WESTTOWN TOWNSHIP

1039 Wilmington Pike West Chester, PA 19382 610-692-1930

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Post Office Box 79 Westtown, PA 19395 FAX 610-692-9651 www.westtownpa.org

AGENDA

Westtown Township Board of Supervisors Regular Meeting

Monday, November 4, 2019 - 7:30 PM

Westtown Township Municipal Building 1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Board of Supervisors Meeting Minutes October 7, 2019
- III. Summary of Board of Supervisors Executive Sessions October 28 & 30, 2019
- IV. Summary of Board of Supervisors Workshop November 4, 2019
- V. Departmental Reports
 - A. Director of Public Works Mark Gross
 - B. Historical Commission Paul Mullin
 - C. Planning Commission Jack Embick / Dick Pomerantz
 - D. Township Solicitor Pat McKenna
 - E. Manager's Report Rob Pingar
- VI. Public Comment (Non-Agenda Items)
- VII. Old Business
 - A. Oakbourne Mansion Exterior Repairs Project Request for Payment No. 1
 - B. Oakbourne Road Bridge Reconstruction Project Request for Payment No. 2
 - C. Tyson Park Phase 2 Improvements Request for Payment No. 2

VIII. New Business

- A. Westtown Veterans Memorial Bid Results
- B. Resolution 2019-09 Master Equipment Lease/Purchase Agreement for Public Works Department truck
- C. Resolution 2019-10 Rt. 3 & Rt. 352 Traffic Signal, Authorizing Application to PennDOT
- IX. Announcements
 - A. Toll Brothers/Crebilly Farm II Special Planning Commission Meetings 7:30 PM, Thursday November 7, 2019 and 7:00 PM Thursday November 21 at Stetson Middle School
 - B. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing 7:00 PM, Tuesday November 19, 2019 at Rustin High School
- X. Public Comment (All Topics)
- XI. Payment of Bills
- XII. Adjournment

How to Engage in the Public Comment Sections of a Township Meeting

Public Comment is heard at three (3) different points during the meeting:

- 1. BEFORE OLD BUSINESS The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
- 2. PRIOR TO any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
- 3. AFTER NEW BUSINESS. Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown Monday, October 7, 2019 – 7:30 PM

In attendance were Chair Scott Yaw, Vice Chair Mike Di Domenico, Police Commissioner Carol De Wolf, Township Manager Rob Pingar, Public Works Director Mark Gross, Historical Commissioner Erica Reilly, and Township Solicitor Stacey Fuller. There were 10 guests.

I. Call to Order

Mr. Yaw called the meeting to order at 7:34 PM and led the Pledge of Allegiance. He asked if anyone was recording the meeting. No one responded.

VII. Old Business

A. NPDES MS4 Stormwater Management Program Update - Beth Uhler

Note: This presentation under Old Business was moved up on the agenda in order to make the projection equipment available for another meeting.

Beth Uhler provided an overview of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit program status and accomplishments over the past year. A copy of her presentation is available on the Stormwater page of the township website.

After the presentation, Mr. Di Domenico asked about the cost of the program over the five year permit period. Ms. Uhler responded that the cost estimate is about \$900,000. Ms. De Wolf requested more detailed estimates for the items on the proposed implementation schedule. Ms. Uhler replied that the costs are planning estimates, and it is very difficult to provide concrete numbers when the projects have not progressed to the design phase.

There were no further questions.

II. Approval of Minutes (September 16, 2019)

Mr. Di Domenico made a motion to approve the September 16, 2019 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. The Board and the township solicitor considered a request via email from Theresa Money to include additional details of her comments in the minutes. Mr. Yaw stated that allowing emailed requests to alter the public record would be setting a bad precedent. He said people need to attend the meeting to make such requests.

There was no other public comment and the motion was approved 2-1, with Ms. De Wolf dissenting.

III. Workshop Meeting Summary (October 7, 2019)

Mr. Yaw reported that the Board held an Executive Session to discuss legal matters. There was no public workshop session. There were no comments or questions on the workshop.

IV. <u>Departmental Reports</u>

A. Public Works (PW) - Mark Gross

Mr. Gross reported that September has been busy, but the fair weather has allowed the major projects in the township to stay on schedule. He stated that the Tyson Park Phase II improvements are ahead of schedule. The parking lot has been paved and the walking trail will be paved this week. The deck for the Oakbourne Road bridge has been poured and is going

through the 28-day cure process. The road approaching the bridge on the east side is being realigned to improve sight distances. The Road Maintenance Project contractor is currently working on Westwood Drive, and will then move to General Howe. Mr. Gross reported that the Aqua water main replacement project on E. Pleasant Grove Road is progressing on schedule.

Mr. Gross reported that the wood trim profile samples for the Oakbourne Mansion exterior restoration have been reviewed and approved, so the contractor will now be working on the areas that require major repairs. If the weather holds, the project is expected to be completed in December.

Mr. Di Domenico asked the approximate date of completion for the Oakbourne Road bridge. Mr. Gross responded that he hopes the project will be finished by the end of the month, weather permitting.

There were no other comments or questions.

B. Historical Commission (HC) - Erica Reilly

Ms. Reilly reported that the HC and the West Chester University (WCU) Archeology students continue to work on the Huey site at S. New Street and General Howe Drive. An article on the project was published in West Chester Lifestyle magazine, which Erica offered to provide to the Board if they are interested.

Ms. Reilly said that the updates to The History of Westtown book are complete, and the HC is now going through the editing phase before publishing the book online. She said the HC is waiting for the Board's direction on the Shiloh Road AME cemetery project and the roadside historical markers for the Oakbourne Mansion and Brandywine Battlefield.

