

WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610-692-1930
Email: administration@westtown.org

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

AGENDA

Westtown Township Board of Supervisors Regular Meeting

Monday, February 5, 2024 – 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 – February 5, 2024
- III. Approval of Board of Supervisors Meeting Minutes – January 16, 2024
- IV. Departmental Reports
 - A. Public Works Department – Mark Gross
 - B. Planning Commission – Jim Lees
 - C. Historical Commission – Pam Coleman
 - D. EAC – Bob Yeats
 - E. Township Solicitor – Patrick McKenna
 - F. Township Manager – Jonathan Altshul
- V. Public Comment (Non-Agenda Items)
- VI. Old Business - None
- VII. New Business
 - A. Consider Authorizing Execution of Second Amendment to Option & Land Lease, Access Easement Agreement and Written Consent with SBA Towers LLC for Cell Tower in Oakbourne Park
 - B. Consider Authorizing Public Hearing on February 20 for Proposed Ordinance 2024-02 Regarding Outdoor Burning
 - C. Consider Authorizing Township Manager to Execute On-Lot Sewage Management Agreement for a Small Flow Treatment Plant at 203 Cheyney Drive
 - D. Consider Letter to US Senators Fetterman and Casey in Support of Senate Bill 3568, the American Battlefield Protection Program Enhancement Act of 2024
 - E. Consider Payment Application #9 to MECO Constructors Inc for \$204,979.50
 - F. Consider Letter to Aqua to Support West Chester Fire Department's Request for Two New Fire Hydrants on S. Concord Road
 - G. Consider Authorizing Friends of Oakbourne to Reapply for the Oakbourne Arboretum to be a Level I Arboretum through the ArbNet Arboretum Accreditation Program
 - H. Consider Proposal from with Roseann McGrath to Recruit a New Township Manager
 - I. Consider Appointment to Parks & Recreation Commission
- VIII. Announcements
 - A. The Board of Supervisors Written Decision Denying Fox Clearing LLC's Conditional Use Application to Construct 85 Homes along Shiloh Road is Now Available on the Township Website
 - B. The Township is Seeking Applications for the Township's Park & Recreation and Environmental Advisory Commission
 - C. Yard Waste Collection, Saturday, February 10
 - D. Holiday Office Closure, Monday, February 19 – Presidents Day

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

Tuesday, January 16, 2024 at 7:45 PM

Present were: Chair Tom Foster, Vice Chair Ed Yost, Police Commissioner Dick Pomerantz, Township Manager Jonathan Altshul, Assistant Township Manager and Director of Planning and Zoning Mila Carter, Police Chief Brenda Bernot, Finance Director Cindi King, Fire Marshal Gerry DiNunzio and Planning Commissioner Jack Embick. Approximately six guests were also present, including three participating remotely.

I. Pledge of Allegiance & Call to Order

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

II. Board of Supervisors Summary of Workshop, January 16, 2024

Mr. Foster reported that the Board met in Workshop prior to tonight's meeting to discuss the fundraising efforts for the acquisition of Crebilly with Natural Lands, the proposed access easement agreement and amended land lease for the cell tower at Oakbourne Park, a draft memorandum of understanding with East Goshen on Police Patrol Units, a draft letter to Commissioners, and the draft outdoor burning ordinance, and to accept public comment.

Mr. Foster also reported that the Board met in Executive Session on Wednesday, January 10 to discuss a personnel matter and again prior to tonight's Workshop and again prior to the Regular Meeting to discuss personnel matters.

III. Approval of Meeting Minutes of the January 2, 2024 Reorganization Meeting and the January 2, 2024 Regular Meeting

Mr. Yost made a motion to approve the minutes from the January 2 reorganization meeting and the January 2, 2024 regular meeting. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

IV. Departmental Reports

A. Westtown – East Goshen Police Department – Chief Bernot

Chief Bernot reported that calls for service are finally returning to pre-pandemic levels. She reported on the success of the Blue Beards for Charity and Toys for Tots fund raising drives. She reported that there were six theft investigations in Westtown in December, of which three were retail thefts, resulting in two arrests. She also reported on a threat investigation at Rustin High School, which was later determined to be unfounded.

Mr. Yost asked the Chief to clarify the distinction between proactive and reactive police service. He also asked about how the police department works with the school district, to which the Chief explained the duties of the School Resource Officer.

Mr. Pomerantz asked about swatting, spoofing and squatting, to which the Chief responded that the department does have issues with swatting and spoofing, but not squatting.

Mr. Foster asked why the format of the police blotter had recently changed, to which the Chief acknowledged that based on discussions with the Police Commission, the blotter report had been simplified because developing the report is very labor intensive, but that relatively few residents read it.

Jack Embick, 189 Pheasant Run Road, asked whether there are any legitimate purposes for spoofing technology.

B. Fire Marshal – Gerry DiNunzio

Mr. DiNunzio reported that there were 96 calls for fire and EMS service in Westtown in December, including 16 fire calls, the two most notable fire calls being at Saints Simon and Jude Church and on Whittleby Court. He also reported that the issue previously reported about a malfunctioning smoke alarm at Sunrise had been corrected.

Finally, he noted that he had received a request from the West Chester Fire Department for Aqua to install two fire hydrants along South Concord Road as part of the upcoming water main replacement project in that location, and he recommended that the Township approve these new hydrants at a cost of \$28.57 per month. Mr. Altshul stated this matter would be on the agenda for the next Board meeting.

C. Finance Department – Cindi King

Ms. King reported on recent Finance Department activities, including adoption of the 2024 budget, transfer of more funds from the old accounts with Key Bank to Uninvest, and mailing 2024 Quarter 1 utility bills. She also reported that 2023 actuals were very close to budgeted levels, and that overall our financial position is up about \$2.5 million compared with last year, after netting out the Oakbourne Park Bond Fund, which has now been completely drawn down.

Mr. Pomerantz asked for clarification about a number of details in the financial reports, including escrow accounts, the refuse fund, and the parks and inspections line items.

D. Planning Commission – Jack Embick

Mr. Embick reported on the January 3 Planning Commission meeting, at which the Commission discussed the burning ordinance and its 2024 priorities for ordinance amendments.

V. Public Comment (Non-Agenda Items)

None.

VI. Old Business - None

VII. New Business

A. Consider Act 247 Review for Ordinance 2024-01, Amending the Off-Street Parking Requirements and Holding a Public Hearing on February 20

Mr. Yost made a motion to authorize Act 247 review for proposed Ordinance 2024-01, amending the off-street parking requirements and to hold a public hearing on the ordinance on February 20, 2024. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

B. Consider Design and Permitting Proposal from Pennoni for Traffic Signal Improvements at Route 926 and Shady Grove Way for an Estimated Price of \$27,795

Mr. Yost made a motion to approve the design and permitting proposal from Pennoni for Traffic Signal Improvements at Route 926 and Shady Grove Way for an estimated price of \$27,795. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

C. Consider Appointment of At-Large Police Commissioner

Mr. Yost made a motion to appoint Tom Stone, from Thornbury Township, as the at-large Police Commissioner for 2024. Mr. Pomerantz seconded. Mr. Pomerantz provided background on Mr. Stone's long career in law enforcement, including as a police chief in multiple jurisdictions. There was no further public comment and the motion passed 3-0.

D. Consider Administration and Construction Management Proposal from Carroll Engineering for Wickerton and Londonderry Drive Sewer Sliplining Project for \$45,600

Mr. Yost made a motion to approve Carroll Engineering's Administration and Construction Management proposal for the Wickerton and Londonderry Drive sanitary sewer sliplining project for \$45,600. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

E. Authorize Chair to Executive the Development Agreement, Financial Security Agreement and Stormwater Operations and Maintenance Agreement for the Westtown School Oak Lane Project

Mr. Yost made a motion to authorize the Chair to execute the amended development agreement, the amended financial security agreement and stormwater operations and maintenance agreement for the Westtown School Oak Lane project, contingent on receiving financial security. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

VIII. Announcements

Mr. Foster made the following announcements:

- E. Westtown Township is Seeking a New Township Manager** – Jon's last day will be March 15. Information on how to apply for the position will be forthcoming.
- F. Westtown Township was Awarded a \$187,039 Growing Greener Grant from the Department of Environmental Protection to Convert the Thorne Drive Stormwater Detention Basin to a Wet Pond**
- G. West Goshen Sewer Authority Will Use a Temporary Outdoor Pump at the Westtown Way Pump Station for at Least Five Weeks** – West Goshen sent a letter last week to residents living near the Westtown Way pump station about possible elevated noise levels between January 11 and mid-February related to upgrades to the pump station. Residents with concerns should contact the West Goshen Sewer Authority at 610-696-0900.
- H. The Township is Seeking Applications for the Township's Park & Recreation and Environmental Advisory Commission** – Please submit a resume or brief statement of interest to the Township Manager if you are interested in volunteering.
- I. Holiday Office Closure, Monday, February 19– Presidents Day** – The Board will hold its second meeting in February on Tuesday, February 20 at 7:30pm. Trash and recycling collection will not be impacted by the Presidents Day holiday.

IX. Public Comment (All Topics) - None

X. Payment of Bills

Mr. Yost made a motion to approve the General Fund bills for \$556,597.70, Enterprise Fund bills for \$23,760.45, PLGIT P-Card bills for \$166,460.98, and Capital Project Fund bills for \$6,077.50, for a grand total of \$752,896.63. There was no public comment, and the motion passed 3-0.

XI. Adjournment

Mr. Pomerantz made a motion to adjourn the meeting at 8:20PM.

Respectfully submitted,
Jonathan Altshul
Township Manager

WESTTOWN TOWNSHIP
PUBLIC WORKS DEPARTMENT MONTHLY REPORT
JANUARY 2024

ROADS

- ◆ Responded to two snow salting/plowing events.
- ◆ Cleared multiple trees and branches from a rain/windstorm.
- ◆ Placed a generator at the 926/Shady Grove Way traffic signal during a power outage.
- ◆ An employee passed his CDL driver's exam.
- ◆ Changed fuel, cleaned carburetors, and serviced engines on nine traffic light generators.

BUILDINGS, PARKS, AND OPEN SPACE

- ◆ Annual certification of all building fire extinguishers.

OAKBOURNE PARK AND MANSION

1. Continued oversight of the athletic core improvement project.
2. Replaced two bucket swings at Oakbourne Park.
3. Installed an under-drain ground water collection pipe in the fall zone of the playground.
4. Cleared multiple sticks and downed branches throughout park grounds.

PARKS AND OPEN SPACE

1. Inspected playground structures for safety hazards.
2. Inspected stormwater retention basins for proper operation.

WASTEWATER

- ◆ DEP inspected the treatment plant - no issues found, and facility is operating in full compliance.
- ◆ Drained and refilled one clarifier to retrieve a broken cleaning tool.
- ◆ Repaired a failed well water pipe at WCC.

EQUIPMENT MAINTENANCE AND REPAIR

- ◆ 67-16 – State inspected and serviced.
- ◆ 67-64 – Oil changed.
- ◆ 67-12 – Towed to repair garage for service of the pollution system.
- ◆ 67-24 – Repaired a faulty hydraulic relief valve.
- ◆ 67-24 – Repaired the plow lights.
- ◆ 67-17 – Towed to the repair garage for a driveshaft repair.
- ◆ Washed, repaired, de-salted all salt and plow trucks multiple times.

FUTURE PROJECTS

- ◆ Remove and replace filtration mulch on the bio-filters at WCC and Rustin PS.
- ◆ Repair a broken section of guide rail on Tower Course Drive.
- ◆ Remove multiple trees from Oakbourne walking trails.
- ◆ Filling of winter potholes and stormwater clearing.
- ◆ Ongoing oversight of Oakbourne Park improvement project.

MARK GROSS
DIRECTOR OF PUBLIC WORKS

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, January 17, 2024 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Jim Lees (JL), Brian Knaub (BK), Tom Sennett (TS), and Joseph Frisco (JF) were present. Kevin Flynn (KF) was absent. Also present was Director of Planning & Zoning Mila Carter.

Call to Order and Pledge of Allegiance

Mr. Embick called the meeting to order at 7:01 PM.

Adoption of Agenda (TS/JL) 6-0

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

Approval of Minutes (TS/JL) 6-0

Mr. Sennett made a motion to adopt the meeting minutes from January 3, 2024. Mr. Lees seconded. Mr. Embick complimented how the meeting minutes were written. All were in favor of the motion.

Announcements

1. Mr. Embick reminded Ms. Carter about the Township staff change. Ms. Carter confirmed that Jonathan Altshul, Township manager, announced that he would be leaving the Township.

Public Comment – Non Agenda Items

1. Sinehan Bayrak, property owner at 1131 S Chester Road, summarized her request for the PC to consider amendments to home occupation provisions pertaining to allowable sign size of the Township Zoning Ordinance. She explained that she was granted a special exception for major home occupation to utilize the lower level of the house as medical office. After the request was granted, she wanted to replace the existing four square foot sign which advertised business previously located at the property with one for her business. She was told that one sign of no larger than two square feet was permitted. Ms. Bayrak installed a two square foot sign, but due to its placement behind the Westtown Township sign which is much larger, her business sign was not visible. Mr. Sennett pointed out that any requests for relief are considered by the Zoning Hearing Board. Ms. Carter explained that she spoke with Ms. Bayrak and suggested two options: to submit a request for a variance or to raise a concern with the PC for a potential ordinance amendment. Mr. Sennett did not see a need to amend the ordinance due to one request. Mr. Hatton agreed with Mr. Sennett, but suggested for Ms. Bayrak to mock up some drawings for a larger sign with proposed location and come back to the PC for discussion. Mr. Embick asked whether there was much difference between a two square foot and a four square foot sign in such location. Mr. Lees thought there was and their impact on residential setting. Mr. Embick asked whether there should be different requirements for signs that are at or near the intersection of major arterials. The PC recommended for Ms. Bayrak to pursue the variance request with the Zoning Hearing Board at this time.

New Business

1. Priorities for 2024 and Preparation for Joint Meeting

Ms. Carter asked whether the members of the Planning Commission would be available for a joint meeting with the Board of Supervisors at one of their workshops in February. Mr. Embick noted that in the past the Board has met with all of its commissions, except for the

last year. He felt that it was a good opportunity for the PC to present its priorities for 2024. He suggested those to be any comprehensive planning initiatives and any items that relate to planning or zoning. Mr. Embick recapped the functions of the PC as set forth in the Municipalities Planning Code, including reviewing and proposing ordinance amendments. He noted that the PC tries to stay in touch with what the Board's priorities are to avoid wasting time on ordinances that might not get adopted. Mr. Embick suggested to provide a list of priorities for the upcoming meeting to direct discussion and gauge the Board's interest. His recommendations included amendments to the flexible development procedures to address issues raised during the land developments, amendments to the historic preservation ordinance, completion of discussion on fences and open burning, and additional discussion pertaining to parking regulations. Mr. Embick raised concerns about the impacts of parking requirements on affordability that have been discussed in the recent articles. He also pointed out that renewable energy systems requirements shall be reviewed again. Mr. Embick also suggested review of the conservation design protocol which he feels was not being followed and open space calculations within the flexible development procedure that are open to interpretation. He further announced that he has a draft language for the environmental impact assessment provisions, which can address various magnitude of development, if the PC was interested in pursuing it. Mr. Lees felt that if the need for such assessment was based on the size of the development, it would be a good idea. Mr. Embick suggested to draft a list of priority items for the next PC meeting.

Mr. Sennett recapped that during the development of the Comprehensive Plan, there was a strong public support for the development of a connected trail system in the Township. He felt that such system would be beneficial to the residents in the communities, especially those in close proximity to parks. Mr. Sennett pointed out that currently it is challenging and unsafe for residents to get to the park on foot without having to rely on their cars. Mr. Embick agreed that it was an excellent idea.

Mr. Embick pointed out that one of the recommendations in the Plan was to create a task force who would be responsible for tracking the implementation of those recommendations. Mr. Sennett suggested for such committee to serve as an additional resource that can help with the implementation of the Plan.

Mr. Hatton suggested to add to the priority list the additional assessment criteria for new developments, including provisions for cutting trees, traffic impact studies, and environmental impact studies. He believed that many of these assessments developers already knew how to do.

Mr. Sennett suggested to settle on some priorities to present to the Board that the PC can accomplish next year. Mr. Embick agreed and envisioned those items to serve as a guide for the meeting. Mr. Lees noted that the Board might have some suggestions as well that they would like the PC to focus on. Mr. Embick asked whether the Board talked about the agenda for the meeting. Ms. Carter believed the expectation was for the PC to present its priorities to receive feedback from the Board. Mr. Embick wondered how much time could be allocated to the joint meeting. Ms. Carter would check with Jon Altshul, Township manager, on that. Mr. Embick raised a question how to track the accomplishment of initiatives. He pointed out that the annual PC report serves as a comprehensive guide of completed tasks, however, he wondered whether another form of tracking mechanism shall be considered. Mr. Hatton recognized that it would be challenging and suggested to continue utilizing already created list of ordinance amendments. Mr. Sennett suggested to add reasoning behind each priority item to show the significance to the Board. Mr. Lees proposed to minimize the number of subjects and focus on the most pressing items. The PC agreed to work on putting a list of priorities with short description and their importance for discussion at the next meeting.

Old Business

1. Ordinance Amendments – Managed Meadow

Mr. Embick summarized that the PC previously provided a favorable recommendation to the proposed ordinance language addressing the use of managed meadows, which the Board has discussed at their meeting and due to concerns raised by Mr. Foster, suggested for the PC to consider other amendments. Ms. Carter added that main concern was whether the proposed regulations are enforceable and explained that Mr. Foster provided a suggestion to amend Chapter 54 instead with language pertaining to areas of natural vegetation. Mr. Embick believed that proposed language would be impossible to enforce. He pointed out that natural vegetation would have to be defined, which are areas of vegetation that grows naturally without human intervention, such as woods or fields.

Ms. Carter recapped that the goal of the managed meadow ordinance was to ensure that properties with such planted areas are exempt from the Property Maintenance Code. Mr. Embick felt there was a difference between purposely planted and maintained areas, such as managed meadow, and natural vegetation, which in most cases were left untouched and located at the rear of the properties. He was concerned that newly proposed language is too ambiguous. Mr. Hatton added that riparian buffers were considered areas of natural vegetation and were supposed to be unmanaged. Mr. Hatton was in favor of the language previously recommended by the PC for approval, which included definition and specific criteria that he felt was enforceable and addressed the main purpose of proposed regulations. Mr. Sennett proposed to add a new section under Chapter 54.A pertaining to managed meadow to make it clear that it was exempt from the Property Maintenance Code and to keep proposed language under zoning. Mr. Embick agreed with that suggestion. Mr. Sennett further suggested to table the discussion until more direction was received.

Public Comment

None

Reports

Mr. Embick made the BOS report from the January 16 meeting.

Adjournment (TS/JL) 6-0

The meeting was adjourned at 8:46 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

WESTTOWN TOWNSHIP ENVIRONMENTAL ADVISORY COUNCIL (EAC)
Westtown Municipal Building, 1039 Wilmington Pike, West Chester, PA
Tuesday, January 23, 2024 7:00 PM

Present: EAC members Bob Yeats (Chair), Ray Dandrea (Vice Chair), Russ Hatton, Joe Debes, Adam Kapp, and Meghan Hanney, and Township Manager Jonathan Altshul.

I. Call to Order

Bob called the meeting to order at 7pm.

II. Approval of Minutes, November 28, 2023

Ray made a motion to approve the minutes of November 28, 2023. Russ seconded. There was no public comment and the motion passed 5-0, with Adam abstaining as he was not present.

III. Public Comment (non-agenda items)

None.

IV. Old Business

A. Planning Commission Report – Russ provided a summary of recent Planning Commission activities. He noted that the Board of Supervisors had denied the Conditional Use application for the Stokes Estate, and discussion ensued about what the developer’s next step might be. He also reported that the Board of Supervisors had recommended some changes to the Managed Meadow ordinance to pull it out of the Zoning Ordinance and make it broader than being just about meadows. He also reported that the Planning Commission would be discussing its 2024 priorities with the Board of Supervisors on February 20.

B. Update on Birdtown USA – Ray stated that he hadn’t identified any new volunteers for the proposed Birdtown USA Committee other than Joe’s wife Alison. Joe and Bob both indicated that they’d be happy to serve on it. Ray made a motion for the EAC to recommend that the Board of Supervisors authorize the creation of a Birdtown USA Committee. Bob seconded. There was no further discussion and the motion passed 6-0.

C. Update on Crebilly Acquisition – Jon provided an update on the recent efforts to amend the battlefield map in order to secure funding from the American Battlefield Trust. He noted that there would be a meeting next week with various stakeholders to discuss next steps. He also reported that earlier in the day he had received a mass email from someone at the Chester County Community Foundation asking residents to contact Senator Casey and Senator Fetterman to encourage them to sponsor and vote for SB3568, a version of which has now cleared the House. Adam made a motion to recommend that the Board of Supervisors sign a letter to Senators Fetterman and Casey to support SB3568 and for the Township to encourage residents to do the same. Meghan seconded. Ray noted that he was scheduled to speak with Representative Houlihan’s office next week. The motion passed 6-0.

D. Update on 2024 Priorities – The EAC agreed to discuss their 2024 priorities with the Board at the March 4th Workshop. Meghan suggested that instead of focusing on planting a managed meadow in the Plumly Open Space, that the EAC focus on streambank restoration and controlling invasives along the tributary to the East Branch of Chester Creek. Jon observed that this was likely to meet with less resistance than a managed meadow and may assist the Township with MS4 credits. The EAC expressed support for Meghan’s proposal.

Ray stated that he would write the article for the spring Gazette about a composting seminar that would be hosted at Joe’s house.

The EAC agreed that its four main priorities for discussion with the Board would be: 1) the acquisition of Crebilly; 2) composting; 3) invasive removal and streambank restoration; and 4) Birdtown USA.

E. Update on Subcommittees—The EAC agreed to defer discussion about the subcommittees until the next meeting in February.

F. Update on 2024 Expo & Community Outreach—Joe offered to coordinate a sustainability expo at Oakbourne Mansion. There was general agreement that this wait until after the summer, as it may take a lot of organization to pull off.

G. Update on Proposal for EAC Virtual Conference Presentation—Meghan, Joe, Ray and Bob all indicated that they would participate in this conference. Bob indicated that the EAC wouldn’t make an actual presentation until the fall conference.

V. New Business

A. Consider Crebilly Letter to Federal Legislative Delegation – This topic was previously discussed during the discussion about the Crebilly update.

B. Consider 2024 Gazette Articles – This topic was previously discussed under the 2024 Priorities Update.

C. Consider Date for Board Workshop – This topic was previously discussed under the 2024 Priorities Update.

D. Consider Departmental Reports – Bob indicated that he would give the February 5 Departmental Report. Jon agreed to draft a schedule for the remainder of the year and send it to the group.

VI. **BOS Report** – None.

VII. **Public Comment** – None.

VIII. **Announcements**

Russ suggested that the EAC develop a file of relevant news clippings about environmental and sustainability issues. Adam suggested that the file be stored on the EAC's Google Drive.

IX. **Adjournment**

There being no further business, Ray adjourned the meeting at 8:40pm

Respectfully submitted,

Jonathan Altshul, Township Manager

DRAFT

Prepared by: Denise Scherer
After recording return to: Rita Drinkwater
SBA Network Services, LLC
8051 Congress Avenue
Boca Raton, FL 33487
Ph: 800-487-7483 ext. 7872

Parcel ID: 6704 0046000

SECOND AMENDMENT TO OPTION & LAND LEASE

THIS SECOND AMENDMENT TO OPTION & LAND LEASE (“Second Amendment”) is executed this _____ day of _____, 202____ (“Effective Date”) by and between **WESTTOWN TOWNSHIP, a Township of Second Class**, having an address at 1039 Wilmington Pike, West Chester, Pennsylvania 19382 (“Lessor”) and **SBA TOWERS, LLC, a Florida limited liability company**, having a principal office located at 8051 Congress Avenue, Boca Raton, Florida 33487-1307 (“Lessee”).

WHEREAS, Lessor and Lessee, successor by conversion to SBA Towers Inc., a Florida corporation, entered into that certain Option & Land Lease, dated April 26, 2001, as evidenced by that certain Memorandum of Land Lease recorded September 20, 2001 in Book 5069 Page 1175, of the Recorder of Deeds of Chester County, Pennsylvania, as amended and assigned from time to time (collectively, “Agreement”) for Lessee’s use of a portion of the real property (“Leased Space”) along with certain Easements for ingress and utilities located at 1014 South Concord Road, West Chester, PA 19382-7407 (“Premises”), egress, being more particularly described in the attached **Exhibit “A”**; and

WHEREAS, Lessor and Lessee desire and intend to amend and supplement the Agreement as provided herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and

sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves to the following modifications to the Agreement:

1. **Section 3. Term**, of the Agreement is hereby amended to include the following:

In addition to the Terms as referenced in the Agreement, the Agreement is hereby amended to include five (5) additional successive terms of five (5) years (each a hereinafter referred to as "Renewal Term"). Each Renewal Term shall be deemed automatically extended, unless Lessee notifies Lessor of its intention not to renew the Agreement prior to the commencement of the succeeding Renewal Term. The first additional Renewal Term shall commence on June 18, 2026 upon the expiration of the Renewal Term expiring on June 17, 2026.

2. **Section 4. Rent**, of the Agreement is hereby amended by including the following:

Notwithstanding anything to the contrary contained herein, beginning on June 18, 2026, and each anniversary of such date thereafter, the then-current Rent will increase by the greater of: (1) an increase of three percent (3%), or (2) the percentage equal to the increase in the Consumer Price Index ("CPI"), provided that the increase shall not exceed five percent (5%) in any renewal year. For the purposes of the calculation, the CPI will be the Consumer Price Index U.S. Averages for the Urban Wage Earners and Clerical Workers All Items (1982-84-100) published by the United States Department of Labor, Bureau of Labor Statistics for the three (3) months prior to the escalation date. All escalations currently provided in the Agreement arising prior to June 18, 2026, shall be unaffected by this section.

3. On the Effective Date, Lessor and Lessee are entering into that certain Access Easement Agreement of even date herewith ("Easement Agreement"). The Easement Agreement shall be the Easement set forth in **Section 5. Ingress and Egress** of the Agreement, and shall supersede any prior Easement granted pursuant thereto.

4. **Section 10. Notices**, of the Agreement is hereby amended as follows:

If to Lessor: Westtown Township
 1039 Wilmington Pike
 West Chester, PA 19382

If to Lessee: SBA Towers, LLC
Attn: Site Administration
8051 Congress Avenue
Boca Raton, FL 33487-1307
Re: PA03447-B/Westtown

Lessee hereby designates the following person as the point of contact for the performance of and any issues regarding the Agreement and/or the Easement:

Name: _____
Phone: _____
Email: _____

5. **Section 20. Access to Leased Space/Premises**, of the Agreement is hereby amended to include the following:

The rights granted to Lessee in this Section shall be subject to the rights, restrictions, and obligations of the Easement; provided, however, Lessee shall notify Lessor at least twenty-four (24) hours prior to any planned construction at the Leased Premises, except in the event of an emergency, then Lessee will take all measures to notify Lessor in a timely manner.

6. Upon full execution of this Second Amendment, Lessee shall pay to Lessor a one-time payment of Twenty Thousand and No/100 Dollars (\$20,000.00).
7. Capitalized terms not defined in this Second Amendment will have the meaning ascribed to such terms in the Agreement.
8. This Second Amendment will be governed by and construed and enforced in accordance with the laws of the commonwealth in which the Premises is located without regard to principles of conflicts of law.
9. Except as specifically set forth in this Second Amendment, the Agreement is otherwise unmodified and remains in full force and effect and is hereby ratified and reaffirmed. In the event of any inconsistencies between the Agreement and this Second Amendment, the terms of this Second Amendment shall take precedence.
10. Lessor acknowledges that the attached **Exhibit "A"** may be preliminary or incomplete and, accordingly, Lessee may replace and substitute such exhibit with an accurate survey and legal descriptions of the Leased Space and Easement and re-record this Second Amendment with the written consent of Lessor, which consent shall not be unreasonably withheld, conditioned, or

delayed. Following such re-recording, the descriptions of the Leased Space and Easement described therein shall serve as the descriptions for same for all purposes under the Second Amendment.

11. Lessor represents and warrants to Lessee that Lessor is the sole owner in fee simple title to the Leased Space and Easements and Lessor's interest under the Agreement and that consent or approval of no other person is necessary for the Lessor to enter into this Second Amendment.
12. This Second Amendment may be executed in one or more counterparts, and by the different parties hereto in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same Second Amendment.
13. Lessee shall have the right to record this Second Amendment

[The remainder of this page is intentionally left blank. Signatures to follow.]

