

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
February 20, 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, and Township Planning Commission Chairman Don Verdiani. There were seventy 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.

II. Approval of Minutes (5 February 2001).

On the motion of Dr, Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the minutes of 5 February 2001.

III. Departmental Reports

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

Chief Dumond reviewed the January Police Department report with the Board of Supervisors. He stated that Westtown-Thornbury Elementary School had recently received bomb threats and that a suspect has been arrested for this offense. He also stated that the Department has been working with police departments in Delaware County and two suspects have been arrested in the armed robbery of the Sunoco station in Westtown.

Dr. Stokes, commenting that less than three hours was spent by the traffic unit for speed control last month, stated that he would like to see more officers and more time spend on traffic control in the Township.

B. Township Solicitor – Robert F. Adams.

1. Review of Sunrise Dedication Issue.

Mr. Adams asked that this item be tabled, as he has not received the revised plan needed for the Sunrise dedication.

2. Thornbury Commons Sewer Connection Request.

Mr. Adams advised the Board of Supervisors that Thornbury Commons has received permission from the West Goshen Sewer Authority for capacity to the West Goshen Treatment plant. Mr. Adams stated that an agreement is needed with Westtown in order for Thornbury Commons to connect to the manhole located on Route 926. Mr. Cotter said the Township is also requiring a maintenance bond as part of the agreement.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the request of Thornbury Commons for a sewer connection to the manhole on Route 926 as conditioned.

3. Brandolini Development Chesterfield Conditional Use.

Mr. Adams stated that 12 February 2001 was the close of record for the Brandolini Conditional Use hearing and a decision must be rendered by 29 March 2001. He asked the Board of Supervisor's for direction in preparing the Conditional Use Order with action to be taken at the Board's 19 March 2001 regular meeting.

C. Township Engineer – Angelo M. Capuzzi.

1. Construction Updates.

Mr. Capuzzi stated that construction at Bacon Cottage/Westtown School, and Green Lane Village were proceeding in accordance with the plans.

2. McCawley Jefferson Center Escrow Release No.17 (Pleasant Grove Pump Station) in the amount of \$143,000.

Mr. Cotter asked that this item be tabled at this time.

D. Planning Commission – Don Verdiani.

Mr. Verdiani reviewed the 7 February 2001 Planning Commission meeting with the Board of Supervisors. Mr. Verdiani stated that the Planning Commission reviewed changes in the Township Zoning and Subdivision Ordinances pertaining to the Growth Management Plan. He also stated that these changes are contingent on the Board's acceptance of the Growth Management Plan. Mr. Verdiani said Westrum Development has withdrawn their appeal against the Township and will be presenting a preliminary land development plan to the Township in the near future. Mr. Verdiani advised the Board of Supervisors that the Commission has been interviewing applicants for the vacancy on the Commission and will make a recommendation to the Board.

E. Monthly Financial Report – Michael A. Cotter.

Mr. Cotter reviewed the January Financial report and the February Financial Report, through 20th February with the Board of Supervisors. Mr. Cotter stated that the Township received a high real estate transfer payment this month because of the sale of Jefferson at Westtown.

IV. Old Business.

A. Action on Westtown Associates Preliminary Land Development Plan, 1615 West Chester Pike.

Mr. Capuzzi stated that several issues have arisen since review of the Preliminary Land Development plan one being the PennDOT right-of-way on West Chester Pike which was not reflected on the plan. He advised the Board of Supervisors that when PennDOT widened West Chester Pike some forty years ago an extra ten feet was taken from this site in the area where the detention basin and parking is proposed. Mr. Capuzzi stated that Westtown Associate's engineer revised the plan and resubmitted the plan to PennDOT for approval. He also stated that sanitary sewer capacity for the site would be dependent on the approval of the Act 537 plan.

Mr. Cotter advised the Board of Supervisors that there is sewer capacity for the site at this time. Mr. Cotter stated that the Township is proposing that a gravity sewer line be constructed from the site under Route 3 to connect with the Kirkwood pumping station instead of installing a force main in PennDOT's right-of-way. Mr. Cotter stated that this would be close to the cost of the grinder pump system proposed by the applicant. He also stated that this would enable the Township, in the future, to provide public sewer for the Hilltop Road area.

