thoroughfare when the "Singing Bridge" is closed for repairs. He requested that Shiloh Road be heavily patrolled for speeding and that the "Speed Board" is used frequently when the bridge is closed.

B. Planning Commission – Kevin Flynn.

Mr. Flynn reviewed the September 3, 2003 Planning Commission meeting with the Board of Supervisors. He stated that after much debate the decision was made to recommend that the Commission remain at seven members. The vacancy on the Commission will be advertised and also posted on the Township web site.

Mr. Flynn stated that the Commission is recommending that the Board of Supervisors approve the final plan for Liberty Square as conditioned in their September 11, 2003 memo to the Board. He also stated that the Commission reviewed the sketch plan for the Orvis tract for recommendation of Conditional Use approval. The plan is for a flex development of thirty-five single family homes in the R1 district. The developer is proposing that the three acre tract (lot 36 on the plan) bordering on Route 202 continues in the interim as an agricultural use. Mr. Flynn stated that if this use continues the Commission recommends that there be no retail sales, nor additional truck traffic, and that the land be restored to a vegetative state when the tree farm is discontinued. Mr. Orlando asked if the house on this parcel will remain. Mr. Flynn said the developer has not made any decisions concerning the house. Mr. Scipione asked about the proposed parallel road. Mr. Capuzzi responded that the developer presented two plans on how the connector road would be developed and that these plans have been reviewed by Frank Zabawski, Township Traffic Consultant. He stated that finalization of the connector road should be determined by PennDOT's plans for Route 202 and the future development of Crebilly Farm. Mr. Capuzzi said the Board can address this issue at the Conditional Use Hearing.

Mr. Flynn said the Commission reviewed the minor changes to Westminster Church's parking lot expansion and recommend approval of the plan.

Mr. Flynn stated that the Commission will be reviewing the preliminary land development plan for SS. Simon and Jude at this week's meeting and continuing review of amendments to the Zoning Ordinance. Mr. Genzano asked for a clarification of the ordinance amendments. Mrs. Adler advised Mr. Genzano that the Zoning Ordinance amendments adopted in April of this year did not include the changes to the AC/O District. The Commission has been working on variations to the AC/O with Mr. Adams and Mr. Snook for future adoption.

C. Parks Advisory Group – Walter Pavelchek.

Mr. Pavelchek reported on the September 9, 2003 Parks Advisory meeting. He stated that PennDOT has approved the permit for the new driveway entrance to Oakbourne Park and when the bid package is approved by Chester County Parks and Recreation the project will be advertised for bid.

Mr. Pavelchek stated that Eric Kraheck, representing West Chester United Soccer Club, asked for permission to install a fence at the lower soccer field on S. Concord Road. The club would pay for the installation and maintenance of the fence.

Mr. Pavelchek asked that the Parks Advisory Group be provided with an estimate for the following budget items they would like included in the 2004 Township budget; installation of the items in Phase I that are not included in the bid package, Township man hours for installation of the pavilion, engineering cost for Phase II, and the increased maintenance at the park.

D. Financial Report – Robert Layman.

Mr. Layman reviewed the August Financial Report with the Board of Supervisors. He stated there is a deficit in the general fund revenues of \$87,784.00 and a surplus in the sewer fund of \$23,000. He also stated that the expenditures are \$230,000 less than expected at this time due to a decrease in payroll and lower bid awards. Mr. Orlando said he is anticipating that the Township could end the year with a significant fund balance.

V. Public Comment (Non-Agenda Items)

Mr. Genzano asked that Mr. McCawley be fined for not taking care of the overgrowth on his parcel of land next to Sunrise. Mr. Layman advised Mr. Genzano that Mr. McCawley was given a time frame to have the work done and after that date the Township will cut the property and bill Mr. McCawley for the work.

Mr. Scipione asked Mr. Capuzzi if pressure can be put on Mr. McCawley to commence the work on the fountain to be located in the island on Skiles Boulevard. Mr. Capuzzi said the plans for the fountain are part of the land development plans for the "Fountains" apartment project. He also stated that the Board of Supervisors had agreed that the fountain would be installed when the apartments were being constructed.

V1. Old Business.

A. Resolution 2003-10 Flashing Warning Signals Shiloh and Farm Lane and Resolution 2003-11 Flashing Warning Signals Shiloh and Dunning Drive.

Mr. Layman stated that even though the School District is the applicant for the signals PennDOT requires the Township to pass a Resolution for the installation. PennDOT also requires the Township to use its standard application/resolution form.

Mr. Genzano made a motion, seconded by Mr. Scipione, to approve Resolutions 2003-10 and Resolution 2003-11 Flashing warning signals for the Bayard Rustin High School. Mr. Orlando asked for public comment.

Mr. Capuzzi stated that the 15 mph flashing warning signals will start at Farm Lane and under the Agreement with the School District be positioned along Shiloh Road as required by PennDOT. The flashing signals at Dunning Drive will be overhead blinking yellow and red signals. Mr. Orlando asked if they would be on only when the fields are in use. Mr. Genzano said under the Agreement the times for the overhead flashing signals are to be determined by the Township. Mr. Capuzzi suggested that Mr. Zabawski look at the plans to see if they are in compliance with the current Agreement. Mr. Orlando directed this to be done.

The Board of Supervisors unanimously approved the Resolutions.

B. Approval of Extension Shiloh Road Turn Back Improvements.

Mr. Layman stated that at the time the Township took back Shiloh Road from PennDOT in 1998 the permit issued by PennDOT for the improvements was good until December 31, 2002. Mr. Layman stated that because of the issue of the new high school the improvements to Shiloh Road were not done. He also stated that PennDOT is aware of the situation and has verbally agreed to give the Township a two year permit extension.

