

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
September 17, 2001

In attendance were Supervisors Chairman L. Charles Scipione, and Kenton S. Stokes; Township Manger Michael A. Cotter; Township Solicitor Robert F. Adams; Township Engineer Angelo M. Capuzzi; Township Planning Commission member Art Holland; and Westtown-East Goshen Police Chief John M. Dumond. There were twenty-six 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.

Mr. Scipione asked for a moment of silence to honor those who lost their lives in the terrorist attacks on our nation this past week.

II. Westtown School Lower School Expansion Conditional Use Hearing.

At this time the Board of Supervisors held a Conditional Use Hearing to consider and take action on the application of Westtown School for expansion of the lower school in an area of steep slopes.

On the motion of Dr. Stokes, second Mr. Scipione the Board of Supervisors unanimously granted Conditional Use Approval to Westtown School to expand the lower school in an area of steep slopes. (Transcripts of the Hearing are available at the Township Business Office).

III. Approval of Minutes (4 September 2001).

On the motion of Dr. Stokes, second Mr. Scipione the Board of Supervisors unanimously approved the minutes of 4 September 2001.

IV. Departmental Reports.

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

Chief Dumond reviewed the August Police report with the Board of Supervisors. He advised those present that the Department had received notification from the New York Port Authority asking for help at the site of the Twin Towers. A contingency of officers from Westtown-East Goshen and West Goshen responded to the call. Chief Dumond stated the officers worked a twelve-hour shift in an area where a police officer was found alive.

Chief Dumond also reported on a serious accident on Sunday night on Oakbourne Road at the curve east of Jeroma Lane. Dr. Stokes stated there have been accidents on this dangerous curve before and requested that Mr. Cotter address this situation with PADOT and put them on notice that the Township wants this hazardous road condition corrected.

B. Solicitor – Robert F. Adams.

1. Oak Lane Vacation Update.

Mr. Adams stated that the Township has done by statue all that was required for vacating and recording of the turn back of Oak Lane to Westtown School.

2. Amendment of the Agriculture Security Area.

Mr. Craig Kalemjian, representing the Crebilly Farms Family Association LTD,

was present to request that five parcels of the farm property be included in the Township's Agricultural Security District. Mr. Adams stated that the Township's district was established under State law in 1989 and reviewed by law every seven years. The Township's Agricultural Security District was last reviewed in 1996. Mr. Adams stated that the law requires an application to be reviewed by the Township's Agricultural Advisory Committee, Planning Commission and a public hearing held before action is taken by the Board of Supervisors.

The Board of Supervisors passed the application to the Agricultural Advisory Committee and the Planning Commission for their review.

3. Action on Resolution 2001-20, Edgewood Chase Deed of Dedication.

Mr. Adams advised the Board of Supervisors that the original 1975 deed of dedication to the Township for the Edgewood Chase open space was incorrect. This created a small parcel on which no one has been paying taxes. Mr. Adams stated that the deed has been amended and asked the Board of Supervisors to accept the amended deed for recording. The Board of Supervisors unanimously approved re-execution of the Edgewood Chase Deed of Dedication.

Mr. Cotter thanked Mr. Adams, Mr. Capuzzi and Mrs. Alder for correcting this long time situation.

4. Execution of the Alpha Space Control Line Painting Agreement.

Mr. Adams stated that the Line Painting Agreement and documents are in order for the Board's execution this evening.

On the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors unanimously approved execution of the Alpha Space Control Line Painting Agreement in the amount of \$13,353.00.

Mr. Myron Grubaugh asked if this included the "no passing" zone on SR 926 in front of Pete's Produce. Dr. Stokes advised Mr. Grubaugh that this is a state road and Mr. Cotter is addressing the concern with PADOT.

C. Township Engineer – Angelo M. Capuzzi.

1. Brandolini Companies Green Lane Village Phase I Escrow Release #10 in the Amount of \$5,000 and Green Lane Village Phase II Escrow Release #6, in the amount of \$2,000.

Mr. Capuzzi reviewed the escrow releases with the Board of Supervisors. He stated that the Phase I release is for completion of outstanding items. The Phase II release is for snow removal.

Mr. Scipione asked about retainage. Mr. Capuzzi stated that the contingency balance was replenished when Mr. Iacobucci purchased the property. He also stated that there was a \$30,000 retainage for the pump station.