Mr. Adams stated that it has also been determined that a Conditional Use Hearing will be needed before final plan approval is given as the applicant is proposing to build in a precautionary slope area. He suggested that the Hearing be held at the March 5th Board of Supervisors meeting.

Mr. Cotter said that the Planning Commission has recommended approval of the preliminary land development plan. Mr. Capuzzi mentioned that an agreement for use of Westtown Associate's parking lot by the Donohue Funeral Home needs to be signed by the applicant and Donohue.

Mr. Shields, Westtown Associates, stated that he would not have a problem with

installation of a sewer line under Route 3 if the cost was compatible to a grinder system. He would like to meet with Mr. Capuzzi before he makes a decision on the sewer system. Mr. Adams advised Mr. Shields that the Township would make the determination on what sewer system would be used and that this was non-negotiable.

Mr. Orlando made a motion, second Dr. Stokes, to approval the Preliminary Land Development Plan for Westtown Associates as conditioned. Mr. Scipione asked for public comment at this time.

Mr. Walter Pavelchek, 1050 S. New Street, asked for a summery of the conditions of plan approval.

Mr. Capuzzi stated that preliminary approval has been granted to Westtown Associates to build a two story 45,000 square foot office building at 1615 West Chester Pike with the following conditions; PennDOT approval for construction of a sewer line and road improvements at Hilltop Road and Woodcrest Road, approval of sewer planning module by DEP, approval by DEP for a permit to cross wetland areas, signed agreement between Westtown Associates and Donohue Funeral Home for use of parking lot during off peak hours, a 6' high wall to screen vehicle parking from Route 3 in the lower area, approval by the Chester County Conservation District for construction of the detention basin, and approval of an escrow account.

The Board of Supervisors unanimously approved Westtown's Associates Preliminary Land Development Plan.

B. Action on the SBA Cellular Tower Preliminary Land Development Plan, 1014 South Concord Road.

Mr. Cotter introduced Larry Washington, Mike Salt, and counsel from Ballard Spahr representing SBA. Legal Counsel for SBA advised those present that the preliminary plan is for installation of a 150' tree monopole, which can handle up to six antenna arrays, and an equipment cabinet. She also stated that all the concerns of the Planning Commission had been addressed. Mr. Scipione asked if the area would be fenced. Mr. Washington stated that a wood stockade fence would be installed and the area landscaped. Mr. Washington also stated that SBA will locate the Township septic drain field before any construction is done on the site.

Mr. Adams advised those present that cellular towers are permitted only on Township property in the T Zoning District. He also stated that leasing arrangements are being negotiated with SBA.

Mr. James Cahill, 9 Jacqueline Drive, asked if the Township would receive a franchise fee. Mr. Orlando stated that the Township receives a rental fee. Mr. Cahill asked if SBA could bill the Township for a franchise fee. Mr. Cotter said no SBA will have a lease arrangement with the Township and is not subject to a franchise arrangement.

Mr. Washington stated that construction will take three to five weeks and any access for heavy equipment will be through Township property.

Dr. Stokes mentioned that the installation of the cellular tower on E. Pleasant Grove Road at the Township Garage saved the Township \$325,000.00. Mr. John McGrorey, 611 John Anthony Drive, asked how the Township achieved this saving. Dr. Stokes advised Mr. McGrorey that the Township needed a garage that was heated to house and work on Township equipment. Dr. Stokes stated that the Tower installation paid for construction of the garage.

On the motion of Victor J. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the SBA Cellular Tower Preliminary Land Development plan conditioned on the addition of a plan note specifying that the drain field was to be fenced before the construction and a new land development plan submitted if it is determined that construction of the tower will encroach into the drain field.

C. Action on the Acceptance of the SBA Final Land Development Plan, 1014

S. Concord Road.

As there were no changes to the SBA preliminary plan the Board of Supervisors accepted the SBA Final Land Development plan and passed the plan to the Planning Commission for their review.

