

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
December 17, 2007, 7:30Pm

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

**DRAFT**

**I. Call to Order.**

As there was a quorum present Chair Carol De Wolf called the meeting to order at 7:30 PM and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (December 3, 2007 Regular Meeting).**

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the December 3, 2007. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Departmental Reports.**

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

Chief Dumond reviewed the November statistics for Westtown. He stated the Department is working with the New Garden Police and the State Police in Avondale investigating a burglary on S. New Street that is similar to ones in southern Chester County. He also reported on an armed robbery at the Rose Hill Apartments in East Goshen which is under investigation. Chief Dumond stated that GPS devices have been stolen from vehicles in Thornbury and reminded those present to lock their vehicles and not leave any valuable items in their cars.

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

**1. Sale of Old Township Building, 1081 Wilmington Pike Opening of Bids.**

Mr. Adams stated that the bid had been advertised for bids to be received on December 14<sup>th</sup> with the bids to be opened this evening. A pre bid meeting was held on December 6, 2007 and only two bids were received on December 14<sup>th</sup>. Mr. Foster asked if there were contingencies on the bid award. Mr. Adams responded in the negative and stated there are no zoning, financial or any contingencies on the bid. Mr. Layman opened the bids. The first was from LV Associates, L.P., 55 Country Club Drive, Downingtown, Pa in the amount of \$701,050.00. A bid bond in the amount of 10% was included with the bid. The second bid, from Neeta and Chander Schecker, 26 Woods Road, West Chester, was a substitution bid (allowed in the bid specifications item #7) for the original bid submitted on December 14, 2007. The bid was in the amount of \$451,001.25 with a bid bond included in the amount of 10% of the bid. Mr. Foster stated that the Board would move to accept the highest bid. Mr. Adams stated that acceptance should be conditioned on his approval that the bid was in the proper form. Mr. Foster asked if the closing would be in 60 days. Mr. Adams responded that Mr. Loew, representing L.V. Associates has 60 days to close.

Mr. Foster made a motion, seconded by Mr. Barber, to award the sale of the old Township Building, 1081 Wilmington Pike, to the highest bidder LV Associates, L.P. in the amount of \$701,050.00 conditioned on Mr. Adams review that the bid was submitted in the proper form. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously awarded the bid to LV Associates, L.P. as conditioned.

## **2. Conditional Use Hearing Crebilly Farms.**

Mr. Adams stated for the record that the Crebilly Farms hearing had been continued from November 19, 2007 to this evening. The applicant's counsel has agreed not to move forward with the hearing this evening but to continue the hearing to January 7, 2008 at 7:30Pm. (Transcripts available at the Township office when completed).

Mr. Adams stated that the Conditional Use for Exxon/Juna was approved by the Board of Supervisors at their December 4<sup>th</sup>, meeting and he had prepared the decision which was executed by the Board this evening.

### **C. Planning Commission – Mark Purcell.**

Mr. Purcell stated that the December 19<sup>th</sup> Planning Commission meeting has been canceled. He reported on the December 5<sup>th</sup> Meeting. He stated the Commission will be sending a letter to the Board of Supervisors recommending approval of the simple lot line revision for Barbara Bentley, 20 Robins Nest Lane. Mr. Purcell also stated that the Board will be receiving a letter from the Commission with their comments on the Presby Homes Conditional Use Hearing. He stated that when the Commission was working on the proposed zoning revisions for the A/C District they envisioned zoning that would maximize the potential for non-residential development that would provide a beneficial tax base for the Township. The Commission feels they need to consider the entire property not just Presby Homes. As there are multiple parties involved the best approach would be to develop the plan collectively to determine the other uses involved. The Commission is trying to identify the items that pertain to the entire tract such as traffic, sewer and open space. Mr. Purcell stated the Commission hopes to have a letter to the Board within the next two weeks. Ms. De Wolf said it would be good to have the feedback from the Commission. Mr. Foster asked that they be ready to testify on their letter at the January 21<sup>st</sup> hearing.

## **IV. Public Comment-Non Agenda Items.**

Eva Foster, 734 Westbourne Road, spoke to the Board concerning her pet project, the Large Animal Protection Society ("LAPS") which saves abused horses. Mrs. Foster has adopted two of the horses. She stated that the organization has been located in West Grove for 22 years but is in need of a new home. Mrs. Foster said she would like the Township to consider providing LAPS with 15 acres of the Cope property on S. Concord Road to continue their operation. LAPS would fence the property, provide the sheds and all necessary care and maintenance of the horses and the property and would also need a dwelling for the overseer. She also suggested that it might be possible to use 15 acres of the open space for the Presby Homes site for LAPS. There is a dwelling on the Crebilly Farm site that could be used for the overseer. Mrs. Foster stated that the residents of Presby Homes might enjoy having the horses as neighbors. Ms. De Wolf asked what is the time frame for finding a new location. Mrs. Foster responded within the next two to three years. Mrs. Foster said she did not expect an answer this evening but would like the Board of Supervisors to meet with LAPS and discuss this with them. Ms. De Wolf said the Board would need to discuss this in a workshop and would need to determine if this type of operation would be allowed in the Township's open space. Mrs. Foster said LAPS is a 501.3C charitable organization and there would be no cost to the Township.

