

WESTTOWN TOWNSHIP

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AGENDA

Westtown Township Board of Supervisors Regular Meeting

Monday, November 6, 2023 – 7:30 PM
Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

- I. Call to Order & Pledge of Allegiance
- II. Summary of Board of Supervisors Workshop – November 6, 2023
- III. Approval of Board of Supervisors Meeting Minutes – October 16, 2023
- IV. Departmental Reports
 - A. Public Works Department – Mark Gross
 - B. Planning Commission – Jack Embick
 - C. Historical Commission – Steve Wahrhaftig
 - D. Township Solicitor – Patrick McKenna
 - E. Township Manager – Jonathan Altshul
- V. Public Comment (Non-Agenda Items)
- VI. Old Business
 - A. Consider Resolution 2023-12a Authorizing a Local Shares Account Grant Application to the Commonwealth Financing Authority for \$1,000,000 for Construction of a New Pleasant Grove Sanitary Sewer Pump Station
- VII. New Business
 - A. Consider Preliminary/Final Land Development Approval for Westtown School Oak Lane (Athletic Field) Project Land Development
 - B. Consider Authorizing Advertisement of a Public Hearing on Ordinance 2023-01 to Increase the Earned Income Tax for Securing Open Space Benefits by an Additional Four One Hundredths of One Percent to Eight One Hundredths of One Percent
 - C. Consider Authorizing Advertisement of a Public Hearing on Ordinance 2023-02 to Increase the Real Estate Tax Rate for Securing Open Space Benefits by an Additional 0.21 Mills to 0.42 Mills
 - D. Consider Advertisement of a Public Hearing on Ordinance 2023-03 to Provide Earned Income and Real Estate Tax Credits to Qualified Fire and EMS Volunteers
 - E. Authorize Chairman to Execute the Facilities Easement Agreement with Comcast Cable Communications Management, LLC in Oakbourne Park
 - F. Consider Award of Contract for Boom Lift
- VIII. Announcements
 - A. Yard Waste Collection, Saturday, November 18
 - B. Thanksgiving Office Closure, Thursday, November 23 & Friday, November 24
 - C. Fox Clearing LLC Conditional Use Hearing Continuance – Wednesday, November 29 at 7:00pm
 - D. The Township is Accepting Applications for a Wastewater Treatment Plant Operator

IX. Public Comment (All Topics)

X. 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 16, 2023 at 7:30 PM

Present were: Chair Tom Foster, Vice Chair Dick Pomerantz, Township Manager Jonathan Altshul, Assistant Township Manager and Director of Planning and Zoning Mila Carter, Police Chief Brenda Bernot, Fire Marshal Gerry DiNunzio, Finance Director Cindi King, Planning Commissioner Jack Embick, and Historical Commissioner Stephen Wahrhaftig. Police Commissioner Scott Yaw was not present. Approximately seven guests were also present, including two participating remotely.

I. Pledge of Allegiance & Call to Order

Mr. Foster called the meeting to order at 7:30 PM and led the Pledge of Allegiance. He reported that the meeting was being recorded on Zoom and, on a slight delay, on YouTube.

Eva Foster, 734 Westbourne Road, indicated she would be recording the meeting.

II. Board of Supervisors Summary of Workshop, October 16, 2023

Mr. Foster reported that the Board met in Workshop tonight to discuss the 2024 preliminary budget, draft ordinances for proposed 2024 open space tax increases, a draft ordinance for tax credits for volunteer fire and ambulance personnel, the Township's banking relationships and a fundraising update about Crebilly from Natural Lands, and to accept public comment.

Mr. Foster also reported that the Board met in Executive Session tonight to discuss personnel matters and an investigation of possible violations of a Township ordinance.

III. Approval of Meeting Minutes of October 2, 2023 Meeting

Mr. Pomerantz made a motion to approve the minutes from the October 2, 2023 meeting. Mr. Foster seconded. There was no public comment, and the motion passed 2-0.

IV. Departmental Reports

A. Westtown-East Goshen Police Department – Chief Bernot

Chief Bernot reported that year-to-date through September 30, there were 6,168 calls for service in Westtown, an increase of about 135% compared with before the pandemic. She noted that a lab component had been added to Crimewatch, which allows residents to map crimes in their area. She observed that thefts in Westtown continue to be high, with six total thefts last month, including two motor vehicles thefts in Coventry Village, and two arrests made. She also stated that fraud, trespassing, particularly around Rustin High School, and vandalism, also around Rustin, are trending higher than average.

Mr. Pomerantz noted that a recent shooting incident in Newtown Square involved residents of Delaware, and asked the Chief whether she's seeing more crimes committed by residents of other states, to which she responded that most WEGO suspects do not live in the service territory and that New York State residents were suspects in some of WEGO's recent theft investigations. Mr. Pomerantz also asked for clarification from the Chief about several terms for the benefit of the public, including "calls for service," "check washing," and "domestic threats".

B. Fire Marshal – Gerry DiNunzio

Mr. DiNunzio reported that there were 90 total fire and ambulance calls in September in Westtown, including 49 in the West Chester Fire Department service area and 41 in the Goshen Fire Company service area. 16 were fire calls, and the remaining 74 were ambulance calls. There were also two burning complaints last month in Westtown.

C. Finance Department – Cindi King

Ms. King reported that last month the Finance Department turned over 17 delinquent utility accounts to collections, which is much lower than normal. She also reported that the Township had received its 2023 state pension aid and volunteer fire relief aid from the state, as well as the estimate for the 2024 state liquid fuels payment, which reflected a slight year-over-year decline.

Mr. Pomerantz asked whether Ms. King had any concerns about the Township's financial position, to which Ms. King reported that she had none at the moment.

D. Planning Commission – Jack Embick

Mr. Embick reported that at its meeting on October 4, the Planning Commission considered the land development application for the Westtown School athletic field project and amendments to the Township's parking ordinance. Mr. Foster inquired whether the amendments would be specific to the proposed Chase Bank parcel, to which Mr. Embick replied that the proposed changes would broadly apply to all commercial zoning districts.

E. Environmental Advisory Council (EAC)– Ray Dandrea

Mr. Dandrea reported that the EAC's booth at Westtown Day was well received. He also reported that he had attended both the Chester County Sustainability Conference and a Community Composting event, also sponsored by the County, and that he hoped to make a recommendation to the Board at an upcoming meeting about how the Township can save money by reducing its tipping fees. He also stated that he would attend the November 6 workshop to discuss a proposal for the Township to apply for "Birdtown USA" designation. Mr. Foster stated that he was happy to see the EAC focus on outreach and education activities.

V. Public Comment (Non-Agenda Items)

Ms. Foster stated that she objected to how the Township Manager was ignoring Township ordinances, specifically with respect to the farm stand at the Westtown School. She observed that the parcel is overgrown with weeds and appears to have no employees farming the land. She stated that the Westtown School had allowed the current situation to happen, and that the Township should issue a notice of violation to the School. She observed that the farmer wanted to convert the farm to organic, which will take at least three years. She stated that the Township's failure to enforce its ordinance was a "slap in the face" to other law-abiding Township residents. She also noted that the farmer's proposed future uses of the land are not permitted under the Township's ordinances. She also stated that the Township Manager has been coaching the farmer on how to skirt Township ordinances, that he is showing favoritism to the School for reasons that are not clear, and that the farmer needs to follow the rules just like everyone else. She added that the Township Manager was inconsistently enforcing Township ordinances, noting two other property owners who were not permitted by the Township to use their properties as they had wanted, while the farm stand operator is able to continue her operations.

Phil Garabedian, 919 Thorne Drive, asked about the process for requesting street signage, to which Mr. Altshul provided an overview of the resources that the Township relies on, including input from the WEGO Traffic Safety Unit, the Township's Traffic Engineer and the PennDOT Traffic Calming Handbook. He also observed that many people are in favor of more signage, but not in front of their own house. Mr. Garabedian also raised concerns about sight lines on Route 352 as a result of the pipeline markers obstructing views, to which Mr. Altshul said he'd investigate. Finally, Mr. Garabedian asked Mr. Foster to clarify what he meant about his statement in the most recent Westtown Gazette that the Township did not yet have plans for Crebilly Preserve after it is acquired.

Shirley LeClerc, 940 Kilduff Circle, asked when the Traffic Calming Handbook was last updated. She also invited the Board to spend time at her house to observe vehicles speeding on Shiloh Road. Finally, in response to Ms. Foster's comments, she noted that Mr. Patel's fence had barbed wire on it and was not appropriate for a residential neighborhood.

VI. Old Business

A. Consider Amendments to Stormwater Operations & Maintenance Agreement and Financial Security Agreement for Westtown School Center for the Living Arts Project

Mr. Pomerantz made a motion to approve the amended stormwater operations and maintenance agreement and the amended financial security agreement with the Westtown School for the Center for the Living Arts project to reflect the potential need for replacement of up to twelve 3-3.5" caliper trees. Mr. Foster seconded. Mr. Altshul observed that the Township Solicitor made two superficial changes to the draft financial security agreement that was in the Board's packets, but that those changes had no substantive impact on the agreements. There was no public comment, and the motion passed 2-0.

B. Consider Amendment to Change Order #1 with MECO Constructors, Inc

Mr. Pomerantz made a motion to amend Change Order #1 with MECO Constructors, Inc in the amount of \$92,450 for utility relocation and soil testing, or \$473 more than the amount previously approved. Mr. Foster seconded. There was no public comment, and the motion passed 2-0.

VII. New Business

A. Consider Univest Bank and Trust as the Township's Primary Depository

Mr. Pomerantz made a motion to authorize the Finance Director to use Univest Bank and Trust Company as the Township's primary depository. Mr. Foster seconded. There was no public comment, and the motion passed 2-0.

B. Consider Resolution 2023-12 Authorizing a Local Shares Account Grant Application to the Commonwealth Financing Authority for \$1,410,000 for Construction of a New Pleasant Grove Sanitary Sewer Pump Station

Mr. Pomerantz made a motion to adopt Resolution 2023-12 authorizing a Local Shares Account grant application to the Commonwealth Financing Authority for the Pleasant Grove Pump Station Project in the amount of \$1,410,000 and to authorize the Township Manager and Assistant Township Manager to execute related grant documents. Mr. Foster seconded. There was no public comment, and the motion passed 2-0.

VIII. Announcements

Mr. Foster made the following announcements:

- A. CRC-EAC Tree Planting Event at Oakbourne Park – Saturday, October 21, 9am-noon.**
Volunteers will be planting up to 50 shade resistant trees along the bank of Goose Creek. To volunteer, email lynn@crwatersheds.org.
- B. Stokes Estate Conditional Use Hearing Continuance – Tuesday, October 24 at 7pm**
- C. CRC-EAC Tree Walk at Oakbourne Park, Saturday, October 28, 10am-11:30am-** Join Master Arborist, Michael Shreiner, for a leisurely walk in the Oakbourne Park arboretum to learn about tree species and their care. Registration for this event will be required.
- D. Chester County Solid Waste Authority Used Bicycle & Sewing Machine Collection Event, Sunday, October 29 from 12pm-3pm at the West Goshen Township Building –** Your donated sewing machines and adult and kids bikes will be sent to Togo, Rwanda, Tanzania, Belize and Guatemala.
- E. Historical Commission Presentation on Camp Elder, Saturday, November 4, 10am at Stokes Assembly Hall –** Historical Commissioner Dave Walter will discuss the history of Camp Elder off Oakbourne Road, where nearly 2,000 Union prisoners of the Confederacy were housed in Westtown.

F. The Township is Accepting Applications for a Wastewater Treatment Plant Operator –
Please visit the website for more information.

IX. Public Comment (All Topics)

None.

X. Payment of Bills

Mr. Pomerantz made a motion to approve the General Fund bills for \$113,594.62, Enterprise Fund bills for \$9,504.90, and PLGIT P-Card bills for \$141,666.65, for a grand total of \$264,766.17. Mr. Foster seconded. There was no public comment, and the motion passed 2-0.

XI. Adjournment

Mr. Pomerantz made a motion to adjourn the meeting at 8:26 PM.

Respectfully submitted,
Jonathan Altshul
Township Manager

DRAFT

WESTTOWN TOWNSHIP
PUBLIC WORKS DEPARTMENT MONTHLY REPORT
OCTOBER 2023

ROADS

- ◆ Completed annual road maintenance project - paving, stormwater inlet, and curb replacement.
- ◆ Monitored the Aqua water main replacement project on Shady Grove Way.
- ◆ Cleared accumulated debris from stormwater inlets throughout the Township.
- ◆ Completed the final seasonal cutting of roadside vegetation with the boom mower.
- ◆ Began elevating low hanging street trees to enable safe passage of taller vehicles.
- ◆ Turned over stored road salt pile and trained new employees on loader operation and procedures.
- ◆ Began on-the-road training of new employees using loaded dump trucks to prepare for the snow season.

BUILDINGS, PARKS, AND OPEN SPACE

- ◆ Completed three grass mowings.

OAKBOURNE PARK AND MANSION

1. Readied park for Westtown Day and restored grounds afterwards.
2. Monitored the improvement project in the Athletic Complex and pond area.
3. Mapped, televised, and cleared blocked rainwater conductors servicing the mansion.
4. Pruned arboretum trees for proper growth.
5. Replaced missing and faulty stone pointing on the mansion.
6. Removed two downed trees from the Cope Tract walking trail.
7. Assisted in the CRC tree-planting event along Goose Creek.
8. Assisted the Friends of Oakbourne in planting three memorial trees.

