

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD  
April 2, 2001

In attendance were Supervisors L. Charles Scipione, Kenton S. Stokes and Victor J. Orlando; Township Manger Michael A. Cotter; Township Road Master Mark S. Gross; and Township Planning Commission member Nicholas Bibbo. There were twenty-two 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 (19 March 2001).**

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the minutes of 19 March 2001.

**III. Departmental Reports**

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

As Mr. Carroll was unable to attend the meeting Mr. Cotter covered the March Building report with the Board of Supervisors.

**B. Road and Parks – Mark S. Gross.**

Mr. Gross reviewed the March Road report with the Board of Supervisors. He stated that the Road Department has been cleaning storm water inlets and also replacing the Township Street signs with reflective 9" blue signs for better sight visibility at night. Mr. Gross advised the Board of Supervisors that he has been working with Mr. Jastrzebski, Township Engineer consultant, on the design for repair of the Oakbourne Road Bridge. Mr. Gross also stated that the 2001 Township Tree Removal/Trimming project will commence the week of April 9.

Mr. Pavelchek, 1050 S. New Street, asked if the playground equipment at the Township parks had been inspected. Mr. Gross advised Mr. Pavelchek that the equipment was inspected and found in good condition. Mr. Cotter stated that a report on the equipment will be made to the Parks Advisory Group at their 10 April meeting.

Mr. Leary, 1150 Old Wilmington Pike, asked about removal of trees on Old Wilmington Pike. Mr. Gross responded that the trees in question are included in the tree removal contract. Mr. Leary asked if residents would be responsible for maintaining trails and open space under the revised Comprehensive Plan. Mr. Scipione stated that it would depend on the parcel in question and that the Township would maintain Township property.

Mr. Scipione asked Mr. Gross to update those present on the Oakbourne Road Bridge repairs. Mr. Gross explained that the abutment on the East Side of the bridge, which holds up the bridge decking, was undermined by the weather conditions this winter and collapsed. He stated that once the engineering planning has been done it would take approximately three weeks to do the repairs and then another few weeks until the concrete is cured before the bridge can be reopened. Mr. Gross is hoping that the bridge will be opened by early summer.

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

Mr. Cotter reviewed the March Financial report with the Board of Supervisors. Dr. Stokes asked how much of the budget had been spent on snow removal this year. Mr. Cotter responded that approximately \$85,000.00 has been spent.

**D. Planning Commission – Nicholas Bibbo.**

Mr. Bibbo reviewed the 21 March 2001 Planning Commission meeting with the Board of Supervisors. He stated that Mr. Cotter had advised the Commission that the Board of Supervisors recommend appointing Elaine Alder to fill the vacancy on the Commission. Mr. Bibbo said that Mrs. Adler's appointment was favorably received by the Commission and concurs with the Board of Supervisors recommendation.

Mr. Bibbo said he had reviewed Birmingham Township's Comprehensive Plan and asked Westtown's Board of Supervisors to address the section in the plan that refers to the Crebilly tract. Mr. Bibbo also stated that representatives from Westtown School were present to review with the Commission their request to the Township to vacate Oak Lane. He said the main reason to vacate the road was for safety of the students who cross Oak Lane to use the School's athletic fields. Mr. Bibbo stated that the Commission recommends approval of the vacation of Oak Lane. He said the Commission also recommends approval of Westtown Associates Land Development plan conditioned on the eight items addressed by the Township Engineer. Mr. Bibbo advised the Board of Supervisors that the Commission recommends a sewer gravity system for the site not the force main system proposed by the applicant as the gravity system would enable Woodcrest Road and Hilltop Road to be connected to the sewer system in the future.

Mr. Bibbo said the Commission is reviewing comments from Mr. Schmehl concerning Mr. McCawley's "Fountains" at Westtown plan and are waiting to receive Mr. Capuzzi's review of the plan before they make a final recommendation to the Board of Supervisors.

Mr. Bibbo advised the Board of Supervisors that Mary Paumen has been appointed the delegate to the West Chester Regional Planning Commission and that Mr. Pavelchek is has agreed to serve as the alternate.

Dr. Stokes stated that Oak Lane cannot be closed until the permit is received for installation of a traffic signal at Shady Grove Way. Mr. Cotter said the Township has received the permit.