Ms. Reilly reported that Westtown Day on Sunday, September 29 was a huge success. She said they had over \$5000 in sponsors and the highest turnout ever. She thanked township staff for their help with the event. Mr. Di Domenico thanked Erica for her efforts, and Mr. Gross said her organization leading up to the event was phenomenal. Mr. Yaw said the event was outstanding.

There were no other comments or questions.

C. Solicitor's Report - Stacey Fuller

Ms. Fuller deferred her report, stating that multiple legal matters are all pending, and she had nothing to report publically.

D. Manager's Report – Rob Pingar

Mr. Pingar reported that initial Planning Commission meeting for the Toll/Crebilly Conditional Use (CU) Application 2 is being held tonight at Stetson Middle School. He said the Board will hold their initial CU hearing on October 14 at Rustin High School.

He reported that Orvis Way remains closed until the township takes dedication. Dedication will not take place until the developer demonstrates that all outstanding items have been addressed, including PennDOT acceptance and maintenance guaranty for the road.

Mr. Pingar stated that Sunoco has completed pulling the 16" pipe and have started on the pilot hole for the 20" pipe. Both pipelines in Westtown are expected to be completed in April, 2020.

Mr. Pingar also reported that the next class in the West Chester Area Council of Government (WCACOG) Neighborhood University is on Multimodal Transportation and will be hosted at Westtown Township, with Mr. Gross and Mr. Pingar presenting.

Finally, Mr. Pingar stated that the Oakbourne Sign and message board is up and running.

Marshall Lerner (855 Hinchley Road) asked about the status of the request by Sunoco to work beyond the hours prohibited by the township's noise ordinance. Mr. Pingar clarified that the contractor had requested to work 24/7 for several days to complete the 16" pipeline pullback. He stated that the contractor abandoned the request and ended up doing the pullback during normal working hours.

There were no other comments or questions.

V. Public Comment (Non Agenda Items)

Phil Anderson (101 Hidden Pond Way) asked about the public notice requirements for conditional use hearings, and if the township has done anything to update the procedures for notifications, given that newspaper readership is steadily declining. Mr. Pingar stated that the township is legally required to advertise in the local newspaper and post the property, but the township also sends listserv notifications, posts CU hearings on the township website, and announces hearing dates at public meetings. Mr. Anderson asked if meeting agendas could be sent out earlier so that residents have more time to plan for meeting attendance. Mr. Yaw explained that the agenda is often not decided until the Thursday or Friday before their Monday meetings. Sending an agenda earlier, would likely result in frequent amendments, which would be confusing to residents.

Dave Janowsky (103 Hidden Pond Way) stated that the Arborview Homeowners Association's (HOA) management company sent a letter to Arborview residents regarding the emergency access road and also stating their position that they do not want to be responsible for maintenance of the walking trail or anything constructed by the developer. Mr. Pingar stated that the township was aware of the management company's position. Mr. Janowsky asked what the next step in deciding about the emergency access road is. Mr. Yaw replied that the Board has asked the township solicitor to give a legal review regarding the closure of the emergency access road. Once that is received, then the Board will be able to discuss options with the Arborview HOA. Mr. Yaw also clarified that some resident communications expressing concern over the access road was based on their misconception that the access road would be open to routine vehicular traffic. He stated that the development plans indicate the access road would be for use by emergency response vehicles only.

John Ryan (600 Tunbridge Road) stated that the noise from the Quaker Ice Rink has continued for the past year, and expressed extreme frustration that the township has done little to address the problem. He presented photos of the fence that was constructed, stating that it has done nothing to reduce the noise. He was told by Mr. Ethridge that the rink is working on remedies, but Mr. Ryan stated that he felt the township was ignoring the residents. He also complained that Mr. Ethridge hung up on him once when he called to discuss the issue.

Mr. Yaw responded that there is a legal process that must be adhered to for enforcement proceedings. He explained that the Zoning Hearing Board is quasi-judicial body, separate from the Board of Supervisors. The Board of Supervisors did not participate in the ZHB Special Exception decision to allow the rink. Mr. Yaw stated that the township has issued a Notice of Violation for the noise, and the owner has thirty days to comply or appeal. Mr. Yaw also said that the township is reviewing other legal enforcement options against the owner regarding the noise violation. Mr. Pingar added that the thirty-day period expires on Thursday, and if the owner has not remedied the noise issue or appealed the Notice of Violation, then fines will result for every day the rink remains out of compliance with the noise ordinance. Ms. De Wolf and Mr. Di Domenico both added that they are fully engaged in the issue.

There were no additional public comments or questions.

VI. Old Business

A. NPDES MS4 Stormwater Management Program Update – Beth Uhler

Ms. Uhler's presentation was given at the beginning of the meeting.

VII. New Business

A. Appointment of Planning Commission Solicitor – Kristin Camp

Mr. Di Domenico made a motion to authorize Kristin Camp, Esq., Buckley Brion McGuire & Morris LLP, to represent the Township Planning Commission for the Toll Brothers/ Crebilly Farm II Conditional Use application. Ms. De Wolf seconded the motion. There was no public comment, and the motion was unanimously approved.

VIII. Announcements

Mr. Yaw made the following announcements:

- **A.** Toll Brothers/Crebilly Farm II Conditional Use Hearing 6:00 PM, Monday October 14, 2019 at Rustin High School.
- B. Toll Brothers/Crebilly Farm II Planning Commission Meeting 7:00 PM, Monday October 21, 2019 at Stetson Middle School.
- C. Sewage Management Program (SMP) Routine Inspection Reports Property owners with onlot sewage disposal systems that have provided Initial Inspection Reports, have made repairs that required Chester County Health Department permit, and/or received a waiver from the SMP in 2016, are due to complete and submit the Routine Inspection Report to the Township no later than October 31, 2019. Property owners that completed pumping in 2016 are also due to submit their pumping receipts.
- **D.** Household Hazardous Waste Collection Event 9 AM to 3 PM, Saturday October 12 at the Government Services Center, 601 Westtown Road. No electronics will be accepted.