PARKS AND OPEN SPACE

1. Employees contacted police after finding a large amount of stolen mail at Tyson Park.
2. Removed seven large trees from the Huey ruins on S. New Street using a crane.
3. Removed two small unhealthy trees and planted seven new trees at Tyson Park to promote succession growth and provide future shade.
4. Ground four tree stumps, added topsoil, and seeded holes at Tyson Park.
5. Removed invasive vines and weeds in the Tyson Park bioswale.
6. Ground three tree stumps in Pleasant Grove traffic circles.
7. Inspected playground structures for safety hazards.
8. Inspected stormwater retention basins for proper operation.

WASTEWATER

- ◆ Replaced a damaged manhole cover along 202 after a vehicle accident.
- ◆ Began interviewing applicants for a Wastewater Operator position.

EQUIPMENT MAINTENANCE AND REPAIR

- ◆ 67-25 – State inspected.
- ◆ 67-10 – Repaired the transmission shifter linkage.
- ◆ 67-11 – Replaced the starting batteries, state inspected.
- ◆ Rebuilt an engine on a zero-turn lawn mower.

FUTURE PROJECTS

- ◆ Annual line painting of road markings throughout the Township.
- ◆ Sell asphalt roller and dump truck in online auction.
- ◆ Replace outdated fire alarm system at the Administration Building.
- ◆ Begin fall leaf mulching and/or clean-up in parks and selected open spaces.
- ◆ Continue employee driver training using loaded trucks with plows mounted.
- ◆ Ready dump trucks with salting equipment for the winter season.
- ◆ Conduct annual backflow testing at Township facilities.
- ◆ Assist with holiday preparations at the mansion.

MARK GROSS
DIRECTOR OF PUBLIC WORKS

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, October 18, 2023 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Tom Sennett (TS), Jim Lees (JL), Brian Knaub (BK), Joseph Frisco (JF) and Kevin Flynn (KF) were present. Also present were Bob Flinchbaugh, Township Engineer, Albert Federico, Township Traffic Engineer and Gerry DiNunzio, Township Fire Marshal.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:07 PM.

Adoption of Agenda (JE/JL) 6-0

Mr. Embick made a motion to adopt the agenda. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes (JE/TS) 6-0

Mr. Embick made a motion to adopt the meeting minutes from October 4, 2023. Mr. Sennett seconded. All were in favor of the motion.

Announcements

None

Public Comment – Non Agenda Items

None

Old Business

1. Land Development Application – Westtown School

Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant, recapped that the Township consultants have reviewed the applicant's submission and issued review letters. She suggested reviewing the revised waivers request and outstanding items that the applicant and the Township consultants disagree on. Ms. Gerber referred to the landscaping plan sheet, specifically the area along Shady Grove Way, and explained that the ordinance requires a certain degree of perimeter landscaping around the subject parcel; however, the applicant is asking for a waiver to put in a different landscaping design that is not compliant with the ordinance in terms of the type and number of trees and shrubs. She further explained that the reason for this waiver was to comply with the landscaping design along Shady Grove Way approved by the Board of Supervisors (BOS), which was proposed as a part of the solar energy system installation on the same parcel. The design included the expansion of landscaping proposed for the solar energy project along the southern portion of the roadway to the north at the intersection of Shady Grove Way and Oak Lane in a similar fashion. Ms. Gerber added that the applicant asks not to put any further perimeter landscaping on that parcel due to various reasons, including the existing mature line of trees along portions of the property, the fact that Oak Lane is a private roadway already lined with trees on one side and with properties on both sides owned by the school, a very significant change of grade between the fields to undergo improvements and Oak Lane, and potential encroachment of required buffering along Oak Lane onto the fields impacting long-term maintenance. She argued that placing additional landscaping will serve no purpose in terms of mitigating sound or creating visual screening due to factors as mentioned above. Ms. Gerber further added that in terms of calculations (i.e., number of trees) to meet the perimeter landscaping requirements, the applicant is asking either for a credit for

already approved landscaping associated with the solar project or for a deduction from the overall perimeter for which landscaping is required.

Mr. Hatton did not have any objections to allow for credit or deduction as long as the net of required trees is the same. Mr. Embick did not have any objections to waiving the buffering requirement along Oak Lane, but wanted more details on how the landscaping design would look like along Shady Grove Way considering the difference in intensity of use between athletic fields and the solar panel facility and how the proposed design relates to current regulations. Ms. Gerber believed that no shrubbery was proposed, which would allow for a view through the bottom of planted trees, which was purposely designed to address the neighbor's concerns of preserving a visual vista of agricultural land instead of providing dense screening blocking the views from across Shady Grove Way. Bob Flinchbaugh explained that the solar energy system did not go through the land development process, which requires compliance with the perimeter landscaping provisions, and instead the landscaping design was determined as part of the conditional use process, but it did not need to follow the specific ordinance requirements. Mr. Embick reiterated that there was only one neighbor who expressed an objection to originally proposed dense landscaping for the solar project with the school working with that neighbor to create a compromise, and asked whether any other neighbors came forward. Mr. Flinchbaugh and Ms. Carter responded that no other comments were received by the Township pertaining to the landscaping for that project. Mr. Sennett asked Mr. Flinchbaugh if he had any objections to the applicant's waiver requests pertaining to perimeter landscaping. Mr. Flinchbaugh said he did not. Mr. Sennett asked for a consensus from the Planning Commission on the request. The PC members agreed to the waiver request not to add landscaping along Oak Lane.

Mr. Flynn asked whether the landscaping design will be visually consistent and cohesive along Shady Grove Way. Ms. Gerber noted that was the intent. Mr. Embick pointed out that the terrain along Shady Grove Way was variable and questioned whether the proposed landscaping would be effective in screening the view of athletic fields from the houses located along the east side of Shady Grove Way. Mr. Flynn reiterated that only one neighbor voiced his concerns which the school addressed. Ms. Carter referred to the picture on the screen provided by the school showing the rendering of proposed landscaping along Shady Grove Way. Chris Benbow, Head of School, explained that the rendering is the result of collaborative work with the neighbor, Joe Burns, who provided a photograph of the view from his property towards the school, which was digitally populated with trees showing the progression of growth over time. The PC expressed support for waivers pertaining to perimeter landscaping as requested by the applicant.

Mr. Hatton went over the outstanding items in the review letter issued by the Township engineer. He asked whether the comments from the Township lighting consultant had been addressed. Ms. Gerber confirmed that the only remaining item was the consultant's request to reserve any further comment or indicate compliance when the scoreboard is installed. She pointed out that the scoreboard would be dimmable and could be adjusted to satisfy the compliance requirements. Mr. Flinchbaugh noted that majority of comments in the review letter are technical in nature. Mr. Hatton asked about the compliance with the size of parking spaces. Ms. Carter referenced Section 170-1702 of the ordinance and explained that there is a provision that permits the reduction of size for certain number of parking spaces in case of schools. She recapped that the applicant proposes to provide 169 parking spaces with 10 per cent of those to be reduced in size as permitted by the ordinance. Mr. Hatton questioned how it would be possible to know the size of a specific parking space and reasons behind that requirement.

Mr. Embick asked what happens when a designed stormwater Best Management Practice (BMP) has exceeded the capacity to accommodate the runoff due to the increase in the frequencies and intensities of the storms. Mr. Flinchbaugh responded that the requirement is to provide a capacity for some type of overflow within these facilities, such as an emergency spillway or a pop-up emitter, in the event that a BMP fails or in the event of a greater than 100-year storm.

Mr. Sennett asked whether there were any outstanding items pertaining to stormwater management that Mr. Flinchbaugh had concerns about. Mr. Flinchbaugh responded that there were several items for the applicant to address, but was under the impression that the applicant was working on complying with those items.

Ms. Gerber explained that in response to concerns raised by the BOS and the PC about the safety at the intersection of Oak Lane and Westtown Road, the applicant investigated the issue and concluded that there was no sufficient information or factual data supporting the assumption that this intersection is not functioning correctly. She acknowledged that the turning radius is not 35 feet as required by the ordinance, but explained that in order to comply, several additional improvements would need to be done, including removal of the existing wall, regrading and relocation of the existing stormwater management facility and a utility pole. Ms. Gerber further noted that no additional traffic is anticipated and there is no evidence suggesting that required radius would significantly improve the condition, and argued that the cost far exceeded the benefit of making that improvement. Mr. Flynn raised a question about contractor parking during the construction. Mike Rufo, the applicant's contractor, explained that the existing stone parking area would be used as a staging area for materials and equipment. Mr. Hatton asked why additional parking is proposed if no additional traffic is anticipated.

Mr. Federico explained that during the review of the traffic study provided by the applicant, it was apparent that the addition of field lights will create some additional traffic at night, but concluded that the traffic was not so substantive as to require capacity based improvements. He pointed out that while there was no documented pattern of collisions at the intersection, and the design of the intersection is substandard relative to the horizontal curve with the house located on the inside of the curve as an obstruction. Mr. Federico suggested shifting the road further away from the house and making that curve larger. He further explained the ordinance requirement for the applicant to provide the additional right-of-way (ROW), and recommended that such ROW was requested within the reasonable vicinity of the curve to accommodate future intersection improvements. Mr. Federico suggested 27 feet of additional ROW to be designated to bring it to the full 60 feet, as required for collector road. Mr. Sennett raised a question about the possibility of installing traffic control. Jason Best, landscape architect with the ELA Group, explained that traffic data does not warrant the stop sign. Mr. Sennett expressed his surprise that the roadway does not warrant the stop sign but warrants potential major intersection improvements. Mr. Federico explained that traffic signals are not intended to slow traffic down or to address geometric safety issues, but to assign a right of way to vehicles going through the intersection. Mr. Best noted that the applicant intends on working with the Township and PennDOT if it is determined that intersection improvements are needed in the future.

Mr. Sennett asked whether the school wants to preserve the stone wall at the corner of Oak Lane and Westtown Road for aesthetic reasons. Mr. Best confirmed that in order to accommodate the required 35-foot radius, the stone wall would have to be relocated. Mr. Sennett expressed his support for preserving the wall while acknowledging the importance of traffic safety. Ms. Gerber recapped that the school proposed to dedicate 13.5 feet of future ROW on the plan to allow for future improvements to the intersection. Mr. Best pointed out that in the last year, there were no accidents reported at that intersection based on data provided by the Westtown-East Goshen Regional Police Department (WEGO PD). Mr. Lees asked whether any other physical improvements could be done at that intersection for now. Mr. Federico believed that signage and/or markings could be considered and suggested he would work with Mr. Best on potential options.

Mr. Embick made a motion to recommend approval of the Preliminary and Final Land Development application for the Westtown School Oak Lane project and waivers as requested by the applicant in the October 18, 2023 waiver request letters prepared by Traffic Planning and Design, Inc. and ELA Group Inc., conditioned upon a final resolution

of any concerns raised by the Township consultants. Mr. Sennett seconded. All were in favor of the motion. JE/TS (7-0)

2. Ordinance Amendments – Parking Regulations

In considering potential amendments to the Township's parking regulations, the PC asked Al Federico to research several other requirements pertaining to parking, specifically potentially increasing the required number of parking spaces for single family and multi-family dwellings. Mr. Federico referenced the Township's existing code requirements of 3 parking spaces for single family homes and 2 parking spaces for each dwelling unit within multi-family building. In general, the minimum requirement within the suburban areas is 2 parking spaces for single family homes, thus, Mr. Federico believed that Westtown's requirement is sufficient. He also referred to the ordinance where the BOS may require a street with a sufficient paved width to allow on-street parking on one or both sides if determined it should be necessary to meet parking requirements. Mr. Federico recommended that language be revised. He also brought up the previous discussion on parking within garages, and noted that a typical parking space is 9 feet by 18 feet and with a garage of 20 feet by 20 feet one can potentially fit two sedans. He further explained that the ordinance requires a specific setback for residential parking from the street line to the parking area, which makes the beginning of the driveway not be counted towards meeting the parking requirements. Mr. Federico suggested to some language to mitigate that. Ms. Carter noted that the proposed ordinance language removes specified parking requirements for the visual art center (VAC) and that some of the use-specific parking requirements referenced in Section 170-1705 might not be reflected in the proposed shared parking table. Mr. Federico believed that shared parking provisions would not be applicable to the proposed VAC and considered the VAC as an entertainment use, but promised to look into that. Mr. Hatton asked whether residential parking requirements can be established based on the square footage of the house. Mr. Federico explained that typically the number of parking spaces is determined by the number of units and/or bedrooms regardless of the house size, stating that the number of parking spaces needed would probably be the same, as it would equate to the same number of occupants. He noted that the Township can consider asking for additional parking space for bedroom additions. Ms. Carter referred to the ordinance that requires an additional parking space for an accessory dwelling unit (ADU).

