

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
November 20, 2001

In attendance were Supervisors L. Charles Scipione, Victor J. Orlando, and Kenton S. Stokes; Township Manager Michael A. Cotter; Westtown-East Goshen Police Chief John M. Dumond; and Planning Commission Chairman Don L. Verdiani. There were twenty-five guests in attendance.

I. Call to Order

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 (15 October 2001 and 5 November 2001).

On the motion of Dr. Stokes, second by Mr. Orlando, the Board of Supervisors unanimously approved the minutes of 15 October 2001. Due to continuing computer problems the minutes of 5 November 2001 were deferred to the 3 December meeting.

III. Departmental Reports

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

Chief Dumond covered the October Police Report with the Board of Supervisors. Mr. Orlando asked how many of the alarm calls were actually false alarms. Chief Dumond responded that 98% of the alarm calls are because someone has accidentally set off an alarm. Mr. Orlando questioned if a fine is still charged for a false alarm. Chief Dumond said that fines are still in effect for false alarms.

Mr. Mark Pinnie, 1061 Stable Lane, asked, as the school district is considering the purchase of the Jones tract for the new high school, are reports of accidents on Shiloh Road and Little Shiloh Road available. Chief Dumond advised Mr. Pinnie that accident records are available at the Police Office. Mr. Pinnie also asked if Shiloh Road was the area of the most accidents in the Township. Chief Dumond responded that there is a problem with speeding on Shiloh Road but he did not feel it was the highest area for accidents.

Dr. Stokes asked about the latest DUI checkpoint. Chief Dumond advised Dr. Stokes that a DUI check was held last Friday at West Chester Pike and Ellis Lane in East Goshen and seven arrests were made.

B. Financial Report – Michael A. Cotter.

Mr. Cotter covered the October Financial Report with the Board of Supervisors.

D. Planning Commission – Donald L. Verdiani.

Mr. Verdiani reviewed the 7 November Planning Commission meeting with the Board of Supervisors. He stated that the West Chester Regional Planning Commission would be reviewing the Chester County Planning Commission's Water Resource study as they are considering a water resource study as a future project.

The Commission reviewed PADOT's plans for the route 202 expansion. Mr. Verdiani stated that the scale of the plans made the review difficult and Mr. Cotter was asked to obtain larger scale plans for their review. Dr. Stokes asked if the drawings were still in the planning stage. Mr. Cotter responded yes and that the plans have been sent by PADOT to the Federal Highway Department. He also stated that the staff and Planning Commission after their review would be able to make comments to the Federal Highway Department.

Mr. Verdiani stated the Commission also reviewed the Westrum plan, which was revised to reflect the comments made by Mr. Snook of Brandywine Conservancy. Mr. Verdiani advised the Board that there are significant changes to the plan. Dr. Stokes asked how would the Conservancy's comments apply to the Jones tract if it should become the location for the new high school. Mr. Cotter said the Township would keep moving forward with the plan review until a decision is made concerning the school. He stated that he feels that Westrum would fight a decision by the school board to take the land. Mr. Verdiani said that until the Planning Commission and Westrum obtain a definite number of units they would work on environmental issues only.

IV. **Old Business.**

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

In attendance at the meeting for Brandolini Companies were Tom Bello, architect, Fronefield Crawford, solicitor, and Ray Iacobucci, contractor.

Mr. Bello reviewed the rear elevations with the Board of Supervisors. He stated the lower portion of the units would be stucco, the decks would have white railings, horizontal siding would be used, and the steps would be vertical of horizontal depending on the unit. Dr. Stokes said his concern has been the appearance of the units from route 352 and route 3 and that he is now satisfied with the rear elevations.

Mr. Cotter stated that a letter was received from Mr. Malmen, solicitor for the Chesterfield Homeowners Association ("Association") with the concerns of the association. He introduces Mr. Ken Haughton President of the Association, who was present to address these concerns. Mr. Haughton said the Association's main concern is the southeastern corner of the tract and the height of the units in that area. Mr. Crawford said that they had tried to comply with this issue by reducing the size of the corner unit but did not want to eliminate the dormers, as the roofline would then be flat. He also advised Mr. Haughton that the existing trees and additional landscaping in the area would help with minimize the visual height of the units.

