

WESTTOWN TOWNSHIP

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AGENDA

Westtown Township Board of Supervisors Regular Meeting

Tuesday, January 19, 2021 – 7:30 PM

(Virtual via Zoom)

Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

- I. Call to Order & Pledge of Allegiance
- II. Approval of Board of Supervisors Meeting Minutes – January 4, 2021
- III. Summary of Board of Supervisors Workshop – January 19, 2021
- IV. Departmental Reports
 - A. Westtown East Goshen Police – Chief Brenda Bernot
 - B. Planning Commission – Jim Lees/Steve Rodia
 - C. Historical Commission – Dave Walter
 - D. Township Manager – Jon Altshul
- V. Public Comment (Non-Agenda Items)
- VI. Old Business
 - A. Ordinance 2020-1 Dog Ordinance – Advertisement
- VII. New Business
 - A. Appoint Citizen-at-Large to the Police Commission
 - B. Consider Grant Writing Proposal from Toole Recreation Planning
 - C. Consider O&M Agreement and Resolution 2021-3 Authorizing Amendment to the Act 537 Plan for a Stream Discharge Sanitary Sewer System at 801 E. Street Road
 - D. Consider Resolution 2021-4 Approving the Sewage Facilities Planning Module for the Stokes Tract
 - E. Consider Traffic Signal Agreement with Thornbury Twp (Delco)
- VIII. Announcements
 - A. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Meeting (virtual meetings via Zoom platform)
 - Hearing #8 – Tuesday, January 26 at 7:00PM
 - Hearing #9 – Tuesday, February 23 at 7:00PM
 - Hearing #10 – Tuesday, March 23 at 7:00PM
 - B. West Chester Area Council of Government, Thursday, January 21, 5:00PM (virtual meeting)
- IX. Public Comment (All Topics)
- X. Payment of Bills
- XI. 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
ANNUAL REORGANIZATION MEETING
(Virtual meeting via Zoom)

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, January 4, 2021 at 7:30 PM

Present virtually were: Supervisors Dick Pomerantz, Carol De Wolf and Scott Yaw, Township Manager Jon Altshul, Executive Secretary Pam Coleman, and Planning Commissioner Jack Embick. Six guests participate in this virtual meeting, three by phone and three by video.

I. Pledge of Allegiance & Call to Order

This meeting was held remotely due to the Coronavirus pandemic. Mr. Pomerantz called the meeting to order at 7:30 PM and led the Pledge of Allegiance. He then turned the meeting over to Mr. Altshul.

II. Nomination for Board of Supervisors Chair

Mr. Altshul asked for nominations for Board of Supervisors Chair. Mr. Pomerantz nominated Ms. De Wolf as Chair. Ms. De Wolf accepted the nomination. Mr. Yaw seconded. The motion passed 3-0. Ms. De Wolf then took over the meeting.

III. Nomination for Board of Supervisors Vice Chair

Ms. De Wolf nominated Mr. Yaw as Vice Chair. Mr. Yaw accepted the nomination. Mr. Pomerantz seconded. The motion passed 3-0.

IV. Nomination for Board of Supervisors Police Commissioner

Mr. Yaw nominated Mr. Pomerantz as Police Commissioner. Mr. Pomerantz accepted the nomination. Ms. De Wolf seconded. The motion passed 3-0.

V. Nomination for PSATS Annual Conference Voting Delegate

Ms. De Wolf nominated Mr. Yaw as the PSATS Voting Delegate. Mr. Yaw accepted the nomination. Mr. Pomerantz seconded. The motion passed 3-0.

VI. Nomination for Supervisor Representative to West Chester Area Council of Governments

Ms. De Wolf nominated Mr. Pomerantz as the Representative to the West Chester Area Council of Governments (WCACOG). Mr. Pomerantz accepted the nomination. Mr. Yaw seconded. The motion passed 3-0.

VII. Nomination for Agricultural Security Advisory Committee, Board of Supervisor Representative

Ms. De Wolf nominated Mr. Yaw as the Representative to the Agricultural Security Advisory Committee. Mr. Yaw accepted the nomination. Mr. Pomerantz seconded. The motion passed 3-0.

VIII. Appointments

Mr. Yaw made a motion to appoint the following persons and firms to the following positions:

- A. Manager, Secretary & Treasurer – Jon Altshul
- B. Right to Know Officer – Pam Coleman
- C. Interim Director of Planning & Zoning / Interim Zoning Officer – Mila Robinson
- D. Director of Finance – JoAnne Grube
- E. Assistant Treasurer - JoAnne Grube
- F. Director of Public Works – Mark Gross

- G. Building Code Official - Code Inspections, Inc.
- H. Trash & Recycling Coordinator – Pam Coleman
- I. Emergency Management Coordinator – Donald Verdiani
- J. Vacancy Board – Joe Stratton
- K. Solicitor – Gawthrop Greenwood, PC
- L. Planning Commission Solicitor – Buckley, Brion, McGuire & Morris LLP
- M. Engineer – Cedarville Engineering Group, LLC and McCormack Taylor
- N. Traffic Engineer – Albert Federico Consulting, LLC
- O. Sewer Engineer – Carroll Engineering Corporation
- P. Stormwater Management Engineer – Cedarville Engineering Group, LLC
- Q. Planning & Zoning Consultant – John Snook, AICP
- R. Auditors – Mingis, Gutowski & Company, LLP
- S. Historical Commission - Pamela Boulos
3-year term ending December 31, 2023
- T. Parks & Recreation Commission – Meghan Hanney
5-year term ending December 21, 2025
- U. Historical Commission Appointments – Patrick McDonough,
3-year term ending December 31, 2023
- V. Planning Commission Appointment – Elaine Adler
4-year term ending December 31, 2024
- W. Zoning Hearing Board Alternate Appointment – Marshall Lerner
3-year term ending December 21, 2023

Mr. Pomerantz seconded. There were no public comments. The motion passed 3-0.