IX. Public Comment on All Topics

Mr. Anderson stated that while the preliminary/final plans show the emergency access road as being for emergency access only, the 2015 Conditional Use Decision describes the road as a vehicular intersection or emergency access. Mr. Yaw apologized for the confusion.

There was no additional public comment.

X. Payment of Bills

Mr. Di Domenico made a motion to approve the General Fund bills of \$489,185.80, Waste Water Fund bills in the amount of \$46,365.16, and Capital Projects Fund bills in the amount of \$235,711.03 for a total of \$771,261.99. Ms. De Wolf seconded the motion. Ms. De Wolf asked if the Carroll Engineering bills were in line. Mr. Pingar stated they were. There were no questions or comments, and the check register was unanimously approved.

XI. Adjournment

Mr. Yaw stated that the Board would reconvene in Executive Session after the meeting to discuss police matters. Ms. De Wolf then made a motion to adjourn the meeting. Mr. Di Domenico seconded the motion. The motion was unanimously approved and the meeting adjourned at 8:57 PM.

Respectfully submitted,

Robert Pingar Township Manager

WESTTOWN TOWNSHIP PLANNING COMMISSION – SPECIAL MEETING #2 – Toll Bros. CU Application Crebilly Farm II MEETING MINUTES

Stetson Middle School 1060 Wilmington Pike, Westtown Township Monday, October 21, 2019 – 7:30PM

Present

Commissioners – Elaine Adler and Kevin Flynn were absent, all other Planning Commission (PC) members were present. Also present were Planning Director, Will Ethridge, PC Solicitor, Kristin Camp, Esq., Township Traffic Consultant Al Federico, P.E., and Township Planning Consultant John Snook.

Call to Order and Pledge of Allegiance

Mr. Pomerantz called the special meeting to order at 7:50 PM. Mr. Federico led those present in the Pledge of Allegiance.

New Business

- 1. **Westtown Township Planning Commission** Mr. Pomerantz and Mr. Hatton provided some background information on the structure of the meeting, the events that have taken place so far, what the role of the Planning Commission is, how the process will unfold over the coming weeks, some history of the development proposals that have been presented in the past for Crebilly Farm, as well as the latest information on the original Crebilly proposal from Toll Bros., and how the court's decision could impact the 2nd Crebilly proposal. Mr. Embick reiterated his desire to understand the environmental impacts of this proposal. Mrs. Camp offered some comments related to questions about how to receive standing in the application from the Board of Supervisors.
- 2. **Traffic Analysis** Mr. Federico, P.E., the Township's Transportation Engineer, presented extended comments and criticisms regarding his review of Toll Bros'. Traffic Impact Study, as well as answered questions from the audience at the conclusion of his presentation. His main points of discussion included:
 - On-site improvements
 - Off-site improvements
 - Sight distances
 - Access points
 - Conflict points
 - Alternative transportation (sidewalks and trails)
 - Traffic calming along the connector road and
 - School bus stops

Mr. Federico concluded that while most of Toll Bros.' analysis relied on 2015 traffic data, some of the data on diversions was from the Arborview traffic study, which itself relied on traffic data from 2012 and was in his opinion, too old to be accurate. When questioned, Mrs. Camp also explained that during her conversations with Toll Bros., that it was their preference to develop the property based on their 2016 submission, which did not

propose a collector road, but that if they did not prevail in court, that they were prepared to proceed with the current submission as an alternative.

Public Comment

The following concerns were raised by the public:

- Can residents reach out to PennDOT to voice their concerns about the traffic impact of this proposal? (Yes)
- The developer and PennDOT should discuss a potential realignment of the intersection of S. New St and SR 926. Mr. Federico indicated it may be required.
- Several residents expressed their disbelief regarding Toll's assumptions about traffic diversions from 926 and 202 as a result of the proposed collector road and Orvis Way.
- Several residents suggested that PennDOT consider widening 202 North to allow two lanes to continue north past DML Automotive. Mr. Federico indicated that this study was done by DVRPC and that funding was being sought to realize it.
- Should West Pleasant Grove Rd be widened and residential streets in the proposed community be widened to accommodate school buses and delivery vehicles because residents would park on the street? Mr. Federico indicated it may be required.
- A resident asked if other traffic controls besides signal optimization were required by PennDOT. Mr. Federico replied that PennDOT does require other methods be considered, one of which was roundabouts.
- Will the Planning Commission recommend against the application, but submit a list of conditions to the Board in case they are considering it, just as they did with the first application? (The PC indicated that it hasn't decided yet how to approach this application, but acknowledged it could act as it did before.)

Adjournment

Meeting was adjourned at 10:25 pm.

Next PC Special Meeting – November 7, 2019, 7:30 pm – Stetson Middle School

Respectfully submitted,

William Ethridge, Planning Commission Secretary

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall 1039 Wilmington Pike, Westtown Township Wednesday, October 23, 2019 – 7:30PM

Present

Commissioners – Planning Commission (PC) members Elaine Adler and Kevin Flynn were absent, all others were present. Also present was Planning Director, Will Ethridge, PC Solicitor, Kristin Camp, and Township consultant, John Snook.

Call to Order and Pledge of Allegiance

Mr. Pomerantz called the meeting to order at 7:30 PM and lead those present in the Pledge of Allegiance.

Adoption of Agenda (JL/JE) 5-0

No changes were made.

