

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

In attendance were Supervisors Chairman L. Charles Scipione, Vice Chairman Victor J. Orlando and Kenton S. Stokes; Township Manger Michael A. Cotter; Westtown-East Goshen Police Chief John Dumond; Planning Commission Chairman Don Verdiani; and Township Consultant Chris Rogers. There were over one hundred 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. Westtown-East Goshen Police Chief – John M. Dumond.

A. Departmental Commendations:

At this time Chief Dumond presented Citizen Commendations to Arthur and Shaun Mullen whose efforts in obtaining the license plate of a robbery suspect resulted in the arrest of the suspects. Chief Dumond also presented a Chief's Commendation to Officer William Doyle for his outstanding efforts during this robbery incident at Market Place Shopping Center.

Officer Tim Hubbard and Officer Gary Frey received Chief Commendations, and Officer Michael Gallagher was awarded a Commendation of Merit for an incident in East Goshen Township involving the apprehension of a suspect who was armed. Chief Dumond stated that he was honored to serve with such a fine group of officers.

B. Monthly Activity Report.

Chief Dumond asked to be excused from presenting the June Activity Report at this time.

III. Approval of Minutes (2 July 2001).

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the minutes of 2 July 2001.

IV. Departmental Reports

A. Planning Commission – Don L. Verdiani.

Mr. Verdiani reviewed the 11 July Planning Commission meeting with the Board of Supervisors. He stated that the Commission is working on the revisions to the POC pertaining to the Jefferson Tract adult apartments. Mr. Verdiani said the Commission would like a performance-based standard that would allow for an increase in building size if controls over landscaping and architecture are included. He also stated that the Commission is making progress on revisions to the R1 zoning for the Orvis tract as well as other R1 districts in the Township. He said the Commission is working on formulas that would give increased density for open space preservation. Mr. Verdiani said the draft R1 ordinance proposes that within a 300' boundary of another R1 development only 14,000 square foot lots would be permitted, but the Commission would consider a better alternative with the appropriate buffer levels.

V. Old Business.

A. Act 537 Plan Public Hearing.

Mr. Scipione advised the residents that the time of the Hearing would be limited to an

hour. He asked that any public comments from the residents concern only those issues that have not been discussed in the last seven public sessions held on the Act 537 Plan.

Mr. Cotter advised those present that there were handouts available. These were a review memo of June 16th 2001, and an Act 537 Plan executive summary. Mr. Cotter stated that the public comment period of thirty days, as required by law, was extended to sixty days. He said the Township received approximately fifty letters and emails, which have been responded to. He then stated that these letters and the Township's response to the letters will be incorporated into the Act 537 Plan submittal to the Department of Environmental Resources ("DEP"). Mr. Cotter said when the Act 537 Plan ("Plan") is adopted by Resolution by the Board of Supervisors the Plan will be submitted to DEP who then have 120 days to review the Plan. He stated that once the Plan is approved by DEP the Township can begin the next phases of the plan which are the system design engineering and the implementation of the on-lot management program. Mr. Cotter stated that it was apparent from the public meetings that the Plan originally presented in September 2000, which called for 100% grinder pumps to be installed in seven years, was not acceptable to most residents. He said the residents felt the plan was too aggressive and the residents also objected to grinder pumps. Mr. Cotter said after the May 4th meeting the Plan has been revised to address these issues. Mr. Cotter said there would be no public sewer planned for the Crebilly tract as any developer of the tract will have to install a community system. He stated the Township will do a survey of the on-lot systems, which will be followed by a random sampling of properties. He said the Plan also includes an aggressive on lot management program with the Township requiring residents to certify and pump their on-lot system every two years. Mr. Cotter stated that 85% of the cost of this program will be reimbursed to Westtown by DEP. The next phase mentioned by Mr. Cotter was the implementation of public sewer to the areas outlined on the map. These areas and the time frame for implementation of public sewer have been determined by lot size, soil type, etc. Mr. Cotter said public sewer is not planned for the areas in the Township that are in the ten-year and beyond time frame. These areas will continue under the on-lot management program. Mr. Cotter stated that before public sewer would be implemented in an area a neighborhood meeting would be held to review all the data with the residents. This data would include the design engineering and all costs of the project. Mr. Cotter stated that both the grinder pump alternative and the gravity system alternative would be considered for all locations. He said the system that would be selected would be the one that was most feasible from a total overall sewer system perspective. Mr. Cotter stated due to the topography of Westtown, the cost of piping the sewage flow to either the West Goshen Plant or the Westtown Chester-Creek Plant, and the design costs, the mostly grinder pump alternative is the most cost effective public sewage solution. He said the tapping fee for the grinder pump system would be \$7,500 with a \$450 per year user fee as compared to a tapping fee of \$22,750 with a \$450 per user fee for the all gravity system. Mr. Cotter stated that the costs in the Plan are all the foreseeable costs determined by the consultants. Mr. Cotter said that once the Plan is approved by DEP the Township will move forward with the design phase and address the residents concerns. He also stated that the Act 537 Plan is a concept and the Township couldn't move forward until Commonwealth approval has been received.