Mr. Orlando asked Mr. Bibbo what concerns with the Crebilly tract did Birmingham Township address in their Comprehensive Plan. Mr. Bibbo responded that Birmingham does not agree with our zoning change for the tract as they feel the change will have a negative impact on the Brandywine Battlefield preservation. Dr. Stokes stated he did not think any part of the Battlefield was in Westtown Township. Mr. Cotter said that there is no area of Westtown designated as part of the Battlefield but that the Darlington house at the intersection of Routes 926 and 202 was a hospital during the war. Mr. Pavelchek stated the British had camped in Osbourne Hills.

Mr. Scipione stated that it was his understanding that Oak Lane had never been dedicated to the Township. Mr. Cotter said that there does not appear to be any deed of dedication in the Township files but that the Township has been maintaining the road for at least fifty years. Mr. Cotter also said that Westtown School had two meeting with the Township residents and received their support for the closing. The Board then discussed the realignment of Shady Grove Road with Cheyney Road.

**V. Old Business.**

**A. Continuation of the Growth Management Plan Public Hearing.**

As Mr. Schmehl was unable to attend the meeting the hearing was continued to the 17 April 2001 regular Board of Supervisors meeting. Mr. Cotter advised those present that there were handouts available comparing the Crebilly and Orvis tracts with the current zoning.

**B. Action on the Sunrise Offer of Dedication, Resolution 2001-7.**

Mr. Cotter reviewed Resolution 2001-7 with the Board of Supervisors for dedication of 2½ acres by Sunrise to the Township. Mr. Cotter asked that the Board of Supervisors

accept the dedication so the Township can move forward with the projects in the area of the new Township Administration building. Mr. Scipione asked if the discrepancy in exhibit B has been corrected. Mr. Cotter responded that the Township Engineer has made the correction.

Mr. Orlando made a motion, second Dr. Stokes, to accept Resolution 2001-7 the Sunrise Offer of Dedication. Mr. Scipione asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Resolution 2001-7.

**C. Re-approval of the Westtown Township Administration Building Land and Simple Subdivision Plan.**

This item was deferred pending recording of the Sunrise Deed of Dedication.

**D. Action on the Westtown Associates Conditional Use Order.**

Mr. Orlando made a motion, second Mr. Scipione to approve the supplementary Conditional Use Order for Westtown Associates for permission to build within precautionary slopes. Mr. Scipione asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Conditional Use Order for Westtown Associates.

**E. Action on the SBA Cellular Tower Lease Agreement.**

This item was tabled, as the Tri-Party Agreements have not been received by the Township. The Board of Supervisors will execute the lease agreement with the tri-party agreements.

**F. Execution of the Township Administration Building Project Contracts, totaling \$972,523, to Construction and Design Inc. (General Contractor) in the amount of \$727,700; the Mechanical Contract to Cook's Service Co., in the amount of \$64,823; the Plumbing Contract to Bondurant Plumbing in the amount of \$43,000; and the Electrical Contract to Cook's Service Co., Inc. in the amount of \$137,000.**

Mr. Cotter stated that all the documents are in order for the Board's execution this evening. He stated that the Contractors will commence work this week.

Dr. Stokes made a motion, second Mr. Orlando, to approve the execution of the Contracts for the Township Administration building, totaling \$972,523.

Mr. Cotter introduced Mr. William Fries from Construction and Design to the Board of Supervisors. Mr. Cotter advised the Board of Supervisors that the amount of retainage in section 7.6 of Construction and Designs contract would be changed from 10% to 5% when the Township occupies the building. Mr. Scipione asked that Mr. Fries initial that change in the contract. Dr. Stokes asked how long for completion of the contract. Mr. Cotter said the project would be substantially completed in 152 days, or by the end of August.

Mr. Scipione asked for public comment. There was no public comment at this time.

The Board of Supervisors unanimously approved execution of the Contracts for the Township Administration building.

**VI. New Business.**

**A. Appointment of Elaine L. Adler to fill the Planning Commission Vacancy.**

Mr. Scipione stated the Board of Supervisors had asked the Planning Commission to interview candidates for the vacancy on the Commission. Mr. Scipione said that Mrs. Adler has been a prime leader in the Planning Commission as Secretary and that she is extremely cognate of Township procedures and zoning. He stated that the Board is

pleased to appoint Mrs. Adler to fill the vacancy on the Commission.