IX. Appointment of Depositories

Mr. Yaw made a motion to appoint the following financial institutions as Township depositories:

- A. Key Bank, N.A. - Operating & Sewer Fund
- B. Key Bank Private Client Investment Services
- C. Boening & Scattergood
- D. Fulton Financial

Mr. Pomerantz seconded. There were no public comments. The motion passed 3-0.

X. Township Holidays

Mr. Yaw made a motion to recognize the following Township holidays:

- Friday, January 1 - New Year's Day
- Monday, January 18 - Martin Luther King Jr. Day
- Monday, February 15 - Presidents' Day
- Friday, April 2 - Good Friday
- Monday, May 31 - Memorial Day
- Monday, July 5 - Independence Day (observed)
- Monday, September 6 - Labor Day
- Thursday & Friday, November 25 & 26 – Thanksgiving
- Thursday & Friday, December 23 & 24 – Christmas

Mr. Pomerantz seconded. There were no public comments. The motion passed 3-0.

XI. Meeting Dates

Carol announced the following meeting dates for Township meetings:

1. Board of Supervisors

Regular meetings: First and third Monday of the month, with the exceptions of the Martin Luther King Day, Presidents' Day, and Labor Day holidays, when the meeting will be the

Tuesday after the holiday.

Location: Westtown Township Building or via Zoom
Time: 7:30 pm

Additional meetings of the Board may be held at 7:30 PM on the 2nd and 4th Monday of the month, as needed.

Location: Westtown Township Building or via Zoom
Time: 7:30 pm

Workshop meetings may be held prior to regular and additional meetings of the Board. The workshop meeting starting times will be publicized in advance via township listserv and website posting.

2. Planning Commission

First and third Wednesdays of the month, following Board of Supervisors meetings.

Location: Westtown Township Building or via Zoom
Time: 7:30 pm

3. Parks and Recreation Commission

Second Tuesday of the month.

Location: Oakbourne Mansion or via Zoom
Time: 7:00 pm

4. Historical Commission

Third Thursday of the month.

Location: Westtown Township Building or via Zoom
Time: 6:00 pm

Mr. Pomerantz asked for clarification about whether the Township needed to announce that the meetings would be livestreamed on YouTube, and whether other Commission meetings would be livestreamed as well. Mr. Altshul stated that he would check the Township's livestreaming resolution to see if it also covered non-Board of Supervisors meetings, and propose amendments as necessary.

XII. Board of Auditors Organizational Meeting

Ms. De Wolf announced that the Board of Auditors would hold its annual reorganization meeting on Tuesday, January 5, 2021, 7:00pm via Zoom.

XIII. Adjournment

There being no further business, Mr. Yaw made a motion to adjourn the reorganization meeting at 7:48. The Board agreed to reconvene at 8:00 PM for the regular meeting.

Respectfully submitted,
Jon Altshul

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
(Virtual meeting via Zoom)
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, January 4, 2021 at 8:00 PM

Present virtually were: Chair Carol De Wolf, Vice Chair Scott Yaw, Police Commissioner Dick Pomerantz, Township Manager Jon Altshul, and Executive Secretary Pam Coleman. Four guests participated in this virtual meeting.

I. Pledge of Allegiance & Call to Order

This meeting was held remotely due to the Coronavirus pandemic. Mr. Altshul provided the meeting instructions. Ms. De Wolf called the meeting to order at 8:02 PM and led the Pledge of Allegiance.

II. Approval of Minutes (December 21, 2020)

Mr. Yaw made a motion to approve the December 21, 2020 Board of Supervisors meeting minutes. Mr. Pomerantz seconded the motion. There was no public comment, and the motion was approved 3-0.

III. Board of Supervisors Executive Session and Summary of Workshop, January 4, 2021

Ms. DeWolf reported that the Board met in Executive Session tonight prior to the workshop to discuss legal matters. She also reported that the Board held a workshop earlier in the evening to discuss a draft dog ordinance, draft Township mission statements, and a draft environmental advisory council resolution.

IV. Departmental Reports

None.

V. Public Comment (Non-Agenda Items)

Jack Embick (189 Pheasant Run Road) asked the Township to better publicize when it holds Board of Supervisor meetings on the second and fourth Monday of the month.

Eva Foster (734 Westbourne Road) asked when the Township would return to having in-person meetings. Ms. De Wolf responded that there was no firm date to return to in-person meetings.

VI. Old Business

None.

VII. New Business

A. Resolution 2021-1 – Township Fee Schedule 2021

Mr. Yaw made a motion to approve Resolution 2021-01 establishing the 2021 Township Fee Schedule for fees and charges imposed by Westtown Township and Township consultants pursuant to The Code of Westtown. Mr. Pomerantz seconded. There were no public comments. The motion passed 3-0.

B. Resolution 2021-2 – Township Manager’s 2021 Compensation

Mr. Yaw made a motion to approve Resolution 2021-02 to set the Township Manager’s annual compensation commensurate with the duties and responsibilities of the position and the Township Manager’s performance. Mr. Pomerantz seconded. There were no public comments. The motion passed 3-0.

VIII. Announcements

- A. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearings** (virtual meetings via Zoom platform)
- Hearing #8 – Tuesday, January 26, 2021 at 7:00PM
 - Hearing #9 – Tuesday, February 23, 2021 at 7:00PM
 - Hearing #10 – Tuesday, March 23, 2021 at 7:00PM
- B. Township office closure – Monday, January 18 for Martin Luther King Jr. Day.** The Board of Supervisors will meet on January 19, the Tuesday following the holiday.
- C. Yard waste and Christmas tree collection – Saturday, January 9.** Please remove all ornaments, lights, garland, and tinsel. Trees in plastic bags will not be collected.
- D. West Chester Area Council of Governments Meeting – Thursday, January 21 at 5:00 PM** (virtual meeting via Zoom)
- E. West Chester Area Clean Energy Future – Tuesday, January 19, at 6:00PM.** For information, agenda and registration, go to www.nugwc.org/cef-event
- F. Joint Meeting with East Goshen, Executive Session, Contractual and Legal – Wednesday, January 13**
- G. Chester County COVID-19 Vaccine Webinar – Tuesday, January 5 at 3:00 PM**

IX. Public Comment (All Topics)

None.

