

This meeting is being audio recorded for the public record.

A G E N D A

BOROUGH COUNCIL MEETING

February 18th, – 7:00 pm

1. Meeting call to order/Pledge of Allegiance.
2. Comments by Mayor and Council.
3. Public Hearing – Proposed Ordinance #2-2016 – height Regulations in Institutional Zoning District
4. Comments, suggestions, petitions etc., from residents in attendance regarding items not on the agenda.
5. Presentations:
 - a. Proclamation Presentation to Jena Wood, Registered Dietitian for Shop Rite of WC declaring the month of March 2016 as National Nutrition month
 - b. Police Recognitions and Awards
 - c. Intern introduction presented by Melanie Guerrier
6. Consider a moratorium on requests to alter the Residential Parking Permit requests during the Master Parking Plan process.
(Parking Committee recommended 3-0 approval)
7. Consider 2015 Budget Modifications
(Finance Committee recommend approval 2-0-1)
8. De-Briefing regarding Winter Storm Jonas snow removal efforts
9. Consider Deed of Dedication – Paxon Park/Dean Street
10. Consider Stormwater Fee Assessment Change Orders
11. Consider December Council Minutes
12. Consider January Council Minutes
13. Consent Agenda:
 - a. Approve Reverse Subdivision – The Barclay – 501 N. Church Street (4 lots)
(Smart Growth Committee recommended 3-0 approval)
 - b. Approve authorization to advertise proposed ordinance for Stormwater Management System
 - c. Approve amendment to Chester County Comprehensive Plan Agreement

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- d. Approve request by the West Chester Downtown Foundation Board of Directors to use the Chestnut Street Garage for Saturday evening, June 4, 2016 for their Up On The Roof fundraising event and Resolution #4-2016 supporting the serving of alcohol.
- e. Approve Resolution #5-2016 – TCC Delegate Appointments
- f. Approve Amendment to AFSCME Contract regarding Crew Leader Compensation.
- g. Approve moving November 8th Committee meeting to Monday, November 7th as it is “election day”.
(Kaizen Committee recommended 3-0 approval)
- h. Approve adding Handicapped Sign:
103 E. Miner Street (for business owner at 29 S. Walnut St.)
(Parking Committee recommended 3-0 denial)
- i. Approve adding 1 block to area “L” to relieve space constraints on 100 South Matlack Street during Thursday 8-11
(Parking Committee recommended 3-0 approval to add 200 block of E. Miner St. to “L” Area)
- j. Approve adding Spruce Alley (off Mechanics Alley and Matlack Street) to Residential parking Area A
(Parking Committee recommended 3-0 denial to make Spruce Alley residents eligible for Residential Parking Area A)
- k. Deny changing the 200 block of South Matlack from Residential Area “A” to “L”
(Parking Committee recommended 3-0 denial)
- l. Approve Banner Permits:
(No Committee Recommendation)
 - 1. WC Playschool – E. Market St. – 2-27 thru 3-14
 - 2. Act In Faith – E. Market St. – 3-17 thru 4-3
 - 3. Cerebral Palsy Assoc. – E. Market St. – 4-15 thru 5-3
 - 4. Crime Center of CC – W. Gay St. – 4-17 thru 5-1
 - 5. WC Recreation – High St. – 4-18 thru 5-2
 - 6. Chamber of Commerce – High St. – 5-2 thru 5-7
 - 7. CC SPCA – W. Market St. – 4-15 thru 5-2
 - 8. Brandywine Ballet – W. Market St. – 5-2 thru 5-16
 - 9. WC Alumni – W. Gay St. – 5-2 thru 5-16
 - 10. Good Fellowship – E. Market St. – 5/6/2-16 – 5/22/16
 - 11. Fame Fire Co. – High St. – 5/7/2016 – 5/22/2016
- m. Approve Special Event Permit:
 - 1. St. Agnes – 5k - March 5, 2016
 - 2. Nick Smiles – 5k – May 14, 2016
 - 3. Beat The Bug – 5k – April 17, 2016
 - 4. Race Against Violence – April 30, 2016
(Public Safety Committee recommend approval – 3-0, pending payment)Note: Starting with the March Committee meetings, the Special Event Permits will be reviewed by the Public Works/Recreation/Wastewater Committee

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- n. Approve Hazard Mitigation Plan
(Public Safety Committee recommend approval – 3-0)
- o. Approve request to amend Civil Service Rules & Regulations
(Does not require an Ordinance change – only change language in Civil Service Rules)
- p. Approve recommendation to retain Traffic Planning and Design as the Borough’s consulting traffic engineer.
(Smart Growth Committee recommend approval 3-0)
- q. Approve Certificates of Appropriateness:
(Smart Growth Committee recommendation approval 3-0)
 - 1. 17 W. Gay Street
Replace 2 building mounted signs
Approved as presented
 - 2. 112 S. High Street
Replace building mounted and hanging sign
Approved with conditions: background color of signs be off-white and not stark-white and wall mounted sign be approved but the applicant is encouraged to restore the existing wood frame and fit a sign within
 - 3. 20-22 N. Church Street
Install a door with 2 window panels with decorative rectangle wood panel underneath
Approve with conditions: as amended by the meeting submitted sketch
 - 4. 28 W. Prescott Alley
Install 2 heating and AC units.
Approve with conditions: color will be painted to match the existing stucco wall and no conduit or associated wiring be visible.