Mr. Orlando said that he is very happy to make the motion to appoint Mrs. Adler to the Commission. He stated that the Commission would not function without Mrs. Adler and that both he and Dr. Stokes had served as Chairman of the Commission and Mrs. Adler kept everything running smoothly. He also stated that she will be hard to replace as secretary. The motion was seconded by Dr. Stokes.

Mr. Scipione asked for public comment. Mr. Robert Genzano, 1023 Plumly Road, stated he thought that Mr. Hanson was going to be appointed to the Commission as he thought there were two vacancies. Mr. Scipione responded that there was only one vacancy.

The Board of Supervisors unanimously approved the appointment of Mrs. Elaine Adler to the Planning Commission.

## **VII. Public Comment.**

Mrs. Eva Foster, submitted a letter with her comments on open space as they pertain to the Growth Management plan, to the Board of Supervisors and Planning Commission

Mr. Robert Mastrovito, 825 Sharon Circle, asked when will the random testing of septic systems be done as indicated at the last Act 537 meeting. Mr. Cotter stated there was no set schedule and that a survey would be done first sometime this summer after the Act 537 is submitted and approved. Mr. Mastrovito asked who would pay for the homes being surveyed. Mr. Cotter said there would be no charged for the survey work to property owners. Mr. Scipione stated that the Act 537 is a not a plan on how the Township will proceed with implementation of public sewer projects.

Mr. Ted Andrews, 1005 S. Chester Road, stated that he felt most residents don't know the condition of their septic systems unless they have a problem so how can the Township expect an accurate response to the survey. He also stated that he did not feel there would be a large response to the survey. Mr. Scipione responded that planning a sewer system that satisfies the needs of the whole community is a difficult and laborious process and is distressed to think that Mr. Andrews is correct in his thinking that the residents will not respond to the survey. He also stated that a lot of effort and work has been done and the project will only be successful if the Township has good participation. Mr. Andrews said that he appreciates Mr. Scipione's feelings but in reality he feels it won't happen.

Mr. John Lain, 1540 Johnny's Way, said that in the 1992 Act 537 twenty-five areas in the Township were designated to need public sewer within ten years. He asked if these areas would be the first served. Mr. Cotter stated that data has been collected from various sources and the high need areas are being assessed. Mr. Lain said if an area needed sewer ten years ago why would they not need it now. Mr. Scipione stated that when the Act 537 was done in 1992 the Township did not own the Westtown-Chester Creek plant and at that time had planned on a spray irrigation system. He said the ownership of the plant changes the way the Township will have public sewer.

Mrs. Kathy Adams-House, 1012 Russell Lane, asked about a temporary traffic signal at Westtown Road and Route 926. Mrs. Adams-house was advised the signal will be installed when the 926 bridge is redone.

Mr. John Gallagher, 405 Oakbourne Road, said he moved to the Township seven months ago and has had a continuous drainage problem on this property since then. Dr. Stokes responded that Oakbourne Road is a State Road and that PennDOT has been uncooperative in correcting the existing drainage problems. Dr. Stokes advised Mr. Gallagher to contact the State. Mr. Scipione suggested Mr. Gallagher present the State with a diagram of the problem.

Mr. Pavelchek asked if educating the public on care of septic systems is part of the Act 537 plan. Mr. Cotter responded that it was and that residents really don't understand how to manage on site systems.

Mr. Lain mentioned that three candidates are running for Supervisors and that they are welcome to post their resumes on his private Westtown web site.

Mr. Elek Fenyes, 755 Hinchley Run Road, asked if the Township has given Mr. Brandolini a deadline for completion of the unfinished items in Phase I and II of the Green Lane Village development. Mr. Cotter said dates have not been established but they must be completed before Phase III and IV are started. Mr. Fenyes said it was his understanding that everything must be completed before the roads can be dedicated and would like to have the roads dedicated before next winter.

Dr. Stokes advised Mr. Fenyes that the Board of Supervisors will be holding a workshop to review the Green Lane Village plans and will then be in a better position to answer Mr. Fenyes concerns.

**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