3. Ordinance Amendments - Fences

Mr. Patel, 811 E. Sage Road, referred to the document he provided to the Township dated October 11, 2023 with proposed changes to the ordinance regulating fences. He noted that some recommendations might not be substantial in nature. Mr. Hatton explained that the reasons for the requirement that the smooth and more finished side of the fence to face onto any abutting lot or public road are aesthetics. Mr. Patel argued that in some instances it might be challenging to determine which side is more finished like in a case of an aluminum fence. Ms. Carter agreed, but explained that it is determined during the permit review process and in the case of a split rail fence, wire mesh is required to be installed on the inside where it can be accessible by the property owner for maintenance purposes. Mr. Hatton asked Mr. Patel whether in his opinion deer responds more or less to the visibility of a fence or the height. Mr. Patel believed the height of the fence would prevent deer from running through, as deer might not see well at night. He further noted that greater visibility fence addresses security and law enforcement related concerns. Mr. Patel suggested allowing a 5-foot privacy fence, but if the height is increased to 8 feet, the Township could require a see-through fence (i.e., 80-90% visibility). He pointed out that it would address residents' concerns related to damages to their yards due to deer browsing. Ms. Carter noted that some municipalities require high visibility of the top portion of the fence if it exceeds a certain height. Mr. Hatton asked Mr. Patel's thoughts on the use of barbed wire. Mr. Patel shared that some websites recommend barbed wire as deer deterrent. Ms. Carter believed that it would be more appropriate for anti-trespassing purposes and within the industrial

and/or commercial districts and not residential areas. Mr. Embick raised a question about farm related uses that might require barbed wire fencing. Mr. Hatton suggested that barbed wire should be permitted in agricultural use areas. Mr. Patel suggested that the determination to permit the use of barbed wire should be governed by the Zoning Officer. Mr. Embick believed that would place too much discretion on one person. Ms. Carter agreed, and questioned how a determination could be made whether one yard is more damaged by deer browse than another. Mr. Embick suggested it would be somehow defined and addressed in the ordinance language. Based on her research on deer fencing, Ms. Carter noted that a fence needs to be between 8 and 10 feet high to be effective. Mr. Sennett pointed out multiple properties with pool fencing that is 4 feet high and no indication that deer gets in. Mr. Embick believed that fencing has an impact on wildlife habitat by reducing the browsing area, pushing deer into the yards. Mr. Patel reiterated that the lack of proper fencing creates a safety concern for his health. The PC continued their general discussion pertaining to specific setbacks, types of fences, and permit requirements. Ms. Carter suggested adding recommended language in tracked changes to be discussed further. The PC agreed.

4. Ordinance Amendments - Outdoor Burning

Gerry DiNunzio summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that the majority of outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted. He referred to the memo prepared by Ms. Carter that summarized the potential concerns related to the use of outdoor recreational devices and provided recommendations on ordinance changes, including a requirement for no burning after a certain hour and continuous supervision. Mr. DiNunzio expressed concern that limiting burning to certain hours may be too restrictive on recreational burning. Ms. Carter pointed out that the noise ordinance limits unreasonable noise between 7am to 10pm and asked for feedback whether the use of some outdoor recreational devices, such as bonfire, shall be consistent with these time limitations. Mr. Hatton asked about the impact of smoke. Mr. DiNunzio responded that in his 34 years of experience, indoor fireplaces make just as much smoke as outdoor ones. Mr. Embick wanted to know how many complaints were related to fire pits. Mr. DiNunzio said that out of dozen burning complaints, about 10 were related to the use of fire pits, which did not require any enforcement. He wanted to make it clear that fire pits are allowed and to educate the public on this subject to reduce the number of frivolous complaints. Mr. Embick asked whether fire pits are required to be installed on the specific surfaces. Mr. DiNunzio noted that they may not be used on the flammable surface like a deck and must be placed no closer than 10 feet away from the house. He believed that most people use common sense, but it would be helpful to have specific requirements. Mr. Knaub asked about the reason for limiting open burning from 8am to 4pm. Mr. DiNunzio explained that it probably had to do with the timing of sunset. Ms. Carter suggested adding recommended language as discussed in tracked changes to be discussed further. The PC agreed.

5. Ordinance Amendments – Managed Meadows

Ms. Carter explained that the draft language to permit managed meadows as permitted property use has been previously presented to the PC for review, but no further discussion transpired. She wanted to see if the PC had any comments to be incorporated into the final draft and/or any concerns. Mr. Hatton added that the Township Environmental Advisory Council (EAC) recommends implementing an ordinance that supports the establishment of managed meadows and provides regulatory requirements for their future care and maintenance, in preparation for a potential establishment of managed meadow on the Crebilly Farm property once it is transferred the Township. He further explained that the EAC wants to see these requirements codified prior to that as the EAC is working towards establishing a managed meadow on the small portion of open space within the Plumly subdivision. Mr. Hatton noted that the Township owns and

maintains the open space, and the EAC, based on determination by the consultants, proposed to introduce wildflowers and other plantings to attract native insects, like bees. Ms. Carter pointed out that managed meadows serve various purposes from helping with water quality to providing healthy habitats, and depending on that purpose need to be planted and maintained in a certain way. She noted that the way the Township ordinance is currently written, it does not allow for weeds taller than 10 inches, which contradicts the idea behind the managed meadow installation. Mr. Embick asked whether managed meadows would be permitted in all zoning districts. Ms. Carter confirmed. She raised concern about how to differentiate between overgrown grass and a managed meadow, and suggested focusing regulations on Township-owned properties at this time, prior to trying to address it for privately owned properties. Mr. Hatton was not in favor of permitting managed meadows within residential areas. Mr. Embick thought that managed meadows might be of interest to Westtown School and some other areas of the Township. He acknowledged the growing trend of replacing the lawn with other plantings, but cautioned that some people still preferred the aesthetics of a traditional mowed lawn. The PC supported the idea of regulations applicable to Township-owned properties only, with potential to expand that permitted use over time. Ms. Carter suggested adding recommended language as discussed in tracked changes to be discussed further. The PC agreed.

New Business

None

Public Comment

None

Reports

1. Mr. Embick made the BOS report from the October 16 meeting.

Adjournment (JE/TS) 6-0

The meeting was adjourned at 9:57 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 2023-12A

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WESTTOWN TOWNSHIP TO AUTHORIZE A GRANT APPLICATION TO THE COMMONWEALTH FINANCING AUTHORITY FOR THE CONSTRUCTION OF A NEW PLEASANT GROVE SANITARY SEWER PUMP STATION AT 1147 S. CONCORD ROAD AND TO AUTHORIZE THE TOWNSHIP MANAGER AND ASSISTANT TOWNSHIP MANAGER TO EXECUTE ALL RELATED DOCUMENTS AND AGREEMENTS.

WHEREAS, Pleasant Grove Pump Station (“the Pump Station”) was constructed in 1979 or 1980 to convey wastewater up S. Concord Road towards to West Goshen Sewage Treatment Plant; and

WHEREAS, over the past 43 years, the drainage area served by the pump station has expanded to the point where the capacity of the pump station has been reached and the equipment in the existing pump station has surpassed its useful life;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, hereby requests a State Local Share Account grant of \$1,000,000 from the Commonwealth Financing Authority to be used for a replacement Pleasant Grove Pump Station.

BE IT FURTHER RESOLVED that Westtown Township does hereby designate Jonathan Altshul, Township Manager, and Liudmila Carter, Assistant Township Manager, to execute all the documents and agreements between Westtown Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

ADOPTED as a Resolution this 6th day of November, 2023.

**Westtown Township
Board of Supervisors**

Thomas Foster, Chair

ATTEST:

Richard Pomerantz, Vice Chair

Jonathan Altshul, Township Secretary

Scott E. Yaw Esq., Police Commissioner

LAND DEVELOPMENT APPLICATION SUMMARY

Date: November 3, 2023
From: Liudmila Carter, Director of Planning & Zoning

PROJECT: Oak Lane Project (Athletic Fields Improvements)
APPLICANT: Westtown School
ADDRESS: 975 Westtown Road
UPI: 67-5-27

APPLICATION

This application calls for improvements to the Westtown School athletic fields area located off Oak Lane (private roadway), including construction of a 1,096 square feet support building with ADA access, conversion of two existing grass athletic fields into synthetic turf fields, installation of permanent lighting for one athletic field, electronic scoreboards, 300 seats bleachers, player benches, 4 foot high chain link fence, conversion of existing gravel/grass parking area into paved 93 parking spaces, construction of walking paths, reconstruction of softball fields with dugouts, and installation of associated stormwater management facilities and landscaping. The support building will have team rooms, restrooms, elevator, and storage, and will be served by the campus water system and public sewer. The stormwater management facilities will include two infiltration basins and two subsurface detention/infiltration beds, each to be located beneath the synthetic turf athletic fields.

LOCATION AND DESCRIPTION OF SITE

The property, subject to this application, is located at the corner of E Street Road and Shady Grove Way with E Street Road running along its southern border, Shady Grove Road along the eastern border, Westtown Road along the western portion, and Oak Lane, which is a private roadway, along the northern boundary. The property consists of 195 acres located in the A/C Agricultural/Cluster Zoning District and improved with several buildings, associated parking lots, athletic fields, agricultural fields and greenhouses, and farmer's market.

SUBMISSION AND REVIEW

The applicant submitted the initial preliminary/final land development application on August 3, 2023 and later revised and resubmitted materials to address comments from the Township consultants. The list of items provided by the applicant and submission dates are noted below.

The following items were included in the submission received on August 3, 2023:

1. Preliminary/Final Application form dated July 28, 2023;
2. Preliminary/Final Application letter prepared by Gina Gerber, Esq.;
3. Chester County Subdivision/Land Development Information Form;
4. Engineered Design Lighting Plan prepared by Musco Lighting dated August 3, 2023;
5. Noise Propagation Survey prepared by Everbach Acoustics Consulting dated August 1, 2023;
6. Chapter 102 National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02) Approval by the Chester County Conservation District (CCCD) dated April 21, 2023;
7. NPDES PCSM Module 2/Post Construction Storm Water Management (PCSM) Report prepared by ELA Group, Inc dated January 27, 2023 last revised March 17, 2023;
8. Preliminary/Final Land Development Plan for Westtown School – Oak Lane Project (sheets 1 to 48) prepared by ELA Group, Inc. last revised August 1, 2023;
9. Daktronics MS-918 Product Specifications for outdoor LED scoreboard display;

10. Daktronics SO-918 Product Specifications for outdoor LED soccer scoreboard display;
11. Township Sewer Capacity Verification letter dated January 24, 2019;
12. Transportation Operational Analysis prepared by Traffic Planning and Design, Inc. last revised July 27, 2023;
13. Waivers/modification request prepared by ELA Group Inc., dated August 1, 2023;
14. Westtown Township Subdivision and Land Development information Sheet.

The following items were included in the submission received on September 28, 2023:

1. Preliminary/Final Land Development Plan for Westtown School – Oak Lane Project (sheets 1 to 48) prepared by ELA Group, Inc. last revised September 19, 2023;
2. Revised waiver/modification request letter prepared by ELA Group Inc., dated September 27, 2023;
3. Erosion and Sediment Control Report prepared by ELA Group, Inc. last revised September 19, 2023;
4. Water Study prepared by ELA Group, Inc. dated September 27, 2023;
5. NPDES PCSM Module 2/Post Construction Stormwater Management Report prepared by ELA Group, Inc. last revised September 19, 2023;
6. Response letter from ELA Group, Inc. dated September 27, 2023 to the Cedarville review letter of September 1, 2023;
7. Response letter from Traffic Planning and Design Inc. dated September 19, 2023;
8. Letter from Daktronics dated September 28, 2023.

The following item was included in the submission received on October 17, 2023:

1. Traffic Waiver/Modifications Requests prepared by Traffic Planning and Design Inc. dated October 17, 2023.

The following items were included in the submission received on October 18, 2023:

1. Waiver/Modification Requests prepared by ELA Group, Inc. dated October 18, 2023;
2. Response letter from Traffic Planning and Design Inc. dated October 18, 2023.

The following items were included in the submission received on October 27, 2023 after the Planning Commission's recommendation and has not been reviewed by the Township consultants:

1. Land Development Resubmission letter prepared by Gina Gerber, Esq. dated October 27, 2023;
2. Response letter to CEG review letter #2 (dated October 13, 2023) prepared by ELA Group Inc. dated October 27, 2023;
3. Opinion of Probable Cost for Public Improvements prepared by ELA Group Inc. dated October 27, 2023;
4. Erosion and Sediment Control Report prepared by ELA Group Inc. last revised October 27, 2023;
5. Preliminary/Final Land Development Plan for Westtown School – Oak Lane Project (sheets 1 to 48) prepared by ELA Group, Inc. last revised October 27, 2023;
6. NPDES PCSM Module 2/Post Construction Storm Water Management Report prepared by ELA Group Inc. last revised October 27, 2023.

RELEVANT APPROVALS

On March 31, 2022, the Zoning Hearing Board has granted the approval for special exception for the area within the land owned by Westtown School as designated on the plan provided at the hearing, for educational and religious uses.

On June 19, 2023, the Board of Supervisors has granted the approval for permanent outdoor lighting of one athletic field, with conditions, via conditional use under Section 170-1514.D(5) of the Westtown Township Zoning Ordinance.

On August 21, 2023, the Board of Supervisors has granted the approval for installation of a solar energy system, with conditions, via conditional use under Section 170-1618.(C) of the Westtown Township Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission completed their discussion on this application at their meeting on October 18, 2023 with the recommendation of approval of the Preliminary and Final Land Development application for the Westtown School Oak Lane project and waivers as requested by the applicant in the October 18, 2023 waiver request letters prepared by Traffic Planning and Design, Inc. and ELA Group Inc., conditioned upon a final resolution of any concerns raised by the Township consultants.



October 18, 2023

Ms. Mila Carter
Director of Planning and Zoning, Asst. Township Manager
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

RE: Westtown School – Oak Lane Project
Preliminary/Final Land Development Application
Waiver/Modification Requests

Dear Ms. Carter:

As part of the Land Development Application for the above referenced project, we are requesting waivers/modifications of several provisions of Westtown Township's *Subdivision of Land* (Chapter 149) and *Stormwater Management* (Chapter 144) Ordinances. The specific ordinance sections for which relief is being requested, as well as the accompanying justification, follows:

§144-311.B(3) and §149-803.B(3)(c)

Ordinance Requirement: *“All inlets shall be precast concrete, PennDOT type and shall have bicycle-safe-type grate.”*

Proposed Modification: Allow HDPE Drain Basins in lieu of concrete inlets in select locations.

Justification: The plan proposes several HDPE Nyloplast Drain Basins around the synthetic turf multipurpose fields to prevent runoff from flowing onto the field, which presents maintenance issues. The proposed drainage areas are minimal, and the inlets will not be subject to vehicular loading and thus concrete inlets are not necessary. The proposed inlets will provide adequate drainage capacity while being aesthetically favorable.