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UPCOMING MEETINGS:

Wednesday	2-17-2016	Council Meeting	7:00 pm	Council Chambers
Monday	2-22-2016	Shade Tree Committee	6:00 pm	Room #240
Tuesday	2-23-2016	Planning Commission	6:30 pm	Room #240
Thursday	2-25-2016	HARB	7:00 pm	Room #240
Tuesday	3-8-2016	BID Board	8:00 pm	119 N. High St.
Tuesday	3-8-2016	Public Works/Recreation/ WW Committee	5:30 pm	Council Chambers
Tuesday	3-8-2016	Kaizen Committee	6:30 pm	Council Chambers
Tuesday	3-8-2016	Parking Committee	7:30 pm	Council Chambers
Wednesday	3-9-2016	Public Safety Committee	5:30 pm	Council Chambers
Wednesday	3-9-2016	Finance Committee	6:30 pm	Council Chambers
Wednesday	3-9-2016	Smart Growth Committee	7:30 pm	Council Chambers
Tuesday	3-15-2016	Council Worksession	7:00 pm	Council Chambers
Wednesday	3-16-2016	Council Meeting	7:00 pm	Council Chambers

ORDINANCE NO. 2 – 2016

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, SPECIFICALLY CHAPTER 112 TITLED, "ZONING", SECTION 112-47 GOVERNING THE HEIGHT REGULATIONS IN THE INSTITUTIONAL ZONING DISTRICT.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester, as follows:

SECTION 1. Chapter 112 of the Code of the Borough of West Chester, titled, "Zoning," Section 112-47 shall be revised to state as follows:

"§ 112-47. Height regulations.

The maximum height of buildings or other structures erected, enlarged, or used in the IS District shall be 40 feet."

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

SECTION 3. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS ____ DAY OF _____, 2016.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: _____
Ellen Koopman, President

APPROVED THIS _____ DAY OF _____, 2016.

Carolyn T. Comitta, Mayor

NOTICE: At its regular meeting on Wednesday, February 17, 2016 at 7:00 p.m. prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania will hold a public hearing at Borough Hall, 401 East Gay Street, West Chester, Pennsylvania to consider the adoption of, and if approved, Borough Council will adopt an amendment to Chapter 112 of the Borough Code with the following title and summary:

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, SPECIFICALLY CHAPTER 112 TITLED, "ZONING", SECTION 112-47 GOVERNING THE HEIGHT REGULATIONS IN THE INSTITUTIONAL ZONING DISTRICT.

The full text of the Ordinance is available for inspection without charge at the Borough of West Chester administrative offices, 401 East Gay Street, West Chester, Pennsylvania 19380, Monday through Friday from 8:30 a.m. to 5:00 p.m. A copy of the full text of the Ordinance may be obtained for a charge not greater than the cost thereof. In addition, a certified copy of the proposed Ordinance is also on file and available for inspection by members of the public at the offices of the *Daily Local News*, 250 Bradford Avenue, West Chester Pennsylvania and in the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 West Market Street, West Chester, Pennsylvania 19380-0989.

Borough Manager
Borough of West Chester

AFFIDAVIT OF PUBLICATION
307 Derstine Avenue • Lansdale, PA 19446

WEST CHESTER BOROUGH
401 E GAY STREET
WEST CHESTER, PA 19380
Attention:

STATE OF PENNSYLVANIA,
COUNTY OF MONTGOMERY

The undersigned *Mina O'Leary*, being duly sworn she/he/she is the principal clerk of Daily Local News, Daily Local News Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

NOTICE: At its regular meeting on Wednesday, February 17, 2016 at 7:00 p.m. prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania will hold a public hearing at Borough Hall, 401 East Gay Street, West Chester, Pennsylvania to consider the adoption of, and if approved, Borough Council will adopt an amendment to Chapter 112 of the Borough Code with the following title and summary:

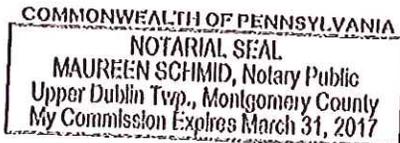
WEST CHESTER BOROUGH

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, SPECIFICALLY CHAPTER 112 TITLED, "ZONING", SECTION 112-47 GOVERNING THE HEIGHT REGULATIONS IN THE INSTITUTIONAL ZONING DISTRICT.