Dr. Stokes made a motion, second by Mr. Orlando, to approve the Brandolini Companies Chesterfield Phase II Preliminary/Final Land Development Plan. Mr. Scipione asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Chesterfield Phase II Preliminary/Final Land Development Plan.

B. **Authorization to Advertise Ordinance 2001-6, Amending the Township Manager Ordinance, No. 96-14, by Providing for a Severance Payment and Health Benefits to the Township Manager Upon Discharge for Other than Just Cause. Execution of the East Side Little League Use and Maintenance Agreement.**

Mr. Cotter asked that the Board approve advertising of the final draft of the Ordinance this evening. Mr. Orlando asked if the approval was for advertising only. Mr. Cotter responded yes.

Mr. Orlando made a motion, second by Dr. Stokes, to authorize advertising of Ordinance 2001-6, amending of the Township Manager Ordinance, No. 96-14. Mr. Scipione asked for public comment at this time.

Mrs. Nancy Winther, 1010 Farm Lane, submitted to the Board of Supervisors, for their review, a revised analysis of manager's salaries. Mrs. Winther asked what changes have been made in the ordinance. Dr. Stokes stated that the severance payment would be for a maximum period of ninety days with benefit coverage. Mrs. Winther asked that the Board please consider the analysis before the ordinance is advertised.

Mr. Genzano, 1023 Plumly Road, asked what is the next step after the ordinance is advertised. Mr. Cotter stated the ordinance would be on the Board's 17 December 2001

meeting agenda for adoption. Mr. Genzano asked that the Board review the research that was done. Mr. Scipione advised Mr. Genzano that the ordinance is acceptable to the Board and would be advertised. He also stated that the residents comments made at previous meetings concerning this ordinance have been taken in to consideration. There are changes in the ordinance that reflect these comments. Dr. Stokes stated that the severance period has been reduced from 190 days to 90 and a one month notice to two weeks.

Mr. Joe Lafferty, 1019 Farm Lane, asked if there is a severance pay for other Township employees. Mr. Scipione said no this is for the manager only. Mr. Lafferty questioned if a precedent is being set. Mr. Scipione said this is a safe guard for the Board as the manager is an important part of the staff.

Mrs. Eva Foster, 734 Westbourne Road, asked if Mrs. Alder who has been an employee for at least twenty-five years has a severance package. Mr. Cotter responded that no employee has a package. Mrs. Foster expressed her feelings that this did not appear to be fair to the long time employees who are loyal to the Township. Mr. Scipione advised Mrs. Foster that this could be considered.

Mr. Genzano said the real issue has not been addressed as to why a manager's severance pay is needed. This is not protection of an employee because the Board has just identified a staff member who has been employed for twenty-five years and does not have severance pay. Mr. Scipione stated that he doubts that a loyal employee of twenty-five years would be asked to leave. Mr. Orlando advised Mr. Genzano that the severance pay is strictly for just cause and if Mr. Cotter left of his own free will there would be no severance package not even if he retired.

Mr. Genzano stated that he did not think that the Township would let Mrs. Adler or Mr. Cotter go but that everyone should be treated fairly.

Mr. Cotter said the professional city/township manager is at a much higher risk to be discharged for political vagaries than staff level employees are. He stated it is the manager's responsibility to shield the staff from politicians. The Township manager has much more exposure.

Mrs. Winther stated that she felt that the Township could be subject to potential litigation, as the unjust cause language in the ordinance appears ambiguous. She said Westtown is not a political Township like Springfield Delaware County and feels the Township is offering too much for something that is not needed.

Mr. Genzano asked again that the Board look at the research that has been given to them. Mr. Scipione reiterated that this has been discussed in previous Township meetings and the resident's comments were taken under consideration. He stated this package is acceptable to the Board.

The Board of Supervisors unanimously approved advertising of Ordinance 2001-6.

C. Action on the Request of Wild Goose Associates Inc., for Final Release of the Wild Goose Escrow in the Amount of \$20,064.85.

Mr. Cotter asked the Board of Supervisors to table this item at this time. Mr. Cotter advised the Board that there appears to be an item on the escrow list that has not been completed.