§144-311.B(4) and §149-803.B(3)(d)

Ordinance Requirement: *“Inlets shall have a minimum two-inch drop from all inlet pipe invert elevations to most shallow outlet pipe invert elevation”*

Proposed Modification: To reduce the requirement of a two-inch drop from all inlet pipe invert elevations to most shallow outlet pipe invert elevation to a 1.2” drop in most cases and to zero inches of drop in the nine (9) structures along one pipe run where cover over the pipe is an issue (this pipe run is more fully described below).

Justification: The proposed pipe networks generally provide a minimum 1.2” drop across the inlet structures where the design allows. The pipe run from Inlet I-B14 to EW-2 is a relatively long run with limited drop, relative to the length of the run, and does not allow for a drop across the inlets.

§144-311.B(8) and §149-803.B(3)(g)

Ordinance Requirement: “*Storm sewers shall have a minimum inside diameter of 15 inches.*”

Proposed Modification: Reduce the minimum storm sewer size to eight inches.

Justification: The proposed 8” pipes are to be connected to small, 12” diameter area drains that will receive limited runoff. Pipe capacity calculations are provided which show that the proposed pipe sizes are adequate for all storm events. Further, inlets I-B14 and I-B13 and the associated pipes provide minimal cover in order to drain to the necessary outlet location. Given the lack of available cover, providing larger pipes would not be feasible.

§144-311.B(9) and §149-803.B(3)(h)

Ordinance Requirement: “*Storm sewers shall have a minimum cover of 24 inches, unless compliance with PennDOT and manufacturers' specifications can be demonstrated to the satisfaction of the Township Engineer.*”

Proposed Modification: Reduce the required cover for storm sewers in lawn areas from 24” to 12”.

Justification: Based on the length of the proposed storm sewer runs it is not practical to provide 24” of cover at the most upstream inlets and in the case of inlets I-B14 and I-B12 it is not possible to provide more than 12” of cover while maintaining a minimum 0.5% pipe slope. A minimum 12” of cover in non-vehicular traffic areas is a relatively common engineering standard and is adequate to prevent crushing under normal circumstances.

§144-311.B(11)

Ordinance Requirement: “*Velocity within the storm sewer system shall be no less than three feet per second and no greater than 11 feet per second for the design storm peak flow.*”

Proposed Modification: Allow velocities within storm sewers to be less than three feet per second.

Justification: Due to minimal drainage areas for drain basins surrounding the synthetic turf fields and minimal outflows from the subsurface infiltration beds combined with minimal pipe slopes of approximately 0.5% a velocity of 3 feet per second cannot be achieved.

§144-311.C(3) and §149-803.B(4)(c)

Ordinance Requirement: “*The bottom of the basin shall have a minimum slope of 2% and any channel shall have a minimum slope of 0.5%.*”

Proposed Modification: Allow 0% slope for infiltration/water quality basin bottoms.

Justification: In order to maximize the filtration/infiltration area and avoid a low spot near the outlet structure, flat basin bottoms are being proposed for Infiltration Basins (BMP's 1 & 4), which is consistent with generally accepted engineering principles for BMP's intended to infiltration.

§144-311.C(5) and §149-803.B(4)(e)

Ordinance Requirement: *"The barrel shall be concrete pipe with anti-seep collars with a minimum projection of two feet beyond the pipe. Anti-seep collar design calculations shall be provided."*

Proposed Modification: Allow smooth lined corrugated high-density polyethylene (SLCPP) outlet pipes for basins. Also allow concrete anti-seep collars for BMP's 1 & 4 to be designed in accordance with the PADEP E&S Control Manual.

Justification: SLCPP pipes have proven to be superior to concrete pipes in terms of longevity and economy and are now approved for use by PENNDOT. Additionally, the burial depths are well within the cover limits specified by the pipe manufacturer. Regarding anti-seep collars, based on calculations provided in the report and in accordance with guidance provided in the PADEP E&S Control Manual the proposed anti-seep collar dimensions/configuration for BMP's 1 & 4 are adequate.

§ 149-700.A.

Ordinance Requirement: *"Within 60 days after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township. However, an extension of time may be granted at the option of the Board of Supervisors upon written request of the applicant."*

Proposed Modification: Submission of a combined Preliminary and Final Land Development Plan for review and approval by Westtown Township.

Justification: The scope of the proposed project is relatively limited and Applicant is submitting sufficient information and materials to satisfy the requirements for final land development plan review and approval with this Application. Section 149-600.C. of the SALDO permits the Township to review a Preliminary Plan for final approval under certain circumstances which are met with this Application. Efficiency in review and approval by the Township's consultants, staff and representatives will be served by the combined Preliminary and Final Land Development Plan Application submission.

§149-702.B(7) and §144-402.C(7)

Ordinance Requirement: *"The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to the nearest second. These boundaries shall be balanced and closed with an error closure not less than one foot in 10,000 feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider for example, between separately submitted final plan sections are not required to be based upon field survey, and may be calculated. Existing and proposed monuments shall be indicated, along with a statement of the total area of the property being developed. In addition, the engineer or surveyor shall certify to the accuracy of the survey and that the drawn plan is in conformance with Township chapters."*

Proposed Modification: In lieu of providing a boundary survey complete with boundary lines having bearings and distances in strict conformance with the Ordinance and sealed by a Professional Land Surveyor or Engineer, provide instead a Deed Plot based on best available public records (County GIS and UPI).

Justification: Due to the age and illegibility of the deeds of record and the immense size of the Westtown School’s land holdings, the School does not have (and cannot obtain without an enormously intensive undertaking) a property boundary survey meeting the requirements outlined in the Ordinance. Similar to recent land development projects undertaken on the Westtown School grounds (including but not limited to the Lane House), the proposed project is not situated close to any areas of the campus where the ownership of the land is questionable or in dispute. Similarly, the development is not being proposed in close proximity to a public right-of-way and thus encroachment onto lands not under Westtown School ownership is not a concern.

§149-925.G(1)

Ordinance Requirement: “*Lot or perimeter yard requirements. Each yard shall be landscaped as follows:*”

Landscaping Per 100 Linear Feet			
	Canopy Trees Mature Height Over 30 Feet	Ornamental Flowering Trees	Shrubs
<u>Single-family detached dwelling</u>			
Street frontage	1.5	0.5	
All other property lines	0.5	0.5	
<u>All other dwellings</u>			
Street frontage(s)	1.0	0.5	4.0
All other property line	0.5	0.5	2.0
<u>Nonresidential</u>			
Street frontage(s)	2.0	1.5	6.0
All other property lines	1.0	1.0	3.0

Proposed Modification: Provide perimeter landscaping consistent with what had been negotiated with adjoining property owners for the recent solar farm application and as directed by the Board of Supervisors during the Conditional Use Hearing for the Athletic Field Lighting. The proposed perimeter landscaping is limited to canopy trees, ornamental/flowering trees, and evergreen trees (no shrubs) and is provided only along the portions of Shady Grove Way where views into the proposed development exist from adjoining properties (roughly between the northern property boundary and Thrush Ln to the south).

Justification: The perimeter of the subject tract follows three (3) different road frontages and other lands owned by the Westtown School. The vast majority of the subject tract’s perimeter is adjacent to actively cultivated farm fields (more than 113 acres of this parcel are leased by others for agricultural purposes). Planting trees and shrubs between a road and a farm field will decrease the agricultural productivity of the leased lands by reducing the field areas – either from direct encroachment or through the casting of shadows within which crops will not thrive. Perimeter

landscaping will also impede farm equipment from accessing these fields. Perimeter landscaping is not proposed along Oak Lane because the right-of-way has been vacated and both sides of the road are in common ownership. Also, Oak Lane is already lined by mature canopy trees on both sides.

Should you have any questions, please do not hesitate to call me. We thank you for your time and consideration of these waiver/modification requests.

Sincerely,
ELA GROUP, INC.

A handwritten signature in black ink, appearing to read "Jason C. Best", with a long horizontal stroke extending to the right.

Jason C. Best, RLA
Senior Project Manager
Corporate Office

\\1091-001 Oak Lane Project\Project Files\Project Documents\Land Development\Final LD\2023-10-18 Mod Req Ltr.docx



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

October 18, 2023

Mr. Russell Hatton, Chair
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

RE: Response Letter –Township Traffic Review Letter

Westtown School Oak Lane Project
Westtown Township, Chester County
TPD Job #WESC.00003

Dear Mr. Hatton:

This letter pertains to the Oak Lane Project located at the east of the Westtown Road & Oak Lane intersection in Westtown Township, Chester County, PA. Traffic Planning and Design, Inc. (TPD) has prepared this response letter to address comments contained in the October 13, 2023 review letter, prepared by Albert Federico Consulting, Inc. (attached for reference). For the discussion below, the review comments are shown in bold and italic type, with the corresponding TPD response shown in regular type:

CONDITIONAL USE APPROVAL COMMENTS

- 1. Truck Turning Templates Demonstrating Emergency Access (#4) – Satisfied. The submitted Land Development plan includes turning exhibits.***

Response: So noted.

- 2. Oak Lane and Westtown Road Sight Distance (#6) – Outstanding. The submitted plans do not illustrate acceptable sight distances.***

Response: Will Comply. The plans will be updated accordingly.

- 3. Oak Lane Flashing Signal (#7) – In progress. The School has requested that the permit be voided. The plans should be revised to clearly indicate the removal of the flashing warning device.***

Response: Will Comply. The signal permit plan has been voided by PennDOT District 6-0. The plans will be updated accordingly to indicate removal of the flashing signal.

LAND DEVELOPMENT PLAN COMMENTS

- 4. As previously noted, Westtown Road is classified as a Collector; the Board may require dedication of additional right-of-way along the site frontage. (§149-903C.1) The Applicant***

has indicated that a partial Waiver will be requested to defer dedication until there is a plan for the improvement of Westtown Road at Oak Lane. There is no objection to the request; however, additional consideration should be given to how the right-of-way would support a long-term improvement. It may be appropriate for the offer to be fully on the east side of Westtown Road, away from the existing house.

Response: The applicant recognizes that the current right-of-way for Westtown Road does not meet the current functional classification of the road. The applicant proposes to reserve 13.5' feet of additional right-of-way on the south side of Westtown Road east of Oak Lane, and on the east side of Westtown Road north of Oak Lane. The plans will be updated accordingly. Should PennDOT wish to improve Westtown Road in the future, the applicant commits to working with PennDOT to provide necessary right-of-way for future improvements. Please also reference October 17, 2023 Traffic Waiver Request letter.

5. As previously noted, revise the right-of-way lines to show Oak Lane as a private road.

Response: Oak Lane was formally vacated by Westtown Township (refer to Ordinance 2001-4) and has been labeled as "Private" on the land development plans. We have removed what we believe to be the former right-of-way line along the south side of Oak Lane; the line on the north side remains. These lines were shown previously on the land development plans because they still appear in Chester County's GIS database (ChescoViews), which we are relying upon in the absence of a boundary survey (a modification has been requested).

6. As previously noted, a minimum 35-foot radius curb return should be provided for Oak Lane at Westtown Road. {§149-907F}. The Applicant has indicated that a Waiver will be requested. Additional information demonstrating how the literal compliance is unreasonable, would cause undue hardship, or the alternative standard providing equal or better results.

Response: As indicated in our prior response, the installation of the required 35' turn radius will not provide measurable safety improvements, and will significantly alter existing grading and drainage patterns. The current radius of the north corner is 20 feet and accommodates the vehicles currently using the driveway. This driveway is not utilized by the school for deliveries therefore the need to accommodate larger vehicles is not necessary.

Given the lack of accident history at this intersection, there is no evidence that enlarging the radius to meet the ordinance requirement would provide any identifiable benefit.

As illustrated in Exhibits A and B, there is no tangible benefit to improving sight distance by relocating the existing wall as a result of installing a 35' foot radius per the ordinance (location and shape of relocated wall in Exhibit B for illustrative purposes only).

Installing the larger radius would have an identifiable hardship on the Applicant because it would affect the existing stormwater patterns to the swale along the east side of Westtown Road, and increase the amount of impervious surface. The modification would require significant grading changes to an existing stormwater management swale, and the relocation of the adjacent utility pole. Furthermore, the proposed development will not result in any change to the existing condition or impact this intersection.

Please also reference October 17, 2023 Traffic Waiver Request letter.

- 7. As previously noted, clearly document the available and required sight distance at the intersection of Oak Lane and Westtown Road for exiting vehicles and entering left turns. (§149-908C). The sight triangles should be illustrated graphically (refer to PennDOT Form M-950S) and demonstrate that sight lines are not obstructed by the adjacent walls (exiting vehicles) and the house opposite the driveway (entering left turns).**

Response: Will Comply. The plans will be updated accordingly.

- 8. As previously noted, clearly document the available and required sight distance for exiting vehicles at the parking area egress and Oak Lane. (§149-915K.5). The sight triangles should be illustrated graphically and demonstrate that sight lines are not obstructed by the adjacent embankment or proposed landscaping.**

Response: Will comply. The plans will be updated accordingly.

- 9. As previously noted, clearly indicate the removal of the existing Flashing Warning Device along Oak Lane.**

Response: Will comply. The plans will be updated accordingly.

- 10. As previously noted, ensure that the turning areas along the proposed paths are graded to provide a compliant level area.**

Response: The Applicant has demonstrated compliance with the applicable requirements. Refer to Sheet 32 of the Land Development Plans, where each of the curb ramps and associated landings are shown in detail complete with spot grades and slope arrows.