Published in the following edition(s):

Daily Local News	02/02/16
Daily Local News	02/09/16
Daily Local News Digital	02/02/16
Daily Local News Digital	02/09/16

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Borough Manager
Borough of West Chester
DLN- Feb 2,9-1a



Sworn to the subscribed before me this 2/14/2016.

Maureen Schmid
Notary Public, State of Pennsylvania
Acting in County of Montgomery

Advertisement Information

Client Id: 884439 Ad Id: 880821 PO: Sales Person: 093304

Borough of West Chester
Proposed Budget Modifications
For period ended: 31Dec15



<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	<u>DEPARTMENT</u> <u>REQUESTING</u>	<u>REASON</u>
01	410-20	410-33	1,000.00	Mayor	reclass for Council member conference attendance
01	410-20	410-20	239.20	Police	unbudgeted - add reimbursement - attendance fee PML Annual Conference
01	410-35	410-35	40.00	Police	unbudgeted - add reimbursement - restitution
01	410-20	410-20	875.00	Police	unbudgeted - add voided check - duplicate issuance
01	410-12	410-12	190.92	Police	unbudgeted - add reimbursement - OT at DUI CC checkpoint
01	410-12	410-12	267.04	Police	unbudgeted - add reimbursement - OT at DUI CC checkpoint
01	410-35	410-35	60.00	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	70.00	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	23.00	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	75.00	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	158.50	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	80.00	Police	unbudgeted - add reimbursement - restitution
01	410-12	410-12	505.64	Police	reimbursement for OT - DUI roving patrol
01	410-12	410-12	1,096.89	Police	unbudgeted - add reimbursement - OT at Drug Task Force CC
01	410-12	410-12	2,505.69	Police	unbudgeted - add reimbursement - OT at DUI CC checkpoint/Cops in Shops
01	410-12	410-12	1,022.28	Police	unbudgeted - add reimbursement - OT for Aggressive Driving 2015 Wave 1
01	410-12	410-12	2,600.00	Police	unbudgeted - add reimbursement - OT for Aggressive Driving 2015 Wave 3
01	410-23	410-23	606.08	Police	unbudgeted - add reimbursement back - bicycle replacement
01	410-35	410-35	278.75	Police	unbudgeted - add reimbursement - restitution
01	410-35	410-35	23.75	Police	unbudgeted - add reimbursement - restitution
01	410-12	410-12	255.20	Police	reimbursement for OT - DUI roving patrol
01	410-12	410-12	274.12	Police	reimbursement for OT - DUI roving patrol
01	410-12	410-12	1,300.00	Police	unbudgeted - add reimbursement - OT at Buckle Up PA
01	410-21	410-21	814.94	Police	unbudgeted - add reimbursement - uniforms GALLS
01	410-33	410-33	1,240.00	Admin	unbudgeted - add reimbursement - Civil Service exam fees (\$20 @ 62)
Total			<u>15,602.00</u>		

Borough of West Chester
WINTERSTORM JONAS DEBRIEFING

Despite being hit with the biggest snowstorm in decades last month, West Chester Borough was able to get businesses and residents back to some acceptable level of normalcy within 24 hours. Notwithstanding, PWD had its fair share of challenges during the course of this snow removal operations. It is however important to indicate that without the additional pieces of equipment authorized earlier by the Borough Council, the results could have been different.

PWD road crews not only worked around the clock to dig out the Borough's 28 miles of local roads, 8 miles of alleys and 5 miles of State Emergency Routes, but also responded request from emergency responders and specifically clearing alleys for residents who had special needs. PWD personnel responded to approximately 160 requests from residents and others over the six-day period of 24/7 operation. Throughout this period we had two major breakdowns with two significant pieces of equipment along with a myriad of smaller maintenance issues.

Although the total cost for addressing Jonas has not yet been determined, there is no doubt this was an expensive commitment as the services of a number of private contractors were required to assist in the Borough's cleanup efforts. The Pennsylvania Emergency Management Agency was subsequently provided with cleanup data and cost of the 48 hours most expensive period of snow removal from relevant jurisdiction including the Borough of West Chester. We hope that this exercise will lead to a least a partial reimbursement from the Federal Emergency Management Agency (FEMA).

At a debriefing convened by the Borough Manager on 02/09/2016, individuals from relevant departments and Chester County Emergency operation applauded the level of cooperation received from fellow emergency service providers. Most importantly however, at this meeting we were able to identify major problems that were encountered and possible solutions as we go forward. Highlights of the debriefing are as follows:

Concerns and Possible Solutions:

- Public Impatience with Alleys and 8-11's being cleared
 - Improve communication – provide daily updated on what has been accomplished and any changes to the published schedule
 - Filling of vacant positions– Would allow PW to start clearing these areas sooner
 - Trucks with GPS and an interactive map – Would allow residents to see that the trucks are out and where they are.
 - Provide statistics – State how many road and lane miles PW maintains. Also provide a general time schedule as to how long it would take a truck to complete one full time through their route