On the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors unanimously approved escrow release #10 in the amount of \$5,000 for Phase I, and escrow release #6 in the amount \$2,000 for Phase II of Green Lane Village.

2. Green Lane Sanitary Sewer Construction Payment Release #1, in the amount of \$23,175.63.

Mr. Capuzzi stated this release was for the installation of public sewer to six properties on Green Lane in conjunction with the improvements by Fortress for Phase IV of Green Lane Village. By doing the work now the Township saved 10% of the cost of the project.

On the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors unanimously approved payment release #1 to the contractor in the amount of \$23,175.62 for installation of public sewer on Green Lane.

3. Wild Goose Farms Plan Modification Request.

Mr. Capuzzi stated that the Wild Goose Homeowners Association (“HOA”) had voted not to build the bridge, which was approved in the original plan, across Goose Creek to the open space. The HOA asked that the money escrowed for the bridge be used for other projects in the development such as stormwater, additional plantings and the reserved parking spaces at the Picket Way Cul-de-sac. Mr. Capuzzi stated that the grass pavers installed in the parking area of Picket Way when the road was dedicated in 1999 are not working as well as anticipated and the HOA would like the parking area redone to the original plan specifications.

Mr. Cotter asked that the Board of Supervisors approve the plan modification subject to removing the pavers in the Picket Way parking area and restoring the area to the specifications in the original plan. Mr. Cotter stated that he had received a letter from the HOA which indicated that they feel the amount remaining in escrow, since the bridge will not be built, be used for other areas of the development or go to the HOA and not returned to the builder.

Mr. Paul Angiolillo, 639 Picket Way, President of the HOA, said that the HOA does not want bamboo planted, as suggested by Mr. Wagner, at the end of the cul-de-sac. Bamboo could grow into the stormwater basin and cause problems. He stated that they requested that Mr. Wagner plant trees instead. Mr. Capuzzi said the original plan does not call for bamboo. After some discussion it was determined that Mr. Wagner has completed the stormwater projects on Mr. Bowers and Mr. Nussbaumer's properties which corrected a runoff problem in the development. It was also determined that the HOA feels the remaining escrow money should go to the association. Mr. Adams advised Mr. Angiolillo that any money held in escrow belongs to Mr. Wagner if all the specified improvements have been completed. He stated that only thing the Board of Supervisors can do is to approval the deletion of the bridge from the plan. Mr. Adams advised Mr. Angiolillo to meet with the HOA and decide if they still wish to not have the bridge built.

Mr. David Sinclair, 935, said there has been a misunderstanding as the HOA thought the escrow money would come to the association. Mr. Adams advised the Board of Supervisors not to take any action until the HOA has revisited this issue.

Mr. Angiolillo requested a stop sign at the intersection of Picket Way and S. Concord Road. Mr. Adams advised Mr. Angiolillo that the stop signs are not use to control speeding.

5. Joseph Kravitz Enclave at Pleasant Wood Stormwater Drainage issue.

Mr. Capuzzi stated that Mr. Kravitz was required to build a diversion berm to keep water run off from 1130 and 1138 Fielding Drive. Mr. Kravitz has not completed this work and Mr. Capuzzi suggested not doing inspections or issuing any more building permits until this work is completed. Mr. Cotter suggested setting a time frame for the work to be completed and the Township hire a contractor if Mr. Kravitz does not finish the project.

Mrs. Linda Fantom, 1130 Fielding, stated she has been patient for two years concerning this issue. She received a letter from Mr. Capuzzi last year about construction of the berm which has yet to be completed.

Mr. William Dobbins, 1128 Fielding Drive said the berm has been completed behind his property but has not been continued to the Fantom property who are

now getting the water runoff from Enclave. He requested that the Township have Mr. Kravitz complete this project.

Mr. Scipione advised Mr. Cotter to inform Mr. Kravitz in writing that he has fifteen days to complete the berm after that time the Township will hire a contractor and take the necessary funds from the escrow account to complete the project.

D. Planning Commission – Art Holland.

Mr. Holland stated the Planning Commission reviewed the Brandolini/Chesterfield Townhouse Development plan at their 12 September meeting and recommend final plan approval. The Commission also reviewed the McCawley/Jefferson Center bank and office building on the south side of Skiles Boulevard and the Robinson/Mauger simple lot subdivision which was passed to the Township Engineer for his review. The Commission recommends final plan approval for the Spencer Qualls office building on West Chester Pike and Green Lane.

