

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE  
June 17, 2002 7:30Pm

In attendance were Supervisors Chairman Victor J. Orlando, Robert A. Genzano and L. Charles Scipione; Township Manager Michael A. Cotter; Township Solicitor Robert F. Adams; and Westtown-East Goshen Police Chief John M. Dumond. There were six guests in attendance.

**I. Call to Order.**

As there was a quorum present Chairman Victor J. Orlando called the meeting to order and led those present in the pledge of allegiance.

**II. Approval of Minutes (20 May 2002) Regular Meeting.**

On the motion of Mr. Genzano, seconded by Mr. Scipione the Board of Supervisors unanimously approved the 3 June 2002 regular meeting minutes as corrected. (Page 7 1<sup>st</sup> paragraph change contact to contract)

Mr. Scipione called attention to Mr. Cotter's comments about the "No Place for Hate" campaign in paragraph one on page five concerning a press release to the newspapers. He stated that it is to be understood that there would not be a press release without approval by the Board of Supervisors.

**III. Departmental Reports.**

**A. Westtown-East Goshen Police Chief – John M. Dumond.**

Chief Dumond reviewed the May Police Report with the Board of Supervisors.

Mr. Orlando asked about the "beyond community policing" news article. Chief Dumond responded that the officers on bike patrol no longer carry their bikes on their vehicles but store the bikes in areas convenient to the area they are patrolling.

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

**1. Review and Action on the Thornbury Township Sewage Conveyance Agreement.**

Mr. Adams reviewed the agreement with the Board of Supervisors. He stated that the agreement is actually between Thornbury Township and West Goshen Township, with Westtown acting as intermediary, to convey 9,000gpd's from Thornbury Commons through Westtown's sewer lines to the West Goshen Treatment plant. He also stated that the Township will receive quarterly payments for use of the Townships sewer system which are subject to a year to year adjustment. The Township is also to be notified when 85% of the capacity has been reached. Mr. Adams said this is a five year agreement with automatic renewal unless one of the parties gives a notice to terminate six months prior to termination. Mr. Adams stated that he has not seen Exhibit A which is the agreement between Thornbury Township and West Goshen Township. He noted that the Thornbury Township/West Goshen Township agreement should be attached to Westtown Township's agreement. He stated he recommends that the Board approval and execute the agreement this evening. Mr. Cotter stated that Exhibit A is attached and the agreement is ready for execution.

Mr. Orlando asked if the flows would be metered. Mr. Cotter responded that a connection would be made to the meter at the Dalmally Drive manhole where Thornbury Commons will tie-in to the Township's sewer system. Mr. Orlando

questioned how West Goshen will calculate its bill so Westtown is not charged for Thornbury's flow. Mr. Adams suggested looking at West Goshen and Thornbury's agreement (Exhibit A) which should include the specifications for how Thornbury will control the flows. He also stated that Westtown's payment is for the maximum flows that can be conveyed to West Goshen. Mr. Genzano on reviewing Exhibit A stated that on page 16 of the agreement it is stated that the flows will be based on water meter charges. Mr. Cotter said he will ask John Scott, West Goshen Sewer Authority, to include Thornbury's flows as an attachment on Westtown's bill.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the Thornbury Township Sewer Conveyance Agreement. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the agreement.

**C. Financial Report – Michael A. Cotter.**

Mr. Cotter reviewed the May Financial Report with the Board of Supervisors. Mr. Cotter stated that the May transfer tax was high because of the sale of the Jones tract. He said the tax was based on the \$5 million that the Jones family received from Westrum not on the \$16 million paid by the West Chester Area School District to Westrum. Mr. Genzano stated he felt that the Township should have received Westrum's portion of the transfer tax from their sale to the school district. After some discussion Mr. Cotter was directed by the Board of Supervisors to have Mr. Adams reviewed this issue.