- 11. As previously noted, clearly indicate if the arrows in the parking area are illustrative or to be installed, and provide pavement marking details for the crosswalks, stop legend, arrows (if needed) and accessible parking spaces.**

Response: Sheet 11 of Land Development Plans, Submission #2 indicated that the arrows are "Painted Directional Arrow (Typ.)". The plans will be updated with additional details regarding crosswalks, stop legend, arrows and accessible parking spaces.

WAIVERS/MODIFICATIONS REQUEST

12. Provide pavement marking details for the crosswalks, stop legend, arrows (if needed) and accessible parking spaces.

Response: Will Comply. The plans will be updated accordingly.

We hope that these responses are helpful. If you require additional information, please feel free to contact us.

Sincerely,

TRAFFIC PLANNING AND DESIGN, INC.



Alex Meitzler, P.E., PTOE
Regional Manager

ameitzler@trafficpd.com

Attachment: 10/13/23 Township Traffic Review Letter

cc: Westtown Township
Project Team (via Email)
TPD File

p:\p\tpd-pw-bentley.com\TPD\Project\wise\Documents\Active\WESC\00003 - Westtown School - Field Conversion\on\CADD (HP - InRoads SS2) \P\anyp\an01.dgn
10/16/2023 10:52:34 AM 1:EGD

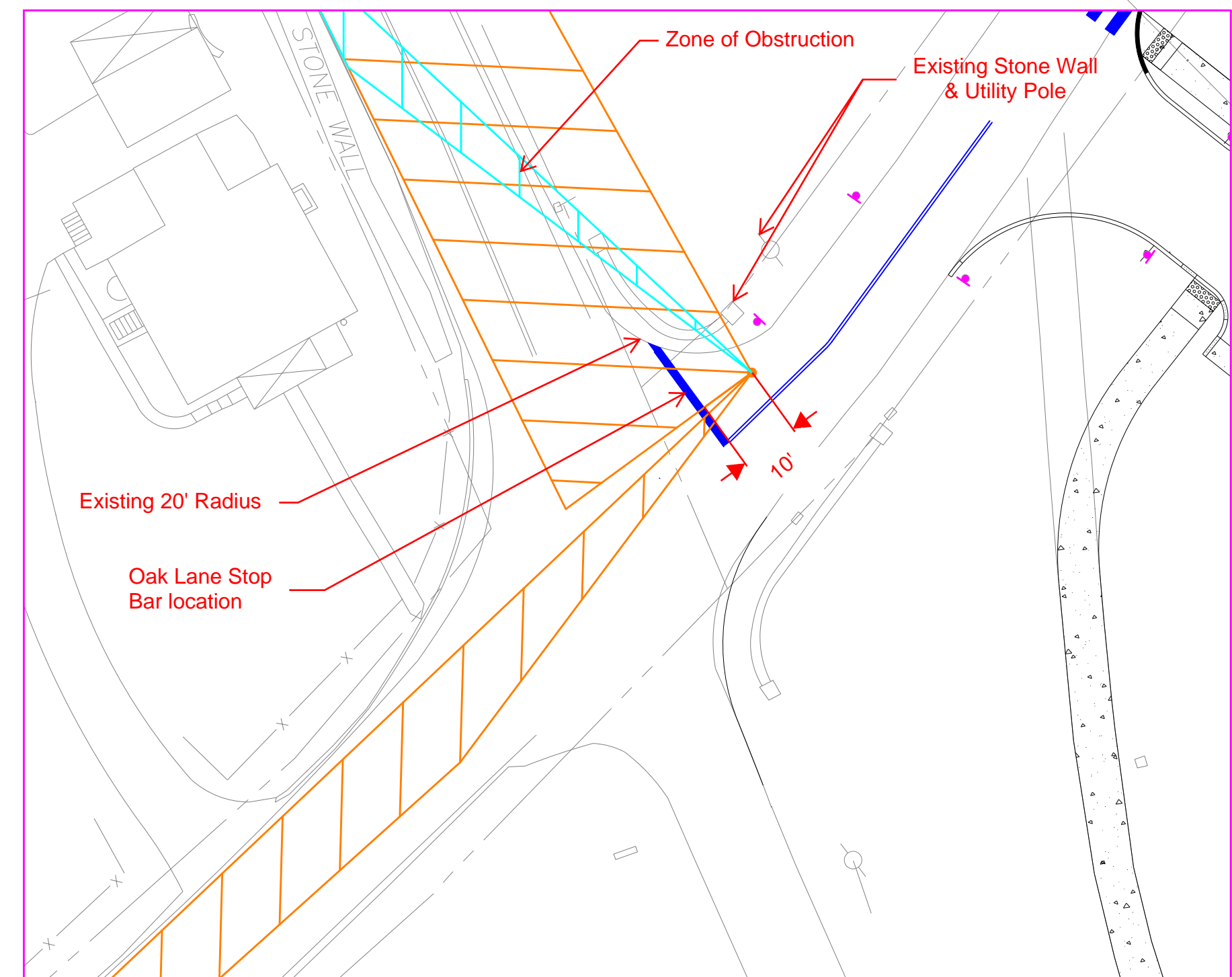
Oak Lane Approach Looking to the Right



Oak Lane Approach Looking to the Left



DETAIL 1
SCALE: 1" = 10 FEET



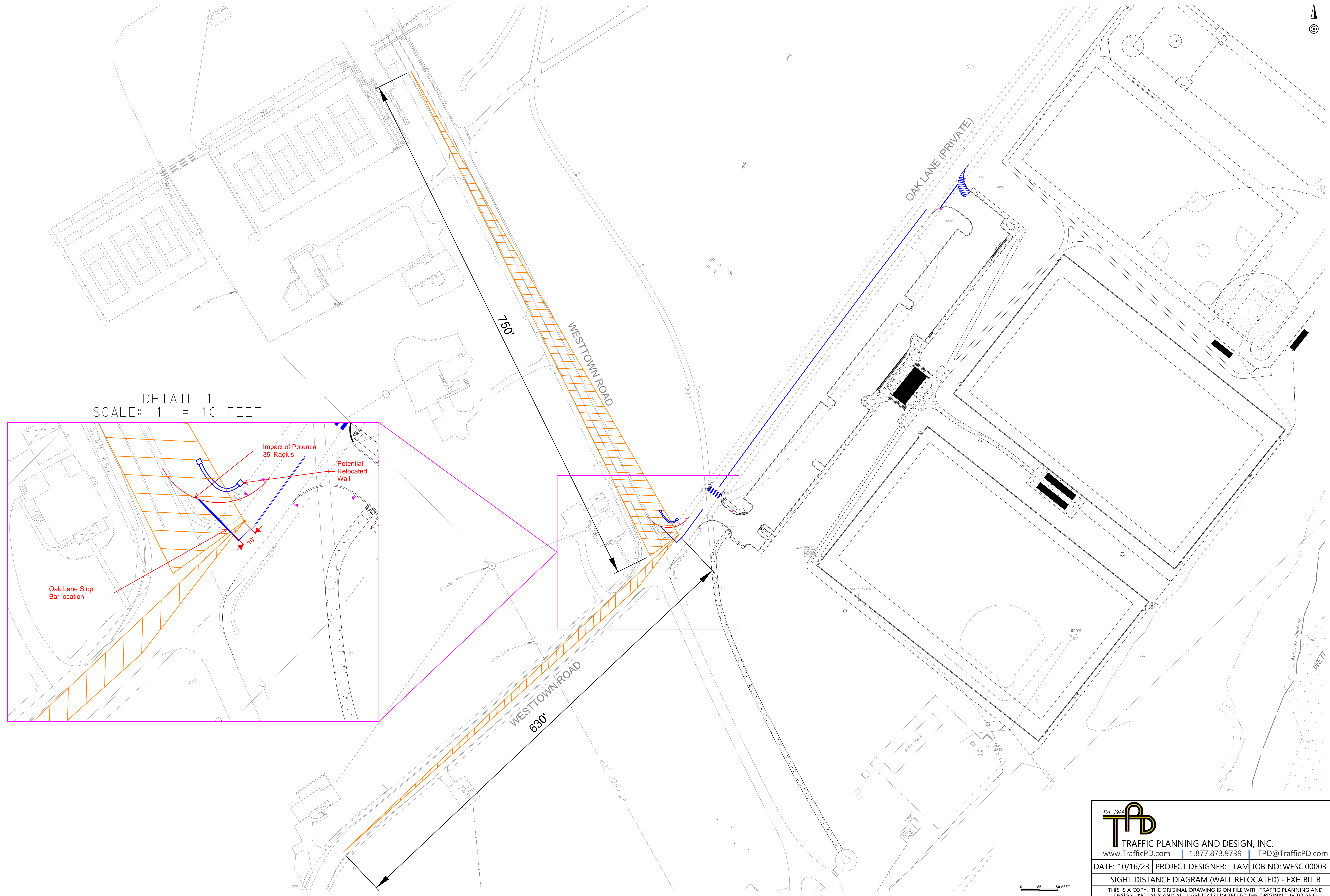
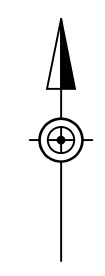
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TPD
TRAFFIC PLANNING AND DESIGN, INC.
www.TrafficPD.com | 1.877.873.9739 | TPD@TrafficPD.com

DATE: 10/16/23	PROJECT DESIGNER: TAM	JOB NO: WESC.00003
SIGHT DISTANCE DIAGRAM - EXHIBIT A		
THIS IS A COPY. THE ORIGINAL DRAWING IS ON FILE WITH TRAFFIC PLANNING AND DESIGN, INC. ANY AND ALL LIABILITY IS LIMITED TO THE ORIGINAL, UP TO AND INCLUDING THE LAST REVISIONS.		

DRN BY: EK

0 25 50 FEET

p:\pdp\pdp-w-bentley.com\TPD\Project\wise\Documents\Active\WESC\00003 - Westtown School - Field Conversion\on\CADD (HP) - Info\Info SS21\plan\plan01.dgn
10/16/2023 10:52:13 AM 1:55



DETAIL 1
SCALE: 1" = 10 FEET

Oak Lane Stop Bar location

Impact of Potential 35' Radius

Potential Relocated Wall

750'

WESTTOWN ROAD

OAK LANE (PRIVATE)

WESTTOWN ROAD
630'



TRAFFIC PLANNING AND DESIGN, INC.
www.TrafficPD.com | 1.877.873.9739 | TPD@TrafficPD.com

DATE: 10/16/23 | PROJECT DESIGNER: TAM | JOB NO: WESC.00003

SIGHT DISTANCE DIAGRAM (WALL RELOCATED) - EXHIBIT B

THIS IS A COPY. THE ORIGINAL DRAWING IS ON FILE WITH TRAFFIC PLANNING AND DESIGN, INC. ANY AND ALL LIABILITY IS LIMITED TO THE ORIGINAL, UP TO AND INCLUDING THE LAST REVISIONS.

DRN BY: EK



ALBERT FEDERICO CONSULTING, LLC

Traffic Engineering and Mobility Solutions

133 Rutgers Avenue
Swarthmore, PA 19081

October 13, 2023

via email only
c/o Liudmila Carter, Assistant Township Manager

Russell Hatton, Chair
Westtown Township Planning Commission
1039 Wilmington Pike
West Chester, PA 19382

Re: Westtown School Oak Lane Project - Traffic Review
Westtown Township, Chester County

Mr. Hatton:

As requested, the following materials have been reviewed for compliance with applicable sections of the Westtown Township Code, as well as reasonable and customary standards for Traffic Engineering practice:

- o Preliminary/Final Land Development Plan for Westtown School - Oak Lane Project (sheets 1, 8-14, 23, 28-29 only), prepared by ELA Group, Inc., dated January 27, 2023, revised September 19, 2023
- o Response Letter – Township Traffic Engineer Review Letter, prepared by Traffic Planning and Design, dated September 19, 2023
- o Waivers Modifications/Requested, prepared by ELA Group, Inc., dated September 27, 2023

The applicant is proposing to modify the existing athletic fields, including installing turf fields and adding lights. Primary vehicular access is proposed to Westtown Road via Oak Lane. A new parking area is proposed along the south side of Oak Lane, and the project includes new internal pedestrian facilities.

The following comments are offered for the Township's consideration:

Conditional Use Approval

1. Truck Turning Templates Demonstrating Emergency Access (#4) – *Satisfied*. The submitted Land Development plan includes turning exhibits.
2. Oak Lane and Westtown Road Sight Distance (#6) – *Outstanding*. The submitted plans do not illustrate acceptable sight distances. As discussed with the Applicant's Traffic Engineer additional coordination is required to develop a long-term plan to improve the sight distance along the inside of the curve opposite of the site access.
3. Oak Lane Flashing Signal (#7) – *In progress*. The School has requested that the permit be voided. The development plans should be revised to clearly indicate the removal of the flashing warning device.



ALBERT FEDERICO CONSULTING, LLC

Land Development Plans

4. As previously noted, Westtown Road is classified as a Collector; the Board may require dedication of additional right-of-way along the site frontage. {§149-903C.1} The Applicant has indicated that a partial Waiver will be requested to defer dedication until there is plan for the improvement of Westtown Road at Oak Lane. There is no objection to the request; however, additional consideration should be given to how the right-of-way would support a long-term improvement. It may be appropriate for the offer to be fully on the east side of Westtown Road, away from the existing house.
5. As previously noted, revise the right-of-way lines to show Oak Lane as a private road.
6. As previously noted, a minimum 35-foot radius curb return should be provided for Oak Lane at Westtown Road. {§149-907F} The Applicant has indicated that a Waiver will be requested. Additional information demonstrating how literal compliance is unreasonable, would cause undue hardship, or the alternative standard providing equal or better results.
7. As previously noted, clearly document the available and required sight distance at the intersection of Oak Lane and Westtown Road for exiting vehicles and entering left turns. {§149-908C} The sight triangles should be illustrated graphically (refer to PennDOT Form M-950S) and demonstrate that sight lines are not obstructed by the adjacent walls (exiting vehicles) and the house opposite the driveway (entering left turns).
8. As previously noted, clearly document the available and required sight distance for exiting vehicles at the parking area egress and Oak Lane. {§149-915K.5}. The sight triangles should be illustrated graphically and demonstrate that sight lines are not obstructed by the adjacent embankment or proposed landscaping.
9. As previously noted, clearly indicate the removal of the existing Flashing Warning Device along Oak Lane.
10. As previously noted, ensure that the turning areas along the proposed paths are graded to provide a compliant level area. Supplemental grading details may be warranted.
11. As previously noted, clearly indicate if the arrows in the parking area are illustrative or to be installed, and provide pavement marking details for the crosswalks, stop legend, arrows (if needed) and accessible parking spaces.