X. Payment of Bills

Mr. Yaw made a motion to approve the General Fund bills in the amount of \$20,726.68, the Enterprise Fund bills in the amount of \$39,142.34, and Capital Projects Fund bills in the amount of \$47,416.42, for a grand total of \$107,285.44. Mr. Pomerantz seconded. There was no public comment. The motion passed 3-0.

XI. Adjournment

Ms. DeWolf adjourned the meeting at 8:19 pm.

Respectfully submitted,
Jon Altshul

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIRTUAL MEETING (via Zoom Platform)
Wednesday, January 6, 2021 – 7:30PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Steve Rodia (SR), Tom Sennett (TS), Kevin Flynn (KF), Jim Lees (JL) were present. Also, present were Township Manager Jon Altshul, Township Planner and Interim Zoning Officer Mila Robinson, Township Planning Consultant John Snook, Township traffic engineer, Al Federico, Township sewer engineer, Bill Malin, and Township civil engineer, Bob Flinchbaugh.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:31 PM.

Adoption of Agenda (JE/SR) 6-0-1

No changes were made.

Election of Officers

Nomination for Commission Chairman – Russ Hatton **(JE/SR) 7-0**

Nomination for Commission Vice-Chairman – Jack Embick **(SR/KF) 7-0**

Nomination for Commission Secretary – Mila Robinson **(RH/JE) 7-0**

Approval of Minutes (JE/KF) 6-0-1

The 12/23/20 meeting minutes were approved.

Announcements

- Mila Robinson announced the next Toll Bros./Crebilly CU Hearing on Jan. 26, 2021.
- Mila Robinson announced that Elaine Adler (EA) had been reappointed by the BOS on January 4, 2021 to serve on the PC.

Public Comment – Non Agenda Items

None

Old Business

1. 2020-02 WCASD Westtown-Thornbury Elementary School Expansion

Justin Brewer, project engineer with D.L. Howell, summarized the revised plan. He acknowledged that additional review letters were received prior to this meeting and that the remaining items to address were housekeeping items in relevance to signature blocks, operation and maintenance agreements, cost estimates, financial securities, and minor engineering fixes. Mr. Brewer pointed out that the most significant changes in the revised plan were the rain garden located at the end of the building addition, which was expanded to meet the township engineers' comments and concerns related to stormwater management, and additional ADA parking. In response to Mr. Embick's question regarding runoff discharges, Mr. Brewer pointed out that the basins reduced the rate and volume of runoff.

Mr. Embick reiterated that the neighbors at 734 Westbourne Road had complained about the stormwater discharge off the school property. Mr. Brewer believed that there would be an improvement, explaining that there was no stormwater management facility currently on the west side of the property and there would be one more for the parking lot expansion. He expected the proposed facilities would reduce the runoff to less than what it currently was.

Mr. Flinchbaugh reminded that the applicant was previously asked to redesign some of the grading and stormwater management facilities, which involved not only the treatment of the area of the building expansion and the parking lot, but also all disturbed areas. He further noted that the applicant was also requested to install an additional meadow restoration BMP, which the school district would be responsible for maintaining, and riparian buffer easements that would be restricted from any type of development or encroachment, which were now shown on the plan. Mr. Flinchbaugh believed that the applicant had addressed the concerns pertaining to both water rate control and water quality.

Mr. Embick asked if there were any provisions for dealing with problems that might arise after project completion. Mr. Flinchbaugh replied that there were, including a project escrow, and an 18-month maintenance bond held from the time the final escrow release would be made. He believed that there would be continual observation in place to ensure that these facilities were functioning properly.

Mr. Sennett asked about the lifecycle of the proposed spreader system. Mr. Brewer explained that if it was maintained, the life cycle should run with the stormwater basin itself. Mr. Sennett asked about maintenance provisions for that. Mr. Brewer responded that there were maintenance requirements listed on the plan for each BMP that would be included in the Operation and Maintenance (O&M) agreement that the school district would enter in with the Township.

Mr. Hatton asked who inspects BMPs. Kevin Campbell, WCASD Facilities & Operations Director, confirmed that the school district was doing that annually.

Mr. Hatton was concerned about crossing the area of infiltration beds during the construction and post-construction restoration of those areas. Mr. Brewer explained that the BMPs were below existing grade where vehicles would be traversing the property and in the proposed construction sequence, the applicant would do an additional infiltration testing to confirm that the infiltration rates meet the design. He added that the bottom of the rain garden would be filled up and the infiltration surface area loosened up to allow infiltration.

Mr. Flynn asked who was enforcing the annual repairs. Mila Robinson responded that the O&M agreement would specify responsibility. She noted that the Township stormwater engineer inspected all post-construction stormwater management facilities in 2020, and has been following up to bring those non-compliant into the compliance.

Mr. Federico noted that he was satisfied with what was presented regarding the parking. He recommended a condition that if the Township determined that the provisions made by the applicant were inadequate and the queuing became hazardous, the school district would be required to put police in place until additional measures could be implemented. The PC agreed with that condition.

Mr. Flinchbaugh also that Cedarville noted in the letter dated January 6, 2021 identified minor plan items that need to be addressed, and he asked the PC to consider those as a condition of approval. The PC agreed with that condition.

Motion to recommend approval of the Preliminary/Final Land Development Plan for Westtown-Thornbury Elementary School Building Expansion as presented by the West Chester Area School District on the plan dated December 22, 2020 with the comments as presented in the letter by the Township traffic engineer, Al Federico, dated January 6, 2021 and as presented in the letter by the Township consultant engineer, Bob Flinchbaugh, dated January 6, 2021. JE/SR (7-0)

New Business

1. 2020-04 Sawmill Court Subdivision and Land Development Application

Joel Comanda, project manager with Inland Design, summarized the application to construct a 20-lot twin home development at 914 - 924 S. Concord Road. He reminded that a sketch plan was previously presented to the PC. He noted that Megill Homes, Inc. had met with the surrounding owners, resulting in the proposed trail around the property boundary to be relocated further from the rear property line. Mr. Comanda pointed out that the applicant was in the process of obtaining an easement to allow the sewer line to run through the property, located to the southeast, rather than through the existing easement on the rear of the properties that front on Trellis Lane.