D. Public Hearing on the Township's Growth Management Plan.

Mr. Scipione announced to those present that the hearing on the Growth Management Plan would be held for forty-five minutes only. Ms. Carol DeWolf, 1033 S. New Street, asked if that included public comment. Mr. Scipione responded yes. Ms DeWolf asked if the residents could comment on the Growth Management Plan at the regular public comment section of the meeting. Mr. Scipione responded no, because of the length of this evening's agenda the Growth Management Plan hearing would be continued at the Board of Supervisors meeting on 5 March 2001.

Mr. Charlie Schmehl, of Urban Research and Development, reviewed the Growth Management Plan with those present. He stated that handouts of a summary of the Plan and the purposed zoning changes for the Crebilly and Orvis tracts were available for those present. Mr. Schmehl stated that the Growth Management Plan ("Plan") is a comprehensive plan for development of the Township over the next fifteen years. He said the Plan includes policy on future land use, natural feature preservation, transportation and road improvements, and facilities and services. Mr. Schmehl stated that the Plan would be implemented through changes in the current Township Zoning and Subdivision Ordinances which the Planning Commission has been reviewing. Mr. Schmehl stated that the overall goal of the Plan is to direct growth and change in a manner that conserves the most important natural, agriculture, scenic, and historical features of the Township while maintaining a high quality of life. Mr. Schmehl also stated that as most of the Township has been developed or committed to development attention was given in the planning process to the remaining undeveloped tracts along the 202 corridor. The Plan proposes to include the area North of W. Pleasant Grove Road, the Orvis tract, and the school property in the R2 zoning district allowing for mixed housing, and single family development with 55% open space preservation. Mr. Schmehl said any development in this area would include a landscape buffer between new development and existing homes and a new road running parallel to 202 from Stetson Jughandle and eventually connecting with West Pleasant Grove Road.

Mr. Schmehl then reviewed the proposed zoning change for the Crebilly tract. He stated at the present time the tract is zoned Agricultural/Cluster. He explained that development of this tract under the current zoning could be a flexible development with mixed housing and 70% open space or cluster development and 40% open space. Mr. Schmehl said the owners of the property have stated that at the present time they have no plans to develop the property. He then stated that the Township needs to plan ahead for development of the site before any plan is presented to the Township. Mr. Schmehl said the proposed zoning change for the property would be to allow corporate office development on the tract. Office development would be allowed only East of S. New Street with a 600' setback from residential lot lines. The perimeter of the tract would be landscaped with office in the front of the tract along Route 202, a possible golf course in the center and single family housing. Mr. Schmehl said that the proposed uses for the Orvis tract and the Crebilly tract would be considered Conditional Uses.

Mr. Scipione opened the hearing for public comments.

Mrs. Virginia Lieb, 816 Serpentine Drive, asked why does the Township need to change the zoning of the Crebilly tract? Mr. Scipione responded that the Growth Management Plan is a proposed plan for the future growth of the entire Township and that the Board of Supervisors also has questions that need to be answered before they approve any zoning changes. Mrs. Lieb said that response did not answer her question. Mr. Schmehl then stated that a number of Township officials feel this is a good use of the land for this site as a large percentage of open space will be preserved and there will be a more favorable tax base for the Township. Mr. Cotter advised those present that the Township has been working on the Plan for a number of years and at the present time the Township is dependent on tax revenue derived from single family housing that does not

generate enough tax revenue to support the services required by these developments. Mr. Cotter said the Crebilly tract was chosen because it fronts on Route 202, the fastest developing corridor in Chester County. He stated that the Township needs to develop a broader tax base to pay for the services the residents demand and the office option on the Crebilly tract will give the Township the flexibility to have the type of development that will generate revenue for the Township.