Approval of Minutes

Planning Commission Special Meeting – 10/7/2019 – Mr. Embick proposed two changes:

- Correct a grammatical error to "up to 135" in place of "down to 135".
- Add Mr. Embick's statement that the applicant must prepare an environmental assessment of the proposed development under the provisions of the Pennsylvania Constitution Article I, Section 27.

Planning Commission Meeting – 10/9/2019 – approve unless the change needs to be made that the property at 1078 Powderhorn Dr is on public water. **(RH/JE) 3-0**

Announcements

 Mr. Ethridge and Ms. Robinson will be attending the PA-APA Annual Conference in Reading, PA 10/21 & 10/22. Mr. Ethridge will return in the afternoon to assist with the Crebilly meeting at Stetson on 10/21.

Public Comment - Non Agenda Items

None

New Business

- 1. Recommend PC cancel 12/18 regular meeting to attend BOS Crebilly CU Hearing #2 at Rustin HS (6-10pm) Will Ethridge recommended to the PC to cancel 12/18 PC meeting to attend BOS Crebilly CU Hearing #2. After a brief discussion, PC agreed on doing so.
- 2. Christian Brothers Automotive Corporation Proposed Automobile Service Station (special exception with variance) at 1036 Wilmington Pike, West Chester, PA 19382 (this is a future Zoning Hearing Board application) Kristin Holmes, Holmes Cunningham Engineering, the civil engineer, Carrie Nates, realtor with law firm of Fox and Roach, and Jonathan Wakefield, the property procurement director for Christian Brothers Automotive, attended to receive a feedback from the PC on the proposed project across two parcels at 1032 and 1036 Wilmington Pike.

Carrie Nates presented that Christian Brothers Automotive were interested in acquiring two properties, which were currently used as a retail store, Abbey Green Irish Village, and a long-term residential rental, to redevelop that into an automotive service facility. The proposed use is not permitted by right within the Commercial C-2 district; therefore, the applicant seeks a special exception. Mrs. Nates also noted that they would need a number of variances to be able to move forward with the project due to the constraints of the site.

Mr. Wakefield recapped that Christian Brothers Automotive had 205 facilities throughout 29 States and by most municipal standards was a light automotive service facility that provided car maintenance and repair services. By his account, the services not provided included auto body painting, dent pulling, performing glasswork of any kind, and storing vehicles in an inoperable condition. He also pointed out that they had triple fail-safe system to ensure that no automotive fluid could possibly get into either sanitary system or the storm sewer system. Mr. Wakefield summarized that the facility typically serviced 15 to 20 cars per day, and employed 8 to 10 people.

Mr. Wakefield also provided a copy of a site plan and a floor plan. He explained that the proposed facility would be a larger structure with a single and potentially a second door, which intended to match architectural style of existing buildings in the community. Mr. Wakefield also noted that he met with adjacent property owners, one of whom provided a letter of recommendation in favor of the proposed redevelopment.

Mr. Rodia raised a question about any efforts to mitigate the disruption of the development. Mr. Wakefield explained that the existing 20-foot green space consisting of a huge maple tree and several other trees with heritage qualities would be untouched. He clarified that they would get rid of the undergrowth, take out the chain link fence, and put up an eight-foot wooden fence between two properties.

Mr. Rodia also asked about the noise remediation strategies. Mr. Wakefield responded that any noise would be subdued in a completely enclosed masonry building. He also pointed out that they did not provide any services potentially causing much noise.

Mr. Lees raised a question about an exhaust system, need for a retention basin and fencing around the property. Mr. Wakefield described the air conditioning and exhaust evacuation system for the interior, including a plan for a backup. He also confirmed the basin to be constructed would be located under the driveway, and a fence would be installed along the Smiths property and along the Meat Market property if needed.

Mr. Embick raised concerns regarding the storage of any potential environmental contaminants on the property, proposed storage tanks and grease traps. Mr. Wakefield explained that they worked with automotive fluids and stored some auto parts onsite in a small room. If any parts needed were not available onsite, they would get those from a local source within 2-4 hours. He further noted that there was a 750-gallon separator, which would be cleaned out at least twice per year.

Mr. Pomerantz asked if the applicant was aware of traffic concerns in the area and the impact the development would have on already congested roadways. Mr. Wakefield explained that the projected 15-20 cars per day would not have an adverse impact on traffic. He noted that he was communicating with Mr. Ethridge and the Township's engineer regarding the traffic impacts and mitigation.

Kristin Holmes provided a quick summary and overview of the proposed layout and variances that would be needed to accommodate that. The variances included but were not limited to a special exception to operate an auto service facility and exceptions from the following requirements: a 40-foot planted buffer along one side, minimum setbacks

from a street intersection, a minimum lot area of 2 acres for the automobile service station, number of parking spaces, and necessity for a dedicated loading berth. She also pointed out that the plan design had not been completed yet as far as the impervious coverage was concerned, however, the intention would be to install a stormwater management facility underground tied into the surrounding storm system for discharge and the oil separator would be tied into the sewer system.

Mrs. Holmes also noted that the proposed pavement material was concrete. Mr. Ethridge recommended the applicant to review the regulations to make sure that concrete was an allowable material to use in a C-2 district.

Mr. Ethridge raised a question about any feedback the applicant received from PennDOT regarding the entrance and exit to/from the property. Mrs. Nates answered that they had not had any discussion with PennDOT yet, because they wanted to receive feedback from the Township first before moving forward with the project.

Old Business

None

Public Comment

None

Reports

N/A (PC meeting was occurring during the BOS meeting on 10/21)

Adjournment (SR/JL) 5-0

Meeting was adjourned at 9:35 pm.

