

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
January 16, 2001

In attendance were Supervisors L. Charles Scipione, Kenton S. Stokes and Victor J. Orlando; Township Manger Michael A. Cotter; Township Solicitor Robert F. Adams; Township Engineer Angelo M. Capuzzi; Westtown-East Goshen Police Chief John M. Dumond; and Planning Commission Vice Chairman John A. Bafile. There were nine guests in attendance.

I. Call to Order

There being a quorum present, Chairman L. Charles Scipione led the Board of Supervisors, staff and guests in the Pledge of Allegiance and called the meeting to order.

Chief Dumond asked to present the December Police Report at this time as he had another meeting to attend.

II. Approval of Minutes (Organizational and Regular Meeting 2 January 2001).

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the Organizational minutes and regular meeting minutes of 2 January 2001.

III. Departmental Reports

A. Township Solicitor – Robert F. Adams.

1. SBA Extension Offer – Westtown Village Extension Offer – Westrum Conditional Use Approval Extension.

Mr. Adams stated that SBA has asked for postponement of plan approval till the 5 February meeting. He also stated that they have received approval from the Planning Commission.

Mr. Adams advised the Board of Supervisors that Silver Star Associates has requested an extension of their plan review for the expansion of Westtown Village until 28 February 2001.

Mr. Adams also advised the Board of Supervisors that Westrum Development is requesting an extension of their Conditional Use approval for the Jones tract till 24th July 2001 as the plan is under appeal.

Mr. Orlando made a motion, second by Dr. Stokes, to grant extensions for plan review and approval to SBA and Silver Star Associates, and to grant an extension of Conditional Use approval to Westrum Development. Mr. Scipione asked for public comment. There was no public comment at this time. Unanimously approved by the Board of Supervisors.

2. Westtown Associates Conditional Use Re-opened Request.

Mr. Adams stated that he received a letter from Mr. Good, solicitor for Westtown Associates, requesting that Westtown Associates Conditional Use approval be re-opened. He informed the Board that Westtown Associate's engineer has determined that they will need approval for construction in steep slope areas. Mr. Adams suggested that the Conditional Use Hearing be conducted at a regular Board of Supervisors meeting. Mr. Cotter stated that this could be done on 20 February along with review of Westtown Associates preliminary/final plan. Mr. Scipione stated that he would like to review a preliminary plan before the final is presented. Mr. Cotter said he felt that the preliminary plan would be presented at the 5 February Board of Supervisors Meeting.

Mr. Adams advised the Board of Supervisors that at Mr. Cotter's request he is reviewing the Township field leases with East Side Little League and West Chester United Soccer which have expired. Mr. Cotter stated that the lease gives the league exclusive use of the fields in exchange for field maintenance.

B. Township Engineer – Angelo M. Capuzzi.

1. Construction Updates.

Mr. Capuzzi reported that construction has started on completion of Phase II of Green Lane Village. He also stated that construction is proceeding on Bacon Cottage-Westtown School, the Thomson and Barbone simple subdivisions.

Mr. Cotter said that he and Mr. Capuzzi had met recently met with Mr. Iacobucci of Fortress, Mr. Snow of Brandolini Company and Mr. Fenyas, President of Green Lane Homeowners Association to discuss the Green Lane project. He stated that complaints from Green Lane residents about the construction will be channeled through Mr. Fenyas to the developer. He also stated that Mr. Brandolini is responsible for finishing the improvements in Phase I and Mr. Iacobucci for Phases II and forward. The Board requested that they have an opportunity to review the Green Lane Subdivision plan as it has been at least five years, because of the moratorium on sewer connections, since houses have been built in Green Lane.

2. Final Payment request for 2000 Road Recycling Project to E.J. Brenemann Inc.

Mr. Capuzzi said this is a final payment to E. J. Brenemann, in the amount of \$2,914.12 for the retainage held on the project. He stated that the road recycling project has been satisfactory completed.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved final payment in the amount of \$2,914.12 to E. J. Brenemann for the road recycling project.

3. Final Payment Request for 2000 Landscaping Project to Potter Landscaping.

Mr. Capuzzi stated this is a partial payment in the amount of \$1,464.12 for landscaping of the Generator at the Township Building. He said the landscaping will be completed in the spring.