Mr. Jim Cahill, 9 Jacqueline Drive, said that he has watched the quality of life in Westtown deteriorate over the past twenty-four years he has lived in the Township. He said this deterioration has been caused by the development the Board of Supervisors has allowed along 202. He asked why the Township wants to commercialize a beautiful piece of Chester County Real Estate. Mr. Cotter responded that this is not an issue of commercialization and that commercial zoning is very different from office zoning. He emphasized that there is no commercial zoning planned for either the Orvis tract or the Crebilly tract. Mr. Cahill stated that an office development would only cause more congestion on Route 202.

Mr. John Wintermute, 1051 Dunvegan Drive, asked Dr. Stokes if the majority of the residents are against the zoning changes what will be the Board of Supervisor's response? Dr. Stokes reminded those present that when an active adult community was proposed for the Jones tract there was no zoning in place for this type of development. Dr. Stokes stated that Westrum Development went through the Conditional Use process for development of the Jones tract. He also stated that the Robinson family when approached by the Township stated they have no plans to development at the present time but they have developed south of Route 926 and our planners feel the Township should consider better options for the tract than single family housing. Dr. Stokes said in 2006 Route 202 will be six lanes and the Township would like the option of having a parallel road as proposed in the Plan. Dr. Stokes stated that a property owner has the right to develop their land but the Township also has the right to craft zoning.

Mr. Adams asked what would the density be if the Crebilly tract was developed under the present A/C zoning. Mr. Schmehl responded that if the tract was developed as cluster there could be approximately 418 units and if the tract was developed at two acres for single family there would be approximately 150 units and only 10% open space.

Mr. Robert Genzano, 1023 Plumly Road, stated that Dr. Stokes commented that the Jones Farm was zoned the same as Crebilly but we now have 400 houses because the Board of Supervisors changed the zoning ordinance. He said we need to understand what the worse case would be under the current zoning and that the Board of Supervisors allowed the high density on the Jones tract. Mr. Adams advised Mr. Genzano that there are more issues than making simplistic comparisons. He said the Board of Supervisors rezoned the Jones tract for sound reasons by looking at the whole picture and taking into consideration the age restrictions, consequence on schools, taxes, and the proposed 50% open space. Mr. Adams said under the current zoning it would be a totally different community with large lots, more children in the school district and only 10% open space.

Mr. Geoffrey Kramer, 1046 Dunvegan Road, stated that this is "down zoning" and asked what is wrong with R1. He said density is the problem as it brings more traffic and more demands on Township services. He would like to see a development with houses like David Robinson's instead of the apartments on the McCawley tract. He mentioned that Townships have won against curative amendments.

Mr. David Symthe, 1015 General Greene Drive, stated that what he thinks the Board of Supervisors is hearing tonight is that the residents would like the Board to be creative in trying to find a way to offer a greater degree of protection to preserve the quality of life in the Township. He also suggested offering a financial incentive to property owners to develop their land in a way that is profitable to all the community.

Mrs. Ligita Boyer, 1059 Dunvegan Road, asked if the Orvis tract is developed how will the traffic be accommodated as she has problem getting onto Route 202 now.

Mr. Phillip Jones, 1007 Jennifer Lane, stated that the traffic is backed up a mile before

Route 926 now and you are proposing 180 units on the Orvis tract, and a possible office building how are you going to address these significant traffic issues. Mr. Cotter responded that PennDOT is working on plans for Route 202 – Section 100, Matlack Street to the Delaware State line. He said the plan calls for widening of Route 202 to six lanes with urban interchanges at Matlack Street, Route 926, and Route 1. He also stated that all access points on Route 202 in Westtown will be closed except at Skiles Boulevard and Routes 926. Mr. Cotter stated that the Township has been working with PennDOT on this plan and this has been factored into the Township's planning as well.

Mrs. Marilyn Powell, 1057 E. Niels Lane, asked how sewage would be handled for the Orvis tract. Mr. Scipione stated he could not answer that question at the present time.

