

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
Monday, June 21, 2010

In attendance were Supervisors Chair Charles P. Barber, 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 Member Elaine Adler. There were four guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair Barber called the meeting to order at 7:31Pm and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (June 7, 2010 Regular Meeting).**

Mr. Foster made a motion, seconded by Mr. Barber to approve the minutes of the June 7, 2010 regular meeting. 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 6/7/2010.**

Mr. Barber stated the following items were discussed at the workshop: The condition of the Reich property located at 1500 West Chester Pike; Delinquent utility payments of which approximately \$51,000 collected so far; Residents will be advised in the 3<sup>rd</sup> quarter Newsletter that court action will be taken against some delinquent accounts. Traffic control on Carmac Road; Agreement with Aqua Pa; Discussed 90 day extension for police scheduling; Liberty Square; and the Lain's connection to public sewer.

**IV. Departmental Reports.**

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

Chief Dumond reviewed the May Police Report. The Department responded to 477 calls in Westtown last month. He stated that a suspect has been arrested for a burglary on Sage Road and the stolen property recovered. He also stated that the Traffic Unit has been addressing the speeding on Carmac Road and is in the process of doing a traffic study. Chief Dumond stated that there has been a series of daytime burglaries and advised residents to report immediately any suspicious activity or anyone who knocks on their door asking for directions or if they need work done. If no one answers they will break in a window or a door to get in the house. Mr. Barber asked if the homes that have been robbed have security alarms. Chief Dumond responded that most of them did not.

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

**1. Liberty Square Escrow.**

Mr. Adams stated that there are sufficient funds in the escrow account for completion of the work. He also stated that he has notified the developer by letter, dated May 27, 2010, that the work must be commenced no later than July 12<sup>th</sup>, 2010. Mr. Adams said he has met with the developer and reviewed his schedule to complete the project and that the schedule is consistent with the letter. The developer knows, as he is already in default, that if the work is not commenced by July 12<sup>th</sup>, 2010, the Township will finish the work. Mr. Adams stated that Escrow #9 will be released as stipulated in the letter of May 27<sup>th</sup>, 2010.

**2. Public Sewer Connection – Lain 1540 Johnnys Way.**

John Embick, attorney for the Lains, was in attendance.

Mr. Adams stated that the Township has an agreement with the Lain's for connection to public sewer executed by the Board at their July 15<sup>th</sup>, 2009 regular meeting. He also stated that as the Lain's connection will help with possible future expansion of public sewer in that area. The Township, as part of the agreement will reimburse the Lain's from future connection fees. The Lain's have not started the project as they have been unable to obtain an easement from a neighboring property. Mr. Embick has asked that the Township intervene with the neighbor concerning the easement. Mr. Adams stated he has discussed this with the Board and they are willing to talk to the neighbor but will not use their eminent domain authority. Mr. Embick stated that he will take this information to the Lain's.

**C. Planning Commission – Elaine Adler.**

Mrs. Adler stated that the Planning Commission reviewed the sketch plans submitted by the West Chester Area School District for renovations to Penn Wood and Westtown-Thornbury Elementary schools. The modular units at both schools will be removed. She stated that Penn Wood is heavily wooded with steep slopes. The renovations are planned for the front of the site. A resident from Bobolink, who lives at the end of the cul-de-sac, was in attendance. His questions concerned buffering and the one way driveway in the rear of the school. Mrs. Adler stated that temporary construction access will be around the back of the building. She also stated that connecting to public sewer was discussed for Westtown-Thornbury as the plan shows upgrading of the present on-site system. Mr. Foster asked if the District would change their decision not to connect to public sewer if there were other options opened to them. The school is in the West Goshen District not Westtown-Chester Creek even though they are close to the Rustin pump station. Mrs. Adler stated that the District has not entered into an agreement with West Goshen. Mr. Foster stated that the on-site system at Westtown-Thornbury has been failing for years. Mrs. Adler stated the District will have to prove that the system can be upgraded. Mr. Foster asked if the Township has the authority to tell the District that they must connect to public sewer. Mr. Adams stated that officially under the Act 537 plan the school is in the West Goshen District and there would need to be discussions by all parties as to the public sewer connection. Mrs. Adler stated that the Planning Commission is recommending that the Board accept the plans for both schools, when submitted, as preliminary/final. The Board is agreeable to this request.

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

Mr. Barber welcomed the Scout who was in attendance.

Nick Leonard, Troop 66, stated that he was taking notes of the meeting as he is working on his Communication Merit Badge which is a requirement toward becoming an Eagle Scout.

**VI. Old Business:**

**A. Approve Right-of-Way Agreement Colony Lane, Aqua, Pa.**

Mr. Layman stated that he has negotiated with Aqua, as the Board directed at the June 7<sup>th</sup> meeting. Aqua has agreed to pave the full width of Colony Lane and replace the bridge end walls to the Roadmaster's specifications. The end walls will not be stone faced. Aqua will provide a schedule for the work to be done and will be obligated for all permits.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the terms negotiated by the Township Manager concerning the Colony Lane right-of-way agreement with Aqua, Pa. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**VII. New Business.**

**A. Approve Escrow Release #11 for Arborview Subdivision in the Amount of \$71,268.61.**

Mr. Barber stated that the Township Engineer has reviewed the escrow release, which is for landscaping work, and everything is in order to be approved this evening.

Mr. Foster made a motion, seconded by Mr. Barber, to approve escrow release #11 for the Arborview Subdivision in the amount of \$71,268.61. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Approve Execution of Agreements for Tract 2001-5 Jefferson Center Office Building.**

Mr. Adams stated that he has reviewed the agreements and they can be executed this evening. Mr. Layman stated the four agreements are as follows: Improvement Construction Agreement; Improvement Construction Escrow Agreement; Sewer Right-of-Way Agreement; Standard Stormwater Facilities Maintenance and Monitoring Agreement. The Township Engineer has reviewed and approved the escrow agreement.

Mr. Foster made a motion, seconded by Mr. Barber, to approve execution of the Construction Agreements for tract 2001-5 Jefferson Center Office. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Adopt Resolution 2010-9 Authorizing the Surveying of Certain Township Properties.**

Mr. Foster read into the record Resolution 2010-9 (attached). The resolution is for surveying of small pieces of open space that are overgrown and becoming a nuisance to maintain.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Resolution 2010-9 authorizing the surveying of certain Township Properties. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**D. Award 2010 Road Restoration Bid to Dan Malloy Paving.**

Mr. Foster stated that six bids were received for the road program. The bid will be awarded to Dan Malloy Paving, the lowest responsible bidder, in the total amount of \$263,842.55 which includes drainage work on Hummingbird Lane and Little Shiloh Road.

Mr. Foster made a motion to award the 2010 Road Restoration Bid to Dan Malloy Paving in the total amount of \$263,842.55. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**E. Approval of Police Labor Contract Amendment.**

Mr. Foster stated the motion concerns extending negotiating, with the Police Association, for changes in police scheduling for a period of 90 days beyond June 30<sup>th</sup>.

Mr. Foster made a motion, seconded by Mr. Barber, to extend negotiating with the Police Association, for changes in police scheduling for a period of 90 days beyond June 30<sup>th</sup>. 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.**

There were no bills presented for payment.

**X. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber the meeting was unanimously adjourned at 8:05 Pm.

Respectfully Submitted, Robert Layman, Township Manager