- Provide a detail/picture depicting what occurs when we push snow from the drive lane into the travel lane. Indicate that this must be done to clear the road and that these piles of snow then have to be dug out and hauled away.
- Prioritized properties to be cleared ASAP. These properties would include first responders and residents with health issues that would require home visits or doctors' visits. This would need to be coordinated with John Brill.
- Provide information to residents regarding the Borough's operations relative to the magnitude of the storm. That is, 4-6" of snow, no issue clearing roads to curb lines. Larger storms will require piling and hauling of snow.
- No Parking and signing – 8-11's for 24 hour no parking seemed to work well as it allowed the Borough the opportunity to efficiently dig out a block. This should be continued, but there needs to be criteria to do this. That is 12 inches of snow or more?
- The Borough needs to see if there are any additional areas for emergency parking. Garages and lots were full early. The Borough should investigate all possibilities and start negotiations. The Borough should also give priority to residents who live/park on snow emergency routes. Possibly provide reserved spaces in garages or lots for events of the magnitude.
- Warming Shelters – Council should be asked if the Borough Building could be utilized as a warming shelter. It will need Council action.
- Approach Melton Center for possible parking for residents or snow storage.
- The Borough should investigate all possible locations for snow storage. PWD filled three storage areas in the one storm.
- The Borough should discuss the possibility of utilizing private contractors for alleys and parking lots for large event storms possibly anything over 12 inches.

Submitted by: O'B Laing, Director of Public Works

RESOLUTION NO. 6 - 2016

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

**RESOLUTION OF ACCEPTANCE FOR PUBLIC ROAD LOCATED IN THE
BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA
DEAN STREET BETWEEN SOUTH BRADFORD AVENUE AND
BRANDYWINE STREET**

BE AND IT IS HEREBY RESOLVED, that Borough Council of the Borough of West Chester, Chester County, Pennsylvania, accepts the attached Deed of Dedication of a certain tract or parcel of ground more particularly described in the foregoing Deed as and for a public road/street, for permanent maintenance, to be hereafter a part of the Road System of the Borough of West Chester, to the same extent and with the same effect as if the said street/road had been opened by a Decree of the Court of Common Pleas of the County of Chester after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

RESOLVED, APPROVED AND ADOPTED this _____ day of _____,

2016.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

BY:

Ellen B. Koopman, President

Jordan C. Norley, Vice-President

Edwin B. Abbott, Member

Donald Braceland, Member

James A. Jones, Member

Diane LeBold, Member

William J. Scott, Member

PREPARED BY:
Edward M. Foley, Esq.
Brutscher, Foley, Milliner & Land, LLP
213 East State Street
Kennett Square, PA 19348
610-444-4848

RETURN TO:
Kristin S. Camp, Esq.
Buckley, Brion, McGuire & Morris
118 W. Market Street, Suite 300
West Chester, PA 19382-2928
610-436-4400

UPI No: [Not separately Assessed]

DEED OF DEDICATION

THIS DEED OF DEDICATION is made the 29 day of December, 2015, between **PAXSON PARK, LP**, a Pennsylvania Limited Partnership, as Grantor, and **WEST CHESTER BOROUGH**, Chester County, Pennsylvania, as Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the advantage to it accruing, as well as for diverse other considerations affecting the public welfare, which it seeks to advance, has granted, bargained, sold, aliened, released, and confirmed and by these presents does grant, bargain, sell, alien, release, and confirm unto the said Grantee, its successors and assigns, the following improvements constructed within the 50 foot wide right of way of Dean Street, between South Bradford Avenue and Brandywine Street:

ALL THAT/THOSE CERTAIN pavement; curbing; sidewalks; traffic signs; and storm sewer inlets, piping, manholes and other appurtenances situate in West Chester Borough, Chester County, Pennsylvania, shown on a plan titled "Plan of Subdivision for 2471 Paxson Park" drawn by Edward B. Walsh and Associates, Inc. dated July 16, 2001, last revised August 24, 2006, the final title plan page of which is recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania, at Record Book 7007, Page 1760 (the "Plan").

TO HAVE AND TO HOLD, the said pavement; curbing; sidewalks; traffic signs; and storm sewer inlets, piping, manholes and other appurtenances above described unto the said Grantee, to and for the only proper use and benefit of said Grantee, its successors and assigns forever, to be maintained and otherwise

utilized for vehicular and pedestrian access, and for the management of storm water runoff and attendant uses.

AND Grantee shall have and hold the perpetual right, title and interest in and to the said pavement; curbing; sidewalks; traffic signs; and the said storm sewer inlets, piping, manholes and other appurtenances to and for its use and the use of its successors and assigns, as specified herein, forever.

AND nothing herein shall deprive Grantor of full rights to direct storm water to the storm sewer piping as contemplated on the said Plan, provided that it shall not use the storm sewer piping and appurtenances in any way that would damage or interfere with the Grantee's rights hereunder.

