

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

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

I. Call to Order.

As there was a quorum present Chair Barber called the meeting to order at 7:33Pm and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (July 6, Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber to approve the minutes of the June 7, 2010 regular meeting (Ms. De Wolf recused herself as she was not in attendance at the July 6th meeting). Mr. Barber asked for public comment.

Beth Carroll asked that the Public Comment portion of the minutes be corrected to include her statement that if the Board accepted the alternate that was proposed they would be approving release of escrow funds without a public hearing. She had requested that any funds released would be approved by the Board at a public meeting.

The Board of Supervisors unanimously approved the minutes as corrected (Section IV: to include the following; Ms. Carroll expressed her concern that if the Board accepted the alternate that was proposed they would be approving release of escrow funds without a public hearing and that any funds released be approved by the Board at a public meeting.

III. Summary of Board of Supervisors Workshop 6/7/2010.

Mr. Barber stated the following items were discussed at the workshop: Meeting with DEP on July 8th concerning Act 537 and moving forward with the on-lot management program; Reviewed the Sleiman request and discussed the stop work order for his property. Reviewed architect proposals for a feasibility study for possible relocation of the Township Office to Oakbourne Mansion; Mr. Layman's meeting with West Goshen Sewer Authority pertaining to an offer from another Township to purchase capacity at the plant; Joining the National Pollution Discharge Elimination System Coalition which Mr. Layman will review and the Lain public sewer issue.

IV. Departmental Reports.

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

Chief Dumond stated that the Department responded to 514 calls in Westtown in June. He commended the Patrol Division for their response to an armed robbery at the Exxon Station at Routes 3 & 352 and the apprehension of a suspect who robbed a property on Reservoir Road in East Goshen. Chief Dumond announced that Officer Timothy Hubbard will receive an award for bravery at East Goshen's Board of Supervisor meeting tomorrow evening.

B. Township Solicitor Robert F. Adams.

1. Approve Advertising Road Improvements Tract 2003-2 Liberty Square.

Mr. Adams stated that at this time advertising for road work is not necessary as the developer has commenced the paving in Liberty Square. He also stated that the Board has expressed authorizing advertising for other outstanding items. Mr. Barber

asked if a schedule of work was received by the Township Engineer as specified in Mr. Adams letter of May 23rd. Mr. Pingar responded that he did not receive a schedule of work, only a cost estimate from the contractor doing the work. He stated that the contractor promised to do the work in a certain time frame and that he did not consider that a schedule. He also stated that the work should be done by tomorrow. Mr. Barber stated that he would like a follow up letter from Mr. Adams that all work was to be completed by the end of August. Mr. Pingar reviewed the following items still needed to be completed: convert the detention basin to a permanent basin; finish grading and seeding; install traffic control signs; do paving markings and replace dead trees. Mr. Adams stated he would send a letter to Mr. Kilgarif's lawyer asking for a completion schedule for the remaining work. Mr. Foster advised Mr. Adams that the Board would like to set a deadline for when all the work should be completed. Mr. Pingar stated that seeding would need to be completed by September 15, 2010. After some discussion the date for completion was set for August 3, 2010.

Mr. Foster made a motion, seconded by Ms. De Wolf, to authorize the Township Manager to advertise for all unfinished work if the work is not completed by the designated deadline of August 3, 2010.

C. Planning Commission – David Walter.

Mr. Walter stated that the last Planning Commission was canceled as the Rossiter's Engineer was not ready for the meeting. He stated that at this week's meeting the Commission will review and comment on the Zoning Hearing Board's application from the West Chester Area School District for field lighting at Bayard Rustin High School. Ms. De Wolf asked if the Planning Commission had received Stan Stubbe's letter. Mr. Walter stated that Mr. Stubbe will be attending the meeting. Ms. De Wolf referred to an article in the PSATS bulletin which she would like to discuss with the Planning Commission and said she will be attending their meeting. The article addresses areas where the Planning Commission could be involved. Mr. Foster asked Ms. De Wolf to share what she felt the Commission could be doing. Ms. De Wolf stated that there is some desire on the Board, although not from her, to sell some of the Township open space. As this is very critical Ms. De Wolf said she feels a strategic approach is needed which could be provided by the Planning Commission. The Planning Commission could look at the open space parcels to determine what could be sold without affecting the residents. She also stated that just "jumping to sell" to get funds is the wrong approach and is a major policy shift from where Westtown has been in the past. Mr. Barber stated that the Board is looking at selling open space to acquire funds for projects that need to be done such as the New Street Bridge. Mr. Layman stated that it is estimated that it will cost \$500,000 to completely repair the bridge. Ms. De Wolf said that she does realize that there are major issues where funding is needed. Mr. Foster said the Township is forty years behind on street repairs and also does not have funding for curb repair. Mr. Barber also stated that the Township is committed to funding the police and that their pension is over \$400,000 this year.