Mr. Chris Rogers, URS, reviewed the procedural requirements for the Act 537 Plan. He stated that the draft plan has been sent, as per DEP, to various agencies for their review. He said the review by the Pennsylvania Department of Conservation and Natural Resources found some species that might be of potential concerns. Mr. Rogers stated that these concerns will be addressed during the design engineering phase along with the architectural concerns of the Pennsylvania Historical Museum Commission. Mr. Rogers reviewed the concerns of the Chester County Health Department ("CCHD") and the Chester County Planning Commission ("CCPC"). He stated that the CCHD is concerned that all wells be capped if installation of public water is involved. He said that the CCPC's review found the Plan in general consistence with Landscapes but both the CCPC and the CCHD stated that a phasing plan should be included. Mr. Rogers also stated that an informal meeting had been held with DEP and that DEP had concerns that a phasing plan was not part of the Act 537 Plan submission.

Mr. Rogers said to prepare the phasing plan, data was collected from the CCHD on the

age of subdivisions, the type of on-lot systems that were installed, size of the lot and a review of the permits for repairs from 1987-1999. He stated that the implementation of the phases will be 0-5 years for neighborhoods with the majority of on-lot systems installed before 1969 and lots of less than one acre, and 5-10 years for areas of development between 1970-1980 who do not meet the CCHD's current requirements. He stated that 20% of the lots in the 5-10 year phase are less than an acre. Mr. Rogers said the primary tool for implementation of this plan is the on-lot management program.

At this time Mr. Scipione opened the meeting to public comment.

Mr. Joseph Lapps, 1053 Windy Knoll Road, asked if more than half of the on-lot systems in the 0-5 year phase have been replaced would that change the phasing of a neighborhood? Mr. Orlando responded that there were only 354 permits reviewed from the CCHD and of those permits only 175 properties were in the 0-5 year phase. Mr. Rogers said that when an area is surveyed how many of the on-lot systems have been replaced will be a determining factor for public sewer in a neighborhood.

Ms. Carol DeWolf, 1033 S. New Street, stated that she had been involved in doing the West Chester Regional Planning Commission's sewer study. She asked if she understood correctly that when an area is surveyed the Township will study the data and re-evaluate the phasing if necessary but in order to move forward with the Act 537 Plan the Plan must include a realistic phasing schedule. Mr. Rogers responded yes, that is correct.

Mr. William Mallalieu, 1014 S. Chester Road, stated that in each of the meetings that he has attended the residents have overwhelmingly expressed that they do not want grinder pumps. Mr. Mallalieu said the residents want to look at another alternative and questioned as to why the Board would not obtain a second opinion. Mr. Orlando responded that the Board of Supervisors is not forcing grinder pumps on the residents. He stated that as Mr. Rogers explained all areas will be analyzed for the system that will work best either gravity or grinder pump. Mr. Orlando said the residents will have to make the decision if they are willing to pay for the gravity system. Mr. Mallalieu asked why the gravity system will cost three times the grinder pump system. Mr. Orlando advised Mr. Mallalieu that the cost is based on the whole collection system not just one connection and stated that there is less excavation with the grinder pump system. Mr. Orlando said the Township has to move forward with the Plan in order to have these questions answered. Mr. Orlando said that the Board are also residents and are trying to do their best for the Township as a whole and are listening to all the residents comments.

Mrs. Rita Cipollone, 118 E. Hilltop Road, expressed her personal opinion that she does not want another gadget that she has to take care of for the rest of her life. She stated that she would rather upgrade her on-lot system than have something she would have to keep paying for.