AND the said Grantor, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with said Grantee, its successors and assigns, against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it shall and will warrant and forever defend.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its proper representative the day and year first written above.

Signed, Sealed and Delivered
in the presence of or attested by:

WITNESS:

PAXSON PARK, LP, a Pennsylvania limited partnership, by its general partner, RJT2 Partners, LLC, a Delaware limited liability company



BY:


W. Joseph Liberato, member/manager

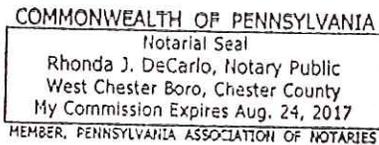
COMMONWEALTH OF PENNSYLVANIA

:SS

COUNTY OF CHESTER

On this, the 29 day of December, 2015, before me, a Notary Public, the undersigned officer, personally appeared W. JOSEPH LIBERATO who acknowledged himself to be a member/manager of RJT2 Partners, LLC, a Delaware limited liability company, being the general partner of Paxson Park, LP, a Pennsylvania limited partnership, and in that capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company as general partner of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public

I hereby certify that the address of
the above-named Grantee is:

West Chester Borough
401 East Gay Street
West Chester, Pa 19380

DEVELOPMENT: PAXSON PARK (Dean Street)

AMOUNT OF SECURITY: \$46,691.42

TYPE OF SECURITY: CASH ESCROW

MAINTENANCE SECURITY AGREEMENT

THIS AGREEMENT, made and entered into this 29 day of Dec, 2015, by and among **PAXSON PARK, LP**, a Pennsylvania Limited Partnership, with an address of P. O. Box 3085, West Chester, PA 19380 (hereinafter called the "Developer") and the **BOROUGH OF WEST CHESTER**, a political subdivision of the Commonwealth of Pennsylvania with an address of 401 East Gay Street, West Chester, Pennsylvania, 19380 (hereinafter called the "Borough").

WHEREAS, Developer was the owner of a certain parcel of land having a total area of 3.469 acres situate on Dean Street in the Borough of West Chester, Chester County, Pennsylvania, as acquired by deed dated August 2, 2005 and recorded in Record Book 6572, page 60, in the Office of the Recorder of Deeds of Chester County, Pennsylvania (the "Property"); and

WHEREAS, the Property was developed pursuant to a certain plan entitled "Plan of Subdivision for 2471 Paxson Park" prepared by Edward B. Walsh and Associates, Inc. dated July 16, 2001, last revised August 24, 2006 (the "Plan"); and

WHEREAS, Developer has installed, constructed and completed certain public improvements, including pavement, curbing, sidewalks, stormwater management facilities and sewer improvements as more fully depicted on the Plan; and

WHEREAS, Developer has offered to dedicate to the Borough certain public improvements shown on the Plan within the right-of-way of Dean Street, including

pavement, curbing, sidewalks, stormwater management facilities and sanitary sewer lines situated in the street right-of-way through, upon, over and under Dean Street, and the Borough accepted dedication of same at a regularly scheduled public Borough Council meeting on February 17, 2016; and

WHEREAS, the list of improvements (the "Dedicated Improvements") that Developer has dedicated to the Borough is set forth on Exhibit "A" which is attached hereto and incorporated herein by reference; and

WHEREAS, Developer and the Borough have executed a Subdivision and Land Development Improvement and Maintenance Agreement (hereinafter referred to as "Agreement"), whereby Developer is obligated to repair and replace all defects in workmanship and materials appearing in the Dedicated Improvements and to repair all defects and damages caused by lack of structural integrity or failure of the Dedicated Improvements to function in accordance with the design and specifications as depicted on the Plan and the accompanying approval documents, where said defects appear within eighteen (18) months from the date of acceptance of dedication of the Dedicated Improvements; and

WHEREAS, it is a condition of the aforesaid Agreement that Developer must deposit with the Borough financial security in the amount of fifteen percent (15%) of the actual cost of the Dedicated Improvements as described and established in the Agreement;

NOW, THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

1. Prior to the execution of this Agreement, Developer has provided for the deposit with the Borough an escrow account in the amount of Forty-Six Thousand Six Hundred Ninety-one and 42/100 Dollars (\$46,691.42) (hereinafter referred to as the "Dedicated Improvements Escrow"). The Dedicated Improvements Escrow is equal to fifteen percent (15%) of the actual cost of the Dedicated Improvements. The Dedicated Improvements Escrow is herewith posted subject to the terms and conditions of this Agreement.

2. Although the Dedicated Improvements Escrow is limited to fifteen percent (15%) of the actual cost of the Dedicated Improvements, Developer shall be liable, nevertheless, for the full cost of repair or replacement due to defects in workmanship and materials appearing in the Dedicated Improvements and for the full cost and repair of all defects or damage caused by lack of structural integrity or failure of the Dedicated Improvements to function in accordance with design specifications as depicted on the Plan and intended by the approvals, where said defects appear within eighteen (18) months from the date of this Agreement.

