

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
January 19, 2010 7:30Pm

In attendance were Supervisors Chair Charles P. Barber; Vice Chair Carol R. De Wolf and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams and Township Planning Commission Vice Chair David Walter. There were seven guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair Barber called the meeting to order at 7:34Pm and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (January 4, 2010 Organizational Meeting and Regular Meeting).**

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the January 4, 2010 Organizational and Regular Meeting minutes. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Summary of Board of Supervisors Workshop 1/19/10.**

Mr. Barber stated that the Board reviewed the following items at its workshop: The Chester County Hazardous Mitigation Plan and the Township's Emergency Preparedness Plan; Usage of ball fields; Earmark requests; Re-zoning of the Gate House; A request for installation of a cell tower at the Township Wastewater Treatment plant; preparing a new Community Map; and directed Mr. Layman to review the URS contract for a reduction in fees.

**IV. Departmental Reports.**

**A. Westtown-East Goshen Police Chief John M. Dumond.**

Chief Dumond reviewed the December Police Report. He stated that the Department responded to a total of 1,116 calls in December with 411 of the calls in Westtown. Chief Dumond reported on the January 17<sup>th</sup> shooting of one of our Police Officers. He stated that Officer Tim Hubbard was on patrol and responded to a call of suspicious activity at the Ashbridge Preserve in East Goshen. When getting out of his car Officer Hubbard was shot in his hand by a suspect who then fled the scene. The Department is actively working the case. Officer Hubbard has been released from the hospital and is recuperating at home. Mr. Foster asked Chief to convey the Boards appreciation to Officer Hubbard and wished him a quick recovery.

**B. Township Solicitor – Robert Adams.**

**1. Adopt Ordinance 2010-1 Amending Ordinance 2005-2 “Sewer Collection and Conveyance Regulations”.**

Mr. Adams said this is a revision of Ordinance 2005-2 as the Township is required to comply with federally mandated treatment standards and with West Goshen's ordinance as we send flows to their treatment plant. The changes in the ordinance mainly apply to industrial users. Mr. Adams stated that the ordinance has been advertised and is ready for the Board's execution this evening.

Ms. De Wolf made a motion, seconded by Mr. Foster, to adopt Ordinance 2010-1 Amending Ordinance 2005-2 “Sewer Collection and Conveyance Regulations”. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved adoption of the ordinance.

**C. Planning Commission – David Walter.**

Mr. Walter stated that as there are no items for this week's agenda the Planning Commission meeting has been canceled. He stated that at the Commission's January 5<sup>th</sup> meeting two items were reviewed. The first was the minor subdivision plan for the Bayard Rustin Pump Station. The Commission is recommending plan approval conditioned on the relocation of all overhead utility wires before dedication of the Pump Station to the Township. The second was the possible rezoning of the Gate House to R1 residential. A fire lane easement will be necessary for the old driveway if the Gate House is rezoned. Mr. Walter said the Commission would like additional input from the Board before they continue with the review. Mr. Foster stated the property is now a Township District and the Board is questioning if the zoning should be changed to allow a residential property in the Township District or should they subdivide the property and rezone to R1. Mr. Walter stated that the Commission assumed that the Township was considering selling the Gate House as grant funding could be affected by having a rental property in the park. Mr. Adams stated that if grants are affected creating a new lot would seem reasonable. Ms. De Wolf expressed her concern that allowing this in the Township District might create future problems in other Township Districts. After some discussion Mr. Barber stated that the Board would table the re-zoning of the Gate House at this time. Ms. De Wolf asked about the fire lane. For the present, it was suggested that a sign designating the fire lane should be installed.

**V. Public Comment-Non Agenda Items.**

In attendance were two Eagle Scouts, Matt S, Troop 93, and Brandon Kinsey, Troop 149. Both stated that they are working on their Citizenship and Community Merit Badges.

Mr. Foster mentioned the recent passing of Evelyn Groff who had been Westtown's Secretary/Treasurer for many years. He stated that her family had held a memorial service for her at Oakbourne Mansion and were very appreciative of the amount of people in attendance.