Mr. Comanda acknowledged that the plans would be revised to address review letters from the Township consultants. He focused the discussion on four requested waivers that the Township Engineer, Cedarville, indicated they did not support. Mr. Comanda noted that the first waiver was to allow the infiltration BMPs to be located within 100 feet of structures down slope that have subgrade elements. He explained that that requirement coupled with the requirement of a significantly sized BMP for the site, became difficult to balance between trying to control all of the runoff and to have BMPs set back so far from the property boundary. He was concerned that there was not enough area to make modifications to both BMP #1 and #2 to maximize the distance between them and the downhill dwellings.

Mr. Hatton pointed out when the Bowers Drive development was built, the property owners adjacent to that development had immense water problems. He cautioned the PC to do whatever possible to avoid repeating that situation. Mr. Comanda explained that most of the runoff from the site was already collected at the low end piped out to Trellis Lane. He noted that the site would be tying into those existing facilities, and he believed that the runoff from the site would be reduced by 50%.

Mr. Embick believed that it was possible to maintain the 100 feet with some rejiggering of the layout. He expressed concerns regarding stormwater runoff and the ability of those BMPs to accommodate additional stormwater flow.

John Snook raised a question regarding the location of BMP #2 with potential of the water infiltrating at the top of the slope, which would create a water table situation that could be problematic for the neighbors to the south-west. He asked whether there was a better way to test infiltration on site. Mr. Comanda responded that they did not have a good way of testing that in the field and the proposed location of BMPs were in the area where the infiltration rates were the most favorable while trying to meet the requirements for infiltration volume. Mr. Embick raised concern that BMPs #1 and #2 might cause mounding, and suggested the applicant consider some sort of alternative to the infiltration requirement or a different design. Mr. Comanda agreed to look into that and discuss with Mr. Flinchbaugh.

Mr. Comanda pointed out the 50-foot perimeter setback requirement that the applicant had to meet while locating and sizing the stormwater management facilities. John Snook suggested that if the applicant needed a waiver for the stormwater facility to be closer to the houses and it was not located where it would perform well, then it was worth trading the waiver of the 50-foot perimeter setback. Mr. Megill confirmed that it was something to consider.

Mr. Embick asked if residents would be able to install swimming pools. Mr. Megill responded that the intention was to either restrict that through the HOA documents or on the plan. Mr. Snook reminded the PC that the current zoning regulations would not allow for that due to a minimum setback of 25 feet from any property line to the water's edge, which those properties would not be able to meet.

Mr. Comanda reiterated that the other waiver was to allow rolled curb instead of upright curb. Mr. Hatton referred to a memo from Mark Gross, Public Works Director, who felt strongly that having an upright curb made the road easier to plow, and that residents tended to fill the rolled curb swale with asphalt, which created more problems and exacerbated stormwater issues by blocking flow. Mr. Comanda said they did not mind changing that.

Mr. Comanda asked whether there was any indication from the BOS to eventually accept dedication of the public improvements. Mr. Hatton responded that it had not been discussed yet.

Mr. Flynn asked whether there would be any street parking. Mr. Comanda explained that there would be two garage parking spaces and two offsite driveway parking spaces for each unit. Mr. Megill noted that a 24-foot cartway was wide enough to manage any additional parking needs. He also suggested considering the snow removal area to be utilized as a community overflow parking during a non-snow events, and could be handled by the HOA covenants.

Mr. Comanda suggested a site visit with the Township representatives to have discussions about compensatory trees, pointing out that they were not in great health. After a brief discussion, the PC agreed to that approach.

Mr. Comanda brought to the discussion two other items: block length waiver request and lighting options. The PC agreed that the proposed layout of the loop road that required a waiver would be better than a cul-de-sac. Mr. Megill pointed out that the neighboring communities did not have streetlights. Mila Robinson asked the applicant to review lighting requirements to get an idea on illumination. The PC recommended the applicant work with the lighting consultant to determine the most suitable option.

Mr. Federico expressed a concern regarding a very sharp, horizontal curve with a very steep vertical curve of proposed Sawmill Court. He explained that as a matter of practice, one should not be mixing sharp curves, horizontal and vertical, as it relates to the safety of vehicles travelling from S. Concord Road down to the proposed loop road. Mr. Federico questioned whether the curve met the sight distance requirements and wanted to see justification on that. Mr. Snook asked whether the street lighting could help the sight distance issue. Mr. Federico believed that it probably would not, but acknowledged that he needed to see the plan to make that assessment. Mr. Embick sought confirmation that the loop road would be two-way and the speed limit. Mr. Comanda noted that it would be a two-way road with a suggested speed of 15 mph.

2. Sewage Facilities Planning Module for the Stokes Estate

Gregg Adelman, solicitor for Keystone Homes, explained the developer for the Stokes Estate, was trying to get the property included in the Township's public sewer system, but in order to do that, the Township has to revise its Act 537 Plan. He stated that the applicant drafted the sewage facilities planning module, which has been distributed to the Westtown PC, the Chester County Planning Commission (CCPC), and the Chester County Health Department (CCHD), and includes a concept plan for 68 lots under the flexible development procedure. He reassured the PC that by reviewing and completing the required sewage planning module component, the PC was neither approving that development nor passing any judgment on it. Mr. Adelman pointed out that the proposal was consistent with the Township's Zoning Ordinance. He noted that it was a requirement of the sewage facilities planning regulations to include a concept plan. He noted that the proposal was reviewed by Carroll Engineering, and then revised based on those comments.

Mr. Hatton asked what would happen if the applicant did not end up building on that property or something would be built that did not need a sewage planning module. Mr. Adelman replied

that the sewage planning could be changed. He explained that it just put a placeholder in the sewage plan, so the municipality has designated the property for that type of sewage facilities management. He reiterated that the applicant would have to go through the zoning process for approval to build and connect 68 units, which is the maximum number realistically feasible on the property as an approved use.