AGREED TO AND ACCEPTED this _____ day of _____, 202____, but shall be effective as of the Effective date.

WITNESSES:

LESSOR:

Westtown Township, a Township of the Second Class

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

On this _____ day of _____, 2023, before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared _____, the _____ of Westtown Township, a Township of the Second Class, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires _____

(NOTARY SEAL)

AGREED TO AND ACCEPTED this _____ day of _____, 202____, but shall be effective as of the Effective date.

WITNESSES:

LESSEE:

SBA Towers, LLC, a Florida limited liability company

Print Name: _____

By: _____
Joshua Koenig, Executive Vice
President and General Counsel

Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this _____ day of _____, 2023, by Joshua Koenig, Executive Vice President and General Counsel of SBA Towers, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me and who did not take an oath.

Notary Public
My Commission Expires _____

(NOTARY SEAL)

EXHIBIT "A"

Premises

All that certain lot or piece of land with buildings and improvements, hereditaments and appurtenances thereon erected, situate in the Township of Westtown, County of Chester and state of Pennsylvania, bounded and described recording to a survey plan by W. A. MacDonald and topographical plan of property of James C. Smith Memorial Home; made by Phillip Steel and Associates, Architects, Engineers and Planners, West Chester, Pa. Dated June 3, 1971, as follows, to wit:

Beginning at a point formed by the intersection of the title line in the bed of Concord Road with the title line in the bed of Oakbourne Road; thence extending from said beginning point, along the title line in the bed of Concord Road South 27 degrees 31 minutes East 1,689.20 feet to a point; thence extending South 66 degrees 58 minutes West 1,049.15 feet to a point; thence extending North 22 degrees 30 minutes West 1,526.20 East to a point; thence extending North 30 degrees 5 minutes East 195.40 feet to a point, South of the Southerly line of Oakbourne Road; thence extending North 82 degrees 7 minutes East 122.25 feet; thence extending North 64 degrees 34 minutes East crossing over the Southerly side of Oakbourne Road and along the title line in the bed of said road 633.55 East to the first mentioned point and place of beginning.

CONTAINING 36.367 ACRES OF LAND BE THE SAME MORE OR LESS

Prepared by:
Gawthrop Greenwood, PC
17 E. Gay Street, Suite 100
West Chester, PA 19380

Return to:
Gawthrop Greenwood, PC
17 E. Gay Street, Suite 100
West Chester, PA 19380
Attn: Patrick McKenna, Esq.

U.P.I. No. 67-4-46

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (as may be amended, modified or supplemented from time to time ("Agreement"), is made this ___ day of _____, 202__ by and between WESTTOWN TOWNSHIP, a Township of the Second Class ("Township"), and SBA TOWERS, LLC, a Florida limited liability company ("SBA") (collectively the "Parties").

BACKGROUND

WHEREAS, the Township owns certain land commonly known as Oakbourne Park, 1014 South Concord Road, Westtown Township, Chester County, Pennsylvania being identified as UPI No. 67-4-46 (the "Property"); and

WHEREAS, pursuant to that certain Option & Land Lease Agreement between the Parties dated April 17, 2001 (as amended, modified or supplemented from time to time, the "Lease Agreement") further evidenced by that certain Memorandum of Land Lease between the Parties dated April 17, 2011 and recorded in Book 5069, Page 1175 et al. (the "Memorandum"), SBA was granted, among other things, an easement for ingress, egress and regress over the Property for the purposes described in Section 5 of the Lease Agreement, and as more fully set forth in the Memorandum (the "Existing Easement"); and

WHEREAS, the Parties are entering into an Amendment to Option & Land Lease of even date herewith and desire to, among other things, replace the Existing Easement with the Easement set forth in this Agreement upon the terms and conditions herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

1. **Incorporation of Background Recitals.** The foregoing background recitals are incorporated herein and by this reference are made a material part of this Agreement.

2. **Easement.** The Township hereby gives, grants, bargains, sells and conveys to SBA, its heirs and assigns, a non-exclusive, free, uninterrupted, perpetual, and permanent access easement (the "**Easement**") on, over, across, and through the Easement Area (hereinafter defined), for the purposes set forth in the Lease Agreement. The term "Easement Area" shall mean that area designated and depicted on that certain As-Built Survey prepared by Certa Tower Services, LLC, dated May 15, 2023, attached hereto and made a part hereof as **Exhibit "A"**, and which is further described on that legal description attached hereto and made a part hereof as **Exhibit "B"** (**Exhibit "A"** and **Exhibit "B"** collectively being the "**Easement Area**").

3. **Use of Easement Area.**

(a) SBA may use the Easement Area for any and all purposes not inconsistent with the purposes set forth in this Agreement and the Lease Agreement. SBA shall make every attempt not to cause damage to the Easement Area, but in the event SBA does cause damage, SBA shall repair such damage. SBA shall not interfere with the Township's use of the Easement Area.

(b) SBA must notify the Township during normal business hours (Monday through Friday, 9:00AM to 5:00PM EST) at least twenty-four (24) hours prior to it or any of its employees, licensees, contractors, subleasees, or wireless carriers entering the Easement Area for maintenance, repair, replacement or any other actions requiring the use of cranes, semi-trucks, tractor trailers, and/or any other heavy machinery (collectively, the "**Machinery**") except in the case of emergency, in which case SBA shall notify Township as soon as possible. In the event the Machinery will interfere with an event at the event venue located on the Property known as Oakbourne Mansion, the Township, in its sole discretion, shall have the right to deny SBA or any of its employees, licensees, contractors, subleasees, or wireless carriers request for access to the Easement Area, however, such denial will not be applicable in the case of emergency.

(c) SBA shall make every effort to ensure its employees, licensees, contractors, subleasees, and wireless carriers, use the Easement Area, and do not enter upon, leave Machines or any other equipment upon, or otherwise interfere with any other area on the Property.

(d) At all times during the term of this Agreement, SBA shall have the non-exclusive right to use, and shall have free access to, the Easement Area seven (7) days a week, twenty-four (24) hours a day.

4. **Indemnification.** Each party hereto and their successors and assigns shall indemnify, defend, and hold the other party and anyone claiming through such party harmless (except for damage resulting from the tortious acts of such other parties) from and against any damages, liability, actions, claims, and expenses (including without limitation, reasonable attorneys' fees and costs) in connection with the loss of life, personal injury and/or damage to property arising from or out of breach of this Agreement or any occurrence in or about the Easement Area occasioned wholly or in part by that party's negligence or willful misconduct or by any act or omission of said party, its agents, contractors, employees, licensees, invitees, guests or any other person there at the request or for the benefit of said party.

5. Existing Easement. The Parties hereto acknowledge and agree that the Easement created hereunder is the "Easement Agreement" as that term as defined in the Lease Agreement and hereby replaces the Existing Easement which is no longer of any force or effect.

6. Duration. The Parties' respective rights and obligations hereunder shall continue in full force and effect for the term of the Lease Agreement, and shall be binding upon and inure to the benefit of the Parties and each of their respective successors, grantees and assigns.

7. Amendment. This Agreement may not be changed, modified, or amended, in whole or in part, except in writing and in recordable form, signed by all of the Parties.

8. Recording. This Agreement, at the Township's expense, shall be recorded in the office of the Recorder of Deeds in and for Chester County, Pennsylvania.

9. Governing Law; Venue. This Agreement is governed by Pennsylvania law. Any dispute or claim arising out of this Agreement shall be subject to the jurisdiction and venue of the Court of Common Pleas of Chester County, Pennsylvania.

10. Authority. Each of the undersigned has the right and authority to execute this Agreement and to bind the Parties, respectively, to its terms.

11. Headings. The headings in this Agreement are for convenience of reference only and are not material.

12. Ambiguities. Each of the undersigned has participated in the drafting of this Agreement, and this Agreement shall not be construed against any Party as the drafter.

13. Severability. If any term of this Agreement shall to any extent be declared invalid or unenforceable, the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

14. Notices. All notices, requests, consents, claims, demands, waivers, and other communications hereunder shall be in writing and shall be deemed to have been given as provided in Section 10 of the Lease Agreement.

15. Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which when taken together shall constitute one instrument.

16. Integration Clause. This Agreement is an integrated agreement containing all of the terms agreed upon by the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all prior and contemporaneous oral or written statements, representations, and agreements concerning the subject matter of this Agreement, and it may not be amended except by a writing executed by all of the Parties.

IN WITNESS WHEREOF, the Parties hereby agree to and execute this Agreement, intending it to be effective the day and year first above written.

WITNESSES:

TOWNSHIP:

**Westtown Township, a Township of the
Second Class**

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

On this ____ day of _____, 2023, before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared _____, the _____ of Westtown Township, a Township of the Second Class, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public
My Commission Expires _____

(NOTARY SEAL)

AGREED TO AND ACCEPTED this _____ day of _____, 202___, but shall be effective as of the Effective date.

WITNESSES:

SBA:

SBA Towers, LLC, a Florida limited liability company

Print Name: _____

By: _____
Joshua Koenig, Executive Vice
President and General Counsel

Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this _____ day of _____, 2023, by Joshua Koenig, Executive Vice President and General Counsel of SBA Towers, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me and who did not take an oath.

Notary Public
My Commission Expires _____

(NOTARY SEAL)

EXHIBIT "A"
[Attached Survey]

PARENT PARCEL DESCRIPTION (AS PROVIDED)

All that certain lot or piece of land with buildings and improvements, hereinafter and opportunities thereon erected, situate in the Township of Westtown, County of Chester and state of Pennsylvania, bounded and described according to a survey plan by W. A. McDonald and topographical plan of property of James C. Smith Memorial Home, made by P.F.P. Sted and Associates, Architects, Engineers and Planners, West Chester, Pa. Dated June 3, 1971, as follows, to wit:

Beginning of a point formed by the intersection of the title line in the bed of Concord Road with the title line in the bed of Osbourne Road; thence extending from said beginning point, along the title line in the bed of Concord Road South 27 degrees 31 minutes East 1,689.20 feet to a point; thence extending South 68 degrees 58 minutes West 1,049.15 feet to a point; thence extending North 22 degrees 30 minutes West 1,526.20 feet to a point; thence extending North 30 degrees 5 minutes East 155.40 feet to a point, South of the Southerly line of Osbourne Road; thence extending North 82 degrees 7 minutes East 122.25 feet; thence extending North 64 degrees 34 minutes East creating over the Southerly side of Osbourne Road and along the title line in the bed of said road 633.55 feet to the first mentioned point and piece of beginning.

EXCLUSIVE EASEMENT AREA (AS PROVIDED)

BEGINNING at a point formed by the intersection of the title line in the bed of Concord Road with the title line in the bed of Osbourne Road; thence extending from said beginning point (2) two courses and distances along the bed of Concord Road; thence

- A. South 27°31'00" East 591.52 feet to a point; thence
- B. South 49°58'13" West 753.37 feet to a point; thence from said beginning point.

- 1) North 63°22'05" East 75.00 feet to a point; thence
- 2) North 00°37'55" West 75.00 feet to a point; thence
- 3) South 63°22'05" West 75.00 feet to a point; thence
- 4) South 00°37'55" East 75.00 feet to a point; thence to the point of beginning.

CONTAINING 5625.00 Sq. Ft. or 0.129 Acres.

NON-EXCLUSIVE ACCESS & UTILITY EASEMENT (AS PROVIDED)

BEGINNING at a point formed by the intersection of the title line in the bed of Concord Road with the title line in the bed of Osbourne Road; thence extending from said beginning point, along the bed of Concord Road South 27°31'00" East 591.52;

THENCE leaving said point of beginning so filed and running through the Tax Map parcel # 67-4-45 the following (24) twenty four courses and distances;

- 1) South 51°25'06" West 121.49 feet to a point; thence
- 2) South 42°41'53" West 123.89 feet to a point; thence
- 3) South 31°25'07" West 314.57 feet to a point; thence
- 4) South 20°43'52" West 450.50 feet to a point; thence
- 5) South 47°53'05" West 83.82 feet to a point; thence
- 6) North 53°35'40" East 79.65 feet to a point; thence
- 7) North 60°47'07" West 19.81 feet to a point; thence
- 8) South 75°44'39" West 57.28 feet to a point; thence
- 9) North 73°05'12" West 45.46 feet to a point; thence
- 10) North 00°37'55" West 25.89 feet to a point; thence
- 11) South 63°22'05" West 16.60 feet to a point; thence
- 12) North 00°37'55" West 20.00 feet to a point; thence
- 13) North 63°22'05" East 41.00 feet to a point; thence
- 14) South 00°37'55" East 27.57 feet to a point; thence
- 15) South 73°05'12" East 20.17 feet to a point; thence
- 16) North 75°44'39" East 55.30 feet to a point; thence
- 17) South 60°35'40" East 31.65 feet to a point; thence
- 18) South 60°47'07" East 64.66 feet to a point; thence
- 19) North 47°53'05" East 63.41 feet to a point; thence
- 20) North 20°43'52" East 66.80 feet to a point; thence
- 21) North 31°25'07" East 319.38 feet to a point; thence
- 22) North 42°41'53" East 128.28 feet to a point; thence
- 23) North 51°25'06" East 128.28 feet to a point; thence
- 24) South 27°31'00" East 23.47 feet to a point; thence to the point of beginning.

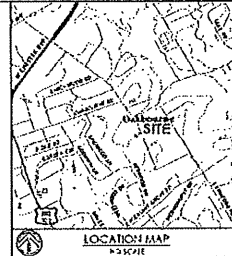
CONTAINING 24231.28 Sq. Ft. or 0.556 Acres.

EXCLUSIVE EASEMENT AREA (AS SURVEYED)

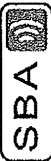
Situated in the Township of Westtown, County of Chester, and Commonwealth of Pennsylvania. Known as being a part of a parcel of land now or formerly conveyed to Westtown Township as recorded in Book D13, Page 263 of Chester County records and being more particularly described as follows:

Commencing at the intersection of the title line in the bed of South Concord Road with the title line in the bed of Osbourne Road; THENCE South 33°27'04" East, along the title line in the bed of said South Concord Road, a distance of 1,415.24 feet; THENCE North 63°15'28" West, a distance of 1,008.82 feet to the POINT OF BEGINNING:

- THENCE South 83°26'01" West, a distance of 75.00 feet;
- THENCE North 06°33'59" West, a distance of 75.00 feet;
- THENCE North 83°26'01" East, a distance of 75.00 feet;
- THENCE South 06°33'59" East, a distance of 75.00 feet to the POINT OF BEGINNING and containing 0.179 acres (6,825 square feet) of land, more or less.



AS-BUILT SURVEY
1014 S. Concord Rd
Westtown, PA 19382
SITE ID#: PA03447-B
SITE NAME: WESTTOWN



SBA Network Services, LLC
8051 Congress Avenue
Boca Raton, FL 33487-1307

BASIS OF OF BEARINGS

The meridian for all bearings shown herein is the Pennsylvania State Plane Coordinate System, South Zone (NAD 83 Zone 3702) NAD 83(2011).

FLOOD ZONE

By scaled map location and graphic plotting only, the surveyed property appears to be entirely in Zone X-Unshaded (Areas of Minimal Flood Hazard) according to the Flood Insurance Rate Map for the County of Chester, Community Panel No. 42629002100 and 42629002600, Effective Date September 23, 2017.

ENCROACHMENTS

At the time of survey there were no visible encroachments onto or beyond the surveyed property.

CERTIFICATION

I, Eric S. Jackson, PLS, a Pennsylvania State Registered Professional Land Surveyor, License No. SU075523, hereby certify to SBA Towers, LLC, a Florida limited liability company the following:

Latitude and Longitude values for the center of the above-referenced tower are accurate to within +/- 15 feet horizontally.

HORIZONTAL DATUM: NAD83
LATITUDE: NORTH 39° 56' 15.87"
LONGITUDE: WEST 75° 34' 28.82"

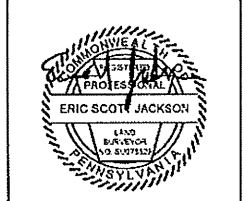
By *Eric S. Jackson*
Eric S. Jackson, PLS
Pennsylvania Professional Land Surveyor License No. SU075523
Date of Survey: May 15, 2023

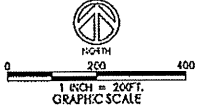
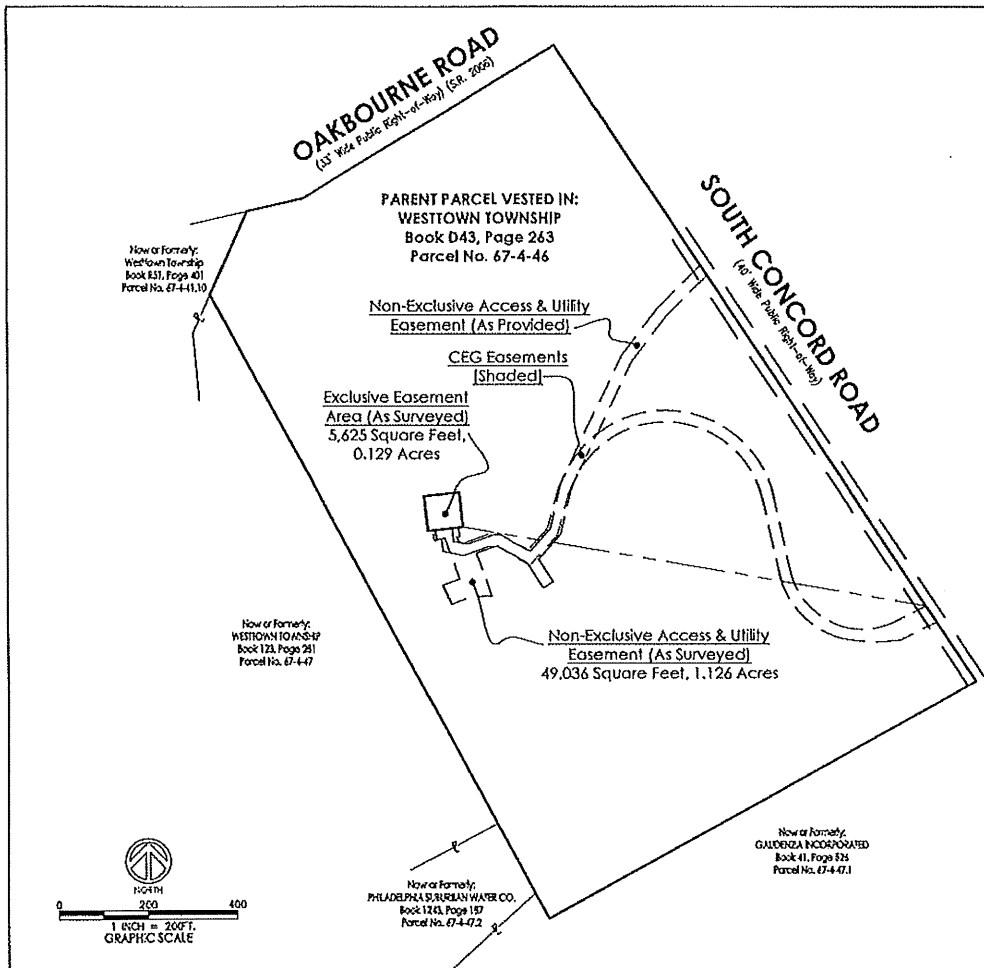
CERTA TOWER SERVICES LLC
2926 State Road #7B5
Cuyahoga Falls, OH 44223-1244
330.295.3673
certa@certatowers.com
www.certatowers.com



NORTH COAST GEOMATICS
667 Sunridge Road
Fellowship, OH 44333
(414) 519-3611
cgram@northcoastgeomatics.com

Note: This survey does not represent a boundary survey of the parent parcel.
Drawn By: LJC Scale: N/A
Date: 05-15-23 Sheet: 1 of 5
Certa Project No. 2347

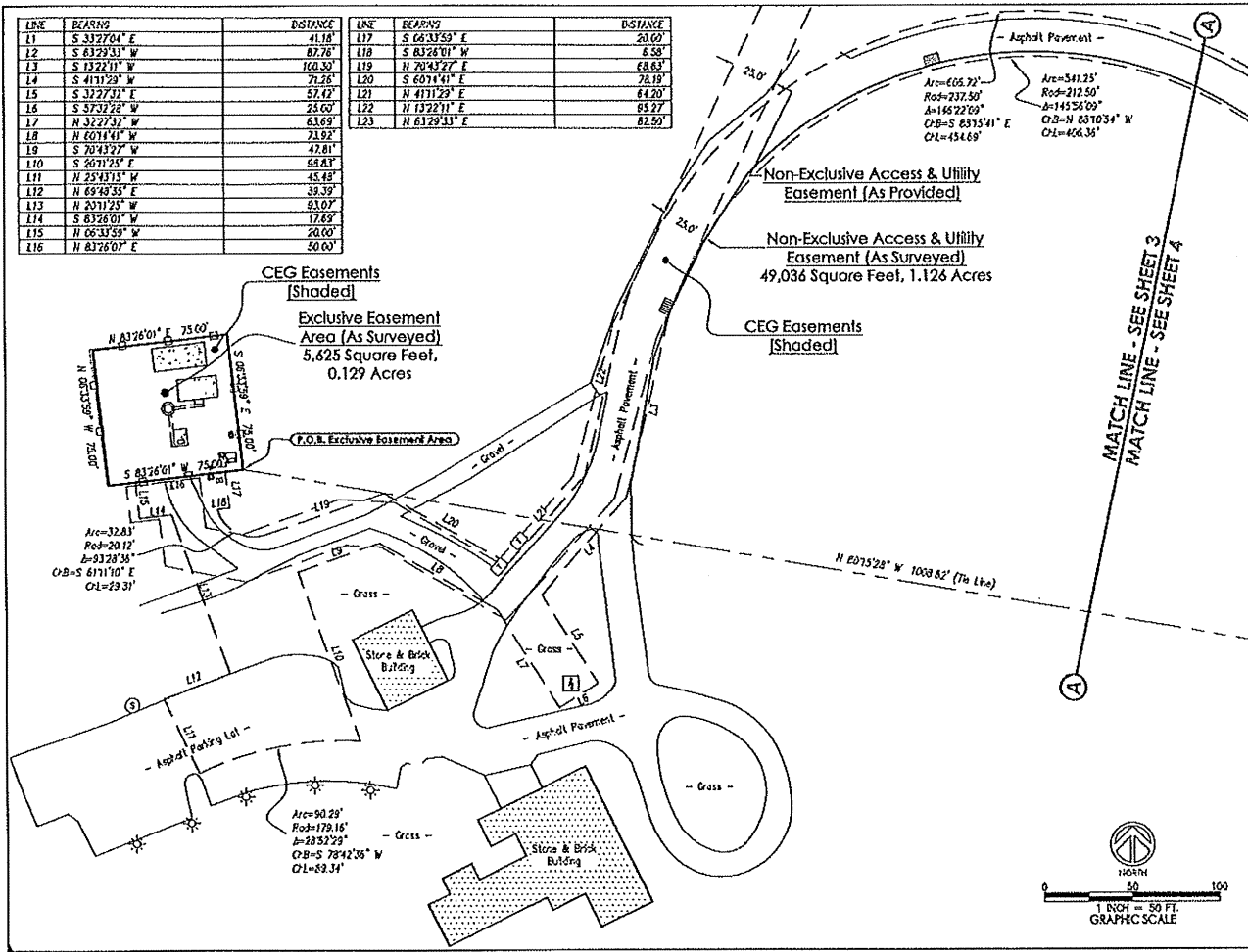




SYMBOL LEGEND	
R/W	- Right-of-Way
A	- Adjoiner Property Line
C	- Centerline
P.O.B.	- Point of Beginning
P.O.C.	- Point of Commencement
Rod	- Radius
Arc	- Arc Length
Δ	- Delta Angle
OB	- Oard Bearing
OL	- Oard Length
M	- Measured
(B)	- Record
E	- Electric Meter
T	- Deckle Transformer
S	- Sarcery Markole
W	- Storm Markole
D	- Durb Inlet
□	- Catch Basin (Square)
⊕	- Telephone Pedestal
⊖	- Telephone Vault
⊙	- Light Pole
⊚	- Utility Pole
⊛	- Unknown Vault
⊜	- Overhead WLFIES
⊝	- Wood Fence
▨	- Concrete Area
▩	- Building Area

<p>AS-BUILT SURVEY 1014 S. Concord Rd Westtown, PA 19382 SITE ID#: P.A03447-B SITE NAME: WESTTOWN</p>	<p>SBA Network Services, LLC 8051 Congress Avenue Boca Raton, FL 33487-1307</p>
<p>CERTA TOWER SERVICES LLC 2926 State Road #195 Cuyahoga Falls, OH 44223-1244 330.295.3673 certa@certatower.com www.certatower.com</p>	<p>NORTH COAST GEOMATICS 467 Sunridge Road Fallown, OH 44333 (614) 519-2611 dpratt@northcoastgeomatics.com</p>
<p>Note: This survey does not represent a boundary survey of the parent parcel.</p>	
<p>Drawn By: LCC Scale: N/A Date: 05.15.23 Sheet: 2 of 5 Certa Project No. 2347</p>	

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 3127°04' E	41.18'	L17	S 66°37'59" E	20.00'
L2	S 83°23'31" W	87.76'	L18	S 83°26'01" W	6.58'
L3	S 13°22'18" W	100.30'	L19	N 70°43'27" E	68.63'
L4	S 41°11'29" W	71.26'	L20	S 60°14'41" E	78.18'
L5	S 32°27'32" E	57.42'	L21	N 41°11'29" E	84.70'
L6	S 37°32'28" W	25.60'	L22	N 13°22'11" E	85.27'
L7	N 32°27'31" W	63.59'	L23	N 63°29'13" E	82.59'
L8	N 20°14'41" W	71.92'			
L9	S 70°43'27" W	42.81'			
L10	S 26°11'25" E	68.83'			
L11	N 25°43'15" W	45.48'			
L12	N 69°48'35" E	39.39'			
L13	N 20°11'25" W	93.07'			
L14	S 83°26'01" W	17.69'			
L15	N 66°37'59" E	20.00'			
L16	N 83°26'01" E	50.60'			



AS-BUILT SURVEY
1014 S. Concord Rd
Westtown, PA 19382
SITE ID#: P.A03447-B
SITE NAME: WESTTOWN

SBA
SBA Network Services, LLC
8051 Congress Avenue
Boca Raton, FL 33487-1307

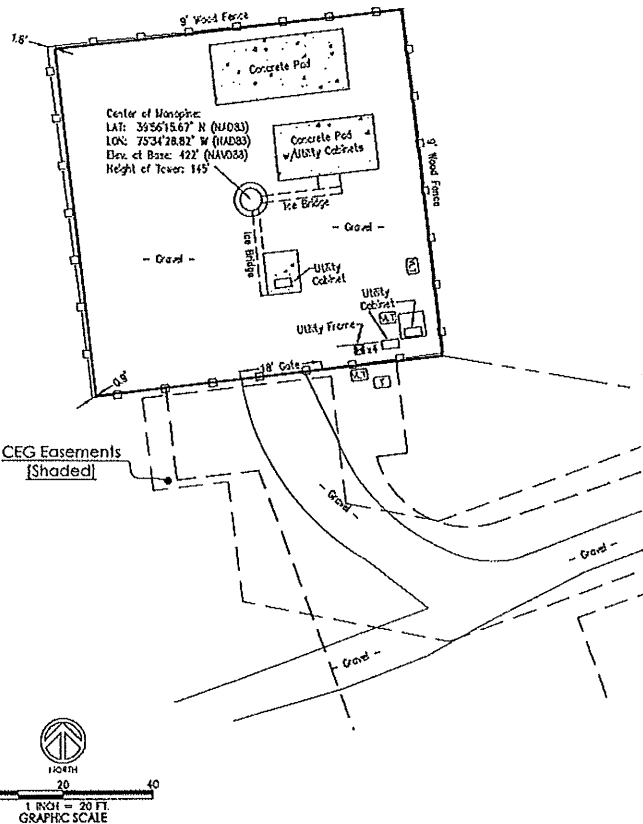
CERTA TOWER SERVICES LLC
2956 State Road #135
Cuyahoga Falls, OH 44223-1244
330.295.3673
certa@certatower.com
www.certatower.com

NORTH COAST GEOMATICS
467 Sunridge Road
Felltown, OH 43033
(614) 519-3611
dipnori@northcoastgeo.com

Note: This survey does not represent a boundary survey of the parent parcel.