Mr. Ronald Nagle, 501 W. Pleasant Grove Road, stated that he had attended the Growth Management Plan task force meetings. He said it seemed clear to him the Orvis tract was being rezoned to accommodate 200 apartment units to be built by Shelter Development who in return would build the parallel road the Township wants from Stetson to W. Pleasant Grove Road. He also stated that he realizes that money needs to be obtained to build infrastructure but does not think that it is appropriate for this Board to exchange zoning for money. He expressed his concerns that the zoning changes being proposed are only to accommodate development of the Orvis tract and that is contrary to the expressed wishes of the people in attendance in this meeting.

Mr. Scipione thanked those in attendance for their comments and advised those present that the Growth Management Plan Hearing would be continued on the 5th of March.

E. Presentation of the Township's Asset Management and Mapping System Needs Analysis.

Mr. Cotter introduced Mr. Don Borden and Mr. Alex Nguyen of Gilmore Associates. Mr. Borden reviewed the Township's Asset Management and Mapping System Needs Analysis with the Board of Supervisors. Mr. Borden stated they had worked with the Township staff in compiling the needs analysis for the GIS system. He also stated that this is a joint GIS project among Westtown, East Goshen, and West Goshen Townships which will enable the Townships to share information on regional issues such as growth, crime, environmental and traffic issues. Mr. Cotter covered with those present the advantages of a shared community based mapping system. Mr. Nguyen explained how the GIS system functions as a property management tool for the Township.

Mr. Borden stated that a grant has been applied for with the Department of Community Economic Development ("DCED") to develop this joint project in the amount of \$265,000.00. Dr. Stokes asked what will it cost the Township over the next four years. Mr. Cotter advised Dr. Stokes that it would cost the Township approximately \$250,000.00 and that any grant money would be subtracted from this amount. Mr. Borden stated that the DCED is excited about this project which is becoming a pilot study for the entire Chester County region. Dr. Stokes said I don't believe in State funding until I have the check in hand. He stated that he knows what the system can do but his concern is what the cost will be to the Township. Mr. Cotter stated that even if we do not receive any funding, if the system is implemented correctly it should pay for itself in five years. Mr. Cotter stated that he is very excited about this project and feels the Township will become much more efficient with this system. Mr. Orlando asked what it has cost West Goshen so far for its GIS system. Mr. Cotter stated that our issues are not the same as West Goshen. Mr. Scipione said we have the same issues as West Goshen but not in the same degree. Mr. Borden advised Mr. Scipione that the Township has control over the extent of implementation. He also stated that the grant lays out the scope of work to be done and that they will work with the Township to develop the GIS system best suited to the Township. Mr. Borden stated that each phase can be done with separate contracts. Mr. Scipione said "I am not questioning what the system can do I want to know what the cost is to the Township". Dr. Stokes stated that the Board of Supervisors knows what the system can do, but the cost of Westtown's functioning as a Municipality has sufficiently increased we need to know how we will pay for the system if grant money is not received. Mr. Cotter stated that the GIS systems is part of the five year Township budget. Mr. Scipione again requested figures on the cost of the system.

F. Action on Ordinance 2001-2, Telecommunications and Broadband System Regulation.

Mr. Cotter stated that the remaining issue pertaining to the Ordinance has been resolved by Mr. Rau. Mr. Cotter stated that section 1102.1 has been amended to reflect the charge of 1.50 per linear foot for use of Township right-of-way by any telecom provider.

On the motion of Mr. Orlando, second Dr. Stokes the Board of Supervisors unanimously approved Ordinance 2001-2 as amended.

G. Execution of the Rubber Tire Wheel Loader Purchase Agreement with Giles and Ransome in the amount of \$76,810.00.

The Board of Supervisors executed the purchase agreement with Giles and Ransome for a rubber tire wheel loader in the amount of \$76,810.00.

H. Action on the Westtown Village Final Land Development Plan.

Mr. Cotter stated that the Westtown Village Final Land Development is ready for action by the Board of Supervisors this evening. Mr. Capuzzi stated that all conditions for final approval have been met once the escrow is finalized.

On the motion of Mr. Orlando, second Dr. Stokes the Board of Supervisors unanimously approved the final land development plan for Westtown Village conditioned on approved development and escrow funds as required under section 403 of the Westtown Township Subdivision and Land Development Ordinance.