Mr. William Wood, 1063 Dunvegan Road, stated he has an on-lot system that has worked well for thirty years. He said the system was updated in 1992 for \$4,500 and is working perfectly. Mr. Wood said as a chemical engineer he is familiar with piping and check valves for pumps and being required to install a grinder pump instead of being able to use his currently satisfactory system would cause him needless expense and adversely affect his quality of life and decrease the value of his property significantly. He also stated that grinder pumps do not have a demonstrated reliability comparable to a gravity or on-lot system. Mr. Wood then mentioned a letter from Mr. Cotter dated June 20th in which Mr. Cotter stated that the "Township is unaware of any installations on the order of the magnitude proposed". Mr. Wood stated that Westtown Township has too many power outages and the only remedy would be for each household to have a back up generator. He asked that the Board not approve the grinder pump system and stated he would be willing to pay for a gravity system.

Mr. Myron Grubaugh, 1024 Dunvegan Road, stated he is a tax paying resident and member of the Citizens for Responsible Growth ("WCRG"). He also stated that the WCRG has researched the Plan asked that the Board table any decision on the Plan this evening. Mr. Grubaugh stated that the residents have asked to see a comparison list of

pros and cons on the alternatives in the Plan and questioned why this information has not been forthcoming. Mr. Grubaugh said that it is common practice when selecting a design to have an unbiased evaluation of the proposed solution. He stated that an outside firm, even though it would be an additional cost, would be instrumental in catching expensive preventable mistakes before the bidding process was started. Mr. Grubaugh then stated that the WCRG had asked the Township to submit the Plan by URS to outside review but that the Township has refused to use this process. He asked why is the Township refusing to do something that is standard practice especially on a 25 million-dollar proposal. He said he believes that the Westtown Township taxpayers would gladly pay this bill. Mr. Grubaugh asked the Board of Supervisors if they were aware of the problems the Township of Cohasset, MA, had with their grinder pump system during a cold weather power outage and the problems Willistown Township has experienced with lack of adequate flow. Mr. Grubaugh mentioned the petition that was presented to the Board which was signed by 900 residents and again asked the Board of Supervisors to gather more information and make that information available to the residents.

Mr. Melvin Brown, 1424 Bobolink Lane, said he is also a member of WCRG and asked why the Township is not considering the use of near by sewer plants which would make the gravity alternative more attractive. He stated that the Regional Sewer Study suggested that Westtown Township look at sending flows to neighboring Township's but this is not in the Plan and was only addressed in a letter he received from Mr. Cotter as being too expensive. He said that the Township is required by Act 537 to do this. Mr. Cotter responded that the Township had reviewed sending flows to the West Chester's Goose Creek Plant, which was feasible but would have been costly. Mr. Cotter said the Township would have had to enter into intergovernmental agreements with E. Bradford, Birmingham, West Goshen and the Borough of West Chester and that West Goshen had no interest in entertaining this option for Westtown eight years ago. Mr. Cotter also stated that the Township would have had to buy capacity from Wyeth at a cost which far exceeds the cost of the Township's capacity at the West Goshen Sewer Authority. Mr. Brown asked why this cost was not shown in the Plan. Mr. Cotter said that after review of the costs and the tapping fee it did not make economic sense. Mr. Brown then asked about the Willistown Plant. Mr. Cotter responded that the Willistown plant is owned by Philadelphia Suburban Water Company ("PSWCO") whose service area is defined by the PUC. He stated that PSWCO would have to petition the PUC in order to increase their service area. Mr. Brown then stated that the Township does not have to send all the flows to one plant. Mr. Cotter advised Mr. Brown that the Township reviewed all the options and will continue to send flow to West Goshen and the Township owned Westtown-Chester Creek Plant.

Ms. Carol DeWolf advised those present that when working on the Regional Sewer Study it was determined that Wyeth not only holds the capacity for the West Chester Goose Creek Plant but also pays a large percentage of the operation of the plant. She stated that from the Borough's perspective the plant is being paid for. She also stated that's its important to look at the whole picture not just the Regional Sewer Study.

Mrs. Patricia Platt, 1068 Edgewood Chase Drive, questioned why the Chesterdale Plant was not explored as an option. Mr. Cotter advised her that the previous owner of the plant did not operate the plant properly. He also stated that PSWCO's capacity is limited by its service area, which is defined by the PUC. He said at the present time they do not have any capacity to allocate to Westtown Township but this could change in the next ten years. Mrs. Platt asked Mr. Cotter if the Township was willing to explore options. Mr. Cotter responded yes.