Waivers/Modifications Request

12. Ensure that previously noted waiver/modifications are included in future requests and reflected on the development plans.

Please do not hesitate to contact me at 610.608.4336 or albert@federico-consulting.com should you have any questions or require additional information.

Sincerely,

Albert Federico, P.E., PTOE

**WESTTOWN TOWNSHIP
CHESTER COUNTY
NOTICE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Westtown Township will hold a public hearing on Monday, November 20, 2023 commencing at 7:30 p.m., prevailing time at the Township Building, 1039 Wilmington Pike, West Chester, Pennsylvania, 19382 to consider and enact an ordinance amending the Code of Westtown Township, a caption and summary of which follows, regarding an increase in the earned income tax. The complete text of the ordinance can be examined at the offices of the Chester County Law Library, 201 West Market Street, West Chester, Pennsylvania, or at the Westtown Township building, 1039 Wilmington Pike, West Chester, Pennsylvania, during regular business hours and on the Township's website at www.westtownpa.org.

Members of the public may attend in person, make public comment remotely via Zoom at the following link: <https://us02web.zoom.us/j/89939917814> or may observe the meeting via YouTube live at the following link: https://www.youtube.com/channel/UCpeMKfH_U_VpJ7FHo0TkwtA

**AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN,
CHESTER COUNTY, PENNSYLVANIA, AUTHORIZING
AN INCREASE IN THE EARNED INCOME TAX,
PURSUANT TO THE AUTHORITY IN THE LOCAL TAX
ENABLING ACT, 53 P.S. §6901 ET SEQ., AND THE OPEN
SPACE LANDS ACQUISITION AND PRESERVATION
ACT, AS AMENDED, ACT 153 OF 1996 (32 P.S. §5001 ET
SEQ.), TO RAISE REVENUE TO RETIRE INDEBTEDNESS
INCURRED BY PURCHASING INTERESTS IN REAL
ESTATE OR MAKING ACQUISITIONS OF REAL
PROPERTY FOR PURPOSES OF SECURING OPEN SPACE
BENEFITS BY AN ADDITIONAL FOUR ONE
HUNDREDTHS (0.0004) OF ONE PERCENT TO EIGHT
ONE HUNDREDTHS (0.0008) OF ONE PERCENT.**

SECTION 1. Imposes an additional earned income tax for expenses related to open space lands at the rate of four one hundredths (0.0004) of one percent for a total of eight one hundredths (0.0008) of one percent on earned income and net profits of individual residents of the Township as authorized by voter referendum in November 2022.

SECTION 2. Requires the tax to continue at the above rate commencing in tax year 2024 and each year thereafter without annual reenactment unless the tax is repealed or the tax rate is changed.

SECTION 3. Requires the collection and administration of the tax in accordance with applicable laws, regulations and policies adopted by the Township and the tax collector, including any regulation or policies adopted in the future to the extent permitted by law.

SECTION 4. Provides for the severability of unconstitutional or invalid provisions of the ordinance.

SECTION 5. Repeals ordinances or parts of ordinances in conflict with any provision of this ordinance.

SECTION 6. Provides that the amendment shall be effective 5 days following adoption, as by law provided.

If you are a person with a disability wishing to participate in the aforementioned hearing and require auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township at 610-692-1930 to discuss how your needs may best be accommodated.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**
Thomas Foster, Chair

GAWTHROP GREENWOOD, PC
Patrick M. McKenna, Solicitor

ORDINANCE 2023-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZING AN INCREASE IN THE EARNED INCOME TAX, PURSUANT TO THE AUTHORITY IN THE LOCAL TAX ENABLING ACT, 53 P.S. §6901 ET SEQ., AND THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT, AS AMENDED, ACT 153 OF 1996 (32 P.S. §5001 ET SEQ.), TO RAISE REVENUE TO RETIRE INDEBTEDNESS INCURRED BY PURCHASING INTERESTS IN REAL ESTATE OR MAKING ACQUISITIONS OF REAL PROPERTY FOR PURPOSES OF SECURING OPEN SPACE BENEFITS BY AN ADDITIONAL FOUR ONE HUNDREDTHS (0.0004) OF ONE PERCENT TO EIGHT ONE HUNDREDTHS (0.0008) OF ONE PERCENT.

WHEREAS, pursuant to Ordinance 2022-06, enacted by the Board of Supervisors of Westtown Township (the "Board") on June 20, 2022, the Board authorized a referendum to be conducted during the November 2022 general election for the registered voters of the Township to vote whether they are in favor of the imposition of an increase in the earned income tax in an amount of up to eight one hundredths (0.0008) of one percent to be used by the Township to raise revenue for purposes of securing open space benefits; and

WHEREAS, in the November 2022 general election, the voters of the Township approved the referendum to authorize the imposition of an increase in the earned income tax in an amount of up to eight one hundredths (0.0008) of one percent to be used by the Township to raise revenue for purposes of securing open space benefits; and

WHEREAS, on December 5, 2022, the Board adopted Ordinance 2022-10, approving an earned income tax rate increase of four one hundredths (0.0004) of one percent to be used by the Township to raise revenue for purposes of securing open space benefits, or half the maximum rate authorized in the November 2022 voter referendum; and

WHEREAS, the Board now wishes to increase the earned income tax rate by an additional four one hundredths (0.0004) of one percent to be used by the Township to raise revenue for purposes of securing open space benefits, or to the maximum rate authorized in the November 2022 voter referendum.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, pursuant to the authority in the Local Tax Enabling Act,

53 P.S. §6901 et seq., and the Open Space Lands Acquisition and Preservation Act, as amended, Act 153 of 1996 (32 P.S. §5001 et seq.) as follows:

SECTION 1. Open Space Municipal Resident Tax. In addition to the tax levied for general revenue purposes, there is hereby imposed a tax for expenses related to open space lands under 32 P.S. § 5007.1(a) at the rate of eight one hundredths (0.0008) of one percent on earned income and net profits of individual residents of the Township. This tax for open space lands was authorized by voter referendum in the November 2022 general election.

SECTION 2. On-going Tax. The tax imposed herein shall continue at the above rate commencing in tax year 2024 and each year thereafter, without annual reenactment, unless and until the enactment is repealed or the tax rate is changed.

SECTION 3. Applicable laws, regulations, policies and procedures. The tax imposed herein shall be collected and administered in accordance with all applicable laws and regulations and policies and procedures adopted by the Township and the tax collector. This includes any regulations, policies and procedures adopted in the future to the maximum extent permitted by law.

SECTION 4. Severability. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after enactment and shall remain in force and effect until otherwise amended by the Township,

ENACTED AND ADOPTED by the Board of Supervisors this ____ day of _____, 2023.

[This Space Intentionally Blank]

ATTEST:

WESTTOWN TOWNSHIP

Jonathan Altshul, Secretary

Thomas Foster., Chair

Richard Pomerantz, Vice Chair

Scott E. Yaw Esq, Police Commissioner

DRAFT

**WESTTOWN TOWNSHIP
CHESTER COUNTY
NOTICE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Westtown Township will hold a public hearing on Monday, November 20, 2023 commencing at 7:30 p.m., prevailing time at the Township Building, 1039 Wilmington Pike, West Chester, Pennsylvania, 19382 to consider and enact an ordinance amending the Code of Westtown Township, a caption and summary of which follows, regarding the imposition of an additional real estate tax. The complete text of the ordinance can be examined at the offices of the Chester County Law Library, 201 West Market Street, West Chester, Pennsylvania, or at the Westtown Township building, 1039 Wilmington Pike, West Chester, Pennsylvania, during regular business hours and on the Township's website at www.westtownpa.org.

Members of the public may attend in person, make public comment remotely via Zoom at the following link: <https://us02web.zoom.us/j/89939917814> or may observe the meeting via YouTube live at the following link:
https://www.youtube.com/channel/UCpeMKfH_U_VpJ7FHo0TkwtA

**AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN,
CHESTER COUNTY, PENNSYLVANIA AUTHORIZING
THE IMPOSITION OF AN ADDITIONAL REAL ESTATE
TAX AT THE RATE OF 0.21 MILLS (\$0.21 PER \$1,000 OF
ASSESSED VALUE) IN ADDITION TO THE EXISTING
TAX RATE OF 0.21 MILLS (\$0.21 PER \$1,000 OF ASSESSED
VALUE) IMPOSED BY ORDINANCE 2022-11, FOR A
TOTAL ADDITIONAL REAL ESTATE TAX RATE OF 0.42
MILLS (\$0.42 PER \$1,000 OF ASSESSED VALUE),
PURSUANT TO THE AUTHORITY IN THE OPEN SPACE
LANDS ACQUISITION AND PRESERVATION ACT, AS
AMENDED, ACT 153 OF 1996 (32 P.S. §5001 ET SEQ.) TO
RAISE REVENUE TO RETIRE INDEBTEDNESS
INCURRED BY PURCHASING INTERESTS IN REAL
ESTATE OR MAKING ACQUISITIONS OF REAL
PROPERTY FOR PURPOSES OF SECURING OPEN SPACE
BENEFITS.**

SECTION 1. Imposes an additional real estate tax at the rate of 0.42 mills (\$0.42 per \$1,000 of assessed value) on real property in the Township as authorized by voter referendum in November 2022.

SECTION 2. Requires the tax to continue at the above rate commencing in tax year 2024 and each year thereafter without annual reenactment unless the tax is repealed or the tax rate is changed.

SECTION 3. Requires the collection and administration of the tax in accordance with applicable laws, regulations and policies adopted by the Township and the tax collector, including any regulation or policies adopted in the future to the extent permitted by law.

SECTION 4. Provides for the severability of unconstitutional or invalid provisions of the ordinance.

SECTION 5. Repeals ordinances or parts of ordinances in conflict with any provision of this ordinance.

SECTION 6. Provides that the amendment shall be effective 5 days following adoption, as by law provided.

If you are a person with a disability wishing to participate in the aforementioned hearing and require auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township at 610-692-1930 to discuss how your needs may best be accommodated.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**
Thomas Foster, Chair

GAWTHROP GREENWOOD, PC
Patrick M. McKenna, Solicitor

ORDINANCE 2023-02

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA AUTHORIZING THE IMPOSITION OF AN ADDITIONAL REAL ESTATE TAX AT THE RATE OF 0.21 MILLS (\$0.21 PER \$1,000 OF ASSESSED VALUE) IN ADDITION TO THE EXISTING TAX RATE OF 0.21 MILLS (\$0.21 PER \$1,000 OF ASSESSED VALUE) IMPOSED BY ORDINANCE 2022-11, FOR A TOTAL ADDITIONAL REAL ESTATE TAX RATE OF 0.42 MILLS (\$0.42 PER \$1,000 OF ASSESSED VALUE), PURSUANT TO THE AUTHORITY IN THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT, AS AMENDED, ACT 153 OF 1996 (32 P.S. §5001 ET SEQ.) TO RAISE REVENUE TO RETIRE INDEBTEDNESS INCURRED BY PURCHASING INTERESTS IN REAL ESTATE OR MAKING ACQUISITIONS OF REAL PROPERTY FOR PURPOSES OF SECURING OPEN SPACE BENEFITS.

WHEREAS, pursuant to Ordinance 2022-06, enacted by the Board of Supervisors of Westtown Township (the “Board”) on June 20, 2022, the Board authorized a referendum to be conducted during the November 2022 general election for the registered voters of the Township to vote whether they are in favor of the imposition of an increase in the real estate tax in an amount of up to 0.42 mills (\$0.42 per \$1,000 of assessed value) to be used by the Township to raise revenue for purposes of securing open space benefits; and

WHEREAS, in the November 2022 general election, the voters of the Township approved the referendum to authorize the imposition of an increase in the real estate tax rate in an amount of up to 0.42 mills (\$0.42 per \$1,000 of assessed value) to be used by the Township to raise revenue for purposes of securing open space benefits; and

WHEREAS, on December 5, 2022 the Board approved Ordinance 2022-11, authorizing a real estate tax increase of 0.21 mills (\$0.21 per \$1,000 of assessed value), or half of the rate increase authorized in the November 2022 voter referendum, to be used by the Township to raise revenue for purposes of securing open space benefits; and

WHEREAS, the Board now intends to increase the real estate tax rate to the maximum rate authorized in the November 2022 voter referendum.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, pursuant to the authority in the Open Space Lands Acquisition and Preservation Act, as amended, Act 153 of 1996 (32 P.S. §5001 et seq.) as follows:

SECTION 1. Open Space Real Estate Tax. In addition to the tax levied for general revenue purposes, there is hereby imposed a tax for expenses related to open space lands under 32 P.S. §5007.1(a) at the rate of 0.42 mills (\$0.42 per \$1,000 of assessed value) on real property in the Township. This tax for open space lands was authorized by voter referendum in the November 2022 general election.

SECTION 2. On-going Tax. The tax imposed herein shall continue at the above rate commencing in tax year 2024 and each year thereafter, without annual reenactment, until the enactment is repealed or the tax rate is changed.