Next PC Meeting:

November 6, 2019, 7:30 pm – Township Bldg (regular meeting) November 7, 2019, 7:30 pm – Stetson MS (Crebilly CU meeting #3)

PC Representative at next Board of Supervisors Meeting: November 4, 2019 – Jack Embick

Respectfully submitted,

William Ethridge, Planning Commission Secretary

State: Pennsylvania

County: Chester

Project:

Oakbourne Mansion

Exterior Repair

the allengares

Owner: Westtown Township

Property Address:

1014 S. Concord Road

West Chester PA 19382

Contractor:

R.C. Legnini Company, Inc.

46 Pennsylvania Avenue, Malvern, PA 19355

Date:

September 27, 2019

Payment Amount: Sixty Thousand Three Hundred Sixty-Three Dollars and 00/100

(\$60,363.00)

The undersigned hereby certifies that upon the payment stated above by R.C. Legnini Company, Inc. to R.C. Legnini Company, Inc., receipt of which is hereby acknowledged, that R.C. Legnini Company, Inc. hereby releases any mechanics lien or claims of any kind whatsoever against the Owner of the subject Property and the Property noted above for any and all labor, services, equipment or materials furnished or supplied by R.C. Legnini Company, Inc. for the above stated Project for which the Owner or Owner's property might in any way be held responsible or encumbered to the extent of payment made to date except for retention and/or any amounts due for additional work on the Project to the date hereof.

Dave Legnini (owner/officer name) warrants and represents that he is the Vice President (title) of R.C. Legnini Company, Inc. and that he has the full power, authorization and legal right to execute this Release and by doing so is not in breach of any warranty, obligation or agreement to any other party and that the owner or officer executing this Release on behalf of R.C. Legnini Company, Inc. has the full power and authority to do so.

Owner/Officer Signature Vice President

Title

for R.C. Legnini Company, Inc.

State of: Pennsylvania

County of: Chester

On this 27th day of September , 2019, before me, a Notary Public for the State of Pennsylvania , the undersigned Officer, personally appeared Dave Legnini, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

I hereunto set my hand and seal.

Notary Public

My commission expires:

Seal:

Commonwealth of Pennsylvania - Notary Seal HANNAH M LEGNINI - Notary Public **Chester County** My Commission Expires Dec 12, 2022

Commission Number 1093944

PAGE ONE OF TWO PAGES

AIA DOCUMENT G702

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702 · APPLICATION AND CERTIFICATION FOR PAYMENT · 1992 EDITION · AIA® · © 1992

Owner or Contractor under this Contract.



October 4, 2019

Robert Pingar, P.E., Township Manager Westtown Township 1039 Wilmington Pike West Chester, PA 19382



Subject:

Request for Payment No. 2 – Oakbourne Road Bridge Replacement

Westtown Township, Chester County

Dear Rob:

On September 30, 2019, Carroll Engineering Corporation received Application and Certification for Payment No. 2, dated September 30, 2019, and prepared by Road-Con, Inc., for the subject project.

We have reviewed the application and recommend approval of Application No. 2 in the amount of \$310,596.06 for work performed through September 30, 2019. Three copies of the Application, including bid breakdown of quantities and costs, are attached for your information and records. Certified payroll reports for this period have also been provided and are attached.

Based on the above, please process payment in the amount of \$310,596.06. Work completed has been performed in compliance with the Contract Drawings and Specifications. Please note, the subject payment application includes a Change Order in the amount of \$480.00 for the increased plaque size.

Should you have any questions or would like to discuss this matter in further detail, please feel free to contact me at 215-343-5700, Extension 317 or jcoyle@carrollengineering.com.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Justin M. Coyle, P.E.

Department Manager

JMC:dp

Attachments

cc: Jessica L. Roberts, Road-Con, Inc. (w/payment application)

om. Coylo

Today's Commitment to Tomorrow's Challenges

APPLICATION AND C	APPLICATION AND CERTIFICATION FOR PAYMENT	AIA DOCTIMENT
TO OWNER:	PROJECT:	A PPI ICATION NO.
Westtown township	Oakbourne Road Bridge Renlacement	
1039 Wilmington Pike		
West Chester, PA 19382		PERIOD TO:
FROM CONTRACTOR:	VIA ARCHITECT:	i cisco i o.
ROAD-CON, INC.	Carroll Engineering Comoration	
902 CAMARO RUN DRIVE	949 Easton Road	PPOJECT NOS.
WEST CHESTER, PA 19380	Warrington, PA 18976	reosect nos:
CONTRACT FOR:		CONTRACT DATE

MENT G702

2 TION NO:

9/30/2019

CONTRACTOR ARCHITECT X OWNER Distribution to:

7-1198.011

PAGE 1 OF

RECEIVED

SEP 30 3個

completed in accordance with the Contract Documents, that all amounts have been paid by

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been

4/1/2019

the Contractor for Work for which previous Certificates for Payment were issued and

payments received from the Owner, and that current payment shown berein is now due | Commonwealth of Pennsylvania - Notary Seal

Samantha Hart, Notary Public

Chester County

Commission number 1355929

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

ORIGINAL CONTRACT SUM Net change by Change Orders
 CONTRACT SUM TO DATE

CONTRACT SUM TO DATE (Line 1 ± 2) 4. TOTAL COMPLETED & STORED TO DATE

(Column G on G703)

5. RETAINAGE:

69 69 10 % of Completed Work a. 10 /0.0 (Column D + E on G703)

52.154.96

0 % of Stored Material b. 0 / 10 / 10 (Column F on G703)

Total Retainage (Lines 5a + 5b or Total in Column I of G703)

TOTAL EARNED LESS RETAINAGE

ø.