Mr. Genzano said in order for the road improvements to be coordinated with construction of the high school the Township should ask that the permit be extended until September 2006.

Mr. Scipione made a motion, seconded by Mr. Genzano, to request from PennDOT an extension of the Shiloh Road turn back improvements to September 2006. Mr. Orlando asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the extension request.

C. Final Plan Approval Liberty Square Tract 2003-2.

Mr. Layman advised the Board of Supervisors that the Planning Commission has recommended approval of Liberty Square as conditioned in their memo of September 11, 2003. He also referred the Board to CVE's letter of September 12, 2003.

Mr. Chris DellaPenna, engineer for the applicant, stated that the minor issues in CVE's letter of September 12th would be addressed. The issues are obtaining the necessary approvals from the Chester County Conservation District and DEP.

Mr. Orlando asked if the drainage issue with the adjacent property owner has been settled. Mr. Della Penna responded that they have been unsuccessful in addressing this with the property owner. Mr. Capuzzi advised the Board that per the Township Solicitor the developer has a 20' easement on the neighboring property that allows him to tie-into the storm drain in Wild Goose. He stated that the Township feels it is a courtesy to notify the property owner. Mr. Della Penna said a letter has been written to the property owner stating that there would be a tie into the pipe in the rear of his yard and the developer would do any restoration work that would be necessary.

Mr. Scipione asked about the escrow agreement. Mr. Capuzzi said he is preparing the escrow and once that is in place the plans can be released for recording.

Mr. Genzano made a motion, seconded by Mr. Scipione, to grant final plan approval for Tract 2003-2 Liberty Square conditioned on CVE's letter of September 12, 2003. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the final plan for Tract 2003-2 Liberty Square.

D. Award Township 2003- Tree Trimming/Removal Bid.

Mr. Layman stated that Acme Tree Service was low bidder in the amount of \$29,900. He stated that \$30,000 was budgeted this year for tree work and \$5,000 has been spent as of August 31st. Mr. Layman said given the time frame for the work to be done some of the cost could be incurred against next year's budget. Mr. Genzano asked how many bids were submitted. Mr. Layman responded that there were four bidders and that Acme has done satisfactory work for the Township in past years.

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously awarded the 2003 Tree Trimming/Removal Bid to Acme Tree Service in the amount of \$29,900. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the bid.

V11. New Business.

A. Pension Fund Minimum Municipal Obligation.

Mr. Layman asked the Board of Supervisors to approve the Township's Municipal Pension Obligation for 2004 as required by state law.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the Pension Fund Minimum Municipal Obligation for 2004. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Municipal Obligation for 2004.

B. Acceptance of Tract 2002- 8 SS. Simon and Jude Preliminary Land Development Plan.

Mr. Layman advised the Board of Supervisors that SS. Simon and Jude would like the Board to accept the plan as preliminary/final. He stated the plan is for their new 40,000 sq ft church, additional parking and stormwater management. He also stated that a sketch plan for the church was reviewed by the Planning Commission.

Mr. Chris Connell, solicitor for SS. Simon and Jude, stated in order to move forward with the plan they would like the plan accepted as preliminary/final. Mr. Connell said Westtown's Zoning Hearing Board has granted Special Exception for the Church and variances for height, impervious coverage and steep slopes. The applicant has met several times with Mr. Capuzzi and Township staff to review the plan.

Mr. Genzano expressed his concerns that he has not seen any plans and asked how much time is added to the review process if the plan is accepted as preliminary. Mr. Layman stated that it should not add appreciably to the review period. Mr. Orlando stated that because of the extensive review of the sketch plan he feels the plan can be accepted as preliminary/final. Mr. Connell said he does not feel the applicant is side-stepping any of the requirements as they first met with the Township In November 2002 and have received significant feedback on the plan since then. Mr. Capuzzi advised the Board that the Planning Commission has seen the plan more because of the Zoning Hearing Board review. He stated that the Planning Commission's primary concern that emergency equipment could access the rear of the church has been resolved. Mr. Genzano asked if the concerns of the Wickerton Drive residents have been addressed. Mr. Connell said that Pastor Meehan has spoken to the two residents whose property will be affected by the piping for the storm drain.

Mr. Genzano said he would agree to accept the plan as preliminary/final but would like it on the record that he would not endorse any shortening of the review process and would delay the review if necessary.

Mr. Scipione made a motion, seconded by Mr. Genzano, to accept Tract 2002-8 SS. Simon and Jude Land Development plan as preliminary/final and passed 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 2002-8 SS. Simon and Jude Land Development plan as preliminary/final.

C. West Chester United Soccer Club ("WCUSC") - Fence Request.

Eric Kraheck, WCUSC, asked permission from the Board of Supervisors for the Soccer Club to install a fence, for safety reasons, at the lower soccer field on S. Concord Road. The soccer club will pay for installation and maintenance of the fence. He stated that the club will install a three rail pressure treated fence with green vinyl welded wire on the inside.

Mr. Orlando asked for a motion to approve the fence installation. Mr. Capuzzi asked if the fence would be in the right-of-way. Mr. Kraheck responded that it will be on top of the embankment out of the right-of-way. Mr. Scipione asked if the Township's agreement with WCUSC would cover the fence installation. Mr. Layman was directed to review the Agreement.

Mr. Scipione made a motion, seconded by Mr. Genzano to approve installation of a fence at the lower soccer field by WCUSC. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the fence installation conditioned on the Agreement.

V111. Public Comment (All Topics)

There was no public comment.

1X. Payment of Bills.

Mr. Genzano made a motion, seconded by Mr. Scipione to approve payment of the bills. Mr. Orlando asked for public comment. There was no public comment at this time. The bills were unanimously approved for payment.

X. Adjournment:

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

Respectfully Submitted
Robert Layman

Township Manager