Mr. Michael Didomenico, 115 W. Hilltop Road, asked how will the homes in his neighborhood be addressed which are in the 0-5 year phase. Mr. Cotter stated that when the Township is ready to propose public sewer to a neighborhood the Township will meet with that neighborhood. He said the Township will be pro-active in this process, as the Township does not want to wait till there are failed systems in a neighborhood. Mr. Didomenico asked what the cost of a certification fee would be. Mr. Cotter responded that the cost would be determined during the design phase of the project.

Mr. Brian Walsh, 1529 Woodland Road, questioned why his area of the Township which is on a hill and should be able to have a gravity flow system would require 30' to 40' deep cuts for sewer lines. Mr. Orlando stated he is not an engineer but it is possible that some properties in that area would require very deep cuts. Mr. Walsh asked if grinder pumps are going to be the last choice or the first choice for an area. Mr. Cotter stated that choice would be based on the overall system needs, which is the next phase of the project. Mr. Walsh said that did not answer his question. Mr. Cotter stated that the Act 537 Plan does not require an engineering design and it would not be good management on part of the Township to produce one at this time. Mr. Cotter advised those present that he wanted to make it clear that it is not Township tax dollars or earned income tax that is paying for this study, it is the existing system rate payers fees that are funding the study. He stated that the cost of the project comes from the Township wastewater treatment budget. Mr. Walsh said when PSWCO surveyed his area for public water they did not require everyone to connect. Mr. Cotter stated the Municipalities Planning Code requires that everyone connect but that there are exceptions which the Board will address in the next phase. He also stated that by State law any property 150' from the right of way is exempt.

Mr. Robert Mastrovito, 825 Sharon Circle, feels the Township should explore the recommendations of the Regional Sewer Study. He stated that as there appears to be excessive capacity in surrounding Townships he feels Westtown should be pursuing this and should be obtaining a second non-biased opinion as to the costs and agreements with other Townships. Mr. Scipione responded that the Township has been going through this process for the last fifteen years and this has been discussed in previous meetings. He also stated that the Act 537 Plan is an overview of the problem of providing public sewer for the whole Township and that there will be times where there will be special conditions in specific areas that will need attention. Mr. Scipione asked that the residents need to trust the Board that that this will happen.

Mrs. Jane Wintermute, 1057 Dunvegan, stated that she did not hear the Board answer three of the questions the gentleman from the WCRG asked. Mr. Scipione asked what the questions were. Mrs. Wintermute said the first question pertain to the availability of a list of the pros and cons for each system. Mr. Rogers stated specific pros and cons are done during the design phase. Mr. Cotter stated that the URS cost estimate work sheets are part of the Act 537.

Mr. Robert Genzano, 1023 Plumly, said there is nothing in the Plan to support the numbers in the work sheet. He said that URS did an excellent job but that the numbers do not tie together. Mr. Rogers stated there is an explanation in Chapter 7 of the Act 537 Plan.

Mr. James Kane, 1044 Edgewood Chase Drive, questioned why there was 100,000 more lineal feet in the gravity piping than in the grinder pump system. Mr. Rogers responded that the grinder pumps have a direct route to the force main and the gravity system must go through a pumping station system.

Mrs. Wintermute then asked the second question, which was why the Township was not getting a second opinion from an impartial firm, and that by not doing this the Township was setting the mode of the system that would be used.

Dr. Stokes responded that he would like to do what the gentleman has suggested. He stated that he would like to know if grinder pumps are a good idea. He said lets spend the money now for one more study so that the Township can move forward with this project. Dr. Stokes said in was in Cohasset, MA, and Martha's Vineyard last weekend and saw their systems. He stated now is the time to find out if the grinder pump system works.

Mr. Kane said if the Township can prove that this is a viable system and will take recommendations from another firm he would not have a problem moving forward with the project.

Mrs. Wintermute said the third question was "does the 900 plus signatures mean

anything to the Board". Dr. Stokes responded that good things have come out of this meeting. He stated that the Board is elected by the residents, works hard for them and tries to hire the best people possible. He also stated he knows there are problems with on-site systems in the Township; and requested that residents pump their system every two years. Dr. Stokes said the residents must trust that the Board will do the best that they can.