LESS PREVIOUS CERTIFICATES FOR (Line 4 Less Line 5 Total)

PAYMENT (Line 6 from prior Certificate) CURRENT PAYMENT DUE

BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)

6 06

CHANGE ORDER SUMMARY

in previous months by Owner

Total changes approved

Total approved this Month

TOTALS

310.596.06

217.739.40

DEDUCTIONS

ADDITIONS

\$0.00

\$480.00 \$480.00

\$480.00

NET CHANGES by Change Order

52,154,96 469,394.6670 158.798.61 0.00

My commission expires August 27, 2023 Member, Pennsylvania Associatiba of Notavies State of: Pennsylvania Subscribed and sworn to before me this Notary Public: Samentre Haut CONTRACTOR: Road-Con ODDERC

739,289.03 521,549.63 480.00 738,809.03

County of: Chester day of September 30, 2019

CERTIFICATE FOR PAYMENT

My Commission expires: August 27,2023

the quality of the Work is in accordance with the Contract Decuments, and the Contractor In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, is entitled to payment of the AMOUNT CERTIFIED

310, 596.06 AMOUNT CERTIFIED\$

Application and onthe Continuation Sheet that are changed to conform with the amount certified.) ARCHITECE ENGINEER(Attach explanation if amount certified differs from the amount applied. Initial all figures on this

10-3-19 This Certificates not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without Justin M. Carlo Date

prejudice to any rights of the Owner or Contractor under this Contract.

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.



MEMORANDUM

TO:

Mr. Robert Pingar, P.E., Township Manager & Director of Engineering

FROM:

Kevin Matson, P.E.

DATE:

October 28, 2019

SUBJECT:

Tyson Park – Phase 2 Improvements

Recommendation for Payment Request No.: Two (2)

Our office has evaluated the attached October 24th invoice submitted by Lechmanik, Inc., for the work completed as part of the Tyson Park – Phase 2 Improvements in Westtown Township. All work performed has been completed in general conformance with the contract requirements, and has been inspected by a representative of our office. The status of the contract is summarized as follows:

Original Contract Sum	\$162,108.00
Change Order #1	- \$800.00
Revised Contract Sum	\$161,308.00
Total Work Completed and Confirmed in Application No. 1	\$49,558.00
Total Work Completed and Confirmed in Application No. 2	\$111,750.00
Less Previously Paid Applications	- \$44,602.20
Retainage (10% of all completed work)	- \$16,130.80
Recommendation for Payment No. 2	\$100,575.00
Balance to Finish (including retainage)	\$16,130.80

It is our recommendation the amount of \$100,575.00 be paid to Lechmanik, Inc. as <u>Payment No. Two</u> (2).

If you should have any questions or concerns, please feel free to call our office.

Enc.

cc:

Westtown Township Board of Supervisors

Mr. Mark Gross, Westtown Township Director of Public Works

Mr. Steven Burger, RLA, LLA, ASLA, Carter van Dyke Associates

Mrs. Patti Lechmanik, Lechmanik, Inc.

CONTRACTOR Distribution to: Tyson Park-PhaseREHITECT OWNER 10/24/2019 APPLICATION NO.: CONTRACT DATE: PROJECT NOS.: PERIOD TO: VIA ARCHITECT: McCormick & Taylor Inc. 600 Eagleview Blvd. West Chester PA 19382 Tyson Park 901 Oakbourne Road Exton PA 19341 2nd Floor PROJECT: West Chester PA 19382 414 Birmingham Road アチのカ Lechmanik, Inc. Nest Chester PA 19382 Westtown Township 1039 Wilmington Pike 1 USON FROM CONTRACTOR: CONTRACT FOR: TO OWNER:

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Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	162,108.00
2. Net change by Change Orders	-800.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	161,308.00
4. TOTAL COMPLETED & STORED TO DATE	161,308.00
(Column G on G703)	

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r	HE IAINAGE:		00707
ď	a. 10.00 % of Completed Work	85	10,130
	(Columns D + E on $G703$)		
Ď.	. 10.00 _ % of Stored Material	649	0
	10000		

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00

4			669	
o:	(Column F on G703)	Total Retainage (Line 5a + 5b or	Total in Column I of G703)	

**		L7
. IOIAL EARNED LESS RETAINAGE	(Line 4 less Line 5 Total)	LESS PREVIOUS CERTIFICATES FOR PAYMEN

44,602.20

69

(Line 6 from prior Certificate)

100,575.00

9		16, 130, 80
J	BALANCE TO FINISH, INCLUDING RETAINAGE	66
S. CONDENT PATMENT DOE	BALANCE TO FINISH,	(Tine 3 less Line (A)
0	0	

(Line 3 less Line 6) *		16,130.80
CHANGE ORDER SUMMARY	ADDITIONS	DEDUC
Total changes appropried in		

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in	1	1
previous months by Owner		0000
lotal approved this Month	(0000
TOTALS	ı	(BCO, 00)
NET CHANGES by Change Order	7	800,00)

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: LECHMANIK INC.

By:) Colling of Chinal Date: 101

State of: Te niney Values

County of: Deland Court

Subscribed and sworn to before

me this 24 th day of Octubu 20 15 Adjust Ticher Region Change

Chadds Ford Two., Delangin Change

Change

Chadds Ford Two., Delangin Change

Notary Public: Control of My Commission expires:

16,130.80

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

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575.00	Piling
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(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)
ARCHITEOTE

By:

Date: 10/28 2019

By:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AIA DOC

AIA DOCUMENT G702 • APPLICATION AND CERTIFICATE FOR PAYMENT • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5292 • WARNING: Unitensed photocopying violates U.S. copyright laws and will subject the violator to legal prosecution.