Mr. Embick asked how the surrounding properties were serviced. Mila Robinson responded that except for Rustin Walk, they all have on-lot sewage management systems.

Mr. Rodia asked if any major infrastructure upgrade would be required to accommodate those connections. Bill Malin responded that there would not be any required upgrades.

Mr. Hatton asked who designed this site plan for public sewer connection going along Shiloh Road to the Rustin Pump Station. Bill Malin explained that he had conversations with the applicant's consultant about going across Chester Creek directly to the treatment plant; however, the existing proposal is preferred because the Rustin Pump Station is currently underutilized for its design capacity.

Motion to recommend that the Township staff complete Component 4A of the Sewage Facilities Planning Module for the Stokes Estate. RH/JE 7-0

Public Comment

Andrew Holstein, 913 Shippen Lane, asked Mr. Adelman to clarify the number of homes being proposed on the Stokes Estate, as he noticed inconsistencies in numbers on the submitted forms. Mr. Adelman responded that there was not a firm number of homes yet and the conceptual rendering showed maximum of 68. Mr. Holstein asked when the land development plan would be submitted to the Township. Mr. Adelman explained that it would have to go through a conditional use procedure, which was flexible development procedure and that would be as soon as possible once the sewage planning process was complete. Mr. Holstein also asked whether it was Keystone Homes standard practice to engage with neighbors to understand their concerns in an effort to collaborate on solutions and to define a common resolution that works for everyone involved. Mr. Adelman responded that Keystone Homes certainly meets with neighbors to discuss the issues and tries to incorporate those issues into the plan as best as they can.

Reports

Mr. Flynn provided the report of Board of Supervisors Meeting 01/04/21.

Adjournment (JE/TS) 7-0

The meeting was adjourned at 9:37PM.

Respectfully submitted,
Mila Robinson,
Planner II/Interim Zoning Officer

ORDINANCE NO. 1 OF 2021

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, SPECIFICALLY, CHAPTER 49, ANIMALS, ESTABLISHING ARTICLE I, DOGS, §49-100, REGARDING THE PURPOSE OF THE ARTICLE; §49-101, REGARDING THE ADDITION OF DEFINITIONS; §49-102, REGARDING RESTRICTIONS OF DOGS; §49-103, REGARDING RUNNING OF DOGS AT LARGE; §49-104, REGARDING THE PROHIBITION OF CONTINUOUS BARKING OF DOGS; §49-105, REGARDING THE ISSUANCE OF WARNINGS; AND §49-106, REGARDING VIOLATIONS AND ENFORCEMENT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that Part II, General Legislation, Chapter 49, Animals, of the Code of the Township of Westtown shall be amended to establish Article I, Dogs, as follows:

SECTION 1. Part II, General Legislation, Chapter 49, Animals, Article I, Dogs, of the Code is hereby established to include the following sections:

Article I. Dogs.

§ 49-100 Purpose.

The intent of this Article is to establish reasonable regulations governing the keeping of dogs in order to protect human and dog health and reduce the safety and nuisance hazards of straying dogs or incessant noise of dogs. Nothing in this Article shall be construed or enforced in such a way as to conflict with Pennsylvania's Right to Farm Act (RTFA), 3 P.S. § 951 et seq., the Agricultural Area Security Law (AASL), 3 P. S. § 901 et seq., the Agriculture Communities and Rural Environment (ACRE) Law, 3 P.S. § 311 et seq., or other state law or statute which prohibits inconsistent regulation by a local municipality.

§ 49-101 Definitions.

OWNER

Includes every person having a right of proprietorship or ownership in a dog and every person who keeps or harbors such dog or has it in his care and any person who permits a dog to remain on or about any premises occupied by him.

RUNNING OF DOGS AT LARGE

Shall mean any dog not under immediate control, not on a leash or lead, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner, except as provided below.

A dog shall not be considered to be "running at large" in the following circumstances:

Dogs Used for Hunting or Tracking. Dogs used for hunting or tracking shall not be deemed to be running at large provided any such dog is wearing a collar with a tag showing the name and telephone number of the owner of the dog and the hunting or tracking is being conducted with the permission of the landowner.

Field trials or training. During field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.

Fenced dog park or exercise area. When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by a governmental entity, a homeowner's association, or a community organization, where the fencing is designed to prevent a dog from escaping.

Service dog; when leashing is not required. When the dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.

Public service training. During search and rescue and similar public service training when the dog is accompanied by its owner or custodian, or by a qualified handler, provided the owner, custodian, or handler has the express permission of the owner or occupant of the property on which the dogs are being trained.

Farm dogs. When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm.

§ 49-102 Restrictions of Dogs.

- A. The owners of every dog within the Township of Westtown shall at all times take reasonable care and precaution to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that:
 - 1. It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; or
 - 2. It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place; or
 - 3. It is on a leash or lead and under the control of a competent person; or it is off leash or lead and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not otherwise restrained.
- B. No person shall permit a dog which is under his or her custody or control, either by leash or lead, restraint, verbal command or otherwise, to deposit feces upon any other person's private property or on any public property, including but not limited to sidewalks, pathways, streets, parking lots, parks, waters or other public property of any kind. All persons exercising custody or control of dogs shall be required to immediately cleanup and remove any feces resulting from the dog's presence on any such public or private property, for proper disposal as solid waste.

§ 49-103 Running of Dogs at Large.

It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large in Westtown Township. Any such dog found to be running at large, whether licensed or unlicensed, shall be subject to seizure, detention and disposition by the Westtown-East Goshen Regional Police Department or agency employed by the Township to carry out such seizure, detention or disposition in accordance with the provisions of the Pennsylvania Dog Law, as amended from time to time.

§ 49-104 Continuous Barking of Dogs Prohibited.

No person shall own, possess, harbor or control any dog which howls or barks continuously or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is situated in or upon private property; provided, however, that at the time the dog is making such noise, no

person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other cause which teased or provoked the dog.

§ 49-105 Issuance of Warnings.