Drawn By: LJC Scale: N/A
Date: 05.15.23 Sheet: 3 of 5
Certa Project No. 2347

ERIC SCOTT JACKSON
LAND SURVEYOR
PA 015153



NON-EXCLUSIVE ACCESS & UTILITY EASEMENT (AS SURVEYED)

Situated in the Township of Westtown, County of Chester, and Commonwealth of Pennsylvania. Known as being a part of a parcel of land now or formerly conveyed to Westtown Township as recorded in Book D43, Page 263 of Chester County records and being more particularly described as follows:

Commencing at the intersection of the title line in the east of South Concord Road with the title line in the east of Oakbourne Road; THENCE South 33°27'04\"/>

THENCE South 33°27'04\"/>

THENCE South 63°29'33\"/>

THENCE along a curve to the right, having a radius of 400.00 feet, through a central angle of 181°7'59\"/>

THENCE along a curve to the right, having a radius of 191.48 feet, through a central angle of 57°31'48\"/>

THENCE North 12°41'09\"/>

THENCE along a curve to the left, having a radius of 212.50 feet, through a central angle of 145°56'09\"/>

THENCE South 13°22'11\"/>

THENCE South 41°11'59\"/>

THENCE South 32°27'33\"/>

THENCE South 57°32'28\"/>

THENCE North 32°27'32\"/>

THENCE North 60°14'41\"/>

THENCE South 70°43'27\"/>

THENCE South 20°11'25\"/>

THENCE along a curve to the left, having a radius of 179.16 feet, through a central angle of 28°52'29\"/>

THENCE North 25°43'15\"/>

THENCE North 69°48'35\"/>

THENCE North 20°11'25\"/>

THENCE South 83°26'01\"/>

THENCE North 06°33'59\"/>

THENCE North 83°26'07\"/>

THENCE South 68°33'59\"/>

THENCE South 83°26'01\"/>

THENCE along a curve to the left, having a radius of 20.12 feet, through a central angle of 93°28'36\"/>

THENCE North 61°11'10\"/>

THENCE North 70°43'27\"/>

THENCE South 60°14'41\"/>

THENCE North 41°11'29\"/>

THENCE North 13°22'11\"/>

THENCE along a curve to the right, having a radius of 237.50 feet, through a central angle of 146°27'09\"/>

THENCE South 12°41'09\"/>

THENCE along a curve to the left, having a radius of 166.48 feet, through a central angle of 56°32'30\"/>

THENCE along a curve to the left, having a radius of 166.00 feet, through a central angle of 36°41'04\"/>

THENCE North 63°29'33\"/>

THENCE North 63°29'33\"/>

containing 1.126 acres (49,025 square feet) of land, more or less.

<p>AS-BUILT SURVEY 1014 S. Concord Rd Westtown, PA 19382 SITE ID#: PA03447-B SITE NAME: WESTTOWN</p>	 SBA Network Services, LLC 8051 Congress Avenue Boca Raton, FL 33487-1307
<p>CERTA TOWER SERVICES LLC 2926 State Road #B5 Cuyahoga Falls, OH 44223-7244 330.295.3673 orders@certata.com www.certata.com</p>	<p>NORTH COAST GEOMATICS 467 Sandridge Road Fallowen, OH 44330 (614) 514-3611 dpcn1@northcoastgeomatics.com</p>
<p>Note: This survey does not represent a boundary survey of the parent parcel.</p>	
<p>Drawn By: LKC Date: 05.15.23 Sheet: 5 of 5 Certa Project No. 2347</p>	

EXHIBIT "B"

EXCLUSIVE EASEMENT AREA (AS SURVEYED):

Situated in the Township of Westtown, County of Chester, and Commonwealth of Pennsylvania. Known as being a part of a parcel of land now or formerly conveyed to Westtown Township as recorded in Book D43, Page 263 of Chester County records and being more particularly described as follows:

Commencing at the intersection of the title line in the bed of South Concord Road with the title line in the bed of Oakbourne Road; THENCE South 33°27'04" East, along the title line in the bed of said South Concord Road, a distance of 1,445.24 feet; THENCE North 80°15'28" West, a distance of 1,008.82 feet to the POINT OF BEGINNING:

THENCE South 83°26'01" West, a distance of 75.00 feet;
THENCE North 06°33'59" West, a distance of 75.00 feet;
THENCE North 83°26'01" East, a distance of 75.00 feet;
THENCE South 06°33'59" East, a distance of 75.00 feet to the POINT OF BEGINNING and containing 0.129 acres (5,625 square feet) of land, more or less.

NON-EXCLUSIVE ACCESS & UTILITY EASEMENT (AS SURVEYED):

Situated in the Township of Westtown, County of Chester, and Commonwealth of Pennsylvania. Known as being a part of a parcel of land now or formerly conveyed to Westtown Township as recorded in Book D43, Page 263 of Chester County records and being more particularly described as follows:

Commencing at the intersection of the title line in the bed of South Concord Road with the title line in the bed of Oakbourne Road; THENCE South 33°27'04" East, along the title line in the bed of said South Concord Road, a distance of 1,445.24 feet to the POINT OF BEGINNING:

THENCE South 33°27'04" East, a distance of 41.18 feet;
THENCE South 63°29'33" West, a distance of 87.76 feet;
THENCE along a curve to the right, having a radius of 400.00 feet, through a central angle of 18°17'59", an arc distance of 127.76 feet, said curve having a chord which bears North 88°20'05" West a distance of 127.21 feet;
THENCE along a curve to the right, having a radius of 191.48 feet, through a central angle of 57°31'48", an arc distance of 192.26 feet, said curve having a chord which bears North 45°41'30" West a distance of 184.29 feet;
THENCE North 12°41'09" West, a distance of 185.49 feet;
THENCE along a curve to the left, having a radius of 212.50 feet, through a central angle of 145°56'09", an arc distance of 541.25 feet, said curve having a chord which bears North 88°10'54" West a distance of 406.36 feet;
THENCE South 13°22'11" West, a distance of 100.30 feet;
THENCE South 41°11'29" West, a distance of 71.26 feet;
THENCE South 32°27'32" East, a distance of 57.42 feet;
THENCE South 57°32'28" West, a distance of 25.00 feet;
THENCE North 32°27'32" West, a distance of 63.69 feet;
THENCE North 60°14'41" West, a distance of 73.92 feet;
THENCE South 70°43'27" West, a distance of 47.81 feet;
THENCE South 20°11'25" East, a distance of 98.83 feet;
THENCE along a curve to the left, having a radius of 179.16 feet, through a central angle of 28°52'29", an arc distance of 90.29 feet, said curve having a chord which bears South 78°42'36" West a distance of 89.34 feet;
THENCE North 25°43'15" West, a distance of 45.48 feet;
THENCE North 69°48'35" East, a distance of 39.39 feet;
THENCE North 20°11'25" West, a distance of 93.07 feet;
THENCE South 83°26'01" West, a distance of 17.69 feet;
THENCE North 06°33'59" West, a distance of 20.00 feet;
THENCE North 83°26'07" East, a distance of 50.00 feet;
THENCE South 06°33'59" East, a distance of 20.00 feet;
THENCE South 83°26'01" West, a distance of 6.58 feet;

THENCE along a curve to the left, having a radius of 20.12 feet, through a central angle of 93°28'36", an arc distance of 32.83 feet, said curve having a chord which bears South 61°11'10" East a distance of 29.31 feet;
THENCE North 70°43'27" East, a distance of 68.63 feet;
THENCE South 60°14'41" East, a distance of 78.19 feet;
THENCE North 41°11'29" East, a distance of 64.20 feet;
THENCE North 13°22'11" East, a distance of 95.27 feet;
THENCE along a curve to the right, having a radius of 237.50 feet, through a central angle of 146°22'09", an arc distance of 606.72 feet, said curve having a chord which bears South 88°15'41" East a distance of 454.69 feet;
THENCE South 12°41'09" East, a distance of 185.07 feet;
THENCE along a curve to the left, having a radius of 166.48 feet, through a central angle of 56°37'30", an arc distance of 164.53 feet, said curve having a chord which bears South 45°32'48" East a distance of 157.92 feet;
THENCE along a curve to the left, having a radius of 166.00 feet, through a central angle of 36°41'04", an arc distance of 106.28 feet, said curve having a chord which bears North 85°21'42" East a distance of 104.48 feet;
THENCE North 63°29'33" East, a distance of 82.50 feet to the POINT OF BEGINNING and containing 1.126 acres (49,025 square feet) of land, more or less.

**UNANIMOUS WRITTEN CONSENT
OF BOARD OF SUPERVISORS
OF WESTTOWN TOWNSHIP**

The undersigned constitute all of the supervisors of **WESTTOWN TOWNSHIP, Township of Second Class** (the "Corporation"). The undersigned hereby consent to, and adopt, the following preamble and resolutions by this instrument in lieu of a formal meeting of the Corporation:

WHEREAS, the Board of Supervisors of the Corporation on the ____ day of _____, 202__, duly adopted a resolution for a Second Amendment to Option and Land Lease ("Second Amendment") on the property described in **Exhibit "A"** to SBA Towers, LLC, a Florida limited liability company ("SBA"), to amend that certain Option and Land Lease dated April 26, 2001, as evidenced by that certain Memorandum of Land Lease recorded September 20, 2001 in Book 5069 Page 1175, of the Recorder of Deeds of Chester County, Pennsylvania, as amended and assigned from time to time (collectively, "Agreement") to SBA by and between the Corporation as Lessor and SBA as Lessee.

RESOLVED, that the Corporation shall be and is hereby authorized and directed to grant the Second Amendment, and in connection therewith _____, *[Signing Officer]* as _____ *[Title]* of the Corporation, is hereby authorized, empowered and directed to execute and deliver for, on behalf of, and in the name of the Corporation, the Second Amendment, and any and all documents in connection with the Agreement as _____, *[Title]* or the signing officer in his/her sole and absolute discretion deems to be in the best interests of the Corporation; and it is

FURTHER RESOLVED, that _____ *[Signing Officer]* be and is hereby authorized to execute, in the name and on behalf of this Corporation, to take or cause to be taken, any and all actions necessary to enter into, execute, deliver and perform the Second Amendment and any and all documents and documentation (all of which are to be in form and substance as the person executing the same may deem necessary or desirable, the execution thereof by _____, *[Signing Officer]* is conclusive evidence of approval of such form and substance by _____, *[Signing Officer]* that may be required or contemplated under the terms of the Agreement and to do any and all things which in his/her discretion he/she may deem to be necessary or appropriate in connection with or in furtherance of the foregoing resolution; and it is

FURTHER RESOLVED, that the signature of _____, *[Signing Officer]* on the Second Amendment, and any other documents and instruments executed in connection therewith or pursuant thereto shall be

conclusive evidence of his/her authority to execute and deliver such instruments or documents.

FURTHER RESOLVED, that all actions previously taken by the Corporation in connection with the Second Amendment, and the transactions contemplated by the foregoing resolution thereby be, and they hereby are adopted, ratified, confirmed and approved in all respects.

This document may be executed in two or more counterparts, each of which will be deemed an original and together, but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned hereby affix their hands and seal effective as of this _____ day of _____, 202__.

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

EXHIBIT "A"

All that certain lot or piece of land with buildings and improvements, hereditaments and appurtenances thereon erected, situate in the Township of Westtown, County of Chester and state of Pennsylvania, bounded and described recording to a survey plan by W. A. MacDonald and topographical plan of property of James C. Smith Memorial Home; made by Phillip Steel and Associates, Architects, Engineers and Planners, West Chester, Pa. Dated June 3, 1971, as follows, to wit:

Beginning at a point formed by the intersection of the title line in the bed of Concord Road with the title line in the bed of Oakbourne Road; thence extending from said beginning point, along the title line in the bed of Concord Road South 27 degrees 31 minutes East 1,689.20 feet to a point; thence extending South 66 degrees 58 minutes West 1,049.15 feet to a point; thence extending North 22 degrees 30 minutes West 1,526.20 East to a point; thence extending North 30 degrees 5 minutes East 195.40 feet to a point, South of the Southerly line of Oakbourne Road; thence extending North 82 degrees 7 minutes East 122.25 feet; thence extending North 64 degrees 34 minutes East crossing over the Southerly side of Oakbourne Road and along the title line in the bed of said road 633.55 East to the first mentioned point and place of beginning.

CONTAINING 36.367 ACRES OF LAND BE THE SAME MORE OR LESS

ORDINANCE 2024-02

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, CHAPTER 63, BURNING, OPEN, BY REDESIGNATING §63-1, OUTDOOR BURNING RESTRICTED, TO §63-3; §63-2, BURNING OF TRASH AND DOMESTIC WASTE MATERIAL, TO §63-7; §63-3, BURNING OF BRUSH, GRASS OR WOOD, TO §63-8; §63-4, BURNING OF LEAVES OR COMMERCIAL/INDUSTRIAL WASTE, TO §63-9; §63-5, BURNING ON PUBLIC ROADS, TO §63-10; §63-6, PERMISSION REQUIRED TO BURN ON PRIVATE PROPERTY, TO §63-11; §63-7, FIRE BAN DUE TO DROUGHT, TO §63-12; §63-8, AUTHORITY TO EXTINGUISH FIRES, TO §63-13; §63-9, VIOLATIONS AND PENALTIES, TO §63-14; AND ADDING NEW §63-1, DEFINITIONS; §63-2, PURPOSE; §63-4, OUTDOOR BURNING GENERAL REQUIREMENTS; §63-5, RECREATIONAL FIRES; AND §63-6, BONFIRES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 63, Burning, Open, of the Code of the Township of Westtown, as amended, be further amended as follows:

SECTION 1. Part II, General Legislation, Chapter 63, Burning, Open, §63-1, Outdoor burning restricted, shall be redesignated to §63-3 and read as follows:

§63-3 Outdoor burning restricted.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the Township, except as otherwise permitted in this Chapter.

SECTION 2. Part II, General Legislation, Chapter 63, Burning, Open, §63-2, Burning of trash and domestic waste material, shall be redesignated to §63-7 and read as follows:

§63-7 Burning of trash and domestic waste material.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the Township, unless:

- A. The fire is confined within a burn barrel or incinerator placed on an even flat noncombustible surface at least ten feet from any structure, tree (including canopy), vehicle, utility pole or utility equipment, and from any property line.

SECTION 3. Part II, General Legislation, Chapter 63, Burning, Open, §63-3, Burning of brush, grass or wood, shall be redesignated to §63-8 and read as follows:

§63-8 Burning of yard waste.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn yard waste anywhere within the Township, unless the fire is confined within a burn barrel or incinerator as defined in this Chapter and which meets the requirements of §63-7 above, or if all of the following conditions are met:

- A. The burning of yard waste shall be limited to tree trimmings.
- B. The burning area of yard waste shall not exceed five feet in diameter and three feet in height.
- C. The burning of yard waste shall occur at least 15 feet from any structure, tree (including canopy), vehicle, utility pole, utility equipment, and property line.
- D. A person shall maintain a 15-foot minimum cleared area free of trees, shrubs and other combustible materials around the burning of yard waste.

SECTION 4. Part II, General Legislation, Chapter 63, Burning, Open, §63-4, Burning of leaves or commercial/industrial waste, shall be redesignated to §63-9 and read as follows:

§63-9 Burning of commercial/industrial waste

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn commercial/industrial waste material outdoors anywhere within the Township at any time.

SECTION 5. Part II, General Legislation, Chapter 63, Burning, Open, §63-5, Burning on public roads, shall be redesignated to §63-10 and read as follows:

§63-10 Burning on public roads or in proximity to utility poles or utility equipment

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

SECTION 6. Part II, General Legislation, Chapter 63, Burning, Open, §63-6, Permission required to burn on private property, shall be redesignated to §63-11.

SECTION 7. Part II, General Legislation, Chapter 63, Burning, Open, §63-7, Fire ban due to drought, shall be redesignated §63-12 and shall read as follows:

§63-12 Fire ban due to drought

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Commonwealth of Pennsylvania, Chester County, the Board of Supervisors, or their authorized representative, in a time of drought.

SECTION 8. Part II, General Legislation, Chapter 63, Burning, Open, §63-8, Authority to extinguish fires, shall be redesignated to §63-13.

SECTION 9. Part II, General Legislation, Chapter 63, Burning, Open, §63-9, Violations and penalties, shall be redesignated to §63-14.

SECTION 10. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-1, Definitions, which shall read as follows:

§63-1 Definitions

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them herein:

BONFIRE

An outdoor open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization. A bonfire does not include family gatherings or celebrations.

BURNING

The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

BURN BARREL

An enclosed freestanding container with a screen cover designed to prevent flying debris, equipped with a spark- or amber-arresting device, which has a total fuel area of two feet or less in diameter and three feet or less in height with a maximum capacity of 55 gallons.

CHIMINEA

An outdoor device that has a single-mouth opening to fuel the fire with fresh air and a chimney.

CLEAN WOOD

Natural wood material which has not been treated with preservative chemicals, has not been painted or stained, and does not contain resins or glues as in plywood or other composite wood products.

COMMERCIAL/INDUSTRIAL WASTE

Dry waste generated by commercial or industrial establishments, including stores, offices, restaurants, warehouses and nonmanufacturing activities at industrial facilities.

DOMESTIC WASTE

Customary wastes from kitchens, baths, showers, sinks, water closets, lavatories and laundries.

FIRE PIT or FIRE RING

An aboveground or below-ground freestanding open structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof designed to contain and control fire and prevent it from spreading. A fire pit does not include charcoal- or gas-powered grills that are only intended to be used for cooking purposes.

INCINERATOR

Any device, apparatus, equipment or structure constructed of nonflammable materials used for burning of domestic waste and yard waste or other materials as permitted by this Chapter at high temperatures for destruction.

OPEN FIRE

A controlled burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

OUTDOOR FIREPLACE

An outdoor freestanding structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof with an enclosed burn chamber, solid or screened opening and chimney with spark arrestor.

PORTABLE BURNING UNIT

An outdoor portable aboveground commercially manufactured wood-burning or propane or natural gas device equipped with a spark- or ember-arresting device used for entertainment purposes or heating.

RECREATIONAL FIRE

An outdoor fire used to cook food for human consumption, entertainment purposes, or providing warmth contained in a stationary structure or portable device, including outdoor fireplace, fire pit, fire ring, chiminea and portable burning unit with or without a removable cover.

STRUCTURE

Any form or arrangement of building materials involving the necessity of providing proper support, bracing, anchorage or other protection. Such arrangement shall have a permanently fixed location in or on the ground. Structures include, but are not limited to, primary and accessory buildings, open sheds and similar enclosures with less than four walls and/or a roof, signs, fences or walls over six feet in height, detached aerials and antennas, decks, porches, platforms, recreational courts, swimming pools, tents, tanks, and towers.

YARD WASTE

Plant material that comes from yard and lawn maintenance and other landscaping and gardening activities, and includes leaves, wood branches, grass clippings, garden residue, tree trimmings, shrubbery and other vegetative material.

SECTION 11. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-2, Purpose, which shall read as follows:

§63-2 Purpose

The purpose of this Chapter is to:

1. Provide for the public health, safety and welfare of the citizens of Westtown Township.
2. Prevent nuisances caused by outdoor burning.
3. Clarify the requirement for the burning of trash, domestic waste, and yard waste.
4. Provide criteria and standards for recreational fires and bonfires.
5. Encourage the use of recreational fires by Westtown Residents for their enjoyment.
6. Avoid erroneous calls to the Fire Department.

SECTION 12. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-4, Outdoor burning general requirements, which shall read as follows:

§63-4 Outdoor burning general requirements

In addition to the more specific criteria for the specific type of burning, the following general criteria shall apply to all outdoor burning within the Township:

- A. A person shall maintain a minimum of a single five-pound ABC portable fire extinguisher or a garden hose connected to a water source and a shovel in proximity to the outdoor burning for immediate utilization.
- B. A person, who is over 18 years old, shall continuously attend the burning until the burning is fully extinguished.
- C. No burning shall be conducted under any roofing, awning, or

similar overhead covering, or indoors.

- D. No combustible or flammable liquid fuels shall be used to light or relight a fire.
- E. Outdoor burning shall only occur between the hours of 8:00 a.m. and 4:00 p.m., except as otherwise permitted in this Chapter.

SECTION 13. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-5, Recreational fires, which shall read as follows:

§63-5 Recreational fires

In addition to the standards contained in §63-4, recreational fires are permitted if all of the following criteria are met:

- A. The burning area of a recreational fire shall not exceed forty-four (44) inches in circumference and two (2) feet in height, except for a chiminea and outdoor fireplace.
- B. Portable burning units utilized for recreational fires shall be used strictly in adherence with all manufacturer's guidelines and specifications and shall only be placed on a flat noncombustible surface, such as brick, concrete, rock, or heavy-gauge metal.
- C. A recreational fire shall be located a minimum of ten (10) feet from any structure, tree (including canopy), vehicle, utility pole, utility equipment, and property line.
- D. The burning materials of a recreational fire shall be clean wood, charcoal or wood chips products, except for those utilizing propane or natural gas devices as described in this chapter.
- E. A person shall obtain a permit for a recreational fire structure that is constructed as a part of a building or an accessory structure, and the recreational fire structure shall meet the requirements of Township Building Code and any other applicable code.
- F. All recreational fires shall be extinguished before midnight.

SECTION 14. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include §63-6, Bonfires, which shall read as follows:

§63-6 Bonfires

In addition to the standards contained in §63-4, bonfires are permitted if all of the following criteria are met:

- A. The burning area of a bonfire shall not exceed five feet in diameter and ten feet in height.
- B. A bonfire shall be located a minimum of fifty (50) feet from the nearest structure, tree (including canopy), vehicle, or utility pole, utility equipment, and twenty (20) feet from any property line.

- C. A person shall maintain a fifteen-foot cleared area free of trees, shrubs and other combustible materials immediately around a bonfire.
- D. The burning materials of a bonfire shall be clean wood, charcoal or wood chips products.
- E. A person shall notify the Westtown Township Fire Marshal by calling the non-emergency Chester County telephone line at 610-436-4700 at least 24 hours prior to setting a bonfire.
- F. There shall be no more than three bonfires on three consecutive days on a single parcel. A bonfire shall be extinguished daily no later than 10:00 p.m.

SECTION 15. If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 16. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 17. This ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this _____ day of _____, 2024.

Attest:

**Westtown Township
Board of Supervisors**

Secretary

Thomas Foster, Chair

Edward Yost, Vice Chair

Richard Pomerantz, Police Commissioner

Prepared by/return to:

Patrick M. McKenna, Esq.
Gawthrop Greenwood, PC
17 East Gay Street, Suite 100
P.O. Box 562
West Chester, PA 19381-0562

UPI No. 67-4-20.12

On-Lot Sewage Management Agreement

This Agreement, made this _____ day of _____, 20__ by and between **WESTTOWN TOWNSHIP**, Chester County, Pennsylvania (hereinafter the “Township”), having an address of 1039 Wilmington Pike, West Chester, PA 19382, and **ROBERT AND PATRICIA BURDETT** (hereinafter the “Owner”), the owner of a certain tract of land known as Tax Parcel 67-4-20.12, having an address of 203 Cheyney Drive, West Chester, PA 19382 (hereinafter, the “Property”).

WITNESSED:

WHEREAS, Owner obtained title to the Property by virtue of a deed of conveyance recorded in the land records of Chester County, Pennsylvania, at Deed Book 697, Page 397;

WHEREAS, Owner desires a small flow treatment system (the “System”) that requires routine and scheduled operation and maintenance to be installed and operated upon the aforementioned Property of the Owner;

WHEREAS, the System may include items such as Building Sewers, Septic Tanks, Aerobic Treatment Tanks, Storage Tanks, Filtration Equipment, Pumps, Piping, Disinfection Equipment, Drip Tubing Controls, Wiring, Conduits and all necessary and appurtenant air, telephone, and electrical power supplies, as detailed in Exhibit A attached hereto, that require routine and scheduled maintenance to ensure proper operation;

WHEREAS, the Township is willing to allow the installation of the System upon the Property provided that the Owner agrees to operate and maintain the System upon certain terms and conditions as set forth by the rules and regulations of the Township and more particularly set forth herein; and

WHEREAS, the Township and Owner desire to memorialize the agreements reached between them with respect to the operation and maintenance of the aforesaid System to ensure the orderly operation and maintenance of the System.

NOW THEREFORE, for and in consideration of the covenants contained herein, the parties do agree as follows:

- 1) The Owner shall receive and provide the Township, prior to installation, a copy of an installation permit from the Department of Environmental Protection (hereinafter “DEP”).
- 2) The Owner shall retain an installation contractor trained and authorized by the System Manufacturer to install the System.
- 3) The Owner shall annually renew, for the life of the System, and shall annually provide to the Township a copy of a System maintenance contract with an authorized Maintenance Contractor (herein after the “Maintenance Contractor”). The Maintenance Contractor shall be a private independent contractor who has been given special training by the original equipment manufacturer and is authorized by the manufacturer to service the equipment, and is approved by the Township to provide such services within the borders of the Township.
- 4) Prior to initial start-up of the System or within one month of occupancy of the dwelling or within one month of transfer of the Property to a new owner, the current Owner of the Property shall meet with the Maintenance Contractor and review the operation and maintenance of the System, and the Maintenance Contractor shall provide the Owner with the following:
 - a. Verbal and detailed written operation and maintenance instructions.
 - b. A detailed drawing showing the location, size, material type, and depth of all components of the System. A copy of the detailed drawing shall also be sent to the Township.
 - c. A complete review of the system indicating the location of all buried components of the System including provision of a caution notice regarding the disturbance near and within the absorption area that would cause damage to the System, such as excavation for trees or fencing.

- d. A complete explanation of the System's automatic alarm system and who to contact in the event the alarm would be activated.
- 5) After the first month of operation of the System, or the first month of occupancy by a new owner, and annually thereafter the Owner shall have the Maintenance Contractor inspect the System and have the Maintenance Contractor provide the Owner and Township with copies of a report signed by the Maintenance Contractor certifying that the System is operating in accordance with the permit. The inspection and maintenance program will include at a minimum the manufacturers' recommended services and inspections for each separate component of the System. The Maintenance Contractor's report shall include the average daily flow from water meter readings, if available. The report shall also indicate resolution of any deficiencies noted in the Maintenance Contractor's inspection or in any service or alarm call during the past year. If a repair, revision, or modification to the System is required, the Owner shall obtain a permit from the DEP the Maintenance Contractor performs said repairs, revisions, or modifications. Copies of the repair permit and amended and revised drawings detailing any revision or modification shall be retained by the Owner and provided to the Township.
- 6) If an inspection indicates the need for repair, replacement and/or additional maintenance that is not covered under the maintenance contract, the Owner agrees to obtain the required permits and to have the Maintenance Contractor or another individual authorized by the equipment manufacturer perform the required repair, replacement and/or additional maintenance. The Owner further agrees to pay all costs of such repair, replacement and/or additional maintenance.
- 7) The Owner shall provide an adequate supply of electrical power with the proper phase, frequency, voltage as recommended by the equipment manufacturers of the various components of the System.
- 8) The Owner shall provide and maintain access to an active telephone service for the automatic alarm system.
- 9) The Owner agrees not to plant trees or shrubs in the discharge path between the treatment system and the receiving water course (the "Discharge Path") or to otherwise excavate or damage Discharge Path. The Owner also agrees to protect the Discharge Path from vehicle traffic, and to protect the Discharge Path and System components from stormwater runoff from gutters and downspouts, driveways, swales and pump discharges.
- 10) The Owner agrees not to build any structures, including swimming pools and sprinkler systems, on or within 10 feet of the Discharge Path or any components of the System.
- 11) The Owner agrees not to introduce into the System harmful chemicals (oils and grease, gasoline, antifreeze, pesticides, paints and thinners, industrial soaps and detergents, harsh drain and toilet bowl cleaners) and clogging bulky items (sanitary napkins, diapers, paper towels, cigarette filters, cat litter, plastics, egg shells, bones, coffee grounds.) The Owner

also agrees to minimize garbage disposal use and to limit garbage disposal use to ordinary kitchen waste.