3. Except as provided by Paragraph 4 hereof, the Borough shall not proceed against Developer under this Agreement unless notice describing any defective condition or failure of the Dedicated Improvements to function in accordance with the Plan has been given. The Borough shall give said notice to Developer as soon as practical after the Borough has actual notice of the said condition. Developer shall inform the Borough in writing within ten (10) days after receipt of the aforesaid notice from the Borough of a condition requiring repair work or replacement of material, stating Developer's intention to proceed with such repair or replacement, or both, as applicable.

If Developer's communication is not received within that time, the Borough may proceed against the established Dedicated Improvements Escrow.

Developer shall have thirty (30) days from the Borough's notice within which to commence any repair work or replacement of materials. If said work or replacement is not commenced within thirty (30) days or if said work is not diligently pursued and continued, the Borough, in addition to any other legal or equitable remedies it has, may seek immediate payment of the funds guaranteed by the Dedicated Improvements Escrow.

4. Where the Borough reasonably determines that an emergency exists which requires immediate corrective action and makes prior notification to Developer impracticable under the circumstances, the Borough may make appropriate corrective measures and notify the Developer that the funds held in the Dedicated Improvements Escrow must be immediately provided to the Borough upon such notice. The Borough will attempt to notify Developer by phone or by written notice of the existence of the emergency as soon as possible after the same comes to the Borough's attention, but failure of the Borough to successfully notify Developer shall have no effect upon the Borough's right to proceed against the Dedicated Improvements Escrow. The Borough may take this action without the prior consent or approval of Developer.

5. All notices required to be given to any of the parties hereunder shall be in writing and shall be presented personally to such party or sent by certified or registered mail, return receipt requested, or by Federal Express or by other nationally-recognized overnight courier service, to such party at the address set forth below:

Developer: Paxson Park, LP
P. O. Box 3085
West Chester, PA 19380
610-226-5717

Borough: Borough of West Chester
401 E. Gay Street
West Chester, PA 19380

Notices are deemed to be given when received if delivered personally or two (2) business days after the date mailed if sent by certified or registered mail, return receipt requested, or one (1) business day after deposited with Federal Express or other nationally-recognized overnight courier service. Any notice of any change in the above noted addresses shall be given to the respective party in the manner set forth above. Whenever written notice, if any, is required to be given, the giving of such notice may be waived in writing, by the party entitled to receive such notice.

6. After the completion and acceptance of any maintenance work required under the terms of the referenced Agreement, and upon completion of all of the conditions of said Agreement, including the expiration of the eighteen (18) month period thereof, the Dedicated Improvements Escrow shall be released to Developer within a reasonable period of time after the Borough determines compliance with all provisions of the Agreement.

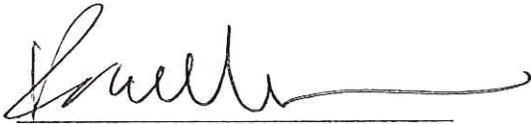
7. In addition to the remedies provided herein, the Borough may pursue any other legal or equitable remedies which it may have against Developer to enforce Developer's obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals or caused this Agreement to be duly executed by their respective duly-authorized officers the day and year first above written.

DEVELOPER:

WITNESS:

PAXSON PARK, LP
BY: RJT2 PARTNERS, LLC, its
general partner



By: 
W. Joseph Liberato, member/manager

BOROUGH OF WEST CHESTER

ATTEST:

Secretary

By: _____
Jordan C. Norley
President, Borough Council

Itemized Escrow for Dedication

			Comments
D. Concrete			
1. Curbing	\$20,025.60	\$20,025.60	
2. Sidewalk	\$27,675.00	\$27,675.00	
G. Storm			
1. 6" HDPE			there is no 6" HDPE within the ROW ...
2. 15" RCP	\$26,001.00	\$26,001.00	
3. 18" RCP	\$3,162.00	\$3,162.00	
4. 24" RCP	\$9,481.50	\$9,481.50	
5. 36" HDPE	\$10,230.00	\$10,230.00	
6. 42" HDPE	\$65,365.00	\$65,365.00	
7. Type C Inlet	\$13,500.00	\$13,500.00	
8. Type M Inlet	\$4,500.00	\$4,500.00	
9. Manhole - Modified Box	\$15,200.00	\$15,200.00	
10. Manhole - Standard	\$1,800.00	\$1,800.00	
11. DW Endwall			the endwalls are located within the basin
H. Paving			
1. Subbase	\$18,408.00	\$18,408.00	
2. BCBC	\$35,412.00	\$35,412.00	
3. Binder Course	\$22,152.00	\$22,152.00	
4. Wearing Course	\$22,152.00	\$22,152.00	
5. Holly Alley Paving	\$14,212.00	\$14,212.00	
I. Misc.			
2. Signs	\$2,000.00	\$2,000.00	agreed, missed in my previous calculation
Total	\$311,276.10	\$311,276.10	
15% Maintenance Bond	\$46,691.42	\$46,691.42	