Prior to the issuance of a citation for a violation of § **49-104**, a warning shall be issued to the owner of the dog. Upon notification that a person is violating § **49-104**, the Regional Police, Code Enforcement Officer or Zoning Officer may issue a warning to the owner of the dog. The warning shall be hand-delivered or sent by certified mail, return receipt requested, and shall include a copy of § **49-104** and a notice that a fine will be imposed for the second and all subsequent violations in accordance with § **49-106C**.

§ 49-106 Violation and Enforcement Provision.

- A. Any person who violates or permits the violation of any provision of this Article, except § **49-104**, shall, upon being found liable therefor in a criminal enforcement proceeding commenced by the Township before a Magisterial District Justice, pay a fine for each such violation in an amount not less than \$50 and not more than \$200, plus all court costs, including reasonable attorney fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of criminal procedure.
- B. Any person who is found liable for any second or subsequent offense for a violation of any provision of this Article, except § **49-104**, shall, upon being found liable therefor in a criminal enforcement proceeding commenced by the Township before a Magisterial District Justice, pay a fine for each such violation in an amount not less than \$200 and not more than \$600, plus all court costs, including reasonable attorney fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of criminal procedure.
- C. Violation of § **49-104**.
 - 1. Any person who violates or permits the violation of § **49-104** of this Article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Justice, pay a fine in the following amounts, plus all court costs, including reasonable attorneys' fees, incurred by the Township:

- (a) First violation in any calendar year: fine of \$25.
 - (b) Second violation in any calendar year: fine of \$50.
 - (c) Third and subsequent violations in any calendar year: fine of no less than \$100 and no more than \$600.
- 2. Each violation on any single day shall be considered a separate violation from any violation involving the same owner on any other day, including consecutive days.
 - 3. No judgment shall be imposed until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

SECTION 2. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 4. This amendment shall take effect and be in full force and effect five (5) days from and after the date of its final passage and adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township this ____ day of _____, 2021.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Carol R. DeWolf, Chair

Scott E. Yaw, Esq., Vice-Chair

Richard Pomerantz, Police Commissioner

Attest:

Jon Altshul, Township Secretary

To:	Jon Altshul, Westtown Township Manager
From:	Ann M. Toole, CPRP
Re:	Oakbourne Park Phase 1 DCNR Grant Application
Date:	January 14, 2021

PROPOSAL

Thank you for the opportunity of submitting this grant proposal to develop a PA DCNR Community Grant Program application for Phase 1 of the Oakbourne Park Master Plan.

Our Qualifications

Ann M. Toole, CPRP has worked with PA DCNR on grants for more than 30 years. This includes a range of services including successful grant applications, assisting PA DCNR in updating grant processes, and writing components of the Community grant program requirements. We have generated many millions of dollars through our successful grant applications. Since Westtown Township will be pursuing funding under the Land & Water Conservation Fund, Ann is uniquely qualified to develop a grant application for this funding source. She managed the LWCF for the State of New Jersey for two years and the National Park Service for the 14 northeastern states for 10+ years. Recently, two municipal clients won the LWCF grants from PADCNR including Warrington Township and Whitpain Township for which Toole Recreation Planning has provided professional parks and recreation planning services since 1994. Since Ann worked on the development of the **Oakbourne Park Master Plan** and the Township's **Open Space Parks and Recreation Plan**, she is completely familiar with the Township's vision, goals and phasing of proposed park improvements. Ann will team with Andrew Mears, PLA, on assembling the mapping and cost information required to pursue a success grant award.

Scope of Work

As we have demonstrated throughout our master planning process, we work in close collaboration with township officials and project managers. We will continue to do so in a manner that respects expertise and the limited time of the Township's staff. We will develop a "ready to go" application in order to secure the extra 15 points awarded to projects with complete applications in order to maximize our competitive position in DCNR's project ranking process.. It is essential to provide high quality, well-defined and/or detailed information for these items.

The following tasks will be included in our work: necessary to complete the application:

Coordination

- Virtual meetings with township officials. (Up to three)
- Ongoing coordination with township officials, administration and staff.
- Outreach and ongoing coordination with Drew Gilchrist and Jean Lynch, our PA DCNR regional advisors.

Fee: \$2,000.00

Application Criteria

- Development of the narrative for the criteria which serves as the basis for evaluation, scoring and ranking of the applications submitted.
 - a. Briefly describe the Oakbourne Park project needs, benefits, and urgencies and how they will be addressed through your proposed scope of work.
 - b. Describe how our project will help to reduce the severity of current and future climate impacts through green and sustainable practices. Green and sustainable practices should be referenced in the project budget, scope of work, and site plan as applicable.
 - c. Describe how our project will improve access for people of all abilities and comply with the 2010 ADA Standards for Accessible Design. Access improvements will be referenced in the project budget, scope of work, and site plan as applicable.
 - d. Describe in detail how the public has been and/or will be engaged in the planning, design, implementation, long-term maintenance, and/or stewardship of your project (i.e. public meetings, press releases, volunteer days, etc.).



- e. Explain how our project will implement the Actions in *Recreation For All*, the [2020-2024 Pennsylvania Outdoor Recreation Plan](#) (pages 85-91) and/or the [2020-2024 Pennsylvania Land and Water Trail Network Strategic Plan](#). Identify if you are implementing a Bureau Priority.
- f. Describe our strategy to operate, maintain, and/or provide stewardship to your project. As part of this criterion, we will develop a written operations and maintenance plan or stewardship plan for Oakbourne Park
- g. Identify and briefly describe local, county, and regional plans that your project advances through the implementation of our scope of work.
- h. Identify all major partners involved in our project. Partners may provide financial assistance, technical assistance, or general support.