On the Motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved payment to Potter Landscaping in the amount of \$1,464.12

C. Planning Commission – John Bafile.

Mr. Bafile reviewed the 3 January 2001 Planning Commission meeting with the Board of Supervisors. He stated that the final draft of the West Chester Regional Planning Commission's ("WCRPC") Sewer study will be available at the WCRPC 29 January meeting. Mr. Bafile suggested, as the total funding contributed by the participating Townships has not been used the WCRPC Regional Commission should retain the funding for use on future studies.

Mr. Bafile said the Commission would be reviewing the Westrum sketch plan at their 17 January meeting. He also stated that the Commission recommends the Board of Supervisors grant Conditional use for steep slopes for the Gagliardi simple subdivision. Mr. Bafile said after review of the Chesterfield Development plan for 64 townhouses at Route 3 and 352 it appears the developer cannot meet the 50' buffer requirement, the 100' set back from Route 3 and the distance of the buildings from the interior drive. He stated that installation of a traffic signal at Woodcrest Road and Route 3 will also be necessary. Mr. Bafile also stated that the Commission has reservations on the Board of Supervisors granting Conditional Use for this project until further review of the plans. The Commission also approved the extension of the SBA tower plan.

Mr. Bafile stated that due to the recent winter storms the Commission had concerns about snow fencing. Mr. Cotter will talk to the Roadmaster about installing snow fencing in areas where drifting is a problem.

Mr. Cotter stated that as Mr. Brandolini is proposing to develop Townhouses on West Chester Pike in Willistown Township it would be advisable to coordinate his development with the office facilities proposed for 1645 West Chester Pike in Westtown Township. Mr. Cotter said he has been in contact with Willistown Township and that they are willing to work with Westtown on devising shared access from West Chester Pike to these developments.

IV. Old Business.

A. Re-Approval of the Westtown School Bacon Cottage Land Development Plan.

Mr. Cotter explained to the Board of Supervisors that Westtown School has been unable to record the Bacon Cottage plan, which was approved by the Board on 10/13/01, as they have been waiting for approval from DEP for their sewer planning modules. He stated that Westtown School has finally received approval from DEP and is requesting that the Board of Supervisors re-approve and re-sign the plans so they may be recorded.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously re-approved the Westtown School Bacon Cottage Plan.

B. Re-Approval of Resolution 99-12, PEMA.

On the motion of Mr. Orlando, second, Dr. Stokes, the Board of Supervisors re-approved Resolution 99-12, PEMA.

C. Appointment to the Zoning Hearing Board.

Mr. Cotter advised the Board of Supervisors that Felice McElwaine has made application to serve on the Zoning Hearing Board to possibly fill Mr. Ginty's expired term. Mr. Scipione suggested that Mr. Sill, who has been serving as an alternate to the Zoning Hearing Board, should be appointed to the expired term and that Mrs. McElwaine be appointed for one year as alternate to the Board.

On the motion of Dr. Stokes, second, Mr. Orlando, the Board of Supervisors unanimously appointed Mr. Sill to serve a three year term on the Zoning Hearing Board and Mrs. McElwaine to serve for a term of one year as alternate.

Dr. Stokes asked about the status of the Gatehouse. Mr. Cotter responded that the Township employees would be offered a long-term lease arrangement to rent the Gatehouse. If there is no interest from the employees then the Gatehouse will be available to the public to rent until a decision is made by the Board on the best use of the property.

Mr. Adams advised the Board of Supervisors that he has received a letter from Westtown School concerning the abandonment of Oak Lane and asked the Board's direction in this matter. The Board of Supervisors directed Mr. Adams to move ahead on the abandonment. Dr. Stokes reminded Mr. Adams that the School's contribution for the installation of a light at Shady Grove Road is a condition for abandonment of Oak Lane.

V. New Business.

A. Action on Ordinance No. 2001-1, New Garden General Authority \$5,000,000 Guaranteed Sewer Revenue Note.

Mr. Cotter introduced Mr. Robert Bradbury of Dolphin and Bradbury and Mr. David Franklin from Pepper Hamilton who were present at the meeting.