Mr. Kinsey, 1552 Marlboro Road, asked the status of public sewer. Mr. Barber stated that the Township, because of the Presby Homes development, needs to revise its Act 537 plan and is in the process of reviewing the plan with DEP. Ms. De Wolf said that the Township is reevaluating the issue of public sewer. There are certain areas that were identified to receive public sewer which are being looked at. She also stated that because of the economy the Board is looking at a system that will be a more cost effective. Mr. Kinsey said he thought he had been in the first phase. Ms. De Wolf said he was correct his area was in one of the first phases. Mr. Barber said the public meetings on sewer were quite contentious and he feels that there were residents who needed public sewer that did not speak out.

**VI. Old Business:**

There was no old business at this time.

**VII. New Business:**

**A. Approve Appointment of Ed Travis as "Citizen at Large" to Westtown-East Goshen Police Commission.**

Mr. Barber stated that under the 2004 Police Services Agreement. The Citizen at Large is appointed from Thornbury Chester County and approved by Westtown and East Goshen. .

Mr. Foster made a motion, seconded by Ms. De Wolf, to appoint Ed Travis as the "Citizen at Large" to the Westtown-Township East Goshen Police Commission. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Grant Final Minor Subdivision Plan Approval for Tract 2008-1 Bayard Rustin Pump Station.**

Mr. Barber stated the Board will grant final plan approval conditioned on the Planning Commission's letter of January 13, 2010.

Mr. Foster made a motion, seconded by Ms. De Wolf, to grant final minor subdivision plan approval for Tract 2008-1 Bayard Rustin Pump Station conditioned on the Planning Commission's letter of January 13, 2010. All overhead utility wires are to be relocated before the Township will accept dedication of the pump station. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Approve Appointments of Representatives to the West Chester Regional Planning Commission.**

Ms. De Wolf made a motion, seconded by Mr. Foster, to appoint Jim Lees as representative to the West Chester Regional Planning Commission and Richard Pomerantz as the alternate. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

**D. Award Sludge Removal Bid.**

This item was tabled for further review.

**E. Approve Escrow Release No. 8 Tract 2003-2 Liberty Square.**

Beth Carroll, 607 Bowers Drive, and Jacqueline Bivens, 616 Bowers Drive were in attendance representing the Liberty Square Homeowners Association.

Mr. Barber stated that the release of \$35,000 has been reviewed by the Township Engineer, who feels there would be enough left in the escrow account for the Township to complete the project if the developer does not. He also stated that the developer has asked that an additional \$40,000 be released at this time.

Ms. Carroll stated that residents had officially taken over responsibility for the Homeowners Association in June. She reviewed the following items that they feel need to still be completed: landscaping, the stormwater basin, road work, lighting and a tot lot. She stated there is a construction vehicle that has been there since Thanksgiving that they would like removed. If the road work and basin are completed they could do without the tot lot. Ms. Carroll said the Homeowners are concerned that as the developer is asking for \$75,000 there will not be enough left in escrow to complete the project. Mr. Layman stated that Mr. Kilgarif's son (Patrick Kilgarif) has taken over the project. The Township can only require the developer to complete the items in the approved plan, not what the developer might have promised. Mr. Layman stated that he had contacted Mr. Kilgarif in the fall of 2008 about completion of the subdivision and Mr. Kilgarif stated that he would complete the project in the spring of 2009 as the cost of oil prohibited paving at that time. Patrick Kilgarif did start work in the fall and is now asking for an escrow release in order to pay his suppliers. Mr. Layman stated that Mr. Pingar is not recommending releasing the additional \$40,000 at this time. Mr. Adams stated that the Board, under the escrow agreement, may only release funds for work that has been done. He also stated that if the Township would like the developer to finish the project, the Board should release the funds that will allow him to pay his suppliers. Ms. Carroll said the Homeowners do not have a problem with releasing the \$35,000 only with releasing additional funds. Mr. Foster asked if the escrow funds could be released with conditions. Mr. Adams said that would be fine.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve escrow release No. 8 for Tract 2003-2 Liberty Square in the amount of \$35,000 conditioned on removal of the bull dozer, cleanup of all trash, and a proposal and schedule for the work to be completed. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**VIII. Public Comment.**

There was no public comment.

**IX. Payment of Bills.**

On the motion of Mr. Foster, seconded by Ms. De Wolf, the Board of Supervisors unanimously approved payment of the bills as presented.

**X. Adjournment.**

On the motion of Mr. Foster, seconded by Ms. De Wolf, the meeting was unanimously adjourned at 8:18Pm. .

Respectfully Submitted  
Robert Layman  
Township Manager