Mr. Cotter stated that the Township received the Recycling Performance Grant from DEP for the year 2000 in the amount of \$31,099, which was calculated on a 28% recycling rate in 2000.

Mr. Cotter said that the Township is ahead of budget on several revenues one being the franchise fee from Comcast. He stated he thought this was from the increase in Comcast rates. Mr. Orlando said as Comcast is selling more digital, cable, and internet services he feels the Township should be obtaining franchise fees for these services and asked Mr. Cotter to obtain Mr. Adams opinion on this matter.

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

**1. South New Street Road Improvement Project Payment Certificate No.1, to Malloy Paving, in the amount of \$117,457.58.**

As Mr. Capuzzi was unable to attend the meeting Mr. Cotter reviewed the project payment with the Board of Supervisors. He stated that the Township was very pleased and impressed with Malloy's work.

Mr. Scipione questioned the extra charge for the base stabilization. Mr. Cotter stated that when the milling work was started in the Jacqueline Drive area the contractor found he was sinking into the sub base. The contractor did not want to pave over the area as that would cause future road problems. Mr. Cotter stated that the cost for materials was \$50.00 per foot in the original bid and Malloy has abided by the contract price. He also stated that he had contacted Mr. Orlando who agreed the work could be done for the contract price.

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors approved the South New Street Road Improvement Project Payment Certificate No.1 to Malloy Paving in the amount of \$117,457.48.

Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved payment to Malloy Paving.

**2. South New Street Road Improvement Project Change Order No.3, Increasing the Contract by a Net Amount \$1,350.00.**

Mr. Cotter advised the Board of Supervisors that they had never formally approved the base stabilization on the South New Street Road project which was previously discussed.

On the motion of Mr. Genzano, seconded by Mr. Scipione the Board of Supervisors approved Change Order No. 3 in the amount of \$1,350.00 for the South New Street Road Improvement Project. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Change Order No.3.

**E. Planning Commission – Mary Paumen.**

As Ms. Paumen was unable to attend the meeting Mr. Cotter reviewed the 5 June 2002 Planning Commission meeting with the Board of Supervisors.

Mr. Cotter stated that the Commission reviewed the Dalusio/Latoff proposed car dealership at 1568 West Chester Pike and has made their recommendations to the Zoning Hearing Board for variance and special exception relief. He said the Commission also reviewed the six amendments to the zoning and subdivision and land development ordinances which will be on the Board's agenda for adoption at the 8 July 2002 meeting. The amendments to be considered for adoption are set backs from creeks, riparian buffers, electronic plan submission, modification to the lighting ordinance, obtaining rights of way and the new conservation design process for all zoning districts. He stated the Commission hopes to complete their review of the Zoning Ordinance revisions, except for changes to the R1 Zoning, at there 19 June meeting.

Mr. Genzano asked if the amendments to the zoning ordinance have been advertised. Mr. Cotter stated that Mr. Adams is preparing the amendments for advertisement on 24 June and 1 July 2002. Mr. Genzano said under the current zoning ordinance lighting can not be over twenty feet in height and questioned if the proposed changes in the lighting ordinance to allow a higher light standard for athletic fields is in the Township's best interest. Mr. Cotter stated that the Township has a better position if this is addressed in the ordinance. He said if it is not addressed and an applicant petitions the Zoning Hearing Board for variance relief then the Zoning Hearing Board would be setting the standards not the Township. The ordinance sets the parameters for the review as opposed to leaving the review to the Zoning Hearing Board. Mr. Genzano asked if uses by special exception are always defined in the Ordinance. Mr. Cotter responded that a special exception is neither special nor an exception but a use permitted by right with conditions attached to mitigate the use's potential adverse effect on a neighbor. Mr. Genzano asked if it is correct to assume that if the Township does not set standards the applicant would then have to make application for a variance and prove hardship. Mr. Cotter said that is correct.