Dr. Stokes asked Mr. Gross, Township Roadmaster, about trees on Tower Course Drive that he feels should be removed. Mr. Gross advised Dr. Stokes that the trees were included in the Township's recent tree trimming/removal bid.

Mrs. Eva Foster, 734 Westbourne Road, stated that in November she had asked the Township to clear the leaves out of the cul-de-sac at the end of Westcroft Place. Mr. Gross responded that Mr. Cotter advised him this was a neighbor issue not the responsibility of the Township. Mr. Cotter stated that he was not aware that the Township owned any property at the end of Westcroft Place. Mrs. Foster stated that her fence has been knocked down by the dumping of the leaves.

Mr. Scipione advised Mrs. Foster if she sees anyone dumping to report it to the Township.

V. New Business.

A. Action on the Award of Township Administration Building Prime Contract Bids Totaling \$972,523.00; Award of the General Contract Bid to Construction and Design Inc. in the amount of \$727,700; Award of the Mechanical Contract to Cook's Service Co., Inc. in the amount of \$64,823; Award of the Plumbing Contract to Bondurant Plumbing in the amount of \$43,000; and Award of the Electrical Contract to Cook's Service Co., Inc. in the amount of \$137,000.

Mr. Cotter advised the Board of Supervisors that the Township staff has conducted value engineering exercises with the contractors to lower the cost. He stated when an agreement has been reached with the prime contractors on the value engineering numbers and reduction they will be handled as a credit change order to the Township's favor. Mr. Cotter also stated that sale tax on equipment will also be a credit change order.

Mr. Adams explained that a 1998 amendment to the Bid Law eliminates the paying of sales tax on certain items of equipment incorporated into the bid. Mr. Scipione asked if there were items in the bid the Township staff could do. Mr. Cotter responded yes the Township could do the landscaping. Mr. Scipione asked Mr. Lombardi, Architectural Concepts, if the Township receives full credit for items according to the contractors breakdown. Mr. Lombardi responded that he does not have a full breakdown on all items.

A discussion ensued concerning how the contractors would breakdown the bid items. Mr. Adams advised the Board of Supervisors that under the Bid Law the Board could accept

the bids or reject them. Mr. Cotter stated that it was not in the best interest of the Township to reject the bids. He also stated that the project manager was very willing to work with the Township on lowering the cost of the bid.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously awarded the Township Administration Prime Contractors Bids Totaling \$927,523.00.

B. Action on Resolution 2001-7, accepting AL II Investments Inc., d.b.a. Sunrise Development Inc. offer of Dedication to 2.5± acres of land.

This item had been previously tabled by the Township Solicitor.

C. Action on Resolution 2001-8, Approving in Concept the S.R. 926 Corridor Safety Improvement Plan.

Mr. Cotter stated that the Township is working with neighboring Townships to improve conditions on Route 926. Dr. Stokes asked about the temporary traffic signal at Shiloh Road and Route 926. Mr. Cotter stated that PennDOT lost the Township's original submission and the Township has resubmitted the request.

On the motion of Mr. Orlando, second Dr. Stokes the Board of Supervisors approved Resolution 2001-8, approving in concept the S.R. 926 Corridor Safety Improvement Plan.

D. Action on Resolution 2001-9, Approving Modifications to the Regional GIS Grant Submission to the Commonwealth of Pennsylvania's Department of Community and Economic Development.

Mr. Cotter advised the Board of Supervisors this was a modification to the original grant submission which will formalized the creation of the GIS Advisory Group.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors approved Resolution 2001-9 modifications to the regional GIS grant submission to DCED.

E. Action on Resolution 2001-10, Creating a Private Lane to be Known as Daly Drive On the St. Maximilian Kolbe site.

Mr. Cotter explained that the new driveway from Skiles Boulevard to the new elementary school needed to have a formal address per 911 regulations.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the creation of the private drive to be known as Daly Drive.

VI. Public Comment.

There was no public comment at this time.

VII. Approval of Payment of the Bills.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors 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