D. Execution of the East Side Little League Use and Maintenance Agreement.

Mr. Cotter advised the Board of Supervisors that execution of the Use and Maintenance Agreement was conditioned on East Side Little League approving the \$25.00 per day user fee for other groups who wished to use the ball fields. This is acceptable to the league.

Mr. Orlando made a motion, second by Dr. Stokes, to execute the East Side Little

League Use and Maintenance Agreement.

Mrs. Foster asked the length of the agreement. She was advised the agreement is for five years. East Side Little League pays for all the maintenance expenses of the fields.

Mr. Orlando said he suggested the flat user fee of \$25.00 per day so, as not to make it cost prohibitive for other groups to use the fields. Mr. Cotter stated that the league will provide a schedule for the Township and open dates will be made available to other users. Mr. Genzano commended Mr. Orlando for modifying the agreement.

E. Amendment of the Mariano Escrow Agreement.

Mr. Cotter reviewed the tri-party agreement between the Township, Sun Trust Mortgage and Mr. Mariano for his property located at 530 Oakbourne Road. Mr. Cotter stated that Mr. Mariano had subdivided his property into two lots and escrowed money for renovations to the bridge used by both lot owners. The work on the bridge was to be completed by 22 October 2001 but DEP has not yet issued the general permit required for Mr. Mariano to begin the project. Mr. Mariano is asking that the agreement be extended to April 2002.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors approved the amendment of the Mariano Escrow Tri-Party Agreement.

F. Execution of the Total Video Products Audio Visual System Installation Agreement.

Mr. Cotter stated that this is for installation of the audiovisual system in the new meeting room of the municipal building. He also stated that a principal of Total Video Products lives in the Township. The Township has received all the bonds and insurance necessary for execution of the agreement.

Mr. Orlando made a motion, second by Dr. Stokes, to execute the Total Video Products AudioVisual System Installation Agreement. Mr. Scipione asked for public comment at this time.

Mr. Lafferty, asked, as he has trouble hearing, will he be able to record the meetings. Dr. Stokes responded yes and that in the future video capability will be available. The Township is working with other municipalities to provide public access to cable TV through Comcast.

Mr. William Hayes, asked if the Township keeps a list of residents who can provide these types of services. Mr. Cotter responded that the Township does not have a list and must advertise any bid that is over \$10,000.

The Board of Supervisors unanimously approved the Total Video Products agreement.

G. Action on the McCawley Jefferson Center Escrow Release in the amount \$9,192.91.

Mr. Cotter advised the Board of Supervisors that this release is for engineer fees due by Mr. McCawley to the Township. Mr. McCawley has asked that these fees be taken from the escrow fund.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved the McCawley Jefferson Center escrow release in the amount of \$9,192.91

V. New Business.

A. Action on the Preliminary 2002 Westtown Township Budget.

Mr. Cotter stated that under the Second Class Township Code the preliminary budget is to be advertised with a thirty-day public comment period after that time the final budget

would be adopted. The budget is available for inspection at the Township Municipal Building and will be available on the Township web site next week.

Mr. Cotter reviewed the preliminary 2002 budget with those present. The total of all funds is \$16,255,843.00. The Township real estate tax will remain at .041mils but residential refuse/recycling collection will be increased by 10% from \$43.00 per quarter to \$48.00 per quarter. Projects for 2002 include: completion of the Township's Act 537 plan; roadway, stormwater and curbing improvements to Ponds Edge Road; a pavement management program; implementation of the Oakbourne Park Master Recreation and Trail System Master Plan; completion of Westtown-Chester Creek plant expansion; reconstruction of Shiloh Road; development of Phase II of the Township web site; a document management project; purchase of a windows based financial software system; and the hiring of a Director of Planning, Zoning, and Code Enforcement, and an equipment operator.

Mr. Genzano asked about the Shiloh Road improvements as he thought these were part of the SPI for the Westrum development. Mr. Cotter advised Mr. Genzano that the Township has received \$115,000 turn-back funds from the state that will be used for this project. Dr. Stokes expressed his concerns that if the school district takes the Jones tract for the new high school this will dictate the major improvements to Shiloh Road, which the district should be responsible for.