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

Mr. Pavelchek, 1050 S. New Street, stated he has reviewed the amendments to the landscaping ordinance and has found too many inconsistencies. He questioned if an applicant was required to use a landscape architect why was the Planning Commission recommending so many specific details concerning the landscaping. He said he wished to address this with the Board of Supervisors as he feels the Planning Commission is over engineering the landscaping amendment. He stated he will continue to discuss this with the Planning Commission.

Mr. Scipione said that he felt Mr. Pavelchek had legitimate concerns and he felt that the applicant should only be advised that screening or a buffer was required not what plantings should be used.

Mrs. Bonnie Scott, Seasonal Traditions Craft Show, asked as the bids for work on the outside of the mansion would not be received until the end of July and work would not start for ninety days could the craft show be held in September. Mr. Orlando asked Mrs.

Scott what dates she wanted for the craft show. Mrs. Scott said she has asked for 22 September through 8 October. Mr. Cotter stated that the Board must decide if they want to start renovation work this fall or let the building be used.

Mr. Genzano asked if it would be permissible for Mrs. Scott to have her show if the work was only being done on the outside of the Mansion Mr. Cotter stated that no applications are being accepted for use of the Mansion in the fall as there will be scaffolding around the building. He also stated that the exterior work should be started by the end of August at the latest. Mr. Genzano and Mr. Scipione both suggested that Mrs. Scott look for an alternate location for her fall show. Mr. Orlando suggested that Mrs. Scott attend the 5 August 2002 meeting for an update on the Mansion bid process if she wished to do so.

**V. Old Business:**

**A. Action on The Award of the Township's Annual Line Striping and Intersection Painting Bid to A-1 Traffic Control in the amount of \$11,433.19.**

Mr. Cotter stated that only two bids were received with A-1 Traffic Control the lowest responsible bidder. He reviewed the bid with the Board of Supervisors and stated that all the documents were ready for execution this evening. He commented that the cost of the bid is less than last year.

Mr. Scipione made a motion, seconded by Mr. Genzano, to award the Township's Line Striping and Intersection Painting Bid to A-1 Traffic Control in the amount of \$11,433.19. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously awarded the Line Striping Bid to A-1 Traffic control.

**VI. New Business:**

**A. Presentation by the Brandywine Battlefield Task Force on Battlefield Signage.**

Mr. Cotter introduced Ms. Kathy Wandersee from the Delaware County Planning Commission who is a member of Brandywine Battlefield Task Force.

Ms. Wandersee advised those present that the Brandywine Battlefield is a national historic landmark. The landmark area is ten square miles which includes the Brandywine Battlefield Park which is comprised of fifty acres. She stated that a portion of the landmark area is in Westtown Township. She also stated that when Congress declared the landmark area in 1961 they failed to tell the communities involved in the ten mile area. She said this was discovered when a study was done in 1989. Ms. Wandersee explained that the designation of landmark is very significant as it is a status above being on the national historical register. Because of the rapid growth in this area the task force was created to make communities aware of the whole landmark area not just the battlefield park.

Ms. Wandersee stated that one goal of the task force is to have uniformed signage in the landmark area. She said the task force has received a grant for placement of eleven signs which will be posted on the perimeter of the landmark to inform the public that they are entering the Brandywine Battlefield area. Ms. Wandersee requested that the Board of Supervisors allow the task force to place a sign on Route 926 west of Route 202 at the beginning of the landmark area. She presented examples of the sign to the Board of Supervisors. She also stated that the task force has received special exemption from PennDOT to install the signs. The task force will have the signs fabricated, PennDOT will mark the location and the Township would be responsible for the installation of the sign. Mr. Orlando asked who would be responsible for the maintenance of the signs. Ms. Wandersee stated that the task force is working on acquiring funding for long term maintenance.

The Board of Supervisors stated that they would waive the sign permit fee and were agreeable to installation of the sign.