- 12) The Owner also agrees that the Municipality or its agent may enter upon the property so that the System may be inspected by the Township or its agent to ensure it is being properly maintained and all components are in good working order.
- 13) It is expressly understood that this Agreement shall be recorded in the Recorder of Deeds Office in and for the County of Chester, Pennsylvania and that this Agreement shall be binding upon Owner, their heirs, administrators, executors, successors, and assigns, including Owner's successor in title to the aforesaid lot which is the subject of this Agreement, it being the express understanding of the parties that any and all duties and obligations of Owner with respect to the operation of the System set forth in this Agreement would also "run with the land" and remain the obligation of the Owners' successors in title for the life of the System.
- 14) The Owner agrees to pay the Township any and all costs incurred by the Township to record and enforce this Agreement, or to inspect, repair, or maintain the System should the Owner fail to maintain the System according to this Agreement. In the event the Owner shall fail to pay the Township for such costs, the Township shall issue fines or institute civil suits against the Owner or file liens against the property in accordance with the Municipal Lien Law, for all such costs incurred by the Township, including reasonable attorney fees.
- 15) The Township shall fully utilize the legal authority set forth herein and the powers it possesses through enabling statutes to effect the purposes of this Agreement.
- 16) Indemnification. The Owner for themselves, their successors and/or assigns shall at all times indemnify, defend and hold the Township, and their respective agents, officers, employees, and subcontractors harmless of any claim, suit, legal expense or judgment which anyone might bring against the Township or against the Township's officials and employees and representatives for any and all claims for damage to person or property arising from or connection with the Township inspecting and or performing any maintenance to the System. The Owner further agrees that they will reimburse the Township for any expenses which the Township incurs including legal fees, engineering expenses, expert witness fees and any judgment rendered against the Township as a result of claims filed or brought against Township, its officers or employees or representatives by anyone alleging a condition arising because of use of the System.
- 17) Ordinances. It is expressly understood and agreed that nothing contained herein shall be construed to waive, affect or alter any requirements of the Zoning, Subdivision and Land Development or any other Ordinances of the Township and nothing contained herein empowers any Township Officer or representative or employee to waive any requirements of such Ordinances.
- 18) Obligation of Township. It is expected that the Chester County Health Department will

oversee and enforce regulations concerning the System. The Township's obligation but not its rights shall be limited to the requirement that the Township shall require that inspections be conducted and that maintenance records be provided to the Township as referenced within this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day and year first above written.

OWNER

Name:
Date:

Name:
Date:

WESTTOWN TOWNSHIP

By:
Title:
Date:

Exhibit A

203 Cheyney Drive, Westtown Township, Chester County, PA

Small Flow Treatment System

System Components:

Two (2) septic tanks with an effluent filter installed in outlet of the second tank

Ecoflo Coco filter with UV disinfection installed

Distribution box to equalize distribution of effluent to stone bed

300 square foot stone seepage bed with outlet to drainage swale

Design Criteria:

Design average daily flow: 500gpd

Design peak flow: 600gpd

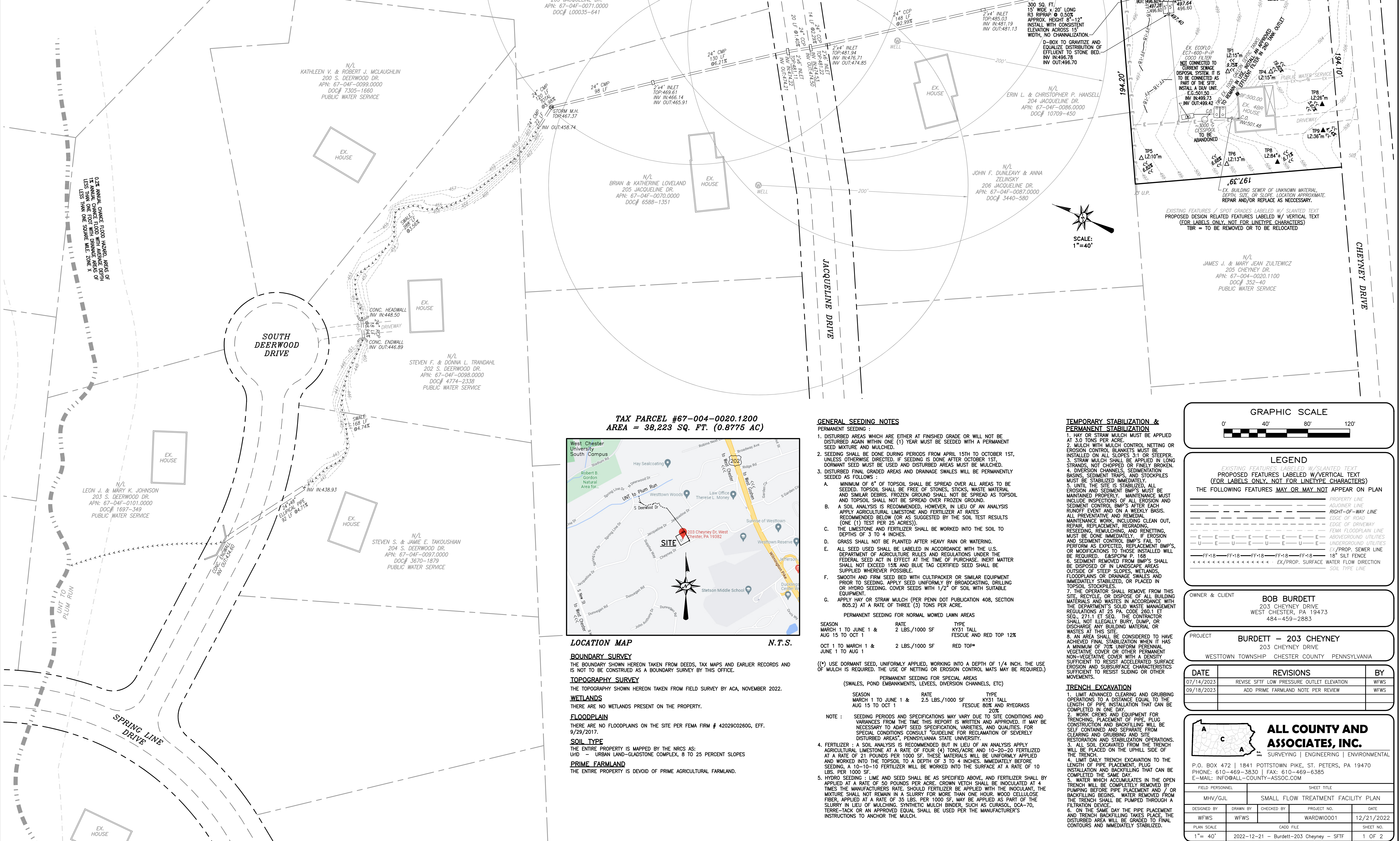
BOD5 or CBOD5 effluent discharge concentration: $\leq 15\text{mg/L}$

Total suspended solids discharge concentration: $\leq 15\text{mg/L}$

Fecal coliforms: $\leq 20 \text{ CFU}/100\text{ml}$

PA ONE CALL NOTE:
 ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY RECORDS AND OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES CANNOT BE GUARANTEED. CONTRACTOR MUST VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES AND FACILITIES BEFORE START OF WORK IN ACCORDANCE WITH ACT 287, AS AMENDED.

Pennsylvania One Call System, Inc.
 1-800-242-1776
 SITE NUMBER: 20223183213



TAX PARCEL #67-004-0020.1200
AREA = 38,223 SQ. FT. (0.8775 AC)



LOCATION MAP

THE BOUNDARY SHOWN HEREON TAKEN FROM DEEDS, TAX MAPS AND EARLIER RECORDS AND IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY BY THIS OFFICE.

TOPOGRAPHY SURVEY

THE TOPOGRAPHY SHOWN HEREON TAKEN FROM FIELD SURVEY BY ACA, NOVEMBER 2022.

WETLANDS

THERE ARE NO WETLANDS PRESENT ON THE PROPERTY.

FLOODPLAIN

THERE ARE NO FLOODPLAINS ON THE SITE PER FEMA FIRM # 42029C0260G, EFF. 9/29/2017.

SOIL TYPE

THE ENTIRE PROPERTY IS MAPPED BY THE NRCS AS:

UHD - URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES

PRIME FARMLAND

THE ENTIRE PROPERTY IS DEVOID OF PRIME AGRICULTURAL FARMLAND.

GENERAL SEEDING NOTES

- DISTURBED AREAS WHICH ARE EITHER AT FINISHED GRADE OR WILL NOT BE DISTURBED AGAIN WITHIN ONE (1) YEAR MUST BE SEED WITH A PERMANENT SEED MIXTURE AND MULCHED.
- SEEDING SHALL BE DONE DURING PERIODS FROM APRIL 15TH TO OCTOBER 15TH, UNLESS OTHERWISE DIRECTED. IF SEEDING IS DONE AFTER OCTOBER 15TH, DORMANT SEED MUST BE USED AND DISTURBED AREAS MUST BE MULCHED.
- DISTURBED FINAL GRADED AREAS AND DRAINAGE SWALES WILL BE PERMANENTLY SEED AS FOLLOWS:
 - MINIMUM OF 6" OF TOPSOIL SHALL BE SPREAD OVER ALL AREAS TO BE SEED. TOPSOIL SHALL BE FREE OF STONES, STICKS, WASTE MATERIAL AND SIMILAR DEBRIS. FROZEN GROUND SHALL NOT BE SPREAD AS TOPSOIL AND TOPSOIL SHALL NOT BE SPREAD OVER FROZEN GROUND.
 - A SOIL ANALYSIS IS RECOMMENDED, HOWEVER, IN LIEU OF AN ANALYSIS APPLY AGRICULTURAL LIMESTONE AND FERTILIZER AT RATES RECOMMENDED BELOW (OR AS SUGGESTED BY THE SOIL TEST RESULTS (ONE (1) TEST PER 25 ACRES)).
 - THE LIMESTONE AND FERTILIZER SHALL BE WORKED INTO THE SOIL TO DEPTHS OF 3 TO 4 INCHES.
 - GRASS SHALL NOT BE PLANTED AFTER HEAVY RAIN OR WATERING.
 - ALL SEED USED SHALL BE LABELED IN ACCORDANCE WITH THE U.S. DEPARTMENT OF AGRICULTURE RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT IN EFFECT AT THE TIME OF PURCHASE. INERT MATTER SHALL NOT EXCEED 15% AND BLUE TAG CERTIFIED SEED SHALL BE SUPPLIED WHEREVER POSSIBLE.
 - SMOOTH AND FIRM SEED BED WITH CULTIPACKER OR SIMILAR EQUIPMENT PRIOR TO SEEDING. APPLY SEED UNIFORMLY BY BROADCASTING, DRILLING OR HYDRO SEEDING. COVER SEEDS WITH 1/2" OF SOIL WITH SUITABLE EQUIPMENT.
 - APPLY HAY OR STRAW MULCH (PER PENN DOT PUBLICATION 408, SECTION 805.2) AT A RATE OF THREE (3) TONS PER ACRE.

PERMANENT SEEDING FOR NORMAL MOWED LAWN AREAS

SEASON	RATE	TYPE
MARCH 1 TO JUNE 1 & AUG 15 TO OCT 1	2 LBS./1000 SF	KY31 TALL FESCUE AND RED TOP 12%
OCT 1 TO MARCH 1 & JUNE 1 TO AUG 1	2 LBS./1000 SF	RED TOP*

(*) USE DORMANT SEED, UNIFORMLY APPLIED, WORKING INTO A DEPTH OF 1/4 INCH. THE USE OF MULCH IS REQUIRED. THE USE OF NETTING OR EROSION CONTROL MATS MAY BE REQUIRED.)

PERMANENT SEEDING FOR SPECIAL AREAS
 (SWALES, POND EMBANKMENTS, LEVEES, DIVERSION CHANNELS, ETC)

SEASON	RATE	TYPE
MARCH 1 TO JUNE 1 & AUG 15 TO OCT 1	2.5 LBS./1000 SF	KY31 TALL FESCUE BOX AND RYEGRASS 20%

NOTE: SEEDING PERIODS AND SPECIFICATIONS MAY VARY DUE TO SITE CONDITIONS AND VARIANCES FROM THE TIME THIS REPORT IS WRITTEN AND APPROVED. IT MAY BE NECESSARY TO ADAPT SEED SPECIFICATION, VARIETIES, AND QUALITIES FOR SPECIAL CONDITIONS CONSULT "GUIDELINE FOR RECLAMATION OF SEVERELY DISTURBED AREAS", PENNSYLVANIA STATE UNIVERSITY.

- FERTILIZER - A SOIL ANALYSIS IS RECOMMENDED BUT IN LIEU OF AN ANALYSIS APPLY AGRICULTURAL LIMESTONE AT A RATE OF FOUR (4) TONS/ACRE AND 10-20-20 FERTILIZED AT A RATE OF 21 POUNDS PER 1000 SF. THESE MATERIALS WILL BE UNIFORMLY APPLIED AND WORKED INTO THE TOPSOIL TO A DEPTH OF 3 TO 4 INCHES. IMMEDIATELY BEFORE SEEDING, A 10-10-10 FERTILIZER WILL BE WORKED INTO THE SURFACE AT A RATE OF 10 LBS. PER 1000 SF.
- HYDRO SEEDING - LIME AND SEED SHALL BE AS SPECIFIED ABOVE, AND FERTILIZER SHALL BE APPLIED AT A RATE OF 50 POUNDS PER ACRE. CROWN VETCH SHALL BE INOCULATED AT 4 TIMES THE MANUFACTURERS RATE. SHOULD FERTILIZER BE APPLIED WITH THE INOCULANT, THE MIXTURE SHALL NOT REMAIN IN A SLURRY FOR MORE THAN ONE HOUR. WOOD CELLULOSE FIBER, APPLIED AT A RATE OF 35 LBS. PER 1000 SF, MAY BE APPLIED AS PART OF THE SLURRY IN LIEU OF MULCHING. SYNTHETIC MULCH BINDER, SUCH AS CURASOL, DCA-70, TERRE-TACK OR AN APPROVED EQUAL SHALL BE USED PER THE MANUFACTURERS INSTRUCTIONS TO ANCHOR THE MULCH.

TEMPORARY STABILIZATION & PERMANENT STABILIZATION

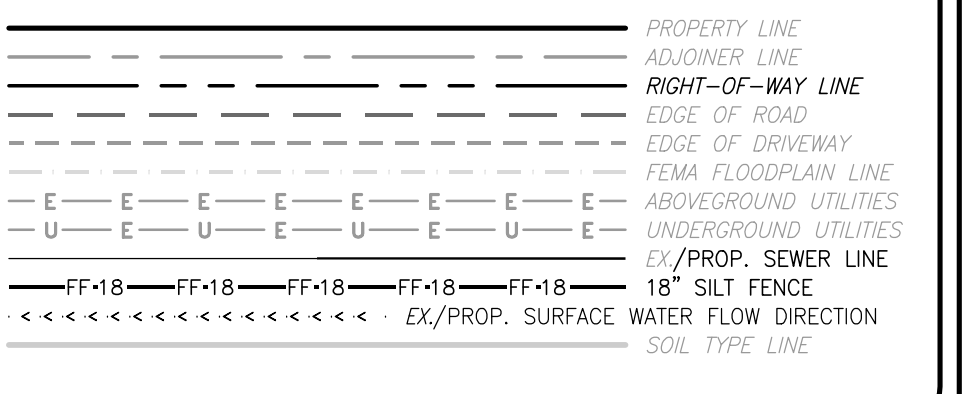
- HAY OR STRAW MULCH MUST BE APPLIED AT 3.0 TONS PER ACRE.
- MULCH WITH MULCH CONTROL NETTING OR EROSION CONTROL BLANKETS MUST BE INSTALLED ON ALL SLOPES 3:1 OR STEEPER.
- STRAW MULCH SHALL BE APPLIED IN LONG STRANDS, NOT CHOPPED OR FINELY BROKEN.
- DIVERSION CHANNELS, SEDIMENTATION BASINS, SEDIMENT TRAPS, AND STOCKPILES MUST BE STABILIZED IMMEDIATELY.
- UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMP'S MUST BE MAINTAINED PROPERLY. MAINTENANCE MUST INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT CONTROL BMP'S AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEAN OUT, REPAIR, REPLACEMENT, REGRADING, RESEEDING, REMULCHING, AND RESETTING, MUST BE DONE IMMEDIATELY. IF EROSION AND SEDIMENT CONTROL BMP'S FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMP'S OR MODIFICATIONS TO THOSE INSTALLED WILL BE REQUIRED. E&S/PROP. P. 188
- SEDIMENT REMOVED FROM BMP'S SHALL BE DISPOSED OF IN LANDSCAPE AREAS OUTSIDE STEEP SLOPES, FLOODPLAINS, FLOODPLAINS OR DRAINAGE SWALES AND IMMEDIATELY STABILIZED, OR PLACED IN TOPSOIL STOCKPILES.
- THE OPERATOR SHALL REMOVE FROM THIS SITE, RECYCLE, OR DISPOSE OF ALL BUILDING MATERIALS AND WASTES IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA CODE 2801 ET SEQ., 271.1 ET SEQ. THE CONTRACTOR SHALL NOT ILLEGALLY BURY, DUMP, OR DISCHARGE ANY BUILDING MATERIAL OR WASTES AT THIS SITE.
- AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM OF 70% UNIFORM PERENNIAL VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED SURFACE EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING OR OTHER MOVEMENTS.

TRENCH EXCAVATION

- LIMIT ADVANCED CLEARING AND GRUBBING OPERATIONS TO A DISTANCE EQUAL TO THE LENGTH OF PIPE INSTALLATION THAT CAN BE COMPLETED IN ONE DAY.
- WORK CREWS AND EQUIPMENT FOR TRENCHING, PLACEMENT OF PIPE, PLUG CONSTRUCTION AND BACKFILLING WILL BE SELF CONTAINED AND SEPARATE FROM CLEARING AND GRUBBING AND SITE RESTORATION AND STABILIZATION OPERATIONS.
- ALL SOIL EXCAVATED FROM THE TRENCH WILL BE PLACED ON THE UPHILL SIDE OF THE TRENCH.
- LIMIT DAILY TRENCH EXCAVATION TO THE LENGTH OF PIPE PLACEMENT, PLUG INSTALLATION AND BACKFILLING THAT CAN BE COMPLETED THE SAME DAY.
- WATER WHICH ACCUMULATES IN THE OPEN TRENCH WILL BE COMPLETELY REMOVED BY PUMPING BEFORE PIPE PLACEMENT AND / OR BACKFILLING BEGINS. WATER REMOVED FROM THE TRENCH SHALL BE PUMPED THROUGH A FILTRATION DEVICE.
- ON THE SAME DAY THE PIPE PLACEMENT AND TRENCH BACKFILLING TAKES PLACE, THE DISTURBED AREA WILL BE GRADED TO FINAL CONTOURS AND IMMEDIATELY STABILIZED.



LEGEND
 EXISTING FEATURES LABELED W/SLANTED TEXT
 PROPOSED DESIGN RELATED FEATURES LABELED W/VERTICAL TEXT
 (FOR LABELS ONLY, NOT FOR LINETYPE CHARACTERS)
 THE FOLLOWING FEATURES MAY OR MAY NOT APPEAR ON PLAN



OWNER & CLIENT
BOB BURDETT
 203 CHEYNEY DRIVE
 WEST CHESTER, PA 19473
 484-459-2853

PROJECT
BURDETT - 203 CHEYNEY
 203 CHEYNEY DRIVE
 WESTTOWN TOWNSHIP CHESTER COUNTY PENNSYLVANIA

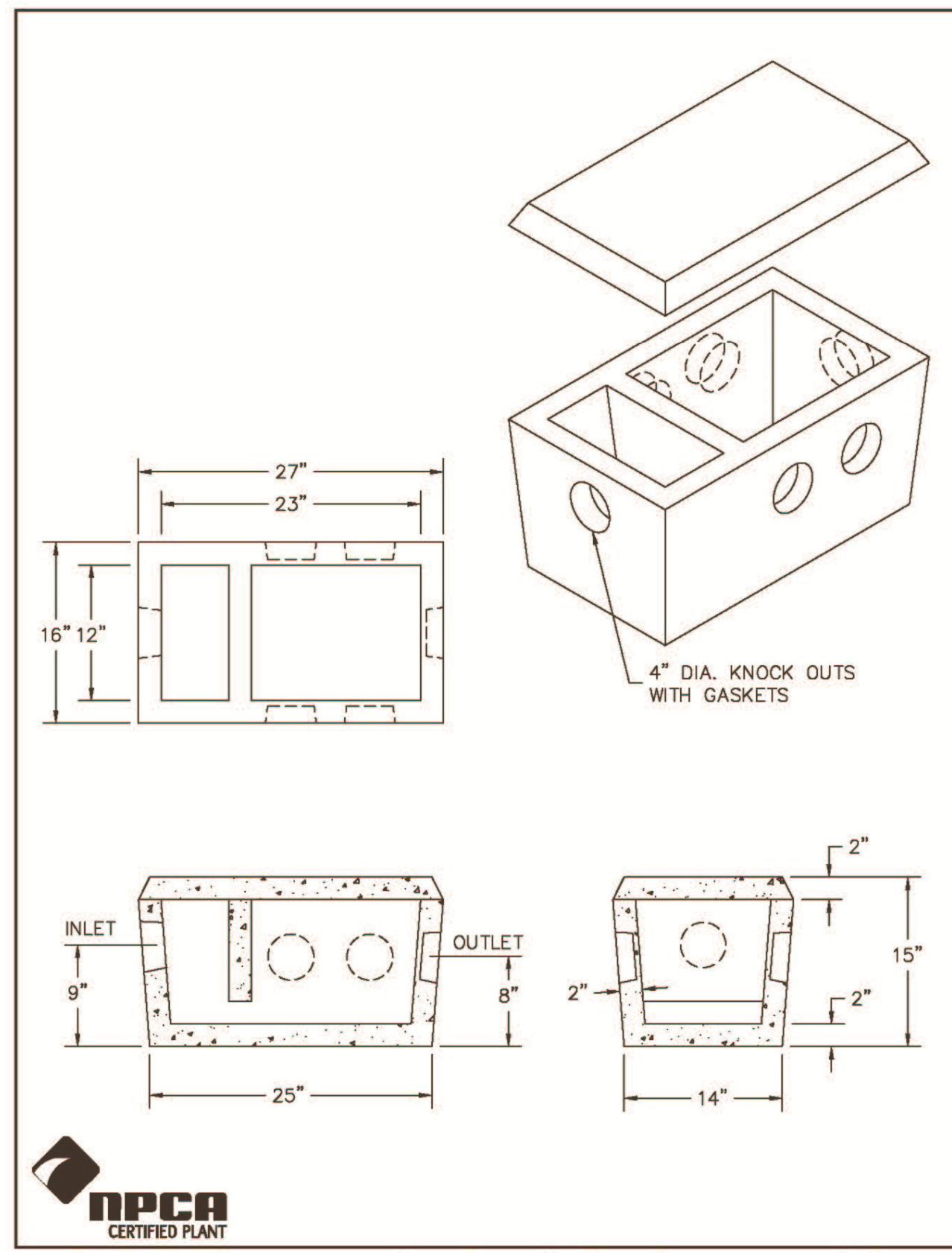
DATE	REVISIONS	BY
07/14/2023	REVISE SFTF LOW PRESSURE OUTLET ELEVATION	WFWs
09/18/2023	ADD PRIME FARMLAND NOTE PER REVIEW	WFWs

ALL COUNTY AND ASSOCIATES, INC.
 SURVEYING | ENGINEERING | ENVIRONMENTAL

P.O. BOX 472 | 1841 POTTSTOWN PIKE, ST. PETERS, PA 19470
 PHONE: 610-469-3830 | FAX: 610-469-6385
 E-MAIL: INFO@BALL-COUNTY-ASSOC.COM

DESIGNED BY	DRAWN BY	CHECKED BY	PROJECT NO.	DATE
MHV/GUL	WFWs	WFWs	WARDW001	12/21/2022

1" = 40' 2022-12-21 - Burdett-203 Cheyney - SFTF 1 OF 2



npca
CERTIFIED PLANT

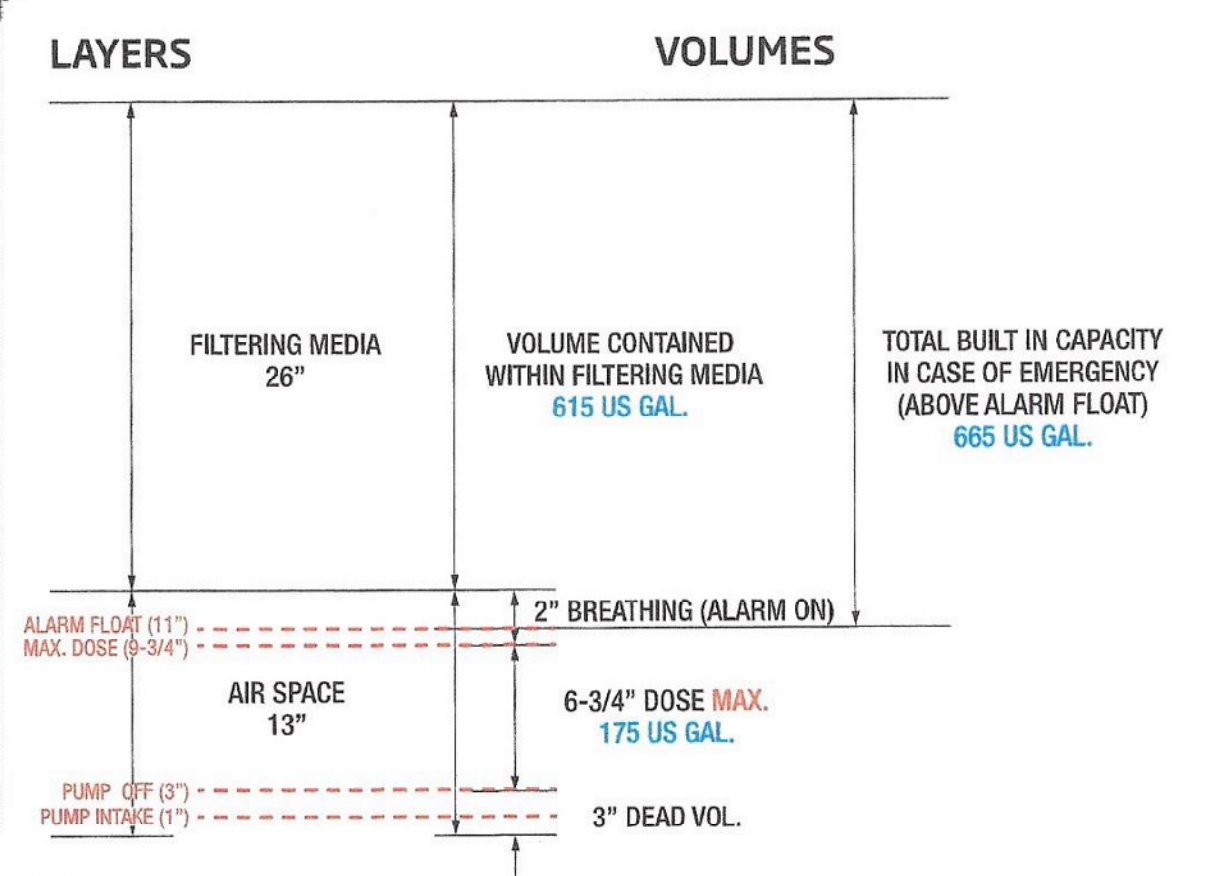
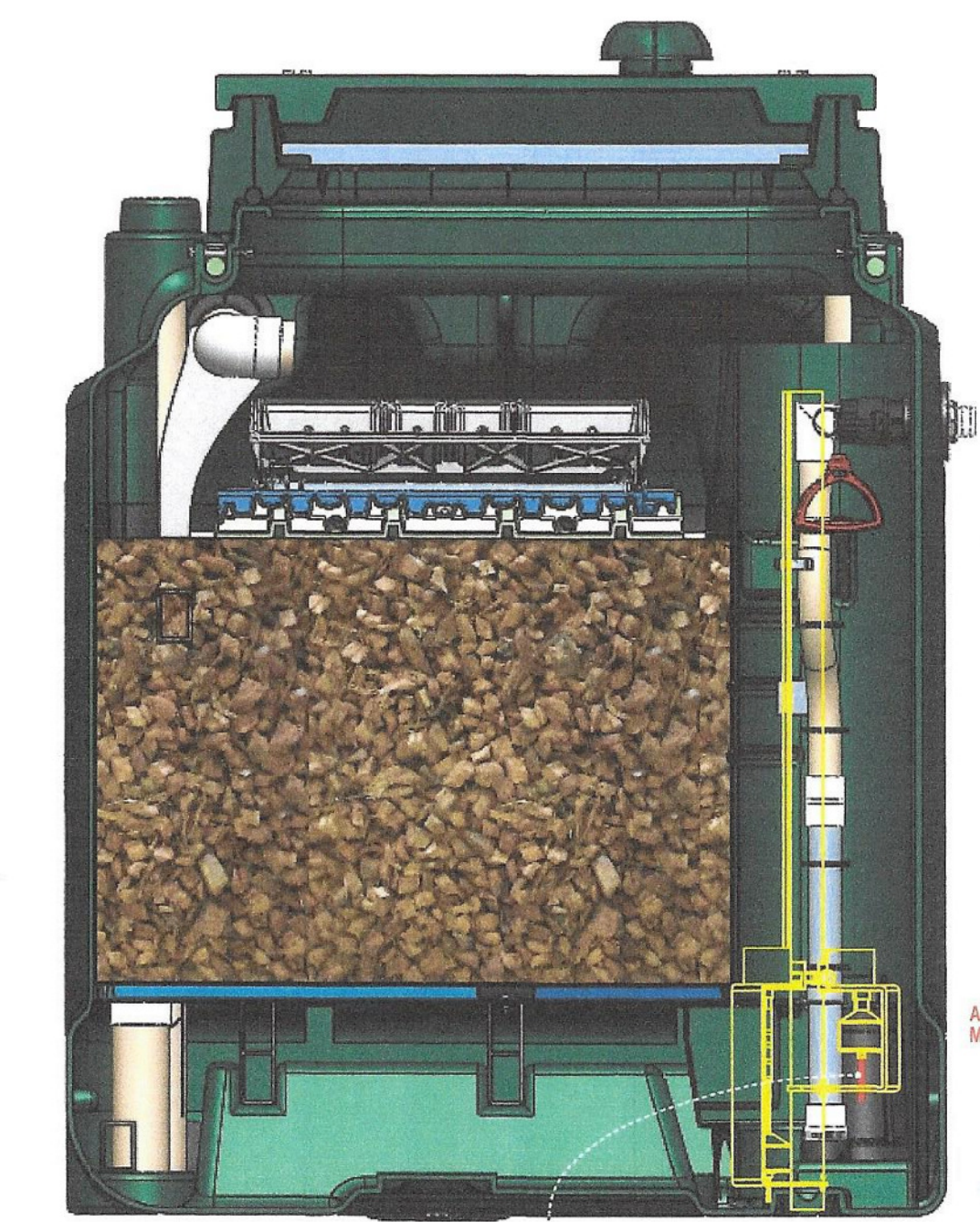
MONARCH PRECAST CONCRETE CORP.
425 NORTH DAUPHIN STREET ALLENTOWN, PA. 18109 PHONE (610) 435-6746
WWW.MONARCHPRECAST.COM FAX (610) 437-7133

5 OUTLET DISTRIBUTION BOX WITH BAFFLE

DOSING VOLUME & FLOAT ADJUSTMENT • EC7 MODEL SERIES EXISTING

Ecoflo *Coco Filter*

**POLYETHYLENE (3.4)
EC7-600P-P-USA
EC7-1900P-P-CAN**



	LENGTH OF THE SLEEVE	VOLUME OF THE DOSE	LENGTH OF THE SLEEVE	VOLUME OF THE DOSE
Factory Setting	4"	70 US GAL.	Cut 3"	1"
Cut 1"	3"	95 US GAL.	Remove all	0"
Cut 2"	2"	125 US GAL.		