SECTION 3. Applicable laws, regulations, policies and procedures. The tax imposed herein shall be collected and administered in accordance with all applicable laws and regulations and policies and procedures adopted by the Township and tax collector. This includes any regulations, policies and procedures adopted in the future to the maximum extent permitted by law.

SECTION 4. Severability. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after enactment and shall remain in force and effect until otherwise amended by the Township.

ENACTED AND ADOPTED by the Board of Supervisors this ___ day of _____, 2023.

[This Space Intentionally Blank]

ATTEST:

WESTTOWN TOWNSHIP

Jonathan Altshul, Secretary

Thomas Foster, Chair

Richard Pomerantz, Vice Chair

Scott E. Yaw Esq., Police Commissioner

DRAFT

MEMO

Date: November 1, 2023

To: Board of Supervisors

From: Jon Altshul, Township Manager

Re: Consider Advertisement of a Public Hearing on Ordinance 2023-03 to Provide Earned Income and Real Estate Tax Credits to Qualified Fire and EMS Volunteers

As discussed in Workshop on October 16, if the Board wishes to make the proposed tax credits for fire and EMS volunteers effective for taxes paid in 2023, the Board will need to adopt the attached ordinance prior to the end of the year. If the Board authorizes advertisement tonight, the ordinance can be adopted at the next meeting on November 20. However, if the Board wants to begin providing these credits in 2025, based on taxes paid in 2024, then no action is needed until early 2024. Staff estimates that these credits will result in foregone revenue of approximately \$7,500.

ORDINANCE 2023-__

**WESTTOWN TOWNSHIP CHESTER
COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA, AMENDING PART II, GENERAL LEGISLATION, CHAPTER 154, TAXATION, ARTICLE I, EARNED INCOME TAX, §154-3, EXEMPTION, OF THE CODE OF THE TOWNSHIP OF WESTTOWN; AND ESTABLISHING PART II, GENERAL LEGISLATION, CHAPTER 154, TAXATION, ARTICLE VIII, ENTITLED “EARNED INCOME AND REAL ESTATE TAX CREDIT TO QUALIFYING VOLUNTEERS.”

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania that Part II, General Legislation, Chapter 154, Taxation, of the Code of the Township of Westtown, as amended, shall be further amended as follows:

SECTION 1. Part II, General Legislation, Chapter 154, Taxation, Article I, Earned Income Tax, §154-3, Exemption, shall be amended to read as follows:

§154-3 Exemption.

Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, including as set forth in Article VIII of this Chapter, no individuals are exempt from the tax based on age, income, or other factors.

SECTION 2. Part II, General Legislation, Chapter 154, Taxation, Article VIII, Earned Income and Real Estate Tax Credit to Qualifying Volunteers, of the Code of the Township of Westtown is hereby established to include the following sections:

Article VIII. Earned Income and Real Estate Tax Credit to Qualifying Volunteers.

§154-60 Definitions. All terms defined in the Local Tax Enabling Act and Act 172 of 2016, shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

QUALIFYING VOLUNTEER – a volunteer who meets the criteria in §154-63.

CHIEF – the top ranking or commanding officer in a fire department or a non-profit emergency medical service agency. This definition shall include acting Chiefs during periods of transition.

DEPARTMENT – refers to the respective fire company or department or non-profit emergency medical service agency where the volunteer works or their related or affiliated auxiliary agencies and relief associations. The specific

agencies whose volunteers may receive the incentives described in this Article shall be designated by the emergency service providers resolution adopted by the Board of Supervisors annually.

§154-61 Earned Income Tax Credit. Each Qualifying Volunteer (herein defined) who is certified as such in accordance with the provisions of this Article, shall be entitled to receive an earned income tax credit in an amount established by resolution of the Board. The credit shall be applied to that portion of the earned income tax that is payable to Westtown Township and cannot exceed the volunteer's liability to the Township, for the Earned Income Tax due on wages/net profits earned in that tax year.

§154-62 Real Property Tax Credit. Each Qualifying Volunteer, who is certified as such in accordance with the provisions of this Article, shall be entitled to receive a tax credit against their real property tax on real property owned and occupied by the Qualifying Volunteer, in an amount established by resolution of the Board.

§154-63 Qualifying Volunteer. A Qualifying Volunteer shall be defined as a resident of Westtown Township who is:

- a) A volunteer who has satisfied the criteria specified for that volunteer's Department, as specified in a resolution adopted by the Board of Supervisors from time-to-time; or
- b) A volunteer who has been injured during the performance of their assigned duties and who can no longer serve as an active volunteer because of the injury. A volunteer so injured and unable to serve, but would otherwise be eligible for a tax credit, shall be deemed a Qualifying Volunteer until December 31 of the year of the fifth anniversary of the date of injury; or
- c) A volunteer who holds an elected or appointed administrative position within the Department or a volunteer who provides administrative or other support services that aid in the financial viability, emergency response or operational readiness of the Department for a minimum of nine (9) months in the calendar year and who is in good standing.

§154-64 Certification of Qualifying Volunteers. Volunteers shall sign and submit an application for a Qualifying Volunteer to the Chief of the volunteer's respective Department. If so directed by the Township Manager, Volunteers shall complete such application in a form published, and re-published from time to time, by the Township. The Chief shall review all applications submitted, sign each approved application, and indicate on each application if they recommend the volunteer to be certified as a Qualifying Volunteer or not. On or before January 15 of each year the Chief shall forward a notarized list certifying all Qualified Volunteers, with all supporting documentation, to the Board of Supervisors via the Township Manager. The Board of Supervisors shall review the applications and supporting documentation and shall, by a motion of the Board, certify all Qualifying Volunteers, on or before March

1 of each year. Only those volunteers certified by the Board of Supervisors shall receive the earned income tax credit and/or real estate tax credit, and this credit may be utilized for any earned income/real estate taxes paid or payable to the Township during or for the previous calendar year only.

§154-65 Appeal. A taxpayer may appeal the decision of the Board of Supervisors to not certify them as a Qualifying Volunteer entitled to a tax credit, by filing such appeal within 30 days of such decision, as follows:

- a) Appeals from the denial of an Earned Income Tax Credit shall be administered in accordance with the procedures of the Chester County Tax Collection Committee.
- b) Appeals from the denial of any Real Estate Tax Credit shall follow the provisions of 2 Pa.C.S. Chapter 7, Subchapter B (relating to judicial review of local agency action), also known as the “Local Agency Law.”

§154-66 Exemption Certificate. Within ten (10) days of the date the Board of Supervisors certifies Qualifying Volunteers, the Township Secretary shall issue an Exemption Certificate to each Qualified Volunteer, which shall be in a form acceptable to the Tax Collector appointed by the Chester County Tax Collection Committee to collect the earned income tax.

SECTION 3. Severability. 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 hereof. It is hereby declared as the intent of the Board of Supervisors of Westtown Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.

[Remainder of page Intentionally Left Blank]

ENACTED AND ORDAINED this ____ day of _____, 2023.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Thomas Foster, Chair

ATTEST:

Richard Pomerantz, Vice Chair

Jonathan Altshul, Township Secretary

Scott E. Yaw, Esq., Police Commissioner

DRAFT

FACILITIES EASEMENT AGREEMENT

THIS FACILITIES EASEMENT AGREEMENT ("Agreement") is made and entered into this ___ day of _____ 20__ (the "Effective Date") by and between **Township of Westtown**, ("Grantor"), and **Comcast Cable Communications Management, LLC**, a Delaware limited liability company, on behalf of its affiliates (together, "Grantee").

Recitals

- A. Grantor is the fee owner of certain real property having a street address of 501 East Pleasant Grove Road, West Chester, PA 19382, as more particularly shown on Exhibit A attached hereto and incorporated herein by reference (the "Property").
- B. Grantee has installed or plans to install underground and/or above-ground communications services, facilities, including, without limitation, lines, cables, amplifiers and other electronic equipment, towers and poles (the "Facilities") on a portion of the Property, as more particularly shown on Exhibit B attached hereto and incorporated herein by reference (the "Easement Area").
- C. Grantee has requested, and Grantor has agreed to grant and convey to Grantee, a permanent, non-exclusive easement over, across, under and through the Easement Area for access to, and the installation, construction, operation, maintenance, repair, reconstruction, replacement, or removal of the Facilities, and over and across the Property for pedestrian and vehicular access and ingress to and egress from the Easement Area.

NOW, THEREFORE, in consideration of the recitals set forth above, the mutual promises hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Easement

- 1. Grantor hereby grants and conveys to Grantee a perpetual, (except as provide herein), non-exclusive easement and right of way over, across, under, and through the Easement Area, together with a non-exclusive easement and right of way over, across, under, and through those portions of the Property as are reasonably necessary for Grantee to access the Facilities and perform such installation, construction, operation, maintenance, repair, reconstruction, replacement, or removal of the Facilities, whether by pedestrian or vehicular access.
- 2. The easement granted herein is for the purpose of allowing Grantee's employees, agents, and contractors to access, install, construct, operate, maintain, repair, reconstruct, replace or remove the Facilities, and Grantee shall not use the Easement Area for any other purpose.

3. Grantee shall have access to the Easement Area 24 hours a day, 7 days a week.
4. **Reservation of Right to Use.** Grantor reserves the right of ownership, use, and occupancy of the Property insofar as said ownership, use, and occupancy does not impair the rights granted to Grantee in this Agreement. However, Grantor shall not use or occupy the Easement Area or the Property in any manner that impairs the rights granted to Grantee in this Agreement. Without limiting the foregoing, it is understood and agreed by Grantor that no building, structure, or other improvements of any kind may be placed by Grantor on the Easement Area; provided, however, that Grantor may install asphalt paving and curbing, cement surface sidewalks and curbs, sod, and other landscaping, turf irrigation lines, and other utility lines on the Easement Area and the Property (the "Improvements"), so long as the same do not interfere with the Grantee's use of the Easement Area. Any such improvements on the Easement Area shall not be installed until Grantor has obtained Grantee's prior written consent, which consent shall not be unreasonably withheld or delayed.
5. **Repair of Damage.** Grantee shall promptly repair any damage to the Easement Area, the Property, or the Grantor Improvements caused by the exercise of Grantee's rights granted under this Agreement. All damage to the Easement Area caused by Grantor, its agents, or employees shall be the sole responsibility of Grantor, including all maintenance and repair required to the Grantor Improvements.
6. **Indemnity.** Grantor shall indemnify, defend, and hold Grantee, its parents, subsidiaries, affiliates, directors, officers and employees harmless from and against any liabilities, claims, damages, costs, losses, or expenses arising out of or related to Grantor's (i) use of the Easement Area by it or its agents, employees, contractors, licensees, and invitees, (ii) negligent or willful act or omission, (iii) failure to comply with the terms of this Agreement, or (iv) interference with Grantee's use and enjoyment of the Easement Area, all except to the extent arising from the negligence or intentional misconduct of Grantee. Grantee shall indemnify, defend and hold Grantor harmless from and against any liability, claims, damages, costs, losses, or expenses arising out of or related to Grantee's (i) interference with Grantor's use and enjoyment of the Property or of the Easement Area, except as permitted herein, (ii) negligent or willful act or omission, or (iii) failure to comply with the terms of this Agreement, all except to the extent arising from the negligence or intentional misconduct of Grantor.
7. **Relinquishment.** In the event that Grantee, in its sole discretion, determines that Grantee no longer needs the Easement Area, Grantee may relinquish the rights granted to it under this Agreement by quit-claiming Grantee's interest in the Easement Area to Grantor. Upon such relinquishment, Grantee may, at its option, leave in place all underground Facilities installed on the Easement Area, or may remove the same and repair and restore any damage to the Easement Area and the Property caused by such removal.
8. **Notices.** All notices, demand, requests or other communications given under this Agreement shall be in writing and be given by certified mail, return receipt requested, or

nationally recognized overnight courier service to the address set forth below or as may subsequently in writing be requested.

If to the Grantor:

Westtown Township
P.O. Box 79
Westtown, PA 19395
Attn.: Jon Altshul, Township Manager

If to the Grantee:

Comcast Cable Communications Management, LLC
3800 Horizon Blvd. Ste. 300
Trevose, PA 19053
Attn.: Coordinator for Easements/Right of Ways

With a copy to:

Comcast Cable Communications, LLC
One Comcast Center
1701 JFK Blvd.
Philadelphia, PA 19103-2838
Attn: Real Estate Counsel

With a copy sent by email to legal_notices@comcast.com

Delivery of any notice shall be deemed to be effective on the date of personal delivery, on the date set forth on the return receipt of registered or certified mail, or on the next business date of delivery to a nationally recognized overnight courier service, as the case may be.

9. **Miscellaneous.** This Agreement constitutes the entire agreement between Grantor and Grantee with respect to the subject matter hereof, and there are no oral or other agreements existing between Grantor and Grantee with respect to the subject matter hereof which are not expressly set forth in this Agreement. This Agreement may be amended, revised, waived, discharged, released or terminated only by a written instrument executed by both parties hereto. All of the provisions of this Agreement, shall be binding upon and inure to the benefit of Grantor, Grantee and their respective successors and assigns. The easement granted herein shall run with the land and burden the Property. This Agreement shall be governed by the laws of the state in which the Property is located. This Agreement may be executed in counterparts, each of which (or any combination of which) when signed and delivered by all of the parties shall be deemed an original, but all of which when taken together shall constitute one agreement.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Facilities Easement Agreement as of the day and year first written above.

WITNESS

GRANTOR

Westtown Township

By: _____

Name:

Title:

GRANTOR

ACKNOWLEDGMENT

STATE OF _____)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ (name), the _____ (title) of **Westtown Township**. He/she is personally known to me or has presented _____ (type) as identification and did/did not take an oath.