## **V. Old Business:**

There was no old business at this time.

## **VI. New Business:**

### **A. Approve 2008 Westtown-East Goshen Police Budget.**

Ms. De Wolf stated that the budget to be approved is version eight in the amount of \$5,723,948.48. Westtown's share is 43.57% of the budget in the amount of

\$2,132,309.85. Mr. Foster stated that this is an increase of 9.8% from last year and has reflected on the Township's 2008 budget.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the 2008 Westtown-East Goshen Police Department Budget in the amount of \$5,723,948.48 with Westtown's portion in the amount of \$2,132,309.85. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the 2008 Westtown-East Goshen Police Department Budget.

**B. Approve 2008 Township Budget.**

Mr. Layman reviewed the budget (copies available at the Township Office). He stated that the major source of revenue under the General Fund is taxes which are 62% of the budget. As the real estate market is slow there has been a decrease in the real estate transfer tax and it appears there will not be a significant increase in the Berkheimer tax. He stated that a letter was mailed to the residents last week concerning the increase in the Township real estate tax to 2mils and the need to increase the Township fees for sewer and trash (attached). The trash fees will increase to \$70.00 per quarter. This is mainly due to the fact that since our last contract for trash/recycling collection five years ago there has been a significant increase in the contractor's fuel costs. Mr. Layman reviewed the General Fund expenditures. He stated that the 9.8% increase for the police department is close to 50% of the budget. The fire and ambulance companies are also asking for additional funding. The cost of salt for snow and ice removal has increased to \$55.00 per ton. He stated these are the major reasons for the increase in the Township millage. The total amount of the Township Budget for 2008 is \$5,843,769.00

Mr. Foster made a motion, seconded by Mr. Barber, to approve the 2008 Township Budget in the amount of \$5,843,769.00 which reflects a .5mil increase in real estate taxes. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the 2008 Township Budget.

**C. Adopt Ordinance 2007-7 Sewer Rate Ordinance.**

Ms. De Wolf stated in order to eventually have consistent sewer rates in all residential districts the sewer rates have been increased in all but one district. She stated that the Sewer Rate Ordinance was advertised on December 7<sup>th</sup> for all districts and other uses. The West Goshen districts have been increased quarterly as follows:

- District 1 - \$191.00
- District 2 -\$145.00
- District 3 - \$191.00 – has not increased
- District 4 - \$145.00
- Multi- Family - \$145.00

The Westtown-Chester Creek District:

- District 10 - \$160.00
- Multi-Family -\$160.00

Mr. Foster said there are some very old sewer lines in the Township with infiltration and inflow problems. These problems, blockages and collapsed lines require repair and improvements which must be funded.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Ordinance 2007-7 Sewer Rate Ordinance as advertised. Ms. De Wolf asked for public comment. There was no public comment. Mr. Foster amended the motion to include approval of the 2007 Township Sewer Budget. Mr. Barber seconded that motion. There was no public comment. The Board of Supervisors unanimously adopted Ordinance 2007-7 and approved the Township's 2007 Sewer Budget.

**D. Adopt Ordinance 2007-8 Local Services Tax.**

Ms. De Wolf stated that the State has revised Act 7 the Emergency Services Tax. The main changes are: Name changed to the Local Services Tax and \$52.00 tax will be deducted from employees pay incrementally throughout the year.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Ordinance 2007-8 Local Services Tax amending Ordinance 2005-6 Emergency Services Tax, to conform with State Act 7. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Ordinance 2007-8.

E. **Approve Payment Application No.3 Nick Falcone & Sons, Inc. in the Amount of \$341,150.65 for Shiloh Road Improvements.**

Ms. De Wolf stated that the request for payment has been approved by the Township Engineer. Mr. Pingar stated that the project is basically 100% complete with a few minor items left on the punch list. He stated a retainage of \$45,792.40 will be held.

Mr. Foster made a motion, seconded by Mr. Barber, to approve payment application No.3 Nick Falcone & Sons, Inc., in the amount of \$341,150.65. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payment.

VII. **Public Comment (All Topics).**

There was no public comment.

VIII. **Payment of Bills.**

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

Mr. Adams advised the Board he had reviewed the agreement of sale for the old Township Building and it is in order for the Board's execution tonight.

IX. **Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned at 8:25Pm.

Respectfully Submitted,

Robert Layman  
Township Manager

At this time Mr. Adams opened the Presby Conditional Use Hearing. (Transcripts available, when completed, at the Township office).