Technical specifications

Model	Integrated classic UV disinfection
Maximum instantaneous flow	2,5 US gal /min (9,7 L/min)
Total daily flow	Up to 2 200 US gal per day
Power supply	120 V AC, 60 Hz, 1,5 A
Type of UV lamps	1 UV lamp unit, low pressure / high performance (254 nm) UV lamps
UV dose	21,9 mJ/cm ² @ 60 % UVT at maximum flow at the end of the lamp operational lifetime
UV lamps Operational lifetime	9 000 hours (12 months) - To be replaced every 12 months
Operating pressure	0 to 690 kPa (0 to 100 lb/in ²)
Operating temperatures	Ambient: 0°C to 50°C (32°F to 122 °F)
Water inlet diameter	Flexible pipe Ø 1"
Water outlet diameter	Flexible pipe Ø 1" or 1,5"

Treatment efficiency

Parameters	Concentration at the outlet of the Ecoflo biofilter and the UV disinfection unit
Organic matter (CBOD ₅)	≤ 15 mg/L*
Total Suspended Solids (TSS)	≤ 15 mg/L*
Fecal Coliforms (FC)	≤ 20 CFU/100 ml**

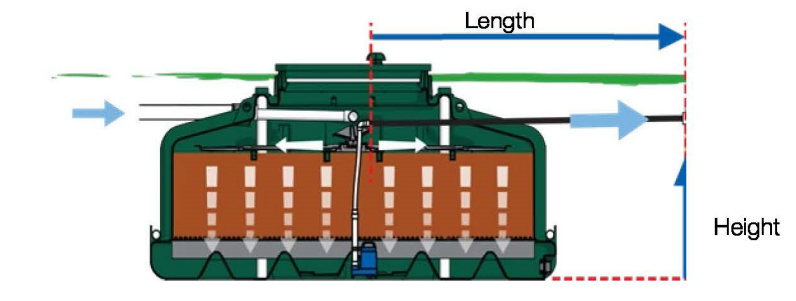
* Based on 30-day average concentrations obtained on Standard NQ 3680-910 and ANSI/NSF Standard 40
** Concentrations before reactivation (≤ 200 CFU/100 ml after reactivation), as provided for Class V of Standard NQ 3680-910

What you need to know

- The maximum length of the pressurized pipe (flexible pipe) starting from the pump with a pipe measuring 25 mm (1") or 38 mm (1.5") in diameter depends on the pressure head (i.e., the difference in gradient between the base of the pump and the end of the pressurized pipe). The following table indicates the different pressurized pipe lengths allowed.

Height of the pressure head	4,5 m (15')	3 m (10')	1,5 m (5')
Maximum Ø 25 mm (1") pipe length	30 m (100')	30 m (100')	30 m (100')
Maximum Ø 38 mm (1,5") pipe length*	30 m (100')	30 m (100')	30 m (100')

*Does not apply to EC-2.8-C-P model

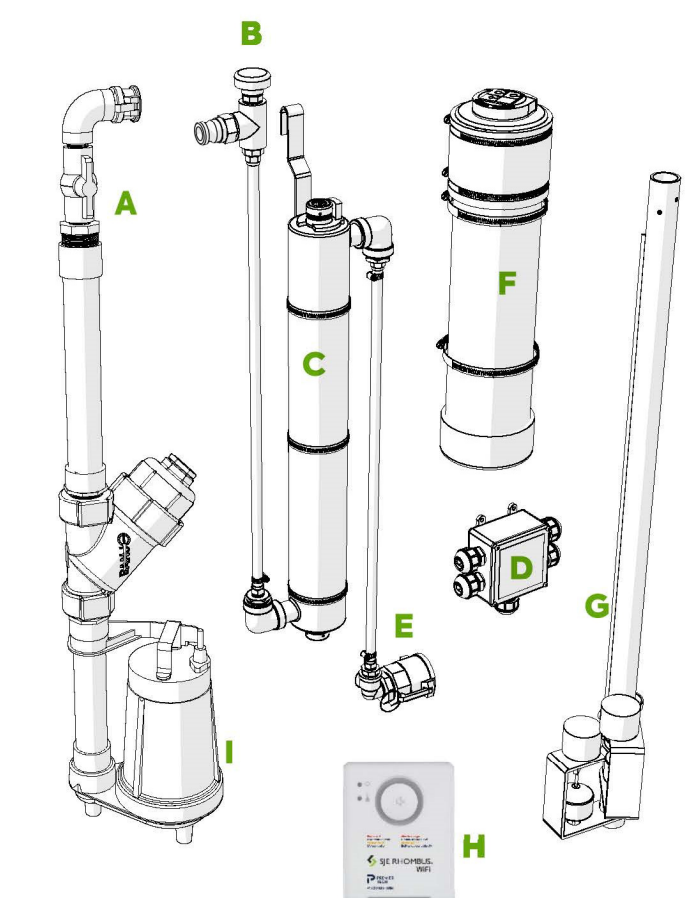


Technical data sheet – Integrated classic UV disinfection unit

This guide contains technical information relative to the ultraviolet (UV) wastewater disinfection unit, Premier Tech **Integrated classic UV disinfection unit**. For additional information, do not hesitate to contact our customer service department at **1-800-632-6366**.

Classic UV disinfection unit components

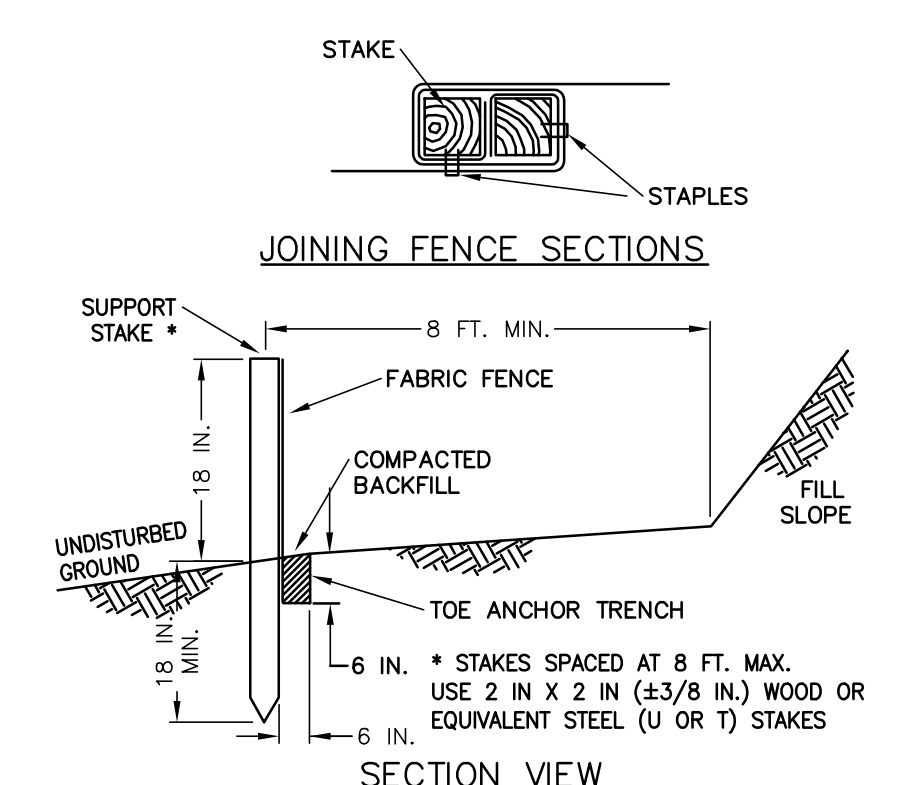
- A- 1 inlet ball valve
- B- 1 anti-siphon
- C- 1 UV unit
 - 1 ultraviolet (UV) lamp;
 - 1 quartz sleeve;
 - 1 signal for lamp failure;
 - 1 alarm for lamp failure;
 - 1 alarm for controller failure;
- D- 2 watertight junction box for electrical connections
- E- 1 sampling and filling point
- F- 1 watertight box for the UV lamp controller
- G- 1 float tree with a high alarm float
- H- 1 W(E) alarm box
- I- 1 pump assembly containing a strainer.



Water supply source quality analysis

A drinking water test is recommended, although not mandatory. Water quality must respect the following levels:

Water quality and minerals	Level
Iron	< 0.3 ppm (0.3 mg/L)
Hardness	< 7 gpg (120 mg/L)
Manganese	< 0.05 ppm (0.05 mg/L)
Tannins	< 0.1 ppm (0.1 mg/L)



NOTES:
FABRIC SHALL HAVE THE MINIMUM PROPERTIES AS SHOWN IN TABLE 4.3 OF THE PA DEP EROSION CONTROL MANUAL.
FABRIC WIDTH SHALL BE 30 IN. MINIMUM. STAKES SHALL BE HARDWOOD OR EQUIVALENT STEEL (U OR T) STAKES.
SILT FENCE SHALL BE PLACED AT LEVEL EXISTING GRADE. BOTH ENDS OF THE FENCE SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT.
SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH HALF THE ABOVE GROUND HEIGHT OF THE FENCE.
ANY SECTION OF SILT FENCE WHICH HAS BEEN UNDERMINED OR TOPPED SHALL BE IMMEDIATELY REPLACED WITH A ROCK FILTER OUTLET (STANDARD CONSTRUCTION DETAIL #4-6).
FENCE SHALL BE REMOVED AND PROPERLY DISPOSED OF WHEN TRIBUTARY AREA IS PERMANENTLY STABILIZED.

**STANDARD CONSTRUCTION DETAIL #4-7
STANDARD SILT FENCE (18" HIGH)
NOT TO SCALE**

OWNER & CLIENT
BOB BURDETT
203 CHEYNEY DRIVE
WEST CHESTER, PA 19473
484-459-2883

PROJECT
BURDETT – 203 CHEYNEY
203 CHEYNEY DRIVE
WESTTOWN TOWNSHIP CHESTER COUNTY PENNSYLVANIA

DATE	REVISIONS	BY
09/18/2023	ADD PRIME FARMLAND NOTE PER REVIEW	WFWS

ALL COUNTY AND ASSOCIATES, INC.
SURVEYING | ENGINEERING | ENVIRONMENTAL
P.O. BOX 472 | 1841 POTTSTOWN PIKE, ST. PETERS, PA 19470
PHONE: 610-469-3830 | FAX: 610-469-6385
E-MAIL: INFO@ALL-COUNTY-ASSOC.COM

DESIGNED BY	DRAWN BY	CHECKED BY	PROJECT NO.	DATE
WFWS	WFWS		WARDW0001	12/21/2022

PLAN SCALE: 1"= 40'
FIELD PERSONNEL: MHV/GJL
SHEET TITLE: SMALL FLOW TREATMENT FACILITY PLAN
CADD FILE: 2022-12-21 - Burdett-203 Cheyney - SFIF
SHEET NO.: 2 OF 2



WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610—692-1930
email: administration@westtown.org

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

February 5, 2024

Senator John Fetterman
Russell Senate Office Building, Suite 142
2 Constitution Ave NE
Washington, DC 20002

Dear Senator Fetterman:

We are writing you today in support of SB 3568, the “American Battlefield Protection Program Enhancement Act of 2024”. This important legislation supports Westtown Township’s twin goals of preserving our rich historical heritage as a site of the Battle of the Brandywine, one of the largest and most significant single day land battles in the Revolutionary War, and permanently protecting our last remaining large tract of open space from future development.

The Township is in the process of acquiring 206 acres of Crebilly Farm, site of this pivotal battle, for use as a passive recreation area at a cost of \$20.6 million. In addition, last year the Township and Chester County jointly purchased conservation easements across an additional 102 acres of Crebilly Farm that will remain privately-owned at a cost in excess of \$4 million. To support these transactions, Township voters approved an open space tax referendum in late 2022 by an overwhelming 68%-32% margin, which speaks to the deep popularity of open space preservation in the Commonwealth. While the Township is grateful to have also secured funding for the acquisition from federal, state and local sources, as well as from private donors, we are still short of our funding goals, which could put the acquisition at risk.

Successful passage of SB 3568 may help ensure that this pristine natural area with deep historical importance to not only Chester County but the entire United States remains forever untouched by development. We are grateful for your support!

Sincerely,

Tom Foster
Chair

Edward Yost
Vice Chair

Richard Pomerantz
Police Commissioner



WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610—692-1930
email: administration@westtown.org

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

February 5, 2024

Senator Bob Casey
393 Russell Senate Office Building
2 Constitution Ave NE
Washington, DC 20510-3805

Dear Senator Casey:

We are writing you today in support of SB 3568, the “American Battlefield Protection Program Enhancement Act of 2024”. This important legislation supports Westtown Township’s twin goals of preserving our rich historical heritage as a site of the Battle of the Brandywine, one of the largest and most significant single day land battles in the Revolutionary War, and permanently protecting our last remaining large tract of open space from future development.

The Township is in the process of acquiring 206 acres of Crebilly Farm, site of this pivotal battle, for use as a passive recreation area at a cost of \$20.6 million. In addition, last year the Township and Chester County jointly purchased conservation easements across an additional 102 acres of Crebilly Farm that will remain privately-owned at a cost in excess of \$4 million. To support these transactions, Township voters approved an open space tax referendum in late 2022 by an overwhelming 68%-32% margin, which speaks to the deep popularity of open space preservation in the Commonwealth. While the Township is grateful to have also secured funding for the acquisition from federal, state and local sources, as well as from private donors, we are still short of our funding goals, which could put the acquisition at risk.

Successful passage of SB 3568 may help ensure that this pristine natural area with deep historical importance to not only Chester County but the entire United States remains forever untouched by development. We are grateful for your support!

Sincerely,

Tom Foster
Chair

Edward Yost
Vice Chair

Richard Pomerantz
Police Commissioner

MEMO

Date: January 31, 2024

To: Board of Supervisors

From: Jon Altshul, Township Manager

Re: Consider Letter of Support to Senators Casey and Fetterman for SB 3568

As you know, Senator Tim Kaine from Virginia has introduced the “American Battlefield Protection Program Enhancement Act” (attached) in the Senate that would provide the Secretary of the Interior with additional authority to make grants through the American Battlefield Protection Program. The House version of the bill (HR 3448) passed the House in late 2023.

While this legislation could benefit the Township in our efforts to close the funding gap for the acquisition of Crebilly Farm, the Board should be advised that even if the bill gains a second sponsor and quickly passes, there would need to be a potentially lengthy rulemaking process before American Battlefield Trust funds might be available to assist with the acquisition of Crebilly. Nevertheless, the bill is still, by all accounts, a step in the right direction that could provide benefits to not only Westtown, but other area townships that lie within the Brandywine Battlefield Swath.

In addition, please be advised that at its meeting on January 23, the EAC unanimously passed a motion to recommend that the Board of Supervisors send a letter in support of the bill to Senators Casey and Fetterman. I have attached a letter for your consideration.

118TH CONGRESS
2D SESSION

S. 3568

To amend chapter 3081 of title 54, United States Code, to enhance the protection and preservation of America’s battlefields.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2024

Mr. KAINE (for himself, Mrs. HYDE-SMITH, Mr. WARNER, Mr. CARDIN, Mr. CORNYN, Mr. VAN HOLLEN, Mr. WICKER, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend chapter 3081 of title 54, United States Code, to enhance the protection and preservation of America’s battlefields.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Battlefield
5 Protection Program Enhancement Act of 2024”.

6 **SEC. 2. AMERICAN BATTLEFIELD PROTECTION PROGRAM**
7 **IMPROVEMENTS.**

8 (a) DEFINITIONS.—Section 308101 of title 54,
9 United States Code, is amended to read as follows:

1 **“§ 308101. Definitions**

2 “In this chapter:

3 “(1) SECRETARY.—The term ‘Secretary’ means
4 the Secretary, acting through the American Battle-
5 field Protection Program.

6 “(2) BATTLEFIELD REPORTS.—The term ‘Bat-
7 tlefield Reports’ means, collectively—

8 “(A) the document entitled ‘Report on the
9 Nation’s Civil War Battlefields’, prepared by
10 the Civil War Sites Advisory Commission, and
11 dated July 1993; and

12 “(B) the document entitled ‘Report to
13 Congress on the Historic Preservation of Revo-
14 lutionary War and War of 1812 Sites in the
15 United States’, prepared by the National Park
16 Service, and dated September 2007.’”.

17 (b) PRESERVATION ASSISTANCE.—Section
18 308102(a) of title 54, United States Code, is amended by
19 striking “Federal” and all that follows through “organiza-
20 tions” and inserting “Federal agencies, States, Tribes,
21 local governments, other public entities, educational insti-
22 tutions, and nonprofit organizations”.

23 (c) BATTLEFIELD LAND ACQUISITION GRANTS IM-
24 PROVEMENTS.—Section 308103 of title 54, United States
25 Code, is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) ELIGIBLE SITE DEFINED.—In this section, the
4 term ‘eligible site’—

5 “(1) means a site that—

6 “(A) is not within the exterior boundaries
7 of a unit of the National Park System; and

8 “(B) is identified in the Battlefield Reports
9 as a battlefield; and

10 “(2) excludes sites identified in the Battlefield
11 Reports as associated historic sites.”;

12 (2) in subsection (b), by striking “State and
13 local governments” and inserting “States, Tribes,
14 local governments, and nonprofit organizations”;

15 (3) in subsection (c), by striking “State or local
16 government” and inserting “State, Tribe, or local
17 government”; and

18 (4) in subsection (e), by striking “under this
19 section” and inserting “under this section, including
20 by States, Tribes, local governments, and nonprofit
21 organizations,”.

22 (d) BATTLEFIELD RESTORATION GRANTS IMPROVE-
23 MENTS.—Section 308105 of title 54, United States Code,
24 is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish a battlefield restoration grant program (referred to
5 in this section as the ‘program’) under which the Secretary
6 may provide grants to States, Tribes, local governments,
7 and nonprofit organizations for projects that restore day-
8 of-battle conditions on—

9 “(1) land preserved and protected under the
10 battlefield acquisition grant program established
11 under section 308103(b); or

12 “(2) battlefield land that is—

13 “(A) owned by a State, Tribe, local govern-
14 ment, or nonprofit organization; and

15 “(B) referred to in the Battlefield Re-
16 ports.”; and

17 (2) by striking subsection (b) and inserting the
18 following:

19 “(b) ELIGIBLE SITES.—The Secretary may make
20 grants under this section for Revolutionary War, War of
21 1812, and Civil War battlefield sites—

22 “(1) eligible for assistance under the battlefield
23 acquisition grant program established under section
24 308103(b); or

25 “(2) on battlefield land that is—

1 “(A) owned by a State, Tribe, local govern-
2 ment, or nonprofit organization; and

3 “(B) referred to in the Battlefield Re-
4 ports.”.

5 (e) UPDATES AND IMPROVEMENTS.—Chapter 3081
6 of title 54, United States Code, is amended by adding at
7 the end the following:

8 **“§ 308106. Updates and improvements to Battlefield**
9 **Reports**

10 “Not later than 2 years after the date of the enact-
11 ment of this section, and every 10 years thereafter, the
12 Secretary shall submit to Congress a report that updates
13 the Battlefield Reports to reflect—

14 “(1) preservation activities carried out at the
15 battlefields in the period since the publication of the
16 most recent Battlefield Reports update;

17 “(2) changes in the condition, including core
18 and study areas, of the battlefields during that pe-
19 riod; and

20 “(3) any other relevant developments relating
21 to the battlefields during that period.”.

22 (f) CLERICAL AMENDMENT.—The table of sections
23 for chapter 3081 of title 54, United States Code, is
24 amended as follows:

- 1 (1) By amending the item relating to section
- 2 308101 to read as follows:

“308101. Definitions.”.

- 3 (2) By adding at the end the following:

“308106. Updates and improvements to Battlefield Reports.”.

○

WESTT21001

MEMORANDUM

TO: Jon Altshul, Township Manager

FROM: Marc Morfei, Project Manager

A handwritten signature in black ink, appearing to read "Marc Morfei", is positioned to the right of the "FROM:" field.

DATE: January 26, 2024

SUBJECT: Oakbourne Park
MECO Constructors Inc.
Payment Request No. 9

We have reviewed the attached Request for Payment [No. 9] submitted by MECO Constructors Inc. and find the request consistent with the work performed and in accordance with the Contract Documents. Therefore, we recommend payment as shown in the attached application.

The total amount of this request for payment less retainage is **\$204,979.50**.

Please call if you have any questions or if we can be of further assistance.

Enclosure: Pay Request [No. 9]

REQUEST FOR PAYMENT

From: MECO CONSTRUCTORS INC.
684 DUNKSFERRY ROAD
BENSALEM, PA 19020

To: Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Invoice: 9235110
Draw: 9
Invoice date: 12/31/2023
Period ending date: 12/31/2023

Contract For:

Request for payment:

Original contract amount	\$5,380,100.00	
Approved changes	\$92,450.00	
Revised contract amount		\$5,472,550.00
Contract completed to date		\$4,083,659.16
Add-ons to date	\$0.00	
Taxes to date	\$0.00	
Less retainage	\$408,365.92	
Total completed less retainage		\$3,675,293.24
Less previous requests	\$3,470,313.74	
Current request for payment		\$204,979.50
Current billing		\$227,755.00
Current additional charges	\$0.00	
Current tax	\$0.00	
Less current retainage	\$22,775.50	
Current amount due		\$204,979.50
Remaining contract to bill	\$1,797,256.76	

Project: 1-23511-0
Oakbourne Park Improvements

Contract date:

Architect:

Scope:

Marc Morfei

Approved 1/26/2024
Marc Morfei, Pennoni Assoc.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner	92,450.00	
Total approved this Month		
TOTALS	92,450.00	
NET CHANGES by Change Order	92,450.00	

I hereby certify that the work performed and the materials supplied to date, as shown on the above represent the actual value of the accomplishment under the terms of the Contract (and all authorized changes thereof) between the undersigned and the Westtown Township relating to the above referenced project. I also certify that the contractor has paid all amounts previously billed and paid by the owner.

CONTRACTOR: MECO CONSTRUCTORS INC.