Witness my hand and official seal.

_____ Signature

_____ Notary Public

(Print Name)

WITNESS

GRANTEE

**Comcast Cable Communications
Management, LLC**

By: _____

Name: **Victoria Boston**

Title: **RVP, Plant Maintenance &
Construction**

GRANTEE

ACKNOWLEDGMENT

STATE OF PENNSYLVANIA)

) ss.

COUNTY OF BUCKS)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by **Victoria Boston**, the **RVP, Plant Maintenance & Construction of Comcast Cable Communications Management, LLC**. She is personally known to me or has presented _____ (type) as identification and did/did not take an oath.

Witness my hand and official seal.

_____ Signature

_____ Notary Public

(Print Name)

My Commission expires: _____

Exhibit A
Legal Description

Beginning at the point of intersection of the title line in the bed of East Pleasant Grove Road and the title line in the bed of Concord Road; thence extending along the title line in the bed of East Pleasant Grove Road, the 6 following courses and distances:

(1) South 67 degrees 45 minutes west 540.40 feet to a point.

(2) South 67 degrees 34 minutes west 314.70 feet to a point.

(3) South 53 degrees 49 minutes west 213.27 feet to a point in the bed of a 25-foot-wide easement.

(4) Continuing along the title line in the bed of East Pleasant Grove Road south 46 degrees 54 minutes west 419.46 feet to a point.

(5) South 58 degrees 22 minutes west 281.90 feet to a point.

(6) South 55 degrees 21 minutes west 203.90 feet to an existing spike a corner of land of Westtown Woods Development; thence extending along same and lands of Margaret S. Goodwin, north 08 degrees 03 minutes 20 seconds west 2710.45 feet to an existing monument; thence extending along land of Margaret S. Goodwin north 31 degrees 19 minutes east 144.69 feet to a point a

corner of lands of J. C. Smith Memorial Home; thence extending along same and partly through the bed of a private drive and partly through a 15-foot-wide easement south 22 degrees 29 minutes 20 seconds east 1466.20 feet; thence along the property about to be conveyed to Gaudenzia, Inc., the following 8 courses and distances:

(1) South 57 degrees 48 minutes 02 seconds west 446.28 feet.

(2) South 08 degrees 03 minutes 20 seconds east 135.26 feet.

(3) North 86 degrees 03 minutes 50 seconds east 396.85 feet.

(4) South 71 degrees 18 minutes 23 seconds east, 110.42 feet.

(5) South 23 degrees 18 minutes east 105.00 feet.

(6) North 66 degrees 42 minutes east 425.00 feet.

(7) North 04 degrees 49 minutes 14 seconds west 216.15 feet.

(8) North 66 degrees 42 minutes east 605.11 feet to a point in the title line in the bed of Concord Road; thence in and along same the following 2 courses and distances:

(1) South 27 degrees 44 minutes east 321.67 feet to a monument.

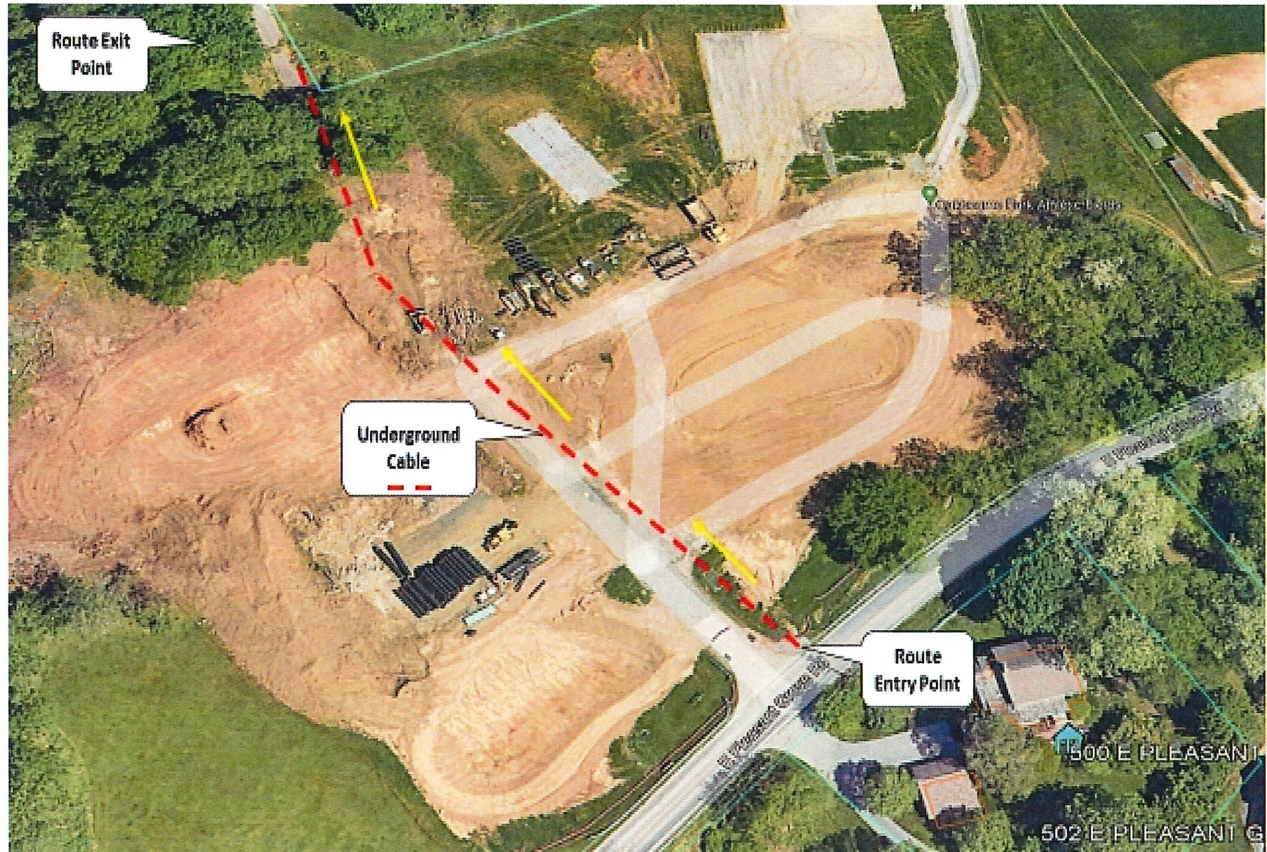
(2) South 27 degrees 02 minutes 30 seconds east 351.97 feet to the point and place of beginning.

Containing 38.26 acres more or less.

Property being located in the Township of Westtown, County of Chester, State of PA.

Exhibit B
Easement Area

Cable to be installed Underground starting at Route Entry Point spanning approximately 543' to Route Exit Point as depicted below.



MEMO

Date: November 1, 2023

To: Board of Supervisors

From: Jon Altshul, Township Manager

Re: Consider Award of Contract for Boom Lift

The Township received one response to our bid for a boom lift. That bidder (Knox Equipment Rentals) met the Township's specifications, and its price of \$65,037.68 is about \$19,000 below what was budgeted. Staff therefore recommends that we award the contract for a boom lift to Knox Equipment Rentals in Downingtown.



421 E. MARKET STREET
WEST CHESTER, PA 19382

300 BOOT ROAD
DOWNTOWN, PA 19335

www.KnoxRentals.com
(610) 696-2996 • FAX (610) 696-4892

130082.1.5



C:\Enf5\Emf\Tp\TpCt.rpt

Operator: Brian Besselman
 Saved Fri, Oct 13, 2023 12:10 pm
 Out Thu, Oct 19, 2023 8:00 am
 Due Thu, Oct 19, 2023 8:00 am

Inside Sales: Besselman, Brian

Westtown Township
 P.O. Box 79
 Westtown, PA 19395

 Tel: 692-1930

Customer ID 2106
 Alt. ID: 230200

Equipment Contract Sales Quotation

Westtown Township
 Public Works Dept
 Lift Bid 10/19/2023
 Ordered By: Mark Gross

Qty	Description	Part Nr	Unit Price	Adj	Extended
Resale Items					
1 Ea	Lift, 50/55' 4wd portable Unit Price [63,837.680] = List Unit Price [102,964.000] - 38.00% Discount [39,126.320] Meter Start Meter End Meter Used Nifty Lift model SD50 Engine: 24.8 hp Kubota model D902, Operating weight: 5,950 lb., Platform height: 49'-6", Working height: 56', Working outreach: 28'-6", Stowed width: 5'-3", Working width: 14'-5", Stowed height: 6'-11", Stowed length: 18'-4".		63,837.68	0.00	63,837.68
1 Ea	Freight Inbound freight Nifty Lift Greer, SC		1,200.00	0.00	1,200.00

Summary	
Freight	1,200.00
Resale Equipment-NEW	63,837.68
Subtotal	65,037.68
Total Charges (with discount applied)	65,037.68
Total Discount	39,176.32

I, the undersigned renter, specifically acknowledge that I have received and understand the instructions regarding the use and operation of the rented equipment.
 Renter further acknowledges that he has read and fully understands the within equipment rental contract and agrees to be bound by all of the terms, conditions and provisions hereof. Renter acknowledges that he has received a true and correct copy of this agreement at the time of execution hereof.

THIS CONTRACT EXPIRES:

Print Name: _____

Signature: X _____

THIS IS YOUR CONTRACT, READ BOTH SIDES BEFORE SIGNING

Check Register

Westtown Township

03-Nov-23

From: 17-Oct-23 To: 06-Nov-23

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
17616	10/18/2023	7191	Code Inspections Inc	\$5,474.01	R
17617	10/18/2023	1000187	Eagle Power Turf and Tractor	\$1,701.72	R
17618	10/18/2023	1230	Haines Landscaping & Tree S	\$4,500.00	R
17619	10/18/2023	878	Intercon Truck Equipment	\$148.90	R
17620	10/18/2023	1000276	Municipal Capital	\$19,621.65	R
17621	10/18/2023	1000074	NAPA AUTO PARTS	\$238.89	R
17622	10/18/2023	15	Office Basics, Inc.	\$170.24	R
17623	10/18/2023	778	Petro Commercial Services	\$531.95	R
17624	10/18/2023	5738	StrategicLink Consulting, LLC	\$2,795.00	R
17625	10/18/2023	1000823	Systems Design Engineering I	\$675.00	R
17626	10/18/2023	1000007	The Pavement Group	\$10,500.00	R
17627	10/18/2023	588	PMRS	\$55,614.28	R
17628	10/25/2023	1000103	Assured Partners	\$1,250.00	O
17629	10/25/2023	1000951	Blue Mountain Mulch	\$86.36	O
17630	10/25/2023	6038	Cedarville Engineering Group	\$20,108.60	R
17631	10/25/2023	6038	Cedarville Engineering Group	\$25,336.00	R
17632	10/25/2023	1000300	Comcast Xfinity	\$10.54	O
17633	10/25/2023	1000187	Eagle Power Turf and Tractor	\$54.42	R
17634	10/25/2023	7195	FP Mailing Solutions	\$156.00	R
17635	10/25/2023	1000945	Gap Power Rentals	\$592.00	O
17636	10/25/2023	173	KNOX EQUIPMENT RENTAL	\$690.16	R
17637	10/25/2023	5660	Susan Arnold Yoder	\$1,206.00	R
17638	10/25/2023	7	Westtown-East Goshen PD	\$240.00	O
17639	10/25/2023	7	Westtown-East Goshen PD	\$277,510.08	O
17640	10/30/2023	1000963	Colin Chavous	\$850.00	O
17641	10/30/2023	1082	ELEANOR J. SCHWANDT, R	\$910.50	O
17642	10/30/2023	1082	ELEANOR J. SCHWANDT, R	\$865.00	O
17643	10/30/2023	127	In-Fleet Truck Service	\$1,158.69	O
17644	10/30/2023	1000964	MRP Development Manageme	\$2,027.50	O
17645	10/30/2023	1079	PA DEPT LABOR & INDUSTR	\$305.73	O
17646	10/30/2023	347	Staples	\$292.46	O
17647	10/30/2023	1000965	Stefan Cooper	\$1,216.74	O
17648	10/31/2023	7	Westtown-East Goshen PD	\$30,407.09	O
Bank Total:				\$467,245.51	
Bank Account: 8 Enterprise Fund					
1519	10/17/2023	6468	Carroll Engineering Corp	\$3,830.55	R
1520	10/23/2023	405677	Aqua PA General Accounting	\$225.00	R
1521	10/23/2023	5666	M&B Environmental, Inc.	\$3,672.49	R

Check Register

Westtown Township

03-Nov-23

From: 17-Oct-23 To: 06-Nov-23

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
1522	10/23/2023	1000102	WordTech Inc	\$423.60	R
1523	10/30/2023	1196	McGovern Environmental, LLC	\$1,675.88	O
1524	10/30/2023	1196	McGovern Environmental, LLC	\$914.24	O
1525	10/30/2023	1196	McGovern Environmental, LLC	\$1,017.79	O
1526	10/30/2023	1196	McGovern Environmental, LLC	\$914.24	O
1527	10/30/2023	1196	McGovern Environmental, LLC	\$1,030.05	O
Bank Total:				\$13,703.84	
Bank Account: 15 Go Bond Series 2022 Proceeds					
120	10/17/2023	1000791	Meco Constructors Inc.	\$559,258.26	R
121	10/17/2023	406052	Pennoni	\$5,097.50	R
122	10/25/2023	1000798	Gecko Group	\$6,019.20	O
Bank Total:				\$570,374.96	
Bank Account: 35 HIGHWAY AID FUND					
729	10/17/2023	5652	Innovative Construction Servic	\$223,869.39	R
Bank Total:				\$223,869.39	
Total Of Checks:				\$1,275,193.70	