Mr. Holland said the Commission heard presentations from Mr. Snook of Brandywine Conservancy and Mr. Zabawski, Township Traffic Engineer on the Arbours at Westtown Plan. He stated that the Commission will visit a Pulte Adult Community site in Kennett Square before this weeks Planning Commission meeting.

Mrs. Jeanette Donahue, 1057 Creamery Lane, stated she had attended the 12 September Planning Commission meeting and stated her opinion that Mr. Snook should be commended for his report and felt that he was attacked by the Planning Commission and Mr. Adams.

Mr. Joseph Lafferty, 1019 Farm Lane, said in defense of the Planning Commission, that the information from Mr. Snook had not been received until just before the meeting and no one had enough time to review the material. He also stated there seems to be some confusion over the requirements of the Conditional Use Order for Westrum.

Ms. Nancy Winther, 1010 Farm Lane, said she agreed with Mrs. Donahue and felt that Mr. Adams comments were inappropriate.

Mr. Robert Genzano, 1023 Plumly Road, asked why Mr. Adams had attended the Planning Commission meeting.

Mr. Cotter advised Mr. Genzano that he asked Mr. Adams to attend, as he was unable to be there and wanted a senior member of staff in attendance.

V. Old Business.

A. Action on the Westtown School Lower Expansion Preliminary/Final Land Development Plan Application.

Dr. Stokes stated that the Board of Supervisors, had approved by Conditional Use this evening, that the school is allowed to build in area of steep slopes. Mr. Scipione reviewed the Planning Commission Resolution with those present.

On the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors unanimously approved with the conditions sited in the Planning Commission Resolution 2001-2 the Preliminary/Final Land Development Plan Application of Westtown School for the lower school expansion.

B. Action on the Brandolini Companies Chesterfield Phase II Preliminary/Final Land Development Application.

Mr. Cotter asked that this item be tabled, as the plans had not been received for review this evening.

V1. New Business.

A. Review of the Westtown Township's 2002 Minimum Municipal Obligation for the Westtown Township Municipal Pension Plan.

Mr. Cotter reviewed the Township's obligation with the Board of Supervisors.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors approved the Township's 2002 Minimum Municipal Obligation for the Township's Municipal Pension Plan.

B. Award of the 2001 Sludge Transportation and Disposal Bid to Earthcare, Inc. in the amount of \$78/1000 gallons of Sludge.

Mr. Cotter stated only one bid was received for sludge removal which was from our current contractor. He stated the cost is an 11% increase over the current contract price and he had consulted with American Water Services who feel this is a fair price.

On the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors awarded the 2001 Sludge Transportation and Disposal Bid to Earthcare, Inc., in the amount of \$78/1000 gallons.

C/D. Action on Resolution 2001-18 Authorizing the Township Manager to Execute the Signature page of Oakbourne Park Phase I Keystone Recreation, Parks and Conservation Grant Application and Action on Resolution 2001-19 Authorization of the Submission of the Oakbourne Park Phase I Keystone Recreation, Parks,

and

Conservation Grant Application.

Mr. Cotter stated that the Township is resubmitting the recreation grant to DCNR this October for matching funds for improvements to Oakbourne Park.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved Resolution 2001-18 and 2000-19.

E. Award of the Township Administration Building Sign Proposal to KC Signs in the Amount of \$4,997.44.

This item was tabled for further review by the Board of Supervisors.

VII. Public Comment.

Mr. Walter Pavelchek, 1050 S. New Street, stated he was surprised by the earlier comments concerning the Planning Commission meeting and stated his opinion that he felt that it was a good informational meeting.

Mr. William Steele, 1055 E. Niels Lane, asked if there would be better acoustics in the new building. He was advised the Township is installing an up to date system on the new Township meeting room.

Mr. Cotter read into the record a letter from the County naming our Township Fire Marshal, Gerald R. DiNunzio, to the Chester County Arson Task Force. Mr. Cotter stated that this is a honor to Mr. DiNunzio and to the Township.

VIII. Approval of Bills.

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

1X. Adjournment.

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

Respectfully Submitted,
Michael A. Cotter,
Township Manager