State Of PA

County Of BUCKS

By: 

Subscribed and sworn to before me this 26th day of Jan, 2024

Date: 1/26/24

Notary Public 
My commission expires: 6/30/2024

Commonwealth of Pennsylvania - Notary Seal
Wendy M. Weil, Notary Public
Bucks County
My commission expires June 30, 2024
Commission number 1041388
Member, Pennsylvania Association of Notaries

REQUEST FOR PAYMENT DETAIL

Project: 1-23511-0 / Oakbourne Park Improvem

Invoice: 9235110

Draw: 9

Period Ending Date: 12/31/2023

Detail Page 2 of 4 Pages

Item ID	Description	CONTRACTED				CURRENT		TOTAL TO DATE		Units to Finish
		Unit of Measure	Bid Quantity	Unit Price	Amount	Quantity	Amount	Quantity	Amount	
1	Temporary Site Controls	LS	1.00	29,000.00	29,000.00			1.00	29,000.00	
2	Temporary Erosion Controls	LS	1.00	89,000.00	89,000.00			1.00	89,000.00	
3	Site Preparation	LS	1.00	79,500.00	79,500.00			1.00	79,500.00	
4	Clearing & Grubbing	LS	1.00	44,900.00	44,900.00			1.00	44,900.00	
5	Remove Trees Over 6" Caliper	EA	25.00	580.00	14,500.00			25.00	14,500.00	
6	Remove Water Meter Vault	EA	1.00	2,300.00	2,300.00			1.00	2,300.00	
7	Earthwork	LS	1.00	662,000.00	662,000.00			0.90	595,800.00	0.10
8	Concrete Curb	LF	2,550.00	35.00	89,250.00			2,250.00	78,750.00	300.00
9	Bituminous Parking Lot Paving	SY	6,750.00	49.00	330,750.00	1,687.50	82,687.50	5,062.50	248,062.50	1,687.50
10	ParkingLot Pvmnt Markngs&Signs	LS	1.00	10,950.00	10,950.00					1.00
11	Concrete Sidewalk	SF	7,257.00	13.00	94,341.00			725.00	9,425.00	6,532.00
12	ADA Curb Ramps	EA	8.00	2,600.00	20,800.00			4.00	10,400.00	4.00
13	Concrete Dumpster Pad	LS	1.00	7,600.00	7,600.00	1.00	7,600.00	2.00	15,200.00	-1.00
14	Boulder Wall	LF	280.00	222.00	62,160.00			57.00	12,654.00	223.00
15	Parking Lot Light Poles	EA	2.00	17,750.00	35,500.00			1.80	31,950.00	0.20
16	Flagpole Lighting	LS	1.00	16,300.00	16,300.00			1.00	16,300.00	
17	Site Electrical Outlets	LS	1.00	12,960.00	12,960.00			1.00	12,960.00	
18	ComfrtStatinBldgFnd&Cordnation	LS	1.00	25,400.00	25,400.00			1.00	25,400.00	
19	ShdPav,Ftgs&ConcPad@ComfStatio	LS	1.00	121,500.00	121,500.00			1.00	121,500.00	
20	Hex Block Asphalt Unit Paving	SY	300.00	368.00	110,400.00			150.00	55,200.00	150.00
21	Bit Pathway-Athletic Core Area	SY	1,400.00	60.00	84,000.00			720.00	43,200.00	680.00
22	Picnic Tables	EA	6.00	2,135.00	12,810.00	6.00	12,810.00	6.00	12,810.00	
23	StoneSeatWall@ComfortStation	LF	25.00	795.00	19,875.00	5.00	3,975.00	25.00	19,875.00	
24	Trash Receptacles	EA	4.00	1,780.00	7,120.00	4.00	7,120.00	4.00	7,120.00	
25	Benches	EA	9.00	1,400.00	12,600.00	9.00	12,600.00	9.00	12,600.00	
26	Collapsible Bollards	EA	3.00	2,040.00	6,120.00	3.00	6,120.00	3.00	6,120.00	
27	Basketball Court & Features	LS	1.00	106,000.00	106,000.00			0.25	26,500.00	0.75
28	StoneSeat/RetainWall@BsktblCr	LF	125.00	800.00	100,000.00	25.00	20,000.00	125.00	100,000.00	
29	ChainLinkFence@BasketballCourt	LF	265.00	104.00	27,560.00					265.00
30	GravityBlkWalls@BasketbalCourt	SF	735.00	77.00	56,595.00			642.00	49,434.00	93.00
31	Tennis Court & Feastures	EA	2.00	85,800.00	171,600.00					2.00
32	ChnLnkFenc&Gates@TennisCourts	LF	730.00	142.00	103,660.00					730.00
33	GravityBlkWalls@Tennis Courts	SF	1,726.00	70.00	120,820.00					1,726.00

REQUEST FOR PAYMENT DETAIL

Project: 1-23511-0 / Oakbourne Park Improvemen

Invoice: 9235110

Draw: 9

Period Ending Date: 12/31/2023

Detail Page 3 of 4 Pages

Item ID	Description	CONTRACTED				CURRENT		TOTAL TO DATE		Units to Finish
		Unit of Measure	Bid Quantity	Unit Price	Amount	Quantity	Amount	Quantity	Amount	
34	ConcPad-ShadStruct@TennisCourt	LS	1.00	20,800.00	20,800.00					1.00
35	Tennis Backboard Wall Panel	EA	1.00	12,350.00	12,350.00					1.00
36	(3) Pickleball Courts&Features	LS	1.00	79,300.00	79,300.00			0.25	19,825.00	0.75
37	ChnLnkFnc&Gates@PicklballCourt	LF	215.00	123.00	26,445.00			50.00	6,150.00	165.00
38	GravtyBlkWalls@PicklballCourts	SF	665.00	81.00	53,865.00			1,014.47	82,172.07	-349.47
39	Batting Cage	LS	1.00	128,300.00	128,300.00			0.50	64,150.00	0.50
40	Flagpole,Found&AsociatedPaving	LS	1.00	8,500.00	8,500.00			1.00	8,500.00	
41	ConcStep&Hndrails#1@PickbCourt	LS	1.00	37,300.00	37,300.00			1.00	37,300.00	
42	ConcStep&Hndrails#2@TennisCourt	LS	1.00	33,100.00	33,100.00					1.00
43	ConcStep&Hndrai#3@ComfStation	LS	1.00	87,200.00	87,200.00			1.00	87,200.00	
44	ConcStep&Hndrai#4@SoccerField	LS	1.00	127,900.00	127,900.00			1.00	127,900.00	
45	ConcStep&Hndrai#5@PakingLot	LS	1.00	126,700.00	126,700.00			1.00	126,700.00	
46	Surface Infiltration Basin #1	LS	1.00	112,400.00	112,400.00			1.00	112,400.00	
47	Surface Infiltration Basin #2	LS	1.00	151,800.00	151,800.00			1.00	151,800.00	
48	SubsurfaceInfiltration Basin#3	LS	1.00	224,400.00	224,400.00			1.00	224,400.00	
49	Rain Garden Basin #4	LS	1.00	10,180.00	10,180.00					1.00
50	Rain Garden Basin #5	LS	1.00	6,980.00	6,980.00					1.00
51	Rain Garden Basin #6	LS	1.00	6,980.00	6,980.00					1.00
52	Rain Garden Basin #7	LS	1.00	17,600.00	17,600.00					1.00
53	Bioretention Basin #8	LS	1.00	13,100.00	13,100.00					1.00
54	Bioretencion Basin #9	LS	1.00	12,300.00	12,300.00					1.00
55	15" HDPE	LF	2,205.00	61.00	134,505.00			2,122.00	129,442.00	83.00
56	24" HDPE	LF	31.00	116.00	3,596.00					31.00
57	Stormwater Inlets	EA	37.00	3,405.00	125,985.00			35.00	119,175.00	2.00
58	Stormwater Manholes	EA	14.00	4,280.00	59,920.00			14.00	59,920.00	
59	Endwalls	EA	6.00	2,210.00	13,260.00			1.00	2,210.00	5.00
60	Not Used	EA			0.00					
61	E.PleasantGroveCulvertCrossing	LS	1.00	40,000.00	40,000.00			1.00	40,000.00	
62	New Metered Electrical Service	LS	1.00	131,800.00	131,800.00			1.00	131,800.00	
63	New Sanitary Service	LS	1.00	50,000.00	50,000.00			1.00	50,000.00	
64	New Metered Water Service	LS	1.00	54,400.00	54,400.00			1.00	54,400.00	
65	GrndHydrants(2)&AssocPlumbing	LS	1.00	3,550.00	3,550.00			1.00	3,550.00	
66	Relocat Existing12" Water Line	LF	393.00	440.00	172,920.00			393.00	172,920.00	

REQUEST FOR PAYMENT DETAIL

Project: 1-23511-0 / Oakbourne Park Improvemen

Invoice: 9235110

Draw: 9

Period Ending Date: 12/31/2023 Detail Page 4 of 4 Pages

Item ID	Description	CONTRACTED				CURRENT		TOTAL TO DATE		Units to Finish
		Unit of Measure	Bid Quantity	Unit Price	Amount	Quantity	Amount	Quantity	Amount	
67	RelocateExistingElectricalLine	LF	100.00	50.00	5,000.00			100.00	5,000.00	
68	RelocateExistingNaturalGasLine	LF	100.00	230.00	23,000.00			101.00	23,229.68	-1.00
69	French Drain System @ Pond	LS	1.00	27,251.00	27,251.00			1.00	27,251.00	
70	NewPavedWalkPath@MansionArea	SY	410.00	99.00	40,590.00	307.50	30,442.50	307.50	30,442.50	102.50
71	NewGrvWalkingPath@PondArea	SY	360.00	162.00	58,320.00			360.00	58,320.00	
72	ResurfaceExistingGravelDrive	SY	1,100.00	34.00	37,400.00	1,100.00	37,400.00	1,100.00	37,400.00	
73	Dedicious Shade Trees	EA	86.00	785.00	67,510.00					86.00
74	Deciduous Ornamental Trees	EA	26.00	785.00	20,410.00					26.00
75	Evergreen Trees	EA	47.00	505.00	23,735.00					47.00
76	Shrubs	EA	438.00	62.00	27,156.00					438.00
77	Ornamental Grasses	EA	32.00	28.00	896.00					32.00
78	Basin Seed Mixes	LS	1.00	1,925.00	1,925.00					1.00
79	Lawn Seeding	LS	1.00	44,500.00	44,500.00					1.00
AA1	Playground	LS	1.00	98,800.00	98,800.00			1.00	98,891.41	0.00
AA5a	ConvtExistngGravlTrails-Asphlt	LS	1.00	121,300.00	121,300.00			1.00	121,300.00	
AA5b	Fixed Steel Bollards	EA	5.00	1,400.00	7,000.00	5.00	7,000.00	5.00	7,000.00	
ChngOrd 1	CO#1 UndrgrndTnkClsr,ReloElcLn	EA	1.00	92,450.00	92,450.00			1.00	92,450.00	

Totals				5,472,550.00		227,755.00		4,083,659.16	
---------------	--	--	--	--------------	--	------------	--	--------------	--

From: [EMC](#)
To: [Jonathan Altshul](#)
Subject: Fw: Hydrant Additions
Date: Monday, January 8, 2024 10:12:31 AM

Hi Jon,

Hope all is well with you.

See below email from the West Chester Fire Department. I am working on my monthly report to the supervisors, would this go there or is this something you would request?

Thanks,

Gerry

Gerald R. DiNunzio, Jr

Township Fire Marshal
Township Emergency Management Coordinator

Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Email: emc@westtown.org
(610) 692-1930

From: Justin McClure <jmccclure@wcfiredept.org>
Sent: Saturday, December 30, 2023 12:39 PM
To: EMC <emc@westtown.org>
Subject: Hydrant Additions

Good afternoon,

As a follow up to our discussion, the West Chester Fire Department is requesting Westtown Township approve the addition of two fire hydrants on S Concord Road as part of an Aqua Pennsylvania infrastructure upgrade project. The project is slated to occur in 2024. The new hydrants would be installed on S Concord Road at the entrance to Oakbourne Mansion and Park, as well as at S Concord and E Pleasant Grove Roads. The Township would incur an increased monthly hydrant lease fee of \$28.57 per month, per hydrant. There would be no cost associated with the installation, as it would be absorbed into the overall project. If the township approves,

attached is a sample letter that West Chester Borough sent to Aqua last year for a similar addition. The letter should be addressed to:

Lisa A Thomas
Administrative Assistant III
Aqua Pennsylvania, Inc
762 W Lancaster Avenue
Bryn Mawr, PA 19010

Please let me know if you have any other questions.

Thank you,

Justin McClure, Assistant Chief
West Chester Fire Department, Station 51
jmclure@wcfiredept.org
484-880-1040 Cell
4848-887-2817 Office



ARBNET ARBORETUM ACCREDITATION APPLICATION FORM

The ArbNet Arboretum Accreditation Program provides standards and guidelines for the establishment and development of an arboretum. The goals of the accreditation program are to:

- 1) *foster the establishment and professionalism of arboreta;*
- 2) *identify arboreta capable of participating or collaborating in certain scientific, collections, or conservation activities; and*
- 3) *advance the planting, study, and conservation of trees to improve the world.*

Arboreta that are accredited are encouraged to become leaders and serve as models to promote professional development and engagement with other arboreta.

Different levels of accreditation have been established to recognize arboreta at varying degrees of development, capacity, and professionalism. Accredited arboreta are encouraged to continue their growth and development to achieve higher professional standards.

Arboreta and public gardens are eligible to apply for accreditation by submitting this form along with supporting documentation to demonstrate their level of achievement according to the specified standards. Once the application is completed, a decision will usually be made within four weeks. A site visit by an ArbNet representative may be required as part of the accreditation process.

The ArbNet Arboretum Accreditation Program is sponsored and supported by The Morton Arboretum, Botanic Gardens Conservation International (BGCI), and the American Public Gardens Association (APGA).

Arboreta and public gardens completing an application for ArbNet Accreditation Level III or Level IV are able to provide additional information to be considered for BGCI Botanic Garden Accreditation: <https://www.bgci.org/our-work/services-for-botanic-gardens/bgci-accreditation-scheme/botanic-garden-accreditation/>.

For more information regarding specific accreditation requirements:

Visit: arbnet.org/accreditation

Call: 630-310-7013

Email: arbnet@mortonarb.org

Please submit your completed application via email:

Email: arbnet@mortonarb.org



ARBORETUM:

Name of Arboretum:	
Address or PO Box:	
Mailing Address:	
City:	
State/Province:	
Country:	
ZIP/Postal Code:	
Latitude and Longitude:	
Acres:	
URL:	

ARBORETUM CONTACT (FOR ARBNET PURPOSES):

Name:	
Title:	
Email:	
Phone:	

INDIVIDUAL SUBMITTING APPLICATION (IF NOT ARBORETUM CONTACT):

Name:	
Title:	
Email:	
Phone:	

TYPE OF ORGANIZATION:

Please check all that apply:

<input type="checkbox"/>	Arboretum	<input type="checkbox"/>	Historical Site	<input type="checkbox"/>	Nonprofit
<input type="checkbox"/>	Garden	<input type="checkbox"/>	Museum	<input type="checkbox"/>	City Park
<input type="checkbox"/>	College	<input type="checkbox"/>	Cemetery	<input type="checkbox"/>	Town
<input type="checkbox"/>	University	<input type="checkbox"/>	Business	<input type="checkbox"/>	City
<input type="checkbox"/>	Zoo	<input type="checkbox"/>	Golf Course	<input type="checkbox"/>	Community
<input type="checkbox"/>	Other:				

AUTHORIZATION AND VERIFICATION

The chairperson or leader of the applicant arboretum’s governing board, organizational group, or authority (corresponding to Section I. below) must approve this application, specifically verifying the accuracy and authenticity of the information it contains. Approval is indicated by placement below of this individual’s name, title or role at arboretum, and contact information.

Authorizing/Verifying Governance Leader (other than individual submitting application):

Name:	
Title:	
Email:	
Phone:	

ARBORETUM ACCREDITATION STANDARDS

Accreditation standards are outlined on the website, arbnet.org/accreditation, and described in each of the following application sections. Please indicate which of the following standards have been met by the applicant and provide the information requested. Fulfillment of these standards is self-determined by the applicant.

Arboretum accreditation level sought (check one): LEVEL I LEVEL II LEVEL III LEVEL IV

BGCI Botanic Garden Accreditation sought (if Level III or Level IV checked above) : Yes No

FOUR LEVELS OF ACCREDITATION

Please use this chart as a reference. The levels of accreditation recognize arboreta with different degrees of development, capacity, and professionalism.

	LEVEL I	LEVEL II	LEVEL III	LEVEL IV
Arboretum plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Organizational or governance group	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Labeled tree and woody plant taxa				
25+	<input checked="" type="checkbox"/>			
100+		<input checked="" type="checkbox"/>		
500+			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Staff or volunteer support				
Volunteer or paid	<input checked="" type="checkbox"/>			
Paid management		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Curator			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Scientific or conservation staff				<input checked="" type="checkbox"/>
Public dimension				
Public access and at least one event per year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Enhanced public and educational programs		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Substantial educational programming			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Collections policy		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Collaboration with other arboreta			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Collections data sharing with networked collections			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Agenda for tree science, planting, and conservation			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Collections conservation				<input checked="" type="checkbox"/>
Conservation role in Global Trees Campaign				<input checked="" type="checkbox"/>

1. GENERAL ACCREDITATION REQUIREMENTS (ALL LEVELS)

a. Arboretum Plan

Documentation such as an organizational plan, strategic plan, master plan, or other, that defines the purpose of the arboretum, its audience(s), the types of plants that are to be grown to achieve that purpose and serve those audiences, provisions for the maintenance and care of the plants, and provisions for the continuing operation of the organization through time with a clear succession plan. Sample organizational plans can be found [here](#) on ArbNet.

Provide a brief description or outline of the type and scope of the plan for your arboretum. Attach the Master Plan document if possible.

b. Organizational or Governance Group

A governing board, group of people, or authority that is dedicated to the arboretum plan and its continuation beyond the efforts of a single individual. Such an organizational/governance group will affirm fulfillment of standards and authorize participation as an accredited arboretum.

Describe the nature of your governance board or authority and the number and type of individuals involved. Attach any relevant documents or policies relating to the Governance Group.

c. Arboretum Collection

The number of tree and woody plant species being grown in accordance with the arboretum plan. Plants in the arboretum's collection must be labeled in some way to identify them taxonomically, including scientific name and cultivar if applicable, and documented in some way so that information on their acquisition (source or origin, date of acquisition, etc.) is available for access. Minimum numbers are:

25+ Species (Level I) 100+ Species (Level II) 500+ Species (Levels III and IV)

Indicate the number of trees/woody plant species in the collection and describe the method for labeling and documenting the plants. Provide the link to your collections database and indicate if it is shared in a searchable, open-access database, such as BGCI PlantSearch (http://www.bgci.org/plant_search.php). If your collection species list is not shared or accessible online, please attach the list with your application.

List any special taxonomic, geographic, ecological, or conservation collections of note (e.g. oaks; Acer; dwarf conifers; halophytes; woody plants of Madagascar; etc.):



SHARE YOUR DATA

To share your collections database with BGCI, visit: <https://www.bgci.org/resources/bgci-tools-and-resources/plantsearch-upload-instructions/>.

Detailed instructions are provided.

d. Arboretum Staff or Volunteer Support

i. Level I

Employees or volunteers who ensure fulfillment of the arboretum plan and provide for the basic needs of the arboretum collection and functions of the arboretum.

Describe the scope of staff or volunteers engaged in or supporting the work of the arboretum.

ii. Levels II, III, & IV

One or more paid arboretum employees who have job responsibilities that specifically include management or operation of the arboretum in fulfillment of the arboretum plan.

Describe the staff responsible for management or operations of the arboretum, including staff dedicated to educational programming for Levels III & IV.

iii. Levels III & IV

A dedicated curator, or curator-equivalent employee, who is focused on the care and development of the arboretum collection, in accordance with the arboretum plan and collections policy.

Provide the name and job title of the curator or curator-equivalent employee.

e. Arboretum Public Dimension

A public dimension that includes some level of public access, and at least one public event or educational program each year focused on trees, forest ecology, or arboretum purposes (for example, an Arbor Day observance).

Describe how the arboretum is open or accessible to the public, and name and describe the public events or programs offered.

2. COLLECTIONS AND EDUCATION (REQUIRED FOR LEVELS II, III, AND IV)

a. **Arboretum Collections Policy**

A collections policy describes the purpose, development, and professional management of the plants in the arboretum collection, in accordance with standards developed in the public garden and museum fields. Such a policy and related practices includes a rationale for holding the particular collections of the arboretum, collections inventory, and record-keeping practices. Examples are available on the [ArbNet website](#).

Describe and outline the elements of the collections policy and attach the document if possible.

b. **Enhanced Educational and Public Programming**

Enhanced or substantial educational and public programming beyond the basic level required for Level I accreditation. Programs must be related to trees (e.g. tree identification, forest ecology, conservation, collections, or some other tree-focused aspect of the arboretum mission or master plan).

i. **Level II Enhanced Education Program**

Describe the educational and public programs offered by the arboretum. Include evidence of at least two outcome-based education programs (e.g. provide program description, syllabus, hand-outs, worksheets, tour script, tour map, etc.).

ii. **Levels III and IV Substantial Education Program**

A substantial program of education related to trees, woody plants, forest ecology, conservation, and other related topics. Provide a description of your overarching program plan including your education program strategy, number of outcome-based education programs, and explain how they are evaluated.

3. REQUIRED FOR LEVEL III ONLY

Please complete if you are interested in acquiring a Level III accreditation. If you are interested in a Level IV accreditation, please skip this section and complete only the Level IV section below.

a. Collaboration

A professional capability to collaborate in some way with other arboreta or relevant organizations (e.g. public gardens, universities, local government, NGOs, student groups, etc.), preferably with evidence of existing collaboration. Examples of collaborations may include plant evaluations, research projects, *in situ* or *ex situ* conservation projects, educational programs, exhibits, public events, interpretation, collecting expeditions, plant exchanges, professional meetings, and co-authoring scientific research papers.

*Provide examples of existing collaborations with other arboreta and related organizations.
Please describe your capacity to collaborate.*

Please indicate whether you are a member of the following professional organizations or indicate other professional societies in which you participate.

___ BGCI Botanic Gardens Conservation International (bgci.org)

___ APGA American Public Gardens Association (publicgardens.org/why-join-association)

___ Plant Collections Network (publicgardens.org/programs/about-plant-collections-network)

___ Other:

b. Collections Data Sharing

Sharing of plant collections data with networked collections databases, such as BGCI's PlantSearch Database (<https://www.bgci.org/resources/bgci-tools-and-resources/plantsearch-upload-instructions/>).

Describe how the arboretum shares its plant collections data with one or more networked collections databases.

c. Tree Science, Planting, and Conservation

An active agenda related to tree science, forest ecology, strategic planting, or conservation. This agenda should include direct research or the facilitation of scientific activities beyond public educational activities, in which data are acquired to solve problems in tree science or tree conservation. Examples include conducting plant trials; habitat monitoring; detecting pests and diseases; hosting collections-based research projects; and conducting research in forest ecology, physiology, systematics, seed and tissue banking, horticulture and tree care. You may refer to the Global Trees Campaign addendum at the end of this application for examples of important tree conservation activities. The Global Trees Campaign (www.globaltrees.org) is the only international conservation program dedicated to saving the world's threatened tree species.

Describe the arboretum's activities related to tree science, planting, and/or conservation. Include a list of relevant references, reports, or peer-reviewed journal articles.

4. REQUIRED FOR LEVEL IV

a. Collaboration

A professional capability to collaborate in some way with other arboreta or relevant organizations (e.g. public gardens, universities, local government, NGOs, student groups, etc.), preferably with evidence of existing collaboration. Examples of collaborations may include plant evaluations, research projects, *in situ* or *ex situ* conservation projects, educational programs, exhibits, public events, interpretation, collecting expeditions, plant exchanges, professional meetings, and co-authoring scientific research papers.

*Provide examples of existing collaborations with other arboreta and related organizations.
Please describe your capacity to collaborate.*

SEP

Please indicate whether you participate in the following professional organizations or indicate other professional societies in which you are a member.

- BGCI Botanic Gardens Conservation International (bgci.org)
- APGA American Public Gardens Association (publicgardens.org/why-join-association)
- Plant Collections Network (publicgardens.org/programs/about-plant-collections-network)
- Other:

b. Collections Data Sharing

Sharing of plant collections data with networked collections databases, such as BGCI's PlantSearch Database (www.bgci.org/resources/bgci-tools-and-resources/plantsearch-upload-instructions/).

Describe how the arboretum shares its plant collections data with one or more networked collections databases.

c. Collections Conservation

Institutional capacity, stability, and commitment to hold and safeguard plants of collections or conservation value on behalf of the collective interests of the profession.

Confirm and describe the arboretum's capacity and readiness to hold and safeguard plants of collections or conservation value. Describe specific collections of value and interest (i.e. endangered species) and include the percentage of wild-collected accessions in your collections as applicable.

d. Scientific or Conservation Staff and Capability for Collaboration

A scientific and/or conservation staff and capability to collaborate on scientific or conservation activities with other arboreta or organizations related to trees. An active agenda related to tree science, forest ecology, strategic planting, or conservation. This agenda should include direct research or the facilitation of scientific activities beyond public educational activities, in which data are acquired to solve problems in tree science or tree conservation. Examples include conducting plant trials; habitat monitoring; detecting pests and diseases; hosting collections-based research projects; and conducting scientific research in forest ecology, physiology, systematics, seed and tissue banking, horticulture or tree care.

Describe the scientific and/or conservation staff, and the arboretum's capability to collaborate on sophisticated scientific or conservation activities. Include areas of research and a list of relevant publications.

e. Conservation Role in Global Trees Campaign

Specific consideration of a conservation role linked to supporting the mission of the Global Trees Campaign (GTC, globaltrees.org). Administered by Botanic Gardens Conservation International (BGCI) and Fauna & Flora International (FFI), The Global Trees Campaign (www.globaltrees.org) is the only international conservation program dedicated to saving the world's threatened tree species. Visit the GTC website to see learn more about their mission and the types of projects they support.

To satisfy Level IV accreditation requirements, please complete the attached **Global Trees Campaign Addendum** at the end of this application in addition to filling out the written narrative here.

Describe how the arboretum is or intends to engage in conservation efforts related to the Global Trees Campaign and highlight your key programs or initiatives that aim to support in situ conservation of globally threatened tree species. Please list the species you are working with and explicitly state how your efforts contribute to the in situ conservation outcome for that species.

f. Other Scientific or Conservation Collaboration

Please provide other information related to science and conservation activities that you would like to share.

Provide additional examples of the arboretum's existing collaborative scientific or conservation activities related to trees (i.e. habitat management) and identify any opportunities for future collaboration.

Optional Accreditation Comments or Explanations:

GLOBAL TREES CAMPAIGN ADDENDUM (REQUIRED FOR LEVEL IV ACCREDITATION):

The following list includes activities that support the mission of the Global Trees Campaign (www.globaltrees.org). Please check all activities that your arboretum participates in and then provide a brief description of those checked activities in section 4 e:

	Formal participation in a conservation project affiliated with the Global Trees Campaign (GTC) Project Title:
	Member or supporter of the Ecological Restoration Alliance of Botanic Gardens (www.erabg.org)
	Host a GTC exhibition or provide GTC educational content (e.g. Vanishing Acts, Care for the Rare tree interpretation, etc.)
	Carry out education/awareness raising among your visitors for threatened trees
	Promote GTC through your networks, conferences, presentations, social media, and arboretum website
	Provide training workshops at your institution on threatened tree conservation (not direct GTC involvement)
	Host GTC conference, training workshop or related meeting (e.g. IUCN Global Tree Specialist Group meeting)
	Contribute content, expertise, or other support to a GTC training workshop, brief, manual, or report
	Support an employee to work for the GTC (part time or full time)
	Support an employee who is a member of the IUCN Global Tree Specialist Group
	Develop protocols for propagation of threatened tree germplasm
	Share threatened tree germplasm/material with other institutions
	Host a native or threatened tree nursery
	Undertake planting trials for threatened trees
	Conduct conservation genetics research on <i>in situ</i> populations and/or <i>ex situ</i> collections of threatened tree species
	Threatened trees included in your collection
	Threatened trees included in your collection with interpretation aimed at conservation awareness
	Engage in or support <i>in situ</i> habitat restoration or habitat protection in support of priority threatened tree species (e.g. invasive species removal, land protection, reforestation, facilitating sustainable management planning)
	Engage in or support <i>in situ</i> conservation of threatened tree species in the wild (e.g. population monitoring/surveys, reintroduction of seeds/seedlings, assisted migration)
	Provide support to other arboreta to improve their capacity to participate in threatened tree conservation activities (e.g. provide training, financial support, mentorship, threatened tree germplasm/seeds, etc.)
	Lead red listing initiative for trees within a taxonomic group or region
	Contribute to BGCI led red listing for trees
	Provide direct support to GTC (financial support, publishing/design support or expertise, other operational expertise, etc.)
	OTHER ACTIVITIES NOT LISTED THAT SUPPORT THE MISSION OF THE GTC:

BGCI BOTANIC GARDEN ACCREDITATION CONSERVATION ADDENDUM

(Required for **Level III and Level IV** applicants wishing to be considered for BGCI Botanic Garden Accreditation):

In order to achieve BGCI Botanic Garden Accreditation, your institute must have a minimum of three of the following activities focused on plant conservation.

Please check all activities that your arboretum participates in and then provide a brief description of those checked activities and evidence for these activities below.

Examples of plant conservation activities can be found at: <https://www.bgci.org/resources/bgci-tools-and-resources/accreditation-examples-ex-situ-conservation-activities/>

<input type="checkbox"/>	Engagement with local or national policy makers on the development of National Biodiversity Strategies & Action Plans, or equivalents
<input type="checkbox"/>	Contribute to international plant conservation policy (e.g. the Global Partnership for Plant Conservation, CBD etc.)
<input type="checkbox"/>	Public displays with a conservation or environmental message
<input type="checkbox"/>	Public events designed to raise awareness of plant conservation and environment
<input type="checkbox"/>	Training courses on plant conservation attended by staff
<input type="checkbox"/>	Training courses on plant conservation policy, practice or communication offered, including at school student, undergraduate and postgraduate levels; fellowships
<input type="checkbox"/>	School programmes with plant conservation/environmental education component
<input type="checkbox"/>	Conservation volunteer programme in place
<input type="checkbox"/>	IUCN red listing or conservation assessments compiled at local, national or global levels
<input type="checkbox"/>	Publication of plant conservation, environmental, traditional knowledge research for policymakers, researchers, or the general public
<input type="checkbox"/>	Support staff with formal affiliation with BGCI, IUCN SSC specialist groups, or other conservation organisation
<input type="checkbox"/>	Horticultural trials carried out on native or threatened taxa
<input type="checkbox"/>	Propagation and germination studies carried out on native or threatened taxa
<input type="checkbox"/>	Publications on wild (non-domesticated) plant diversity
<input type="checkbox"/>	Wild species seed conservation
<input type="checkbox"/>	Wild species propagation
<input type="checkbox"/>	Exchange or supply of wild species material with other conservation practitioners or gardens
<input type="checkbox"/>	Field gene banks or ex situ collections managed for conservation purposes
<input type="checkbox"/>	Native species areas or gardens part of the living collection display
<input type="checkbox"/>	Restored and managed natural areas within garden
<input type="checkbox"/>	Conservation collections policy implemented
<input type="checkbox"/>	Plant health collections policy implemented
<input type="checkbox"/>	Invasive species policy implemented
<input type="checkbox"/>	Collections sourced and exchanged in full compliance with the Nagoya Protocol, the Cartagena Protocol and CITES
<input type="checkbox"/>	Gardens registered as national CITES rescue centres / refuges / training centres
<input type="checkbox"/>	Other conservation activities not listed above
<input type="checkbox"/>	
<input type="checkbox"/>	

Provide a brief description of each activity checked above below and provide evidence that these activities are ongoing or completed within the last year.

BGCI BOTANIC GARDEN ACCREDITATION SUSTAINABILITY ADDENDUM

(Required for **Level III and Level IV** applicants wishing to be considered for BGCI Botanic Garden Accreditation):

In order to achieve BGCI Botanic Garden Accreditation, your institute must have a minimum of two of the following activities focused on sustainability or ethical activities.

Please check all activities that your arboretum participates in and then provide a brief description of those checked activities and evidence for these activities below.