Fee: \$5,000.00

Application: Assembly of Technical Information, Evidence of Support, Resolution and other items

Yes	Required Application Tasks and Item
<input type="checkbox"/>	Contacted Regional Advisor
<input type="checkbox"/>	Eligible Applicant
<input type="checkbox"/>	Appropriate Applicant
<input type="checkbox"/>	Eligible Project
<input type="checkbox"/>	Applicant owns the project site or controls through a lease (minimum 25 years)
<input type="checkbox"/>	Project site is open to the public
<input type="checkbox"/>	Property has no known environmental hazards
<input type="checkbox"/>	Match secured
<input type="checkbox"/>	Letters of match commitment from entities other than applicant uploaded
<input type="checkbox"/>	Detailed list of eligible cash match and non-cash match included
<input type="checkbox"/>	Site Development Drawing(s) completed by a licensed design professional and consistent with the DCNR Park Site Development Drawing (SDD) Checklist uploaded



<input type="checkbox"/>	Realistic, accurate, and detailed cost estimate/budget, including any land donation value, uploaded
<input type="checkbox"/>	Clear, concise, and detailed scope of work included
<input type="checkbox"/>	PA Natural Diversity Inventory (PNDI) Receipt uploaded
<input type="checkbox"/>	Accurate project site location map(s) uploaded
<input type="checkbox"/>	County/Municipal notification letter(s) uploaded
<input type="checkbox"/>	Reviewed the Sample Development Project Timeline and agree that the project can be completed within 4 years from date of grant award.
<input type="checkbox"/>	Copy of lease or easement uploaded (if applicable)
<input type="checkbox"/>	If Land Donation is part of the match: Upload a Full Appraisal Report by a state certified General Real Estate Appraiser for the land defined in the project scope and any donated parcels. Appraisal to be ordered by and prepared for the applicant. Review the DCNR Requirements for Property Appraisals for more information.
<input type="checkbox"/>	Properly completed Resolution Page uploaded
<input type="checkbox"/>	Submission of the application.

Fee: \$3,000.00

Schedule

January 20 through April 7, 2021 submission

Project Price

Project Coordination	\$2,000
Criteria	\$5,000
Application assembly of technical information	\$3,000
TOTAL	\$10,000



**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 2021-03

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
WESTTOWN TOWNSHIP AUTHORIZING AN AMENDMENT TO
THE TOWNSHIP'S OFFICIAL SEWAGE FACILITIES PLAN FOR
A STREAM DISCHARGE SYSTEM FOR THE PROPERTY
LOCATED AT 801 E. STREET ROAD, WESTTOWN TOWNSHIP.**

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management; and

WHEREAS, Mr. Marshall Jones, III ("Property Owner") is presently the owner in fee simple of a certain parcel of land with existing twin single-family attached dwellings located at 801 E. Street Road Repair STP, Westtown Township, Chester County, Pennsylvania, being UPI No. 67-5-9.30 ("Property") and as described in the attached Sewage Facilities Planning Module; and

WHEREAS, the existing on-lot drain field on the Property has failed with wastewater reaching the ground surface; and

WHEREAS, the Property Owner lacks access to public sewer and cannot make adequate provisions for treating the residential sewage on the Property by customary means because the soils are not suitable for the installation of either an individual or community on-lot sewage disposal system; and

WHEREAS, Property Owner has requested the Board of Supervisors of Westtown Township to amend its Act 537 Sewage Facilities Plan so as to permit a stream discharge sanitary sewage system treatment facility for the sole purpose of treating sewage effluent from the twin homes to be installed and operated at the Property Owner's sole expense upon the Property, with a stream outfall located on the Property; and

WHEREAS, Westtown Township finds that the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Westtown Township hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the “Official Sewage Facilities Plan” of Westtown Township the above referenced Sewage Facilities Planning Module, which is attached hereto as Exhibit “A.”

ADOPTED as a Resolution this ____ day of _____, 2021.

**Westtown Township
Board of Supervisors:**

Carol R. DeWolf, Chair

Scott E. Yaw, Esq., Vice-Chair

ATTEST:

Township Secretary, Jon Altshul

Richard Pomerantz, Police Commissioner

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 2021-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WESTTOWN TOWNSHIP ADOPTING AND SUBMITTING TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR ITS APPROVAL AS A REVISION TO THE “OFFICIAL SEWAGE FACILITIES PLAN” OF WESTTOWN TOWNSHIP A SEWAGE FACILITIES PLANNING MODULE FOR THE STOKES ESTATE, 1013 SHILOH ROAD, UPI NO. 67-2-23, FOR NEW LAND DEVELOPMENT.

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, Keystone Custom Homes has proposed the development of a parcel of land identified as “The Stokes Estate, Westtown Township, Chester County, Pennsylvania, Tax Parcel No. 67-2-23” and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision be served by sewer tap-ins and sewer extension, and

WHEREAS, Westtown Township finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Board of Supervisors of Westtown Township hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the “Official Sewage Facilities Plan” of Westtown Township the above-referenced Sewage Facilities Planning Module, which is attached hereto.

[Signatures on next page]

ADOPTED as a Resolution this ____ day of _____, 2021.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Carol R. DeWolf, Chair

ATTEST:

Scott E. Yaw, Esq., Vice-Chair

Township Secretary, Jon Altshul

Richard Pomerantz, Police Commissioner

TRAFFIC SIGNAL MAINTENANCE AGREEMENT

This **JOINT TRAFFIC SIGNAL MAINTENANCE AGREEMENT** (this "Agreement") is entered into on the 4th day of December, 2020 by and between the TOWNSHIP OF WESTTOWN, CHESTER COUNTY, ("Westtown") and the TOWNSHIP OF THORNBURY, DELAWARE COUNTY ("Thornbury DELCO"), both being municipal corporations organized and existing under the laws of the Commonwealth of Pennsylvania.

BACKGROUND

WHEREAS, Westtown and Thornbury DELCO have common municipal boundaries; and

WHEREAS, said municipal boundaries share the use of a certain traffic signal at the intersection of Route 926 and Route 352 ("Traffic Signal"); and

WHEREAS, the Traffic Signal is owned by Westtown; and

WHEREAS, Westtown has historically paid for all costs associated with the Traffic Signal; and

WHEREAS, Thornbury DELCO has historically reimbursed Westtown, upon receipt of invoicing, for 50% of the maintenance, repairs, upgrades, insurance, labor, and other direct costs associated with upkeep, plus a 15% administrative fee for the Traffic Signal; and

WHEREAS, Westtown and Thornbury DELCO wish to enter into a written agreement regarding the allocations of maintenance responsibilities, energy costs, signal system upgrades, and labor costs associated with the Traffic Signal. Upgrades may include those necessary to enhance and augment intersection safety and capacity for vehicles and pedestrians at the Traffic Signal.