NOTE: The amount currently held in Escrow at BMT totals \$58,732.73 (this amount includes the \$2700.00 added for Construction Inspections

Stormwater Assessment Fee Feasibility Study and Implementation Plan Amendment #2

Stream Protection Fee Technical GI Implementation Support

PREPARED FOR: Michael Cotter, Borough Manager
PREPARED BY: CH2M
DATE: January 27, 2016
PROJECT NUMBER: 473792

Project Understanding and Purpose

West Chester Borough is implementing a stormwater program funded by the proposed Stream Protection Fee. The focus of the program will be green infrastructure (GI) projects to achieve multiple benefits and extend the value of its urban infrastructure investments by:

1. Developing green infrastructure (GI) projects that respond comprehensively to the multiple water quality and quantity drivers (e.g., TMDL, NPDES MS4 stormwater regulations, flooding) to maximize the value of Borough investments.
2. Using GI to reduce pollution and erosive flows from urban stormwater runoff to support the Goose Creek TMDL Strategy.
3. Improve the health and quality of life for Borough residents by linking stormwater solutions to community improvements through neighborhood enhancements.
4. Seeking to achieving lower cost and higher benefit from the Borough's infrastructure investments.

The following changes to the Standard Agreement for Professional Services (Agreement) are hereby proposed and shall be incorporated by reference to the Agreement April 18, 2013, between CH2MHILL Engineers, Inc. (Engineer) and West Chester Borough, PA (Client). The Agreement is proposed to be amended as follows:

1. Scope of services

ENGINEER agrees to furnish the Client with the following specific services:

This attached scope of work provides technical engineering and planning support services in order to support the implementation of the Borough's Stream Protection Fee program, under the tasks as listed below.

Task 8. Program Support

Monthly team status meetings are an efficient way to stay focused on project schedule, share draft findings, discuss time-sensitive updates, and determine recommendations for moving forward. Since November 2014, the SPF team has help productive monthly meetings to stay on task. Under this task, CH2M staff will continue to prepare the agenda, attend the meetings, provide copies of any supporting materials, and prepare a meeting summary.

Task 8 Deliverables

- Monthly Team Meetings (Prep, attendance, and follow-up)
- Project Management/Administrative Support

Task 9. Grant Support

The purpose of this task is to support the development of grant applications for planning and/or implementation of stormwater projects in West Chester Borough. The total amount proposed for this task is approximately \$10,000 which can be applied to any number of potential grant opportunities that have recently been identified. There are three specific sources of grants already identified, including:

- Low Volume Roads through the state Dirt, Gravel, and Low Volume Road program which is administered by the Chester County Conservation District (CCCD). This grant can fund the implementation of green roads/alleys with a daily volume less than 500 cars and has a rolling deadline for submittal. The funding available is administered on a first come first serve basis, out of a total of \$200,000 received by the Conservation District from the State.
 - On December 22, 2015 CH2M attended a meeting with CCCD to discuss the project viability, application procedures, and schedule for application completion. CCCD was pleased to hear of the potential projects and noted that the GI projects are something they were quite interested in funding. The project coordinator recommended that the Borough submit as soon as possible as there has been increased interest in their funds by other municipalities.
- Pennsylvania Dept. of Conservation and Natural Resources (PADCNR) – Community Conservation Partnerships Program (C2P2) – this grant funds a variety of projects including planning and design for green parks, as well as overall municipality wide watershed based GI plans. The application is due April 16, 2016 and has an extensive and competitive application process should the Borough choose to apply.
- Pennsylvania Dept. of Environmental Protection Growing Greener. This grant for 2016/2017 has not been announced yet, however the previous year's grant was due July 10, 2015. Growing Greener funds a variety of stormwater planning and engineering projects.

Task 9 Deliverables

The specific work elements to occur under this task include:

- Support for grant applications and required components including scope, budget and schedule in coordination with and as directed by Borough Manager and Director of Public Works.
- Meetings with grant coordinator and Borough, as needed

Task 9 Assumptions:

1. CH2M will seek to combine project specific meetings with any other previously scheduled meeting in order to maximize cost efficiencies to the maximum extent possible.
2. Project Concepts graphics that are to be included in any grant application will be funded through Task 11 described below.

