

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD  
February 5, 2001

In attendance were Supervisors L. Charles Scipione, Kenton S. Stokes and Victor J. Orlando; Township Manger Michael A. Cotter; Township Building Inspector, Kenneth A. Carroll; and Township Solicitor Andrew Rau. There were four 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.

At this time the Board of Supervisors held a Conditional Use Hearing to hear the application of Ralph and Irmgard Gagliardi, 1120 Chateau Drive, for construction of a single family dwelling unit and associated improvements on the property. Mr. Rau stated that the court reporter was not in attendance this evening but there will be an official tape of the Hearing which can be transcribed by the court reporter if necessary. (Tape available at the Township office upon request)

Mr. Scipione expressed his sadness at the passing of Mr. Daniel Ginty and asked that a moment of silence be held in his honor for his faithful years of service on the Township Zoning Hearing Board .

**II. Approval of Minutes (16 January 2001).**

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the minutes of 16 January 2001as corrected..

**III. Departmental Reports**

**A. Township Building Inspector – Kenneth A. Carroll.**

Mr. Carroll reviewed the January Building report with the Board of Supervisors. He said that as usual January had been a slow month for permits. He also stated that work is continuing on Green Lane Village.

**B. Township Roadmaster – Mark S. Gross.**

In the absence of Mr. Gross, due to the inclement weather, Mr. Cotter covered the January Road and Parks report with the Board of Supervisors. Mr. Cotter stated the Road Department is in the process of preparing bids for the 2001 tree trimming, road resurfacing, and roadside maintenance projects. He stated that a bid for upgrading of traffic signals on Route 3 is also being prepared.

Mr. Cotter commended Mr. Gross for the soil remediation project recently completed at the First National Bank building. He stated that the 45 tons of dirt had been hauled, at \$36.00 a ton, to Hagerstown Maryland for disposal. Mr. Cotter also stated that the ground is now prepared for construction of the meeting room addition which is part of the renovations to the bank.

Mr. Cotter advised the Board of Supervisors that the northern fence line at the Westtown-Chester Creek plant has been repaired. He stated that the walls of the north aerator were used as anchors for the fencing which should help keep debris out of the plant.

Mr. Cotter stated that the attic of the Township Municipal building will be cleaned this weekend by Envirosafe. He said the insulation would be replaced by the Township staff.

Dr. Stokes asked about the Township's supply of salt. Mr. Cotter responded that the Township has had no problems getting salt deliveries from the State's new salt contractor. Dr. Stokes advised those present that the Township is divided into five sectors and hires a snow plowing contractor for each section. He explained that this way the whole Township can be plowed at the same time not like other Townships who use their own staff and equipment. He stated this system works very well for the Township.

Mr. Robert Genzano, 1023 Plumly Road, commended Mr. Gross for the good job of snow removal done during the previous storm.

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

This item was tabled as Mr. Cotter advised the Board of Supervisors that he did not have all the financial information necessary to present the report at this time.

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

As Mr. Flynn was unable to attend the meeting Mr. Cotter reviewed the 17 January Planning Commission meeting with the Board of Supervisors. Mr. Cotter stated that the Commission reviewed Silver Star Associate's plan for a 9,200 square foot addition to the Westtown Village Shopping Center. He said the Commission discussion centered on removal of the gas tanks from the Sunoco station, which will now be part of the shopping center. Mr. Cotter stated that the Commission recommends the Board of Supervisors grant final plan approval to Silver Star Associates.

Mr. Cotter said the Commission also reviewed the staff memos for the revised Westrum sketch plan for the Jones Tract. He stated that public comments at the meeting concerned the status of the court appeals and how to keep the public informed of the plan progress.

Mr. Cotter advised the Board of Supervisors that the Commission also recommended that the Board of Supervisors grant Conditional Use approval to Mr. Brandolini for his proposed 49 unit Townhouse development at Routes 3 and 352 conditioned on the developer's continuing discussions with the Chesterfield Homeowners Association. The Commission also recommends the Board of Supervisors grant preliminary plan approval to Westtown Associates conditioned on the Township Engineer's letter of 1/12/01. Mr. Cotter stated that Mr. Good, attorney for Westtown Associates, would like the plan approved as preliminary/final and will be attending a Township meeting to discuss this with the Board of Supervisors. Mr. Cotter stated that PennDOT claims they have a 60' right-of-way on Hilltop Road originally called Oak Lane, which is raising issues on the drainage and parking on the site. Mr. Cotter said the Township staff is investigating this issue.

Mr. Cotter said the Commission will be discussing the zoning changes for the Growth Management Plan at this weeks meeting and that the Concerned Citizens Group will be presenting their suggestions on the revised Westrum sketch plan.

**IV. Old Business.**

**A. Action on Ordinance 2001-2, Broadband and Telecommunications Ordinance.**

Mr. Rau asked that the Board of Supervisors defer action on this ordinance until their 20 February meeting. He stated that the Ordinance creates rules for what a cable provider must do and also calculates the franchise fees and right-of-way fees the Township can charge. Mr. Rau said more clarification is needed on the percentage the Township can charge for right-of-way fees before the Ordinance is adopted.