NOW, THEREFORE, in consideration of the following mutual promises and agreements and for other good and valuable consideration, the receipt and lawful sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties agree as follows:

1. Incorporation of Recitals. The Recitals set forth in the Background Section of this Agreement are incorporated herein as if here set forth in their entirety.
2. Location. The parties agree to assume the responsibility for payment of the costs, in the manner as set forth herein, relating to the maintenance and repair of the Traffic Signal, accessories, and appurtenances.
3. Responsibility for Traffic Signal. The parties shall have the following responsibilities for the Traffic Signal:
 - A. Electrical Service Cost. The costs for electric service and power for the Traffic Signal shall be initially paid by Westtown and subsequently invoiced to Thornbury DELCO as provided herein.

- B. Contract Maintenance Cost. Contract maintenance costs related to maintenance, repair, and replacement of the Traffic Signal shall be initially paid by Westtown and subsequently invoiced to Thornbury DELCO as provided herein.
 - C. Traffic Signal Upgrades Cost. The design and construction costs to implement upgrades to the Traffic Signal as may be necessary to enhance and augment intersection safety and capacity for vehicles and pedestrians, shall initially be paid by Westtown and subsequently invoiced to Thornbury DELCO as provided herein.
 - D. Insurance. The cost for insurance coverage for Traffic Signal shall initially be paid by Westtown Township and subsequently invoiced to Thornbury DELCO as provided herein. Thornbury DELCO shall be named as additional insured on the Certificate Holder's policy
 - E. Labor Costs. Any direct labor costs by Westtown Public Works on the Traffic Signal, shall be initially paid by Westtown and subsequently invoiced to Thornbury DELCO as provided herein.
 - F. Invoicing. Westtown shall invoice Thornbury DELCO for 50% of the actual amount paid by Westtown for the existing Traffic Signal along their common municipal boundary for costs incurred pursuant to Paragraphs 3.A through 3.E above. Invoicing shall include a 15% administrative fee for Westtown.
 - G. Payment. Thereafter, Thornbury DELCO shall pay all invoice/s as set forth in paragraph 3.F above, within 45 days of receipt of said invoice/s.
- 4. Exercise of Powers. Westtown shall exercise its powers within its respective corporate jurisdiction in furtherance of maintenance and/or upgrades of the Traffic Signal and shall retain sole responsibility for its jurisdictional authority.
 - 5. Effective Date. This Agreement shall become effective as of the date of the execution by each of the parties hereto.
 - 6. Notices. Any notice under this Agreement shall be in writing and shall be deemed to be effective when personally served or deposited in the United States mail postage prepaid addressed to the parties at the respective address set forth below:

To Westtown:
Township Manager
Westtown Township
PO Box 79
Westtown, PA 19395

To Thornbury DELCO:
Thornbury Township
6 Township Drive
Cheyney, PA 19319

7. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.
8. Entire Agreement. This Agreement contains the entire Agreement between the parties hereto and may not be changed except by an amendment in writing signed by both parties.
9. Severability. If any portion of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Agreement shall continue in full force and effect.
10. Further Assurances. Each party agrees to execute and deliver such additional instruments and documents and to take all such other action as the other party may reasonable request from time to time in order to effect the provisions and purposes of this Agreement.

IN WITNESS WHEREOF, Westtown and Thornbury DELCO executed this Agreement the day and year first above written.

THE TOWNSHIP OF THORNBURY, DELAWARE COUNTY
A Township of the Second Class

By its Board of Supervisors
Its duly elected governing body

By: _____

Name: _____

Title: _____



James H. Raith

Chair, Board of Supervisors

THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY
A Township of the Second Class

By its Board of Supervisors
Its duly elected governing body

By: _____

Name: _____

Title: _____

Check Register

Westtown Township

15-Jan-21

From: 05-Jan-21 To: 19-Jan-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15952	1/7/2021	405540	Albert Federico Consulting, LL	\$2,720.00	O
15953	1/7/2021	1009	Ann Marie Cassidy	\$780.00	O
15954	1/7/2021	6038	Cedarville Engineering Group	\$8,893.53	O
15955	1/7/2021	1082	ELEANOR J. SCHWANDT, R	\$598.00	O
15956	1/7/2021	406051	Greenleaf Turf Solutions	\$539.58	O
15957	1/7/2021	1230	Haines Landscaping & Tree S	\$5,000.00	O
15958	1/7/2021	405884	JHL Landscaping	\$265.00	O
15959	1/7/2021	1061	McCormick Taylor	\$1,795.00	O
15960	1/7/2021	1000074	NAPA AUTO PARTS	\$136.66	O
15961	1/7/2021	1157	Nationwide Testing Associatio	\$124.80	O
15962	1/7/2021	7	Westtown-East Goshen PD	\$337,447.82	O
15963	1/8/2021	792	PA Twps Health Ins Coop Trus	\$3,503.34	O
15964	1/13/2021	5428	Dept of the Auditor General	\$24,783.79	O
Bank Total:				\$386,587.52	
Bank Account: 8 Enterprise Fund					
1103	1/13/2021	405677	Aqua PA General Accounting	\$75.00	O
1104	1/13/2021	6468	Carroll Engineering Corp	\$2,763.65	O
1105	1/13/2021	5692	PT Equipment LLC	\$2,020.00	O
1106	1/13/2021	967	USABlueBook	\$725.41	O
Bank Total:				\$5,584.06	
Bank Account: 18 CAPITAL PROJECTS FUND					
1234	1/11/2021	61	West Goshen Township (WW	\$575,931.13	O
Bank Total:				\$575,931.13	
Total Of Checks:				\$968,102.71	