V. Public Comment-Non Agenda Items.

Beth Carroll, 607 Bowers Drive, Liberty Square, presented a handout to the Board and Mr. Pingar pertaining to Mr. Pingar's letter of January 5th. She stated that the handout addresses the items they are concerned about and need to be addressed. Ms. Carroll asked about a "community as built plan". Mr. Adams stated that this is not a requirement unless it is stated in the developer's agreement. Mr. Pingar stated that this is not a standard practice and is not being required to be done. Ms. Carroll also asked about a maintenance bond. Mr. Adams responded that a bond is only required for improvements that are being dedicated to the Township. Ms. Carroll asked about holding the escrow funds until all items are completed. Mr. Adams stated that the Township is obligated to try to get the work completed to the maximum extent possible with the available funds. He stated that Mr. Pingar will determine what items are completed and only those funds would be released. Ms. Carroll stated that funds were released for six lights and only five have been installed. Mr. Adams stated that the Township is limited to apply the funds for the designated purposes and nothing else. Ms. Carroll stated that the Township has had the responsibility since 2004 to push the escrow agreement to completion and could have the work done without talking to anyone. Mr. Adams stated that the Township is trying to get the work finished and is looking to see how the developer performs. He stated that he would advise the

Board not to make any guarantees to the Homeowners Association concerning satisfying all of their punch list items. Ms. Carroll said it is not their punch list but what is in accordance with the original agreement. Mr. Adams said if there are funds available they would be applied but the Township is not going to use public money to satisfy the community as the funds are limited to the escrow account. Ms. Carroll said she understands and that she would never suggest that the public pay for what Mr. Kilgarif did not finish. She asked if she is right in assuming that if there is any money left in the escrow account when the work is completed it would technically go to Mr. Kilgarif and to the Township for engineering fees. Mr. Adams said it is possible some would go to the community but he would not recommend to the Board that they would make that assurance. He also stated that he understands her concerns but would like to see how the project moves forward. He also stated that it is not in the best interest of Westtown to go in and do the work but to have the developer finish the project and apply the escrow funds.

Joyce Jasinski, 1003 Dunning Drive, stated she was here concerning the "protection" of Dunning Drive. She had sent an email to the Board requesting that the road be dedicated. She stated after talking to her neighbors she does not know if that is the best option. Mrs. Jasinski said that having police presence at Dunning Drive and Shiloh Road during school events has helped. She said it is better to have the police there instead of permit parking on Dunning Drive. She also stated she does not have a problem with the field lighting as long as the integrity of the neighborhood is protected. Mr. Foster stated that when it was suggested to the residents that they have permit parking they did not want "no parking" signs installed on their street. Mrs. Jasinski said that it is hard to have no parking on residential streets and that there was only one resident that did not want permit parking. Mr. Layman suggested waiting to see what effect the lights would have and that permit parking was the best alternative. Chief Dumond stated that the WCASD hires officers to work the school events. He also stated that the police can only enforce no parking if there are posted signs. Mr. Adams mentioned that it is taking months to receive the deeds of dedication for Shiloh Road from WCASD and he will check with the District on this issue. Mr. Foster suggested that Ms. Jasinski attend WCASD's hearing before the Zoning Hearing Board and express her concerns.

Mr. Barber announced that Park and Recreation would be holding Christmas in July on Saturday July 24th at Tyson Park. He also announced that J&K Auto, 1014 Wilmington Pike has been awarded a certificate from the Chester-Ridley Crum Creek Water Shed Association for becoming a "Clean Streams Partner":

VI. Old Business:

There was no old business

VII. New Business.

A. Approve Architect Oakbourne Mansion.

Mr. Foster stated that the Board has chosen the firm of Bernardon Haber and Holloway to do a detailed study of Oakbourne Mansion to determine the cost to convert the Mansion and the Carriage House for use as the Township Municipal facilities. The cost of the study is not to exceed \$14,500. Ms. De Wolf said the Board needs to see if it would be economically feasible to sell the current Township Building and relocate to Oakbourne Mansion.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve Bernardon Haber and Holloway to do a feasibility study of Oakbourne Mansion. The cost of the study is not to exceed \$14,500. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

B. Adopt Resolution 2010-13 Act 46 Notification.

Mr. Layman reviewed Act 46 which extends the time frame for developments that have received approval but have not been started. Mr. Adams stated that this protects developments whose permit time is running out. Ms. De Wolf asked if there was any development or project in Westtown that this would apply to. Mr. Layman responded that

Fair Share might be one. He also stated that the Resolution has to be advertised in the Pennsylvania Bulletin and that PSATS will do this for the municipalities.

Mr. Foster made a motion, seconded by Ms. De Wolf to adopt Resolution 2010-13 Act 46 Notification. 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 Ms. De Wolf, seconded by Mr. Barber, the Board of Supervisors unanimously approved the 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 8:33Pm.

Respectfully Submitted,
Robert Layman, Township Manager