**B. Action on the Comcast Internet Revenue Agreement Letter.**

Mr. Rau stated that when the Township renewed its franchise with Suburban Cable Company an agreement was not reached as to whether Suburban Cable would pay a franchise fee on Internet service provided on the cable line. Mr. Rau said that now that Comcast owns Suburban Cable the Township would receive a 5% franchise fee on Internet service until a court decision is rendered on the amount of franchise that can be collected. He stated that this revenue letter is a side agreement to the Township's franchise agreement with Comcast. Mr. Orlando asked why the Township cannot charge a franchise fee to a telephone company who provides Internet service. Mr. Rau stated that the telephone companies are under Federal regulations not cable regulations.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the Comcast Internet Revenue Agreement Letter.

**C. Action on the Preliminary Westtown Associates Land Development Plan.**

This item was tabled.

**D. Action on the SBA Oakbourne Park Cellular Tower Preliminary Land Development Plan.**

This item was tabled.

**E. Action on Ordinance 2001-3, An Amendment to the Westtown Township Zoning Ordinance to Revise the Definitions and Parking Requirements for Residential Care Facilities for Senior Citizens.**

Mr. Cotter reviewed the amendment to the parking requirements for residential care facilities with the Board of Supervisors. He stated that it has been determined by monitoring of the parking at the Sunrise facility for the past year that a more realistic requirement is necessary. Mr. Cotter said the requirement will change from 1.5 spaces to 1 space per four dwelling units. Mr. Orlando asked what if any impact this would have on the McCawley retirement facility. Mr. Cotter stated that the sketch plan for the proposed retirement facility was reviewed under the apartment ordinance. Mr. Cotter advised the Board of Supervisors that the Planning Commission has reviewed the Ordinance and recommends approval.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors made a motion to adopt Ordinance 2001-3 amending the parking requirements for residential care facilities for senior citizens. Mr. Scipione asked for public comment at this time.

Mr. Genzano asked for a clarification of the change. Mr. Cotter reviewed the changes stating that Sunrise has more spaces than they need and have offered their reserve parking area to the Township. Mr. Genzano asked if the changes in the ordinance will affect other assisted living facilities that might be developed in the Township. Mr. Cotter responded that the amendment to the ordinance will more than suffice for any other proposed assisted living facility.

**F. Action on the McCawley Jefferson Center Escrow Releases No. 16 and No.11A, in the amounts of \$13,978.04 and \$5,704.89, respectively.**

Mr. Cotter stated that this release is for work done on the jug handle last summer to accomplish changes requested by PennDOT.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved escrow release No.16 for Jefferson Center in the amount of \$13,978.04 and No.11A to Drum Construction in the amount of \$5,704.89.

**G. Action on Resolution 2001-5, Increase in Township Hearing Fee Schedule.**

Mr. Scipione reviewed the Fee Schedule Resolution with those present. He stated that the fees would be raised 20% to offset the increased costs to the Township for these functions. Mr. Cotter stated that under fees for subdivisions the first item should be corrected to read 0-1.99 acres.

Dr. Stokes made a motion, second Mr. Orlando, to adopt Resolution 2001-5 Township Hearing Fee Schedule. Mr. Scipione asked for public comment. There was no public comment at this time. Unanimously approved by the Board of Supervisors.

**V. New Business.**

**A. Action on the Award of the Rubber Tire Wheel Loader Bid to Giles and Ransome in the amount of \$76,810.00**

Mr. Cotter reviewed the bid with the Board of Supervisors. He stated that Giles and Ransome were the low bidders in the amount of \$77,810.00. He also stated that Giles and Ransome agreed to reduce the cost of the five year warranty by \$1,000.00. He explained that the bid was for a used machine which the Township has been using as a demonstration model.

Mr. Cotter advised the Board of Supervisors that the next highest bid was in the amount of \$79,825.00 for a new Case machine. He said that the bid package stated that the machine shall have been in production for a minimum of five years. Mr. Cotter stated that Mr. Gross felt that the Caterpillar was the better purchase as the bid model has been in production for 15 years.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the Rubber Tire Wheel Loader Bid to low bidder Giles and Ransome in the amount of \$76,810.00.

**B. Action on the B&D Computer Solutions Computer Network Maintenance Service**

**Agreement.**

Mr. Cotter advised the Board of Supervisors that B&D Computer does maintenance service for West Goshen and other municipalities in Chester County and is better able to handle Westtown's network maintenance than KEC Solutions, our current service provider.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the agreement with B&D Computer Solutions for Network Maintenance Service.

**C. Action on the KEC Solutions, Inc., Computer System Administration Service Agreement.**

Mr. Cotter stated KEC Solutions will now only handle the software concerns of the Township. Mr. Orlando questioned the payment of travel time in Mr. Kec's contract. Mr. Cotter advised Mr. Orlando that Mr. Kec does not charge the Township for travel time.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the Computer Service Agreement with KEC Solutions, Inc.

**D. Action on Resolution 2001-6, Disposition of Township Records.**

Mr. Cotter reviewed the items to be discarded with the Board of Supervisors. He stated the items are discarded under the guidelines of the Pennsylvania Historical and Museum Commission's Division of Records.

Mr. Orlando noted four financial items that he felt should be retained.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved Resolution 2001-6.

Dr. Stokes announced to those present that the Township has received the Part II permit from the Department of Environmental Protection and can now move forward with renovations to the Westtown-Chester Creek Plant.

**VI. Public Comment.**

There was no public comment at this time.

**VII. 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