Mr. Franklin reviewed the Ordinance with the Board of Supervisors. He advised the Board that this \$5,000,000 note is a supplement to the 1997 bond issue. He explained the note is a self-liquidating debt covered by Township sewer revenues. Mr. Franklin also stated that the Ordinance must be approved by the Pennsylvania Department of Economic Development.

Mr. Orlando asked if there would be a penalty for pre-payment of the debt. Mr. Franklin advised Mr. Orlando that the debt could be pre-paid at anytime without a penalty.

Mr. Adams advised the Board of Supervisors that he has reviewed the Ordinance, the Ordinance has been advertised and that everything appears in order for adoption by the Board this evening.

Mr. Orlando, made a motion, second Dr. Stokes, to approved Ordinance No.2001-1, New Garden General Authority \$5,000,000 Guaranteed Sewer Revenue Note. Mr. Scipione asked for public comment.

Ms. Carol DeWolf, 1033 S. New Street, asked if this action is a precursor for funding to upgrade the sewer plant. Mr. Scipione advised Ms. DeWolf that the Township has arranged to borrow 25 million dollars over a thirty-year period. Mr. Bradbury explained that this is the second phase of funding for the sewer project. He stated the final cost of the project will be determined by the Township's decision on using a grinder pump system or a gravity fed system.

Mr. Robert Genzano, 1023 Plumly Road, asked if the five million is initial funds for the start of the sewer project. Mr. Bradbury stated that the IRS puts a determination on how much a Township can borrow without incurring payments to the Federal Government.

Dr. Stokes stated that the Township is making sure there will be funds available to move forward with the public sewer project once the Township has received the Part II permit from DEP.

The Board of Supervisors unanimously approved Ordinance No, 2001-1

B. Action on the 2001 Wastewater Consulting Engineering Contract with URS, Inc.

Mr. Cotter advised the Board of Supervisors that there will be a 2 ½% increase in the Township's contract with URS for fiscal year 2001. He stated that the contract includes update of the Act 537 plan, design of the Westtown-Chester Creek plant and infiltration and inflow mediation.

Mr. Scipione asked if the design work for the plant completed by Jastrzebski Engineering is being utilized by URS. Mr. Cotter responded yes and that the design is about 95% completed.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the 2001 Wastewater Consulting Engineering Contract with URS., Inc.

C. Resolution 2001-5 and amendment to the Westtown Township Hearing Fee Rate Schedule increasing hearing fees and subdivision application fee by 20%.

Mr. Cotter stated that the Township has not increased fees for hearings or subdivision applications since 1992. He said the increase in fees is reflected in the 2001 adopted budget.

As Mr. Orlando had questions about the wording of the Resolution this item was tabled. Mr. Cotter was directed to include a numeration of the fees in the Resolution.

D. Action on the Rubber Tire Loader Bid.

This item was tabled for further review of the bids submitted.

VI. Public Comment.

Ms. Eva Foster, 734 Westbourne Road, stated that at the 20 November 2000 meeting she had requested that the Township clean up the debris at the end of the cul-de-sac of Westcroft Place and this has never been done. Ms. Foster also asked if the "uses by right" for agricultural property that she had suggested, and that the Board of Supervisors felt had merit, will be included in the Growth Management Plan. Mr. Cotter stated that the Township consultant is working on incorporating her suggestions in the plan. Mr. Cotter said the Growth Management Plan should be on the Board of Supervisors 5 February meeting.

Mr. Walter Pavelchek, 1050 S. New Street, asked if a date has been set for the next Act 537 public meeting. Mr. Cotter advised Mr. Pavelchek that a tentative date has been set for 22 February at Stetson Middle School and that a letter will be sent to all residents about the meeting.

Mr. Genzano asked what the approval process for the Act 537 would be after the public meeting. Mr. Scipione stated that a decision will be made when the Board feels that they have enough information to make a qualified decision.

Ms. DeWolf asked if the Board will hold public sessions for the Growth Management Plan. Ms. DeWolf was advised that the residents would have sufficient time to comment on the plan before adoption.

VII. Approval of Bills.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved payment of the bills.

VIII. Adjournment.

As there was no other business or comment, on the motion of Mr. Orlando, second Dr. Stokes, the Board
of
Supervisors adjourned the meeting.

Respectfully Submitted,
Michael A. Cotter,
Township Manager