Mrs. Wintermute thanked the Board of Supervisors for their response.

Mrs. Linda Cupp, 1017 S. Concord Road, asked how the residents would be educated in order to implement the on-site management program. Mr. Cotter said that education is a key component to the Plan, as most residents do not know how to take care of their systems. Mr. Cotter said this would be implemented when the Plan is approved. Mrs. Cupp asked why the education of the residents had to wait for Plan approval. Mr. Cotter said it will probably take till the end of the year to compile the information.

Mrs. Marilyn Powell, 1057 E. Niels Lane advised Mr. Cotter that information on care of on-site systems could be obtained from the Chester County Health Department. Dr. Stokes said information would be included in the Township newsletter.

Mrs. Cindy Dumont, 1083 Edgewood Chase Drive, asked about the Township's web-site. Mr. Cotter said as the web-site was to be part of the Unisys Portal Local Life.Com, which is no longer in West Chester, the web-site had to be redone and should be ready by the end of the summer.

Mrs. Ligita Boyer, 1059 Dunvegan Road, stated that she agrees with delaying the Plan and does that mean the Board of Supervisors would not be voting on the Plan this evening. Mr. Scipione said the Board would be deferring the vote. Mrs. Boyer asked what the cost would be to connect to the main. Mr. Cotter said your lot determines that. Mrs. Boyer asked what the cost of a generator or storage tank would be. She was advised that would be the decision of a property owner if they wished to incur that cost. Mrs. Boyer expressed her concerns about loans for residents who would be unable to pay for a public sewer connection. Mr. Scipione advised her this would be handled on an individual basis. Mr. Cotter stated that the state statute is very definite about exemptions and the Township will have to be careful in its decision making.

Mr. Scipione announced that the Board of Supervisors will defer a vote this evening and will investigate a second opinion and the public will be informed. He stated at this time the Board would hear ten more minutes of public comment.

Mrs. Andres Lucas, 408 Diane Drive, asked that the Board during the period of getting a second opinion determine first what the residents really want gravity or grinder pumps. Mr. Orlando advised Mrs. Lucas that the area where she lives would probably be a gravity system. He also stated that once a decision is made for grinder pump or gravity another neighborhood might have to be included because of the overall system design.

Mr. Robert Pingar, 1003 Russell Lane, asked Mr. Rogers if you have two developments, A and B, and B is decided for grinder pumps what are the odds that development A would be gravity. Mr. Rogers said it is not feasible to connect gravity to a force main. He said even though communities will be looked into on a case by case basis the Township has to consider the overall system needs. Mr. Pingar stated that looking at individual neighborhoods was not in the summary. Mr. Orlando stated it will be in the minutes and we will do what the majority wants. Mr. Orlando also said there are approximately 125 people here this evening but the 500 residents who are not here also need to be considered. Mr. Cotter said that the neighborhood meetings are part of the on-lot management program and is in the Plan.

Mr. Scipione thanked the residents for their cooperation. He again stated that the Board of Supervisors is deferring the approval of the Plan. The public hearing was then closed.

V1. New Business.

A. Westtown Associates Escrow Release #1, in the Amount of \$171,592.42.

Mr. Cotter stated that this has been a very well run project and that Mr. Shields is working hard to keep a good relationship in the neighborhood.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors approved Escrow Release #1 in the amount of \$171,592.42 for Westtown Associates.

B. Authorization to Advertise the Codified Ordinance Public Hearing and Adoption.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors authorized Mr. Cotter to advertise the Codified Ordinance Public Hearing and Adoption.

C. Acceptance of the Brandolini Development Co. Chesterfield II Preliminary Land Development Plan.

Mr. Cotter introduced Sean McCauley, from Chesterfield Development Corporation, who reviewed, with the Board of Supervisors, a plan for forty-nine townhouses at Routes 3 and 352. Mr. McCauley stated that the Township Engineer has reviewed the plan and the plan meets the requirements of the Board of Supervisor's Conditional Use Order.

The Board of Supervisors, on the motion of Dr. Stokes, second, Mr. Orlando, accepted the plan as preliminary/final and passed the plan to the Planning Commission for their review.

VII. Public Comment.

There was no public comment at this time.

VIII. Approval of Bills.

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

IX. Adjournment.

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

Respectfully Submitted,
Michael A. Cotter,
Township Manager