**B. Action on the Award of the Township's Traffic Signal Maintenance Contract to Lobec, Inc, for a three (3) year term at a rate not to exceed \$3,580.00 annually.**

Mr. Cotter reviewed the contract with the Board of Supervisors. As the Board expressed some concerns with the contract this item was tabled.

**C. Authorization to Advertise a Request for Proposals for Architectural Services relating to the Interior Renovation of the Smith Mansion at Oakbourne Park.**

Mr. Cotter stated that in order for the interior improvements to the Mansion to be done correctly the Township should have assistance from an architect in designing the improvements. Mr. Scipione requested that a scope of work be included with the proposal. Mr. Cotter said that he would include the Mansion Feasibility Study.

Mr. Scipione made a motion, seconded by Mr. Genzano, to advertise a Request for Proposals for Architectural Services for interior renovation of the Smith Mansion. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertisement of the Request for Proposals.

**D. Authorization to Advertise a Request for Proposals for Architectural Services relating to the Design and Construction of the Westtown-East Goshen Police Station Project.**

Mr. Cotter reviewed the proposal with the Board of Supervisors. He was directed by the Board to include the Police Feasibility Study with the proposal.

Mr. Scipione made a motion, seconded by Mr. Genzano, to advertise a Request for Proposals for Architectural Services for design and construction of the Westtown-East Goshen Police station project. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertisement of the Request for Proposals.

**E. Authorization to Advertise Bids for the Smith Mansion Exterior Painting Project.**

Mr. Cotter reviewed the bid with the Board of Supervisors.

Mr. Genzano made a motion, seconded by Mr. Scipione, to advertise the bids for the Smith Mansion Exterior Painting project. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertisement of the bid.

**F. Authorization to Advertise Bids for the Smith Mansion Brick and Stone Pointing Project.**

Mr. Cotter reviewed the bid with the Board of Supervisors.

Mr. Genzano made a motion, seconded by Mr. Scipione, to advertise the bids for the Smith Mansion Brick and Stone Pointing Project. Mr. Orlando asked for public comment. There was not public comment at this time. The Board of Supervisors unanimously approved advertisement of the bid.

**G. Action on Resolution 2002-9, Disposition of Records.**

Mr. Cotter stated that the Pennsylvania Historical Commission guide lines require that the Board of Supervisors adopt a resolution when Township records are to be discarded. Mr. Genzano asked about retention of correspondence. Mr. Cotter responded that correspondence has retention period of two years or as long as of administrative value.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve Resolution 2002-9 Disposition of Records. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Resolution 2002-9.

**H. Action on the J. Loew & Associates Offer of Extension for the Time to Review the Proposed Commerce Bank Land Development Plan.**

Mr. Cotter stated that the Township has received a letter from Mr. Timothy Townes of J. Loew & Associates offering a plan review extension for the Commerce Bank project until 30 August 2002. Mr. Cotter also stated that the Planning Commission would be doing a final plan review on 10 July 2002 and then pass the plan to the Board of Supervisors for approval at their 24 July 2002 regular meeting. .

Mr. Scipione made a motion, seconded by Mr. Genzano, to accept J. Loew Associates offer of plan review extension for the Commerce Bank project until 30 August 2002. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Commerce Bank plan review extension.

**I. Action on the Joseph McCawley Associates Offer of Extension for the Time To Review the Proposed Fountains at Westtown Land Development Plan.**

This item was table for further review by the Township Solicitor.

**J. Action on the Westtown-Chester Creek WWTP Renovation Project Change Order No. E-1, in the amount of \$736.00.**

Mr. Cotter advised the Board of Supervisors that this was a field change order for relocation of the transformer pad closer to the Westtown School property line.

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve Change Order No. E-1, in the amount of \$736.00. for the Westtown-Chester Creek WWTP Renovation Project. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Change order No. E-1 in the amount of \$736.00.

**VII. Public Comment**

There was no public comment at this time.

**VIII. Payment of Bills.**

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

**IX. Adjournment.**

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