G702-1992

Westtown Township Veterans Memorial Bid Opening Results October 14, 2019

Bidder	Bid Bond	Bid Amount	Bid Alternate*
Eagle Contracting	Υ	\$331,190.12	NA
Gessler Construction Co.	Υ	\$348,000.00	NA
Land-Tech Enterprises, Inc.	Υ	\$318,700.00	NA
Mor Construction Services Inc.	Υ	\$425,000.00	

RESOLUTION 2019-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA AUTHORIZING THE MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT BETWEEN BB&T COMMERCIAL EQUIPMENT CAPITAL CORPORATION (LESSOR) AND WESTTOWN TOWNSHIP (LESSEE)

At a duly called meeting of the Governing Body of the "Lessee" (as such item is defined in the Master Agreement) held on November 4th, 2019, the following Resolution was introduced and adopted:

BE IT RESOLVED by the Governing Body of Lessee as follows:

Township Secretary Robert R. Pingar, P.E.

- 1. **Determination of Need.** The Governing Body of Lessee has determined that a true need exists for the acquisition of the Equipment described under the Schedule to the Master Agreement dated as of 10/21/2019, between Lessee and Lessor.
- 2. Approval and Authorization. The Governing Body of Lessee has determined that entering into the Master Agreement and Schedule thereto (collectively, "Agreements"), substantially in the form presented to this meeting, are in the best interests of the Lessee for the acquisition of such equipment, and the Governing Body hereby approves the entering into of the Agreements by the Lessee and hereby designates and authorizes the following person to execute and deliver the Agreements on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, necessary to the consummation of the transaction contemplated by the Agreements.

Authorized Individual:

JoAnne Grube, Director of Finance

ADOPTED as a Resolution this 4th day of November, 2019.

Westtown Township
Board of Supervisors

Scott E. Yaw, Chair

Michael T. Di Domenico, Vice Chair

Carol R. De Wolf, Police Commissioner

ATTEST:

SCHEDULE TO MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT

RE: Master Equipment Lease / Purchase Agreement dated as of 10/21/2019, between BB&T Commercial Equipment Capital Corp., ("Lessor") and WESTTOWN TOWNSHIP ("Lessee")

This "Schedule to Master Equipment Lease / Purchase Agreement" (this "Schedule") incorporates by reference the terms and conditions of the above referenced Master Equipment Lease/Purchase Agreement (the "Master Agreement") between Lessee and Lessor.

LESSEE AGREES TO LEASE THE EQUIPMENT DESCRIBED BELOW FROM LESSOR, AND LESSOR BY ACCEPTANCE OF THIS LEASE AGREES TO LEASE THE EQUIPMENT TO LESSEE, ON THE TERMS AND CONDITIONS SET FORTH IN THIS SCHEDULE, THE ESCROW AGREEMENT, AND THE MASTER AGREEMENT, THE TERMS AND CONDITIONS EACH AGREEMENT BEING INCORPORATED HEREIN BY REFERENCE.

Below is a detailed description of all the items of Equipment including quantity, model number and serial number where applicable:

Quantity	Serial Numb	er	Type, Make, Model		
	1HTEDT	AR9LH871111	2020 INTERNATIONAL HV507 WITH BEAU R	OC DIAMOND LINE DLS 10'6	S" DUMP BODY
EQUIPMENT LOCATION Complete only if equipment will not be located at Lessee's address					
1039 WILMING	TON PIKE	WEST CHESTER	PA PA	CHESTER	19382
Address	· · · · · · · · · · · · · · · · · · ·	Citv	State	County	Zip Code

SCHEDULE OF PAYMENTS (ON ACCOUNT OF PURCHASE PRICE)

Term of Lease	Total Number of Rental	AMOUNT OF EACH PAYMENT			FIRST PAYMENT AMOUNT
(In months)	Payments	Rent	Sales Tax Total		First Period Payment + Processing Fee = Total Payment Encl. 47,112.09
					PAYMENT FREQUENCY
36	3	\$46,862.09	EXEMPT	\$46,862.09	Annual

Early Buy Out Option **Payment** Interest Principal 46,862.09 0.00 46,862.09 1 43,201.39 46,368.18 2 46,862.09 3,660.70 46,862.09 1,867.57 44,994.52 0.00 3

Lessee: WESTTOWN TOWNSHIP	Lessor: BB&T Commercial Equipment Capital Corp.
BY: Donne Stube	BY:
TITLE: Dieector of FINANCE	TITLE:
DATE:⇒ 10/21/2019	DATE:

Initials 🗵

RESOLUTION 2019-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA AUTHORIZING AN APPLICATION TO PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL APPROVAL AT THE INTERSECTION OF WEST CHESTER PIKE (SR 0003) AND NORTH CHESTER ROAD (SR 0352) / CAVANAUGH COURT

BE IT RESOLVED, by the authority of the Board of Supervisors of Westtown Township, Chester County, and it is hereby resolved by authority of same that the Westtown Township Manager is authorized and directed to submit the attached Application for Traffic Signal Approval at the Intersection of West Chester Pike (SR 0003) and North Chester Road (SR 0352) / Cavanaugh Court to the Pennsylvania Department of Transportation and to sign this Application on behalf of Westtown Township.

ADOPTED as a Resolution this 4th day of November 2019.

	Westtown Township Board of Supervisors
	Scott E. Yaw, Chair
	Michael T. Di Domenico, Vice Chair
	Carol R. De Wolf, Police Commissioner
ATTEST:	
Township Secretary Robert R. Pingar, P.E.	