On the motion of Mr. Orlando, second by Dr. Stokes, the Board of Supervisors unanimously approved advertising of the 2002 preliminary Township budget.

Mr. William Thompson, Daily Local News correspondent, asked when the final budget would be adopted. Mr. Cotter said the Board of Supervisors would meet on 20 December 1:30Pm, at the Municipal Building, to adopt the budget.

B. Assignment of Mike Nichols Snow Plowing Contract to Frank Nichols.

Mr. Cotter stated that Mike Nichols is unable to plow this year and that Frank has always helped his brother with the plowing and knows the route. He also advised the Board that Frank Nichols has purchased a new dump truck, which will speed up the plowing in this sector of the Township.

On the motion of Dr. Stokes, second by Mr. Orlando, the Board of Supervisors unanimously approved assigning Mike Nichols snow plowing contract to Frank Nichols.

VI. Public Comment.

Mrs. Foster expressed her dissatisfaction with the Comcast Cable Company. She asked the Board of Supervisors to consider another cable company when Comcast's franchise is to be renewed. Mr. Cotter advised Mrs. Foster that Comcast has taken over all the other cable companies in the area and therefore the Township has no other choice at this time.

Mrs. Ellen Steele, 1055 E. Niels Lane, complained about the "ugly green" boxes that Comcast is installing in her neighborhood. Mr. Cotter said Comcast is running fiber nodes for high-speed cable access.

Mr. Thompson asked if the Board of Supervisors has any reaction for the press concerning the article in the Philadelphia Inquire today pertaining to the West Chester Area School District's proposed acquisition of the Jones tract for the new high school.

Mr. Scipione advised Mr. Thompson that the Supervisors had attended the school board meeting last evening and made very clear the Township's position against the taking of the Jones tract for the new high school. Mr. Thompson asked how Westrum Development feels about this. Mr. Scipione stated that the school district has been advised by their attorney not to discuss the districts negotiations with Westrum Development. Mr. Scipione said the school board had indicated that they would be making a decision at their 26 November 2001 meeting.

A resident asked what the Township is going to do about this. Mr. Scipione said we can only wait

and see as the Township has no access to the “behind the scene” discussions. He stated it is his understanding that some of the Board members are in favor of option 2, expansion of Henderson at its present location, which is the most sensible solution.

Mr. Lafferty stated that the residents have been very active about the Jones tract and what can they do now to mitigate the impact of the school? Mr. Scipione responded that the activities of the residents group has put the Township in this condition. If the Westrum project had gone ahead the school board would not have access to the Jones tract at this time. Dr. Stokes said this is true to some degree but if the Jones family had had the wisdom to become part of the Agriculture Security District in 1989 this might have changed the direction of the tract. The delays, appeals, legal challenges, and purchase price of the Westrum project are all factors which left the land available to the school district. Mr. Scipione said the school district did not take steps along the way to plan a high school for the Exton area where the district is the fastest growing. Mr. Cotter suggested that the residents make their concerns known to the school district and if the decision is for a school on the Jones tract to be actively involved with the land development plan. Mr. Scipione also suggested the residents contact the school board members before the 26th with their concerns.

Mr. Lafferty took exception to what Mr. Scipione said and stated that he is a citizen not a group. He said his question was what can the residents do collectively for the best interest of the community.

Mr. Orlando said the school board is looking at option 2, and option 3 which is a third high school on the Jones tract. He asked that residents attend the 26 November meeting and speak against option 3. He stated that there is a two minute time limit for anyone planning to speak at the meeting. Mr. Orlando also stated that if the decision is made for the third high school the Township can work to make sure that the school and roads are as safe as possible. Mr. Cotter said that there are case laws in the State which make it not necessary for a school district to submit a land development plan to the Township. But that West Chester Area School District has always worked with the Township in the past.

Mr. Pavelchek, 1050 S. New Street, said he had attending last evenings school board meeting and that out of 42 people who spoke 20 spoke in favor of a third high school, five were for option 2 and 17 against option one.

Mrs. Foster stated that she is for the option that is the least expense to the Township that she would rather have to live with the 350 proposed homes in the Westrum development than a high school.

VI. Payment of Bills.

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

VII. Adjournment.

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

Respectfully Submitted
Michael A. Cotter
Township Manager