Examples of sustainability or ethical activities can be found at: <https://www.bgci.org/resources/bgci-tools-and-resources/accreditation-examples-sustainability-and-ethical-activities/>

<input type="checkbox"/>	Sustainability plan/documentation
<input type="checkbox"/>	Waste reduction, recycling schemes, or composting in place and on display to the public with appropriate interpretation
<input type="checkbox"/>	Renewable energy constitutes a proportion of the garden's energy portfolio and energy conservation measures being implemented
<input type="checkbox"/>	Water saving or recycling schemes in place
<input type="checkbox"/>	ISO14001 or other recognised sustainability accreditation gained
<input type="checkbox"/>	Responsible sourcing of commodities and products sold in retail outlets
<input type="checkbox"/>	Responsible sourcing of materials and plants used by the organisation
<input type="checkbox"/>	Ethical funding policy in place
<input type="checkbox"/>	Leadership commitment to staff and visitor diversity and inclusion
<input type="checkbox"/>	Ecological sustainability in landscape management (e.g. fertiliser use, pesticide application, etc...)
<input type="checkbox"/>	Other sustainability or ethical activities not listed above
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Provide a brief description of each activity checked above below and provide evidence that these activities are ongoing or completed within the last year.

SUBMIT APPLICATION

Please attach at least two photos of your arboretum (high resolution JPEG format in landscape orientation) with your application for use in the accreditation press release and on the ArbNet website.

For more information regarding specific accreditation requirements:

Visit: arbnet.org/accreditation

Call: 630-310-7013

Email: arbnet@mortonarb.org

Please submit your completed application via email:

Email: arbnet@mortonarb.org

Data Information:

In compliance with the 2018 EU "General Data Protection Regulations", ArbNet has to ensure that EU residents agree to ArbNet using your information provided for processing and evaluating your accreditation application. By instructing us to process your application, your data will be transferred outside of the European Economic Area to the United States, kept secure, and will not be shared with a third party. You have the right to revoke your consent at any time by contacting us at arbnet@mortonarb.org. If you chose to be reviewed for our reciprocal accreditation program with BGCI (BGCI Botanic Garden Accreditation), ArbNet will share your information with BGCI.

The uses of your information, dependent on the success of your accreditation application, are as follows:

If you are a successful applicant, any personal and institutional data you have provided will be kept by ArbNet for five years, the length of the accreditation period, so that we can contact you in relation to the set up and administration of your accreditation, to provide information useful to maintain and/or upgrade your accreditation (e.g., new resources, opportunities, etc.), and to provide information on the accreditation renewal process as you approach the five year limit of your accreditation. ArbNet will use the institutional data provided in your application to create a website listing in the Morton Register, and potentially to promote your institution on our website, in our newsletter, and through our social media channels.

If you are an unsuccessful applicant, the personal and institutional information you have provided will be kept by ArbNet for five years, so that we can contact you to help you achieve accreditation at a future date.

Data Consent:

I want to be added to ArbNet's mailing list for quarterly newsletters and occasional informational updates.

ArbNet may use the institutional information (not personal data) I provide for populating external datasets for the purpose of research on institutional capacities, networking, and strengthening the garden and arboretum community (e.g., BGCI GardenSearch)

Roseann J. McGrath
Cell # (610) 733-4021
Email: Roseann@rmcgrathconsulting.com

January 29, 2024

Thomas Foster, Chair
Board of Supervisors
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Dear Mr. Foster,

It was a pleasure to meet with you and your fellow colleagues on January 17, 2024, and to speak on January 23, 2024, regarding the resignation of Township Manager Jon Altshul. As discussed, I was honored to assist the Board of Supervisors when Mr. Altshul was hired in November 2020. Although I am currently assisting Kennett and Whitpain Townships with their searches for their next Township Managers, I am submitting this letter/proposal and my Curriculum Vitae (CV) regarding any needs the Township may have to lead the important endeavor of identifying the best qualified candidate for your next Township Manager.

By way of background, I retired from Lower Merion Township (LMT) in June 2017 where I was their Human Resources (HR) Director for 22+ years. I stayed on with LMT part-time to assist through the transition and wrap up special projects until July 2018. Since June 2017, I've been providing HR consulting on a myriad of HR matters such as talent management acquisition/recruitment for municipal managers, assistant municipal managers, police and fire chiefs, and senior level positions, employee relations, training, contract negotiations, policy writing, Covid-19 guidance, etc. to several surrounding municipalities including, but not limited to, Abington, Caln, Chadds Ford, Easttown, East Whiteland, Kennett, Lower Frederick, Limerick, Lower Providence, Lower Gwynedd, Montgomery, New Garden, Radnor, Towamencin, Tredyffrin, Upper Uwchlan, Uwchlan, Upper Moreland, Upper Providence, Upper Merion, Upper Darby, Westtown, Whitpain and Worcester Townships as well as Chambersburg, Schwenksville, Malvern, Oxford and Brookhaven Boroughs and an extremely busy doctor's office.

I pride myself as a trusted advisor, subject matter expert, and seasoned professional with 35 years of HR experience (28 years in municipal management), where I served as a member of LMT's senior/executive leadership team, as a proactive strategic partner. I was accountable for ensuring the Township was compliant with federal, state, local laws, Civil Service Rules & Regulations, and the Municipal Records Retention Act. I managed all HR functions in recruitment/retention, policy and procedures development/implementation, compensation, payroll, benefits, pension, wage and salary administration, labor/employee relations, organizational training and development, safety and wellness programs, labor/contract negotiations for over 500 employees and two labor unions – the Fraternal Order of Police and a local union, the Workers Association. I managed a healthcare budget of 12 million dollars for 1,100 lives and four pension plans (two Act 205 defined benefits plans - Act 600 for police and one for non-police), deferred compensation 401a Plan and 457 Plan for 300 pensioners.

I continue to navigate the HR legal landmine of what I refer to as “alphabet soup,” i.e., ACA, ADEA, ADA, COBRA, FMLA, FSLA, HLA, HIPAA, PHRC/EEOC, USERRA, WC, Title VII, Acts 111 & 195, etc. HR's role in this litigious society is critical so that all employees know what their rights, obligations and expectations are and to ensure that all employees are treated fairly and consistently, not

Roseann McGrath
Westtown Township
Page 2

arbitrary, or capriciously. I pride myself on my ability to partner with all in a proactive, strategic manner to value everyone. I am the catalyst to promote a safe work environment, fairness, open communication with empathy and compassion while earning mutual trust and respect with all levels of the organization, vendors, and taxpayers (residents). I am committed to excellence, quality performance and legal compliance.

I am a detailed oriented individual, able to handle diverse projects simultaneously and harmoniously with various groups. I am an autonomous independent individual who is a self-starter. I have excellent interpersonal, organizational, written, and verbal communications skills. As an enthusiastic, energetic person, I welcome a progressive and dynamic environment where I can make a difference and effectuate change. I am motivated by any challenge where I can utilize my leadership abilities and influence the long-term success of an organization. I enjoy a challenging environment where I can utilize my ability to handle diverse projects.

As you review my CV and background, you will see that my professional and personal knowledge, skills, abilities, and experiences are qualifications that can be further utilized. People are my Passion ~ to serve all with Compassion. I am passionate about what I can bring to the table while being appreciative of the collective interest. Thus, as a trusted advisor not only in the southeast PA area, but also with the PA Municipal League, I started my “next chapter” to offer HR assistance to other communities. Civic involvement and giving back to the community are especially important to me. I am proud to be an instructor for Penn State University and for the PATH program with PA Municipal League as well as my published HR Best Practice Article in the Municipal Reporter. I have extensive experience in presenting a myriad of engaging HR related training and topics. I am very involved with the Southeast PA HR Alliance (SEPHRA), Society of Human Resources Management (SHRM), Public Employer Labor Relations Advisory Service (PELRAS) and Main Line Chamber of Commerce.

I’ve attached, again, the overview of my recommended process which would commence with meeting in executive session to review the duties, responsibilities, key characteristics/traits, minimal experience, education, and other requirements such as compensation and healthcare, fringe benefits of the position, identifying the organizational culture, search committee, meeting with key stakeholders and staff, advertising, direct outreach and vetting of candidates, preparing interview questions/assessments, interviewing, conditional employment offer(s), background checks/verifications and public announcements. My hourly rate is \$125, billed in quarter-hour increments and invoiced monthly. I’ll be glad to provide my certificates of general and professional liability insurance. Thank You in advance for your consideration. If you require further information or have any questions, do not hesitate to let me know.

Sincerely,

Roseann McGrath

Roseann McGrath

Attachments



Gawthrop Greenwood, PC
Attorneys at Law

17 East Gay Street, Suite 100, P.O. Box 562 p. 610.696.8225
West Chester, PA 19381-0562 www.gawthrop.com

Patrick M. McKenna
610.696.8225 x1550
610.344.0922 fax
pmckenna@gawthrop.com

February 1, 2024

Via First Class Mail and Email to: gadelman@kaplaw.com

Gregg I. Adelman, Esquire
Kaplin Stewart
Union Meeting Corporate Center
910 Harvest Drive, P.O. Box 3037
Blue Bell, PA 19422-0765

**Re: Decision of the Westtown Township Board of Supervisors
Conditional Use Application of Fox Clearing, LLC
1013 Shiloh Road, UPI No. 67-2-23**

Dear Gregg,

Enclosed herewith please find a copy of the signed Decision of the Westtown Township Board of Supervisors for its decision in the above matter.

Very truly yours,


Patrick M. McKenna

cc: Westtown Township
Kristin Camp, Esquire
All unrepresented parties (see list attached)

	NAME	ADDRESS
1	Westtown Township Planning Commission	
2	Hans Levert	904 Shiloh Hill Drive
3	Judith Balthazar	919 Shiloh Road
4	Steve Madigosky	924 Shiloh Road
5	Mary Jo & Andrew Hopton	1029 Shiloh Road
6	Rob Pingar	1003 Russell Lane
7	Andrew & Christine Costagliola	1017 Shiloh Road
8	Andrew Holstein	913 Shippen Lane
9	David Giardiniere	929 Oakbourne Road
10	Melissa Hackman	908 Shiloh Road
11	Shirley LeClerc	940 Kilduff Circle
12	Paul and Susan Vanscovich	911 Shiloh Hill Drive
13	Matt Pusey	1007 Old Hawthorne Drive

IN RE:

**CONDITIONAL USE APPLICATION
OF FOX CLEARING, LLC**

**BEFORE THE BOARD OF
SUPERVISORS OF WESTTOWN
TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA**

DECISION

Fox Clearing, LLC (“Fox”) filed a conditional use application (“Application”) with the Westtown Township Board of Supervisors (“Board”) pursuant to §170-601.C(1) (Conditional Use) and Article IX (Flexible Development Procedure) of the Westtown Township Zoning Ordinance (“Zoning Ordinance”) for conditional use approval of a proposed residential development of 85 single-family detached homes with associated improvements on the properties located at 1013 Shiloh Road, being UPI No. 67-2-23; 1011 Shiloh Road, being UPI No. 67-2-8; 927 Shiloh Road, being UPI No. 67-2-9; and 1007 Shiloh Road, being UPI No. 67-2-7.1; all in Westtown Township, Chester County, Pennsylvania (collectively hereinafter the “Property”) in the R-1 Residential District of the Township.

I. INTRODUCTION AND PROCEDURAL BACKGROUND

On or about May 4, 2023, Fox submitted the Application to the Township proposing an 85-unit residential development of the Property. *See* Exhibit A-2. The Township Zoning Officer determined the Application was administratively complete on May 19, 2023. *See* Exhibit A-3. The Application was referred to the Westtown Township Planning Commission (“Planning Commission”), and the Planning Commission ultimately recommended that the Board deny the Application. *See* Exhibit PC-1. As evidenced in the Planning Commission letter, dated September 11, 2023, the Planning Commission also provided alternative conditions if the Board were inclined to approve the Application. *See* Exhibit PC-1.

The Board held substantive hearings on the Application on August 14, 2023, September 11, 2023, October 24, 2023, and November 29, 2023. During the course of the hearings, Fox was represented by Gregg I. Adelman, Esquire. The Planning Commission was represented by Kristin S. Camp, Esquire, and Michael S. Gill, Esquire. The Board was represented by Patrick M. McKenna, Esquire. At the conclusion of the November 29, 2023 hearing, the Board's Solicitor announced that parties, who were interested in submitting findings of fact and conclusions of law, should transmit them electronically to Gawthrop Greenwood, P.C. on or before December 18, 2023, by 5:00 p.m. *See* N.T., p. 577. Further, the Solicitor announced that the Board would render an oral decision on the Application on December 27, 2023. *See* N.T., p. 577. With the consent of the parties, the record was left open until December 18, 2023 to permit the parties an opportunity to submit findings of fact and conclusions of law. *See* N.T., pp. 577-578. The Board met in executive session on December 21, 2023, to discuss the Application with its Solicitor. *See* N.T., p. 577.

The Board reconvened on December 27, 2023, and voted unanimously to deny the Application. *See* N.T., pp. 585-586. Fox's counsel agreed, on the record, that since the record was left open until December 18, 2023 for the submission of findings of fact and conclusions of law, the Board's written decision would be due on or before February 1, 2024. *See* N.T., pp. 584-585. Accordingly, this timely written decision followed.

After receiving the evidence presented by Fox and having reviewed the same, the Board makes the following:

II. FINDINGS OF FACT

1. Fox is the owner or equitable owner of the four parcels that comprise the Property, which is the subject of the instant Application. *See* Exhibit A-2; *see also* N.T., pp. 26-28.
2. Westtown Township ("Township") is a Township of the Second Class having a business address of 1039 Wilmington Pike, West Chester, PA 19382. *See* N.T., p. 1.

3. The Planning Commission is the Township planning agency created pursuant to §107 of the Pennsylvania Municipalities Planning Code (“MPC”). *See*, 53 P.S. §10107. Over objection from Fox, the Planning Commission was made a party to the hearings for the Application. *See* N.T. pp. 22-23.

4. Hans Levert (904 Shiloh Hill Drive), Judith Balthazar (919 Shiloh Road), Steve Madigosky (924 Shiloh Road), Mary Jo and Andrew Hopton (1029 Shiloh Road), Robert Pingar (1003 Russell Lane), Andrew and Christine Costagliola (1017 Shiloh Road), Andrew Holstein (913 Shippen Lane), David Giardinieri (929 Oakbourne Road), Melissa Hackman (908 Shiloh Road), Shirley LeClerc (940 Kilduff Circle), Paul and Susan Vanscovich (911 Shiloh Hill Drive), and Matt and Tamra Pusey (1007 Old Hawthorne Drive) requested and were granted party status during the hearings.¹ *See* N.T., pp. 7-23.

4. During the course of the hearings, the Board marked and admitted the following exhibits into evidence:

Exhibit B-1: Notice of hearing for August 14, 2023;

Exhibit B-2: Proof of publication of the notice in the Daily Local News on July 24, 2023 and July 31, 2023;

Exhibit B-3: Proof of posting the notice on the Property signed by Assistant Township Manager Mila Carter, dated July 31, 2023;

Exhibit B-4: Proof of mailing the notice, dated July 14, 2023, signed by Assistant Township Manager Mila Carter along with a list of individuals and entities to whom notice was mailed;

Exhibit B-5: Tax parcel map depicting the location of the Property;

Exhibit B-6: Westtown Township Zoning Ordinance, incorporated by reference;

Exhibit B-7: Review letter, dated May 19, 2023, to Gregg I. Adelman, Esquire, from the Director of Planning and Zoning, Liudmila Carter;

¹ Fox did not object to the admission of any of the individual parties. *See* Exhibit B-19; *see also* N.T., pp. 7-23.

- Exhibit B-8: Review letter, dated May 26, 2023, to the Director of Planning and Zoning, Liudmila Carter, from William N. Malin, P.E. with Carroll Engineering Corporation;
- Exhibit B-9: Review letter, dated May 26, 2023, to Township Manager, Jon Altshul, from the Township Fire Marshal, Gerald DiNunzio, Jr.;
- Exhibit B-10: Review letter, dated June 6, 2023, to Township Manager, Jon Altshul, from Robert E. Flinchbaugh, P.E. with Cedarville Engineering Group, LLC;
- Exhibit B-11: Review letter, dated June 7, 2023, to Russell Hatton from Albert Federico, P.E., PTOE;
- Exhibit B-12: Memorandum, dated June 15, 2023, to the Director of Planning and Zoning, Mila Carter, from the Director of Public Works, Mark Gross;
- Exhibit B-13: Review letter, dated June 23, 2023, to Township Manager, Jon Altshul, from Township Fire Marshal, Gerald DiNunzio, Jr.;
- Exhibit B-14: Review letter, dated June 29, 2023, to Russell Hatton from Albert Federico, P.E., PTOE with Albert Federico Consulting, LLC;
- Exhibit B-15: Review letter, dated June 30, 2023, to Township Manager, Jon Altshul, from Robert E. Flinchbaugh, P.E. with Cedarville Engineering Group, LLC;
- Exhibit B-16: Memorandum, dated July 11, 2023, to the Westtown Township Planning Commission from the Westtown Township Historical Commission;
- Exhibit B-17: Review letter, dated August 8, 2023, to the Director of Planning and Zoning and Assistant Township Manager, Mila Carter, from Senior Review Planner, Paul Farkas;
- Exhibit B-18: Memorandum, dated August 8, 2023, to the Westtown Township Planning Commission from the Westtown Township Historical Commission; and
- Exhibit B-19: Emails, dated August 14, 2023, between Patrick M. McKenna, Esquire, and Gregg I. Adelman, Esquire, regarding the party status request of Matt and Tamra Pusey (1007 Old Hawthorne Drive).

5. During the course of the hearings, Fox offered the following exhibits, which were admitted² into evidence:

- Exhibit A-0: Conditional Use Illustrative Site Plan prepared by DL Howell, dated June 20, 2023 (Drawing No. IL1.00) (Sheet 1 of 1);

² All of Fox's exhibits were admitted into evidence without objection. *See* N.T., p. 524.

- Exhibit A-1: Curriculum vitae of David Gibbons, P.E.;
- Exhibit A-2: Conditional Use Application and Addendum dated May 4, 2023, with attachments;
- Exhibit A-3: Review letter, dated May 19, 2023, to Gregg I. Adelman, Esquire, from the Director of Planning and Zoning, Liudmila Carter; Review letter, dated May 26, 2023, to the Director of Planning and Zoning, Liudmila Carter, from William N. Malin, P.E. with Carroll Engineering Corporation; Review letter, dated May 26, 2023, to Township Manager, Jon Altshul, from the Township Fire Marshal, Gerald DiNunzio, Jr.; Review letter, dated June 6, 2023, to Township Manager, Jon Altshul, from Robert E. Flinchbaugh, P.E. with Cedarville Engineering Group, LLC; Review letter, dated June 7, 2023, to Russell Hatton from Albert Federico, P.E., PTOE;
- Exhibit A-4: Conditional Use Resubmission and Response Letters, dated June 15, 2023, with attachments;
- Exhibit A-5: Email, dated June 16, 2023, from Chief of Police, Dr. Brenda M. Bernot, to Mila Carter regarding the Application with attachments; Letter, dated June 23, 2023, from Township Fire Marshal, Gerald DiNunzio, Jr. to Township Manager Jon Altshul; Letter, dated June 29, 2023, from Al Federico to Russell Hatton; Letter, dated June 20, 2023, from Robert E. Flinchbaugh, P.E., to Township Manager Jon Altshul;
- Exhibit A-6: Letter, dated June 28, 2023, from Jon A. Seitz, P.E., PTOE, to Mila Carter; Letter, dated July 14, 2023, from Jon A. Seitz, P.E., PTOE, to Mila Carter containing traffic data exhibits;
- Exhibit A-7: Overall Lot Layout Plan prepared by ESE Consultants for the Robinson Tract; Overall Open Space Plan prepared by ESE Consultants for the Robinson Tract;
- Exhibit A-8: Letter, dated November 1, 2019, from Robert E. Flinchbaugh P.E., to Will Ethridge regarding Crebilly Farm Family Associates, L.P.;
- Exhibit A-9: Letter, dated October 3, 2019, from Kevin M. Matson, P.E., to Will Ethridge regarding Crebilly II – The Robinson Tract Proposed Development;
- Exhibit A-10: Letter, dated August 8, 2023, from Denny L. Howell, P.E., and David W. Gibbons, P.E., to Township Manager, Jon Altshul, regarding the Stokes Estate Conditional Use Review;
- Exhibit A-11: Overall Conditional Use Site Plan prepared by DL Howell Engineering, dated April 14, 2023, last revised dated August 8, 2023;
- Exhibit A-12: Curriculum Vitae of Jon Seitz, P.E., PTOE;

- Exhibit A-13: Photographs (4) of Ashleigh Drive;
- Exhibit A-14: Letter, August 22, 2023, from Denny L. Howell, P.E., and David W. Gibbons, P.E., to Township Manager, Jon Altshul, regarding the Stokes Estate Conditional Use Review with attachments;³
- Exhibit A-15: Overall Residential Subdivision Plan, prepared by DL Howell, dated July 25, 2014, last revised August 3, 2015; Overall Grading Plan prepared by DL Howell, dated July 25, 2014, last revised August 3, 2015; PCSWM Details Plan prepared by DL Howell, dated July 15, 2014, last revised August 3, 2015;
- Exhibit A-16: Pipeline Exhibit prepared by DL Howell, dated October 18, 2023 (Drawing No. PE1.1);
- Exhibit A-17: Final Subdivision Plan of the property of James S. Lees, Jr., prepared by G. D. Houtman & Sons, dated April 3, 1978;
- Exhibit A-18: Overall Site Plan prepared by DL Howell, dated April 14, 2023, last revised September 20, 2023 (Drawing No. CO1.1); Emergency Access Fire Truck Turning Plan prepared by DL Howell, dated November 27, 2023 (Drawing No. TT-1.1);
- Exhibit A-19: Screenshot of the website of the Chester County Planning Commission;
- Exhibit A-20: Enterprise Pipeline Letter from Frederick Lester to whom it may concern, dated November 3, 2023, regarding the Application; and
- Exhibit A-21: A three-dimensional diorama of Street A along with a photograph depicting the three-dimensional diorama on a plan.

³ Fox prepared Exhibit A-14 in response to Comment #3 from the Township Engineer's review letter dated, June 30, 2023. *See* Exhibits A-5 and A-14. Comment #3 contains a reference to §170-402.D(3)(f) of the Zoning Ordinance, which provides "[i]f the total of all area(s) of precautionary slopes on a lot exceed 25% of the total area of a lot, then no more than 50% of the precautionary slopes on that lot shall be disturbed, graded or modified." *See* Exhibit B-6. Mr. Gibbons, one of Fox's engineers, disagreed with the Township Engineer's interpretation of §170-402.D(3)(f) of the Zoning Ordinance. *See* N.T., p. 266. Despite the disagreement, Mr. Gibbons prepared Exhibit A-14 consistent with the Township Engineer's interpretation of §170-402.D(3)(f) of the Zoning Ordinance in order to demonstrate compliance with the Zoning Ordinance. *See* N.T., pp. 266-269. Fox reserved the right to argue that its interpretation of §170-402.D(3)(f) of the Zoning Ordinance was correct. *See* N.T., pp. 266, 274-275. The plan contained in Exhibit A-14 provides a new lot configuration where lot sizes have been reduced and one lot was relocated adjacent to the Briner House. *See* Exhibit A-14. According to Mr. Gibbons, the plan changes allow all of the lots within the Proposed Development to contain less than 25% precautionary slopes, and therefore, the disturbance restrictions of §170-402.D(3)(f) would not apply. *See* Exhibit A-14. Mr. Adelman explained that the plan contained in Exhibit A-14 is not the plan for which Fox seeks conditional use approval. *See* N.T., pp. 274-275, 278. Further, Mr. Adelman stated "we are reserving our right to argue that the engineer's interpretation is incorrect. If it is determined to be correct, then Exhibit A-14 shows compliance with that provision." *See* N.T., p. 275.

6. During the course of the hearings, the Planning Commission offered the following exhibits, which were admitted⁴ into evidence:

Exhibit PC-1: Letter to Westtown Township Board of Supervisors containing the recommendation of the Planning Commission, dated September 11, 2023;

Exhibit PC-2: Curriculum vitae of Robert E. Flinchbaugh, P.E.;

Exhibit PC-3: Letter from Robert E. Flinchbaugh, P.E. of Cedarville Engineering Group, LLC, to Township Manager, Jon Altshul, dated August 23, 2023;

Exhibit PC-4: Letter from Robert E. Flinchbaugh, P.E. of Cedarville Engineering Group, LLC, to Township Manager, Jon Altshul, dated September 8, 2023;

Exhibit PC-5: Easement Exhibit Plan prepared by Cedarville Engineering Group, LLC, dated October 23, 2023 (Sheet 1 of 1);

Exhibit PC-6: Curriculum vitae of Albert Federico, P.E., PTOE;

Exhibit PC-7: Excerpt from the Pennsylvania Department of Transportation Design Manual Part 2 Highway Design, dated February 2023, Change No. 9;

Exhibit PC-8: Photograph of three-dimensional diorama of Road A; and

Exhibit PC-9: Curriculum vitae of Gerald R. DiNunzio, Jr.

7. During the course of the hearings, the Holsteins offered the following exhibits, which were admitted⁵ into evidence:

Exhibit Holstein-1: Photograph depicting a petroleum pipeline marker;

Exhibit Holstein-2: Photograph depicting a petroleum pipeline marker;

Exhibit Holstein-3: Photograph depicting a petroleum pipeline marker;

Exhibit Holstein-4: Photograph depicting a petroleum pipeline marker;

Exhibit Holstein-5: Photograph depicting a petroleum pipeline marker;

⁴ All of the Planning Commission's exhibits were admitted into evidence without objection. *See* N.T., pp. 524-525.

⁵ Exhibits Holstein-1 through Holstein-9 were admitted into evidence. *See* N.T., p. 453. Mr. Adelman objected to relevancy of the testimony and exhibits presented by Mr. Holstein. *See* N.T., p. 450. However, Mr. Adelman also stated, "I'm going to cross-examine, so you can let it in. It's fine." *See* N.T., p. 450. When specifically asked about the admission of the exhibits presented by Mr. Holstein, Mr. Adelman stated, "[n]o, other than the objection lodged, which basically it's fine." *See* N.T., pp. 452-453.

- Exhibit Holstein-6: Photograph depicting a petroleum pipeline marker;
- Exhibit Holstein-7: Photograph depicting an open field;
- Exhibit Holstein-8: Excerpt from a publication regarding protecting a pipeline; and
- Exhibit Holstein-9: Excerpt from a Buckeye Pipeline Safety Brochure.

8. During the course of the hearings, Rob Pingar offered the following exhibits, which were admitted⁶ into evidence:

- Exhibit Pingar-1: Certain sections from the Pennsylvania Second Class Township Code;
- Exhibit Pingar-2: Section 170-2009 (Conditional uses) of the Zoning Ordinance;
- Exhibit Pingar-3: Portion of a letter, dated September 11, 2023, to the Board from the law firm of Buckley, Brio, McGuire, and Morris, LLP; and
- Exhibit Pingar-4: Section 149-901 (General standards for public streets) of the Zoning Ordinance, and select sections of the Township's Subdivision and Land Development Ordinance.

9. David Gibbons, a professional engineer with DL Howell who was admitted as an expert in the field of civil engineering, and Jon A. Seitz, P.E., PTOE, who was admitted as an expert in the field of traffic engineering, testified on behalf of Fox in support of the Application. *See* Exhibits A-1 and A-12; *see also* N.T., pp. 23-25, 181-182, 266, 454.

10. Robert E. Flinchbaugh, P.E., with Cedarville Engineering Group was admitted as an expert in the field of civil engineering and stormwater management, and testified on behalf of the Planning Commission. *See* Exhibit PC-2; *see also* N.T., pp. 292-293.

11. Mr. Albert Federico, who was admitted as an expert in the field of traffic engineering, testified on behalf of the Planning Commission. *See* Exhibit PC-6; *see also* N.T., pp. 324-325.

⁶ Exhibits Pingar-1 through Pingar-4 were admitted into evidence. *See* N.T., p. 440. Exhibits Pingar-5 through Pingar-9 were objected to by Fox and not admitted into evidence. *See* N.T., pp. 435-436. Accordingly, Exhibits Pingar-5 through Pingar-9 were not and will not be considered by the Board.

12. Gerald DiNunzio, the Township Fire Marshal and Township Emergency Management Coordinator, who was admitted as an expert in the field of emergency response, testified on behalf of the Planning Commission. *See* Exhibit PC-9; *see also* N.T., pp. 375.

13. Section 170-905.A (Design standards) of the Zoning Ordinance provides, in relevant part, that any flexible development shall comply with the provisions of §170-1617 (Conservation Design) and requires Fox to prepare and submit to the Township a site analysis that identifies certain enumerated features. *See* Exhibits A-2 and B-6; *see also* N.T., pp. 29-32.