Check Register Westtown Township

01-Nov-19 From: 08-Oct-19 To: 04-Nov-19

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15213	10/11/2019	588	PMRS	\$47,666.50	0
15214	10/11/2019	810	Mark S Gross	\$500.00	0
15216	10/17/2019	1009	Ann Marie Cassidy	\$680.00	0
15217	10/17/2019	6038	Cedarville Engineering Group	\$15,903.06	0
15218	10/17/2019	1201	Charles A. Higgins & Sons, Inc	\$325.00	Ο
15219	10/17/2019	7191	Code Inspections Inc	\$16,267.51	0
15220	10/17/2019	960	CONTRACTORS CHOICE	\$30.98	0
15221	10/17/2019	878	Intercon Truck Equipment	\$2,087.91	0
15222	10/17/2019	46	JoAnne Grube	\$187.38	Ο
15223	10/17/2019	5709	Portnoff Law Associates, Ltd	\$820.80	Ο
15224	10/17/2019	86	PRESTIGE MAILING SERVIC	\$415.00	0
15225	10/17/2019	6074	Robert Pingar	\$50.46	0
15226	10/17/2019	5668	Scott PlumridgeConstruction C	\$19,950.00	0
15227	10/17/2019	5738	StrategicLink Consulting, LLC	\$1,656.25	0
15228	10/17/2019	980	USPS- Postmaster	\$1,387.29	0
15229	10/17/2019	1169	West Chester Public Library	\$11,000.00	0
15230	10/17/2019	7229	William Ethridge	\$122.96	0
15231	10/21/2019	406074	BB&T Commercial Equipment	\$47,112.09	Ο
15232	10/22/2019	186	Good Fellowship Volunteer Re	\$10,825.10	Ο
15233	10/22/2019	188	Goshen Volunteer Firemans R	\$43,300.37	Ο
15234	10/22/2019	187	W C Volunteer Firemans Relie	\$32,475.28	0
15235	10/21/2019	6958	Capital One Bank	\$91,857.71	Ο
15238	10/28/2019	222	Brandywine Valley SPCA	\$109.27	0
15239	10/28/2019	7178	Buckley Brion	\$1,861.45	0
15240	10/28/2019	7176	Cool Pix Photo Booth	\$400.00	Ο
15241	10/28/2019	1206	Freedom Systems Corporation	\$1,039.50	Ο
15242	10/28/2019	7196	GreatAmerica Financial Svcs	\$217.00	0
15243	10/28/2019	492	H. A. Thomson Co.	\$861.00	0
15244	10/28/2019	1061	McCormick Taylor	\$13,509.20	0
15245	10/28/2019	778	Petro Commercial Services	\$454.95	0
15246	10/28/2019	996	THE PROTECTION BUREAU	\$238.74	0
15247	10/28/2019	860	TrueNet, Inc	\$120.00	Ο
15248	10/28/2019	7	Westtown-East Goshen PD	\$214,864.49	Ο
15249	10/31/2019	405540	Albert Federico Consulting, LL	\$1,875.00	Ο
15250	10/31/2019	5761	CCHPN	\$85.00	0
15251	10/31/2019	1201	Charles A. Higgins & Sons, Inc	\$372.00	Ο
15252	10/31/2019	1162	Fastenal Company	\$39.08	Ο
15253	10/31/2019	406079	G.L. Sayre, Inc.	\$81.00	0

Check Register Westtown Township

01-Nov-19 From: 08-Oct-19 To: 04-Nov-19

Check No	Check Date	VendorNo	Vendor	Check Amount	Status	
15254	10/31/2019	31	Gawthrop Greenwood, Attorn	\$13,178.07	0	
15255	10/31/2019	405997	Hoffmans Exterminating Co., I	\$1,240.20	0	
15256	10/31/2019	127	In-Fleet Truck Service	\$492.70	0	
15257	10/31/2019	1122	Keen Compressed Gas	\$46.58	0	
15258	10/31/2019	406081	Penn Med Hospice	\$200.00	0	
15259	10/31/2019	862	Pipe Xpress, Inc.	\$117.86	0	
15260	10/31/2019	5379	TPS Graphics	\$2,650.00	0	
			Bank Total:	\$598,674.74		
Bank Acco	ount: 8 WA	ASTEWATER	R FUND			
3394	10/9/2019	6468	Carroll Engineering Corp	\$6,098.58	0	
3395	10/9/2019	5666	M&B Environmental, Inc.	\$2,912.91	0	
3396	10/9/2019	1196	McGovern, Inc.	\$1,651.20	0	
3397	10/9/2019	1164	Univar USA, Inc.	\$3,667.08	0	
3398	10/9/2019	967	USABlueBook	\$170.98	0	
3399	10/17/2019	405677	Aqua PA General Accounting	\$75.00	0	
3400	10/17/2019	6468	Carroll Engineering Corp	\$1,648.00	0	
3401	10/17/2019	6468	Carroll Engineering Corp	\$3,733.00	0	
3402	10/17/2019	1038	Dept Environmental Protection	\$60.00	0	
3403	10/17/2019	1142	Kappe Associates Inc	\$1,168.00	0	
3404	10/17/2019	1196	McGovern, Inc.	\$1,664.00	0	
3405	10/17/2019	5442	MGK Industries, Inc.	\$4,500.00	0	
3406	10/17/2019	7205	Timothy F. Sullivan	\$150.00	0	
			Bank Total:	\$27,498.75		
Bank Account: 18 CAPITAL PROJECTS FUND						
1186	10/16/2019	406064	R.C. Legnini Company, Inc.	\$60,363.00	0	
1187	10/16/2019	406034	Road-Con, Inc.	\$310,596.06	0	
1188	10/16/2019	405769	Your Office Connection	\$876.49	0	
			Bank Total: Total Of Checks:	\$371,835.55 \$998,009.04		