Task 10. Regulatory Support

The purpose of this task is to provide technical engineering and planning support for the development of the TMDL Strategy (due to PADEP in February 2016) and the forthcoming watershed TMDL Implementation Plans (due to PADEP in 2017/2018). Specific work elements to occur under this task include:

- Attendance at meetings with the Borough and/or the Borough Engineer Gilmore Associates to develop, review and discuss the TMDL Strategy. Table 1 lists the meetings attended

Table 1

Meetings previously held in support of Regulatory Support Task

DATE	MEETING TOPIC
Jun 4, 2015	Preparation and attendance at June 4 mtg with Borough and Gilmore Associates to discuss strategy for PADEP
Jun 11, 2015	Meeting at PADEP offices to discuss the review letter and Department expectations
Oct 29, 2015	Team mtg with Gilmore Associates where they presented the Draft Strategy. This was held in advance of the AC Mtg #7
Dec 8, 2015	Public Works Committee Mtg where Gilmore presented official Draft Strategy to Council
Dec 18, 2015	Team mtg during monthly Status meeting to discuss the TMDL Strategy Plan components, timeline, and Public meeting participation
Jan 12, 2016	Public presentation of Draft TMDL Strategy Plan for public comment

- Attendance at Christina TMDL Implementation Partnership (CTIP) on July 22, 2015
- Technical review of draft TMDL Strategy Plan prior to submittal to PADEP in January 2016

Task 11. Stormwater Concept and Design Support

The purpose of this task is to provide technical engineering and planning support for the development of concepts for five identified stormwater projects that include green infrastructure. The concepts will be developed in order to include enough detail to be used in grant applications, public outreach and presentation, as well as a starting point for detailed design.

Activity performed under this task will include work in the Conceptual phase and Design phase. Conceptual phase support includes the development of basemaps, field visits to confirm existing conditions including visible opportunities and constraints, development of concepts in GIS on tabloid 11x17-inch sheets, and preparation of photorealistic renderings of sites as directed by the Borough. Design phase support could include the facilitation of site surveys and geotechnical analyses (infiltration testing, boring, etc.), development of project specific standard construction details or specifications, and any other design support activity as directed by the Borough. Project specific design support could be performed under a separate contract if necessary.

Included on the concept maps will be specific metrics that will help communicate the project benefits (estimated construction costs, reduction in pollution, amount of runoff managed, etc.). Table 2 lists five previously approved GI project sites based on discussion with the Borough stormwater team. GIS aerial basemaps are provided in Appendix A. An example of a similar concept template, prepared for a park in Boston on behalf of Boston Water and Sewer Commission, is provided in Appendix B.

TABLE 2.

Priority Green Stormwater Projects to be developed for design and construction in 2016

Location	Project Description
John O Greene Park	Green park, in conjunction with Rec Department planned rehab for resurfacing the north park area. Potential to include stormwater planter around perimeter, bumpouts on Miner St, and more.
Veteran's Park / Pine Alley	Pine alley: potential grant funded; rain garden and enhanced tree planting. Planned replacement of 36" stormwater pipe down Pine Alley.
Municipal Building	Rain garden demonstration that manages adjacent street runoff
Greenfield Park	Parking lot rehab with infiltration and rain gardens
Franklin Street from Marshall to Virginia	Green street with vegetated bump out/rain gardens to provide traffic calming and pedestrian safety along with stormwater management.
Project identified on DPW's Planned 2016 Reconstruction list; vegetated curb extensions and other green street elements.	Project identified on DPW's Planned 2016 Reconstruction list; vegetated curb extensions and other green street elements.

Task 11 Deliverables:

- Existing conditions basemaps for up to six locations
- GIS Based concepts for up to six locations, including project benefit metric tables
- Photo-realistic renderings for up to six locations
- Preliminary design support up to 60 hours (10 hours per project)

2. Compensation

Table 1.1 below provides the estimated level of effort for the proposed tasks (per the original agreement, the Borough will only be charged on a time and materials basis).

Table 1.1

Cost proposal for Amendment #2

PROJECT NUMBER	TASK	HOURS	LABOR COST	EXPENSES / TRAVEL	TASK TOTAL COST
473792.03.IM.10	Task 8 Program Support	60	\$7,553		\$7,553
473792.04.01	Task 9 Grant Support	64	\$10,018		\$10,018
473792.04.02	Task 10 Regulatory Support	60	\$10,073		\$10,073
473792.04.03	Task 11 GI Concept and Design Support	210	\$30,027		\$30,027
	Expenses			\$500	\$500
	TOTAL	394	\$57,671	\$500	\$58,171

3. Other Terms

The following provisions shall apply to this Amendment: The duration of the contract is extended until December 31, 2017. CH2M is operating under a 2.95 multiplier based on current staff rates which are escalated approximately 3% on May 1, 2016.

All terms and conditions of the April 18, 2013, Agreement between West Chester Borough, PA and CH2M HILL shall remain in full force and effect unless specifically modified herein.

Contract Amount

Original	\$ 204,710
Previous Amendments (+)	\$ 92,585
This Amendment (No. 2) (+)	\$ 58,171
Revised Authorized Amount	\$ 355,466

By signature below, Client and CH2M HILL agree that this Amendment constitutes full and complete modifications to this Agreement related to the issues giving rise to this Amendment.

CH2M HILL	CLIENT
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Signature



Signature

Name/Title
(printed)

Jason Kirk, P.E. Vice President

Name/Title
(printed)