14. The Property has a unique shape and contains frontage only along the east side of Shiloh Road. *See* Exhibits A-0, A-2, A-14, A-18; *see also* N.T., p. 28.

15. The Property is located approximately one half mile south of Little Shiloh Road, generally opposite the intersections of Shiloh Road and Oakbourne Road and Shiloh Road and Hunt Drive. *See* Exhibits A-0, A-2, A-14, A-18; *see also* N.T., p. 28.

16. The Property measures approximately 80.886 gross acres in area and is located in the R-1 Residential District of the Township. *See* N.T., pp. 3, 28.

17. The tract area⁷ of the Property totals 65.1418 acres. *See* Exhibit A-2.

18. The Property contains prohibitive steep slopes, wetlands, floodplain area, 100-year floodplain, woodlands, and seasonally high water table soils. *See* Exhibits A-2 and A-4; *see also* N.T. 32-33.

19. The Property is encumbered by a 50-foot-wide pipeline right-of-way for Enterprise Products Operating, LLC, a 60-foot-wide pipeline right-of-way for the Buckeye/Laurel Pipeline Company, and a road right-of-way. *See* Exhibits A-2 and PC-5; *see also* N.T., pp. 296-297, 90-91, 94.

⁷ Section 170-201 (Definitions) of the Zoning Ordinance defines “tract area” as “[t]he net acreage of a tract, contained within the property lines of the tract, calculated for purposes of establishing the maximum density or intensity of use on any tract proposed for subdivision or land development. Tract area shall be determined through compliance with the terms of §170-1519 of this chapter.” *See* Exhibit B-6.

20. The Enterprise Pipeline transports non-odorized propane in gas form, and the Buckeye Pipeline transports petroleum products in liquid form. *See* N.T., p. 379.

21. On or about April 18, 2022, Enterprise Products Operating, LLC, began purging the Enterprise Pipeline from Marcus Hook to Sinking Springs, PA, with nitrogen. Since approximately that date, the Enterprise Pipeline has been emptied of product and filled with low pressure nitrogen gas. Enterprise Products expects to refill the line and move product in the future, but a date has not yet been determined. *See* Exhibit A-19; *see also* N.T., pp. 383-384, 513.

22. The Property is currently improved with multiple residential dwellings, including the Briner House, Stokes House, O'Brien House, and Miles House, driveways, accessory structures, a barn, and other attendant improvements. *See* Exhibits A-0, A-2, A-11, and A-18.

23. The Miles House and the Stokes House are listed on the Township's Historic Resources Map. *See* Exhibit B-7.

24. Section 170-902(A) (Applicability to base zoning district) of the Zoning Ordinance permits a flexible residential development on the Property by conditional use in the R-1 Residential District. *See* Exhibit B-6; *see also* N.T., pp. 29, 35-36.

25. Section 170-903.A (Permitted uses) of the Zoning Ordinance permits single-family detached dwellings in the R-1 Residential District. *See* Exhibit B-6; *see also* N.T., pp. 35-36.

26. Fox proposes to construct a residential development on the Property, pursuant to the flexible development option, consisting of 85 single-family detached dwellings together with the construction of internal streets, utilities, stormwater management facilities, landscaping, lighting, community recreational facilities, and other attendant development improvements (hereinafter the "Proposed Development"). *See* Exhibits A-2, A-4, A-11, A-14, and A-18; *see also* N.T., pp. 28, 35-36.

27. In association with the construction of the Proposed Development, Fox will demolish and remove the existing Stokes House, Miles House, and O'Brien House, but the Briner House would remain on the Property. *See* Exhibits A-11 and A-18; *see also* N.T., pp. 75-77.

28. The Proposed Development will have two full movement accesses to and from Shiloh Road and four internal roadways.⁸ *See* Exhibits A-0, A-2, A-4, A-11, A-14, and A-18; *see also* N.T., p. 192.

29. The Proposed Development provides all required setbacks under §§170-904.E.(10) and 170-904.F.(11) of the Zoning Ordinance. *See* Exhibits A-2, A-4, A-11, A-14, and A-18; *see also* N.T., p. 39.

30. There is no minimum lot size or maximum impervious coverage proposed for the single-family home lots in the Proposed Development as permitted for a flexible development. *See* Exhibits A-2, A-4, A-11, A-14, and A-18; *see also* N.T., p. 38.

31. When designing the layout for the Proposed Development, Mr. Gibbons located the lots in areas to avoid primary conservation areas and to minimize intrusion into secondary conservation areas. *See* N.T., p. 34.

32. None of the individual lots located in the Proposed Development will contain more than 25% precautionary steep slopes. *See* Exhibit A-14; *see also* N.T., pp. 267-268.

33. The Proposed Development will contain sidewalks and naturalized trails that could provide possible future trail connections. *See* Exhibit A-4; *see also* N.T., pp. 47-48, 160-163, 197.

34. The single-family detached dwellings in the Proposed Development will contain driveways, garages, three off-street parking spaces, and will measure less than or equal to 38 feet in height. *See* Exhibits A-0, A-2, A-4, A-11, A-14, and A-18; *see also* N.T., pp. 38-39, 135.

⁸ The internal roadways in the Proposed Development will measure approximately 24 feet in width, and no on-street parking is proposed within the Proposed Development. *See* Exhibit A-4.

35. The Proposed Development will be serviced by public water and public sewer. *See* Exhibit A-2; *see also* N.T., pp. 48-49.

36. The Proposed Development includes stormwater management system facilities designed in accordance with the Township Stormwater Management Ordinance and the stormwater regulations promulgated by the Pennsylvania Department of Environmental Protection. *See* Exhibits A-2, A-4, A-11, and A-15; *see also* N.T., pp. 49-56.

37. Section 170-904.E(1)(c) of the Zoning Ordinance provides “[t]he maximum net residential density for single-family detached housing areas shall not exceed four units per acre of tract area designated for such use.” *See* Exhibit B-6; *see also* N.T., p. 36.

38. The Proposed Development will contain a maximum net residential density for single-family detached housing areas of 3.3 units per acre of tract area. *See* Exhibit A-2; *see also* N.T., p. 36.

39. Section 170-904.A(1) (Density standards – Base density) of the Zoning Ordinance provides, in relevant part, that “[e]xcept where bonus density is permitted subject to the provisions of §170-904A(2) below, the maximum density computed over the entire flexible development shall not exceed 1.1 dwelling units per acre of tract area, calculated in accordance with the provisions of §170-1519.B of this chapter. In calculating density, including bonus density where applicable, fractions shall be rounded to the next lower whole number.” *See* Exhibit B-6.

40. Mr. Gibbons calculated the base density by multiplying the adjusted tract area (65.418 acres) by 1.1, which yields 71 lots.⁹ *See* Exhibit A-2; *see also* N.T., p. 36.

41. Pursuant to §170-904.C(2) of the Zoning Ordinance, the applicable minimum required open space under the flexible design standards is 40%, or 32.35 acres of the Property. *See* Exhibits A-2, A-4, A-11, and B-6; *see also* N.T., pp. 37-38.

⁹ Per §170-904.A(1) (Density standards – Base density) of the Zoning Ordinance, the base density yield was rounded down to the nearest whole number. *See* Exhibit B-6.

42. Section 170-907.A(5)(e) of the Zoning Ordinance provides:
- 5) The plan shall designate the use of common open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
 - e. Areas used for subsurface infiltration or land application (irrigation) of stormwater and/or treated wastewater. Open storage or settling ponds may be included where accessory to infiltration facilities. All other stormwater and wastewater facilities may be physically located in open space areas but shall be excluded from measurement of the minimum required open space.

See Exhibit B-6.

43. Mr. Flinchbaugh testified that the Proposed Development will contain stormwater management facilities with above ground open storage areas. *See* N.T., pp. 300.

44. Mr. Flinchbaugh opined, in relevant part, that:

“Per the stormwater management calculations, the above ground portion of the stormwater management facilities shall be used to manage and comply with the Stormwater Peak Rate Control Requirements, Section 144-308 of the Township’s Stormwater Management Ordinance. The above ground portion of these facilities shall therefore not be considered accessory to the infiltration facility, unless the infiltration facility is designed to accommodate the appropriate volume required to comply with the referenced Ordinance section.”

See Exhibit A-3.

45. Mr. Flinchbaugh opined that the open storage areas of the four proposed stormwater management facilities are not accessory to the infiltration facilities because the open storage area located above the infiltration facility serves as a primary component of that stormwater management facility. Further, Mr. Flinchbaugh explained that the open storage area located above the infiltration facility serves to manage the two through one hundred year storms. *See* N.T., pp. 302-303.

46. Since the open storage areas of the stormwater management facilities are not accessory to the infiltration, Mr. Flinchbaugh concluded that the open space or open volume area proposed

above the infiltration facilities must be excluded from the open space calculations for the Proposed Development pursuant to §170-907.A(5)(e) of the Zoning Ordinance. *See* N.T., pp. 303.

47. Mr. Gibbons argued that the surface stormwater storage areas in the Proposed Development are accessory to the infiltration facilities and, therefore, may be included in the open space calculation for the Proposed Development. *See* Exhibit A-2; *see also* N.T., pp. 57, 273-274.

48. Fox incorrectly included an unspecified amount of surface stormwater storage area in its calculation of open space and qualifying incremental open space, which according to Fox's calculations, entitled it to a density bonus of 0.225 dwelling units, per acre under §170-904.A(2)(a) of the Zoning Ordinance. *See* Exhibits A-2, A-4, and A-11; *see also* N.T., p. 38.

49. Accordingly, Fox's calculation of the bonus density (0.225) adding to the base density (1.1) and multiplying that sum (1.325) by the tract area (65.418 acres), incorrectly yields approximately 86 lots achievable because it utilizes the surface stormwater areas of the BMPs as open space. *See* Exhibits A-2, A-4, and A-11; *see also* N.T., p. 38.

50. While Fox maintained that 86 lots were permitted, only 85 lots were included in the Proposed Development. *See* Exhibits A-2, A-4, and A-11.

51. Fox suggested that the Township included the above ground portion of similar stormwater management facilities in the open space calculation in the Toll/Crebilly Farms application¹⁰ and the Rustin Walk application, which was approved and constructed. *See* Exhibits A-7, A-8, A-9, and A-15; *see also* N.T., pp. 61-65, 89, 270.

52. Neither Mr. Flinchbaugh nor anyone at Cedarville Engineering Group reviewed the land development plans for the Rustin Walk development. *See* N.T., pp. 303-304.

¹⁰ While an exhibit was not presented that fully explained the decision and reasoning in the Toll/Crebilly Farms application, the Board is familiar enough with the decision to recognize that it was ultimately denied on other grounds.

53. Mr. Flinchbaugh testified that Cedarville Engineering Group reviewed the Toll/Crebilly Farm plans only for stormwater management compliance and not for zoning compliance. *See* N.T., pp. 304-305.

54. Mr. Seitz prepared a Traffic Impact Study (“TIS”), dated May 2021, last revised April 2023, for the Proposed Development.¹¹ *See* Exhibit A-2.

55. As a part of the TIS, Mr. Seitz examined numerous intersections in proximity to the Proposed Development. *See* N.T., pp. 186-187.

56. Mr. Seitz opined that the two access points to the Property from Shiloh Road will provide adequate sight distance. *See* N.T., pp. 193-194.

57. Mr. Seitz ultimately concluded that there is safe and efficient access to the Proposed Development because the level of service is negligibly impacted by the Proposed Development. *See* N.T., pp. 186-187.

58. The Proposed Development will yield 62 morning peak hour trips and 82 afternoon peak hour trips, and a daily traffic of 841 trips are expected for the Proposed Development. *See* N.T., pp. 217-218.

59. Mr. Seitz concluded that the peak traffic generated by the Proposed Development will be accommodated in a safe and efficient manner. *See* N.T., p. 192.

60. Shiloh Road averages approximately 6,000 average daily vehicles. *See* N.T., pp. 218-219.

61. Mr. Seitz concluded that the Proposed Development will not result in or substantially add to a significant traffic hazard or significant traffic congestion. *See* N.T., pp. 190-191.

¹¹ Due to the pandemic, Mr. Seitz applied a multiplier to his traffic counts and conducted a recount of the traffic. *See* N.T., pp. 188-190, 220.

62. In addition to the off-site intersections, Mr. Seitz opined that the internal street design is safe and efficient. *See* N.T., pp. 196, 202.

63. While Mr. Federico originally opined that the Proposed Development adds to traffic hazards because the alignments of the internal roadways are poor, particularly the sections of Road A and Road D where there are sharp horizontal curves on the end of the downgrade, Mr. Federico ultimately testified that the roads of the Proposed Development as designed comply with the Township's ordinances. *See* N.T., pp. 327, 332-333, 334-335, 340, 342.

64. Mr. Federico testified that the single access for homes located along Road C was a safety concern because Road A could become obstructed and there would be no additional means of roadway access to Road C in case of an emergency. *See* N.T., pp. 327-328.

65. Similar to Mr. Federico, Mr. DiNunzio expressed safety concerns regarding the single means of access to Road C within the Proposed Development, especially in case of an emergency and particularly given the proximity to the pipelines. *See* Exhibit B-9; *see also* N.T., p. 392.

66. The Proposed Development does not provide any overflow parking on the internal roads or anywhere else within the Proposed Development. *See* N.T., pp. 374-375.

67. Mr. Gibbons testified that while the Zoning Ordinance does not require an emergency access, he prepared Exhibit A-18 in response to discussions held during the hearings to provide two proposed emergency accessways depicted on the exhibits. *See* Exhibit A-18; *see also* N.T., pp. 457-458, 491-492.

68. Robert Pingar testified at the hearing, presented exhibits, and generally expressed a desire for Fox to develop the Property pursuant to the applicable ordinances. *See* N.T., pp. 410-440.

69. Andrew Holstein testified at the hearing about the content of the pipelines that traverse the Property. *See* Exhibits Holstein-1 through Holstein-7; *see also* N.T., pp. 441-453.

70. Generally, the other parties to the proceeding did not present evidence and instead chose to provide public comment, and they expressed traffic concerns, pipeline concerns, and general opposition to the Application. *See* N.T., pp. 526-576.

III. LEGAL DISCUSSION

Under §603(c)(2) and §913.2(a) of the MPC, 53 P.S. §10603(c)(2) and §10913.2(a), the Board, as the governing body of the Township, has the authority to grant conditional use approval pursuant to the express standards and criteria set forth in the Zoning Ordinance. *Clinton County Solid Waste Auth. v. Wayne Twp.*, 643 A.2d 1162, 1168 (Pa. Cmwlth. 1994). A conditional use is a permitted use. *Pennridge Dev. Enterprises, Inc. v. Volovnik*, 624 A.2d 674, 676 (Pa. Cmwlth. 1993). A conditional use is nothing more than a special exception which falls within the jurisdiction of the municipal governing body rather than the zoning hearing board. *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. 2006). Accordingly, the law regarding conditional uses and special exceptions is virtually identical. *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113, 115 n.5 (Pa. Cmwlth. 2002). Because a conditional use is analogous to a special exception, the burden of proof standards is the same for both. *Id.*

An applicant for conditional use has the burden to demonstrate compliance with the specific criteria of the ordinance. *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. 2006). An applicant seeking conditional use approval must prove compliance with both the use-specific and general conditional use standards and criteria explicitly set forth in the applicable zoning ordinance. *In re AMA/American Marketing Ass'n, Inc.*, 142 A.3d 923, 932 (Pa. Cmwlth. 2016). Additionally, in order to demonstrate that the applicant is entitled to the conditional use, the applicant initially bears the burden of establishing that the application complies with the objective standards and criteria of the particular ordinance *In re Richboro CD Partners, L.P.*, 89 A.3d 742, 745 (Pa. Cmwlth. 2014).

What must be demonstrated in order to obtain conditional use approval must be determined on a case by case basis and will vary among municipalities based upon the use requested and the language in the ordinance. *Thompson, supra* at 670, *citing Schatz v. New Britain Twp. Zon. Hearing Bd. of Adjustment*, 596 A.2d 294 (Pa. Cmwlth. 1991). The board of supervisors are entitled to considerable

deference in interpreting its zoning ordinance. *Aldridge v. Jackson Twp.*, 983 A.2d 247, 254 (Pa. Cmwlth. 2009).

In a conditional use proceeding, the Board is the ultimate fact-finder and the exclusive arbiter of credibility and evidentiary weight. *Joseph v. North Whitehall Twp. Bd. of Sup'rs*, 16 A.3d 1209, 1218 (Pa. Cmwlth. 2011). As such, the Board may reject even uncontradicted testimony if they find it lacking credibility. *Caln Nether Co., L.P. v. Bd. of Sup'rs, Thornbury Twp.*, 840 A.2d 484, 490–91 (Pa. Cmwlth. 2004). The Board does not abuse its discretion by choosing to believe the opinion of one expert over that offered by another. *Taliaferro v. Darby Twp. Zoning Hearing Bd.*, 873 A.2d 807, 811 (Pa. Cmwlth. 2005).

In reviewing requests for a conditional use, the Board is further guided by the general standards contained in §170-2009.D (Conditional use – Standards for conditional use approval) of the Zoning Ordinance.¹² As noted above, Fox has the initial burden of demonstrating compliance with

¹² Section 170-2009.D of the Zoning Ordinance provides as follows:

- 1) In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following standards:
 - a. The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.
 - b. The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.
 - c. The appropriate use, and the value, of adjacent property will be safeguarded.
 - d. The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.
 - e. If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this chapter shall be fully complied with at the completion of any stage.
 - f. The demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.
 - g. The design and use of any new construction and the proposed change of design (if any) and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.
 - h. The burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the

the general standards for approval of a conditional use pursuant to §170-2009.D (Conditional uses – Standards for conditional use approval) of the Zoning Ordinance. In addition to the standards contained in §170-2009.D of the Zoning Ordinance, where specific conditional use requirements are contained within another article of the Zoning Ordinance and are applicable to a particular conditional use authorized by that article, those requirements shall be adhered to and shall prevail in any instance of conflict or overlap. *See*, §170-2009.B(5) of the Zoning Ordinance.

Fox submitted a conditional use application pursuant to Article IX (Flexible Development Procedure) of the Zoning Ordinance. The flexible development procedure may be applied in the R-1 Residential District of the Township pursuant to conditional use approval. *See*, §170-902.A of the Zoning Ordinance. In addition, the conditional use design standards found in the R-1 Residential District (§170-603) also apply to an application for flexible development, unless the design standards of the Flexible Development Procedure in Article IX “exceed” or “address matters not covered by” the enumerated design standard criteria of the R-1 District. It is within this framework that the Board must consider the instant conditional use application.

Section 170-901 (Applicability of flexible development procedure) of the Zoning Ordinance provides that the flexible development procedure applies to:

- A. Land under single ownership, planned and developed as a whole;
- B. In a single development operation or a programmed series of development operations including all lands and buildings;
- C. Dwellings and related subordinate facilities;
- D. Comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans, site analyses, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, detailed

development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund.

- 2) The Board of Supervisors shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it, and without regard to any previous case.

- plans for other uses and improvements on the land as related to the buildings, lighting, landscaping; and
- E. A program for provision, operation and maintenance of such areas, improvements, and facilities as will be for common use by some or all of the occupants of the development, but will not be provided, operated or maintained at general public expense unless acceptable to or found necessary by the Board of Supervisors.

See, §170-901 of the Zoning Ordinance. Single-family detached dwellings are permitted in a flexible development. *See*, §170-903 of the Zoning Ordinance.

One of the principal issues before the Board for consideration is whether Fox correctly calculated the density for the Proposed Development. Based on the below analysis, the Board concludes that Fox incorrectly calculated the density for the Proposed Development and is therefore not entitled to construct the Proposed Development as presented.

Section 170-904.A(2)(a) (Density standards) of the Zoning Ordinance provides, in relevant part, that “[f]or every 5% of the gross area of the tract that is permanently preserved as common open space above the minimum established under §170-904.C below and meeting the criteria of §170-904.A(3), the maximum density may be increased by 0.075 dwelling units per acre.” Section 170-904.A(3)(a)[2] of the Zoning Ordinance provides:

All open space used incrementally toward calculation of bonus density as provided in §170-904.A(2)(a) shall, in addition to full compliance with all other applicable standards herein, fully exclude from calculation of open space area any existing or proposed impervious surfaces, stormwater management facilities, wetlands, water bodies, watercourses, prohibitive slope (including created slopes exceeding 25%), and any lands subject to floodplain regulations.

“Open storage or settling ponds may be included where accessory to infiltration facilities. All other stormwater and wastewater facilities may be physically located in open space areas but shall be excluded from measurement of the minimum required open space.” *See*, §170-907.A(5)(e) of the Zoning Ordinance.

The Board concludes that Fox incorrectly included the area of the above ground storage portion of the stormwater management facilities in its open space calculation. Based on Mr.

Flinchbaugh's review of the open space provisions of the Zoning Ordinance for stormwater management facilities, the area of the above ground storage portion of the stormwater management facilities is utilized by Fox to manage and comply with the stormwater peak rate control requirements of §144-308 of the Township's Stormwater Management Ordinance. Mr. Flinchbaugh explained that the open storage area located above the infiltration facility serves, as a primary component, to manage the two through one hundred year storms. *See* N.T., pp. 302-303. As the above ground portions of the stormwater management facilities are necessary to manage stormwater on the Property, they cannot be considered accessory to the stormwater management facility. The above ground collection and storage of stormwater is part and parcel of the principal or primary function of the stormwater management facilities. Thus, Fox should not have included the above ground portion of the stormwater management facilities in its open space calculation.

Furthermore, Fox presented the open space as an aggregate figure. Fox did not specifically segregate the area of the above ground storage portion of the stormwater management facilities of the Proposed Development from the rest of the open space. As such, the Board cannot remove the area of the above ground storage portion of the stormwater management facilities from the total open space area and calculate the base density and bonus density, if applicable. Thus, the Board cannot conclude what the correct base density and bonus density, if applicable, are based on the evidence presented.

Moreover, Fox argued during the conditional use hearings that the Township took a different approach to the area of the above ground portion of the stormwater management facilities in the calculation of open space in the Toll/Crebilly Farms and Rustin Walk Applications. Nevertheless, §170-2009.D(2) of the Zoning Ordinance states that the Board of Supervisors shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it, and without

regard to any previous case. Thus, the Zoning Ordinance specifically requires the Board to consider each application on its own merit without regard to previous applications.

Further, Fox has not cited to any statute or case law indicating that the Board must follow prior interpretations of the Zoning Ordinance by prior Boards or prior Township engineers. This Board specifically credits Mr. Flinchbaugh's interpretation of the open space calculation, which excludes the above ground storage portion of the stormwater management facilities from the open space calculation because it is a principal component of the stormwater management system of the Proposed Development.

IV. CONCLUSION

For all of the above-stated reasons, the Proposed Development does not comply with the objective criteria of the Zoning Ordinance. Accordingly, Fox's request for conditional use approval pursuant to §170-601.C(1) (Conditional Use) and Article IX (Flexible Development Procedure) of the Zoning Ordinance for a proposed residential development of 85 single-family detached homes and associated improvements on the properties located at 1013 Shiloh Road, being UPI No. 67-2-23; 1011 Shiloh Road, being UPI No. 67-2-8; 927 Shiloh Road, being UPI No. 67-2-9; and 1007 Shiloh Road, being UPI No. 67-2-7.1; all in Westtown Township, Chester County, Pennsylvania in the R-1 Residential District shall be DENIED.

V. CONCLUSIONS OF LAW

1. The hearing was duly advertised, all required notices were given, and the hearing was duly convened.
2. The Board has jurisdiction over this matter.
3. Fox is the owner or equitable owner of the Property and has standing to file and prosecute the Application.
4. The Planning Commission has standing to appear as a party to the hearing.

5. The Property is zoned R-1 Residential District.

6. The Property may be developed pursuant to the flexible design development procedure by conditional use of the Board pursuant to §170-601.C(1) and §170-902.A of the Zoning Ordinance.

7. Single family detached dwellings are permitted in a flexible development in the R-1 District pursuant to §170-903.A of the Zoning Ordinance.

8. Fox failed to meet its initial burden of proof with regard to the compliance of the Proposed Development with the criteria applicable to a flexible development as set forth in Article IX of the Zoning Ordinance.

9. Fox's calculations of the total area of open space depicted on its plans are not consistent with §170-907.A(5)(e) of the Zoning Ordinance.

For the foregoing reasons, the Board concludes that the Application must be denied. Accordingly, the Board enters the following Order:

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN RE:

CONDITIONAL USE APPLICATION
OF FOX CLEARING, LLC

BEFORE THE BOARD OF
SUPERVISORS OF WESTTOWN
TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA

ORDER

AND NOW, this 27th day of December, 2023, upon consideration of the conditional use application of Fox Clearing, LLC, pursuant to §170-601.C(1) (Conditional Use) and Article IX (Flexible Development Procedure) of the Westtown Township Zoning Ordinance, for conditional use approval of a proposed residential development of 85 single-family detached homes and associated improvements on the properties located at 1013 Shiloh Road, being UPI No. 67-2-23; 1011 Shiloh Road, being UPI No. 67-2-8; 927 Shiloh Road, being UPI No. 67-2-9; and 1007 Shiloh Road, being UPI No. 67-2-7.1; all in Westtown Township, Chester County, Pennsylvania in the R-1 Residential District, IT IS HEREBY ORDERED that the application is DENIED for the reasons contained in the attached Decision.

WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS

/s/ Thomas Foster
Thomas Foster, Chair

/s/ Richard Pomerantz
Richard Pomerantz, Vice Chair

/s/ Scott E. Yaw
Scott E. Yaw, Esquire

Check Register

Westtown Township

02-Feb-24

From: 16-Jan-24 To: 05-Feb-24

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 General Fund - Univest					
17840	1/24/2024	32	AQUA PA	\$439.39	O
17841	1/24/2024	687	BERRODIN PARTS WAREHO	\$422.75	O
17842	1/24/2024	1201	Charles A. Higgins & Sons, Inc	\$596.80	O
17843	1/24/2024	543	Chester County Treasurer	\$199.13	O
17844	1/24/2024	7191	Code Inspections Inc	\$6,624.74	O
17845	1/24/2024	1206	Freedom Systems Corporation	\$928.00	O
17846	1/24/2024	127	In-Fleet Truck Service	\$2,309.54	O
17847	1/24/2024	878	Intercon Truck Equipment	\$564.04	O
17848	1/24/2024	15	Office Basics, Inc.	\$408.38	O
17849	1/24/2024	5738	StrategicLink Consulting, LLC	\$2,210.00	O
17850	1/24/2024	1000721	Total Security Solutions, Inc.	\$6,429.30	O
17851	1/24/2024	980	USPS- Postmaster	\$2,507.84	O
17857	1/31/2024	1001011	Ascendance Truck Centers	\$469.60	O
17858	1/31/2024	1000664	Bush Towing	\$150.00	O
17859	1/31/2024	6468	Carroll Engineering Corp	\$6,193.70	O
17860	1/31/2024	5428	Dept of the Auditor General	\$26,345.07	O
17861	1/31/2024	1206	Freedom Systems Corporation	\$576.00	O
17862	1/31/2024	878	Intercon Truck Equipment	\$219.86	O
17863	1/31/2024	1001021	Josue Rolon	\$210.87	O
17864	1/31/2024	15	Office Basics, Inc.	\$348.30	O
17865	1/31/2024	220	PSATS	\$3,332.00	O
17866	1/31/2024	1000922	Robert Yeats	\$75.00	O
17867	1/31/2024	1001020	Steven Hardbarger	\$649.00	O
17868	1/31/2024	7	Westtown-East Goshen PD	\$291,395.62	O
Bank Total:				\$353,604.93	
Bank Account: 8 Enterprise Fund - Univest					
1611	1/31/2024	5630	Commonwealth of Pennsylvani	\$1,000.00	O
1612	1/31/2024	5666	M&B Environmental, Inc.	\$3,173.15	O
1613	1/31/2024	967	USABlueBook	\$570.62	O
1614	1/31/2024	357	W. G. Malden	\$9,513.24	O
1615	1/31/2024	61	West Goshen Township (WW	\$80,529.20	O
Bank Total:				\$94,786.21	
Bank Account: 18 Capital Project Fund Univest					
1352	1/17/2024	5618	Chester Co Conservation Dist	\$500.00	O
1353	1/17/2024	5618	Chester Co Conservation Dist	\$1,550.00	O
1354	1/17/2024	7223	Commonwealth of Pennsylvani	\$200.00	O
Bank Total:				\$2,250.00	
Total Of Checks:				\$450,641.14	