

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
Monday, May 24, 2010

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 Member Brent Whitig. There were three 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 (May 3, 2010 Regular Meeting).**

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the minutes of the May 3, 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 5/24/2010.**

Mr. Barber reviewed the workshop meeting. The following items were discussed: Request for reimbursement for curb work at 112 Macroom Avenue; Request for a donation for the after Prom party at Bayard Rustin; Review of an "Evergreen Lease" for Stratton for farming of Township property; Request for an endorsement for a grant for the private West Chester Railroad. Ms. De Wolf stated she supports this request. Reviewed the Aqua easement for extension of their water line on Colony Lane. Reviewed with Mr. Adams the Liberty Square escrow release, and Westtown School and Bayard Rustin sewer issues. Mr. Foster stated that the Board has been meeting with several architects concerning renovations to the Mansion. The Township is confirming that Bond issue funds can be used for this purpose.

**IV. Departmental Reports.**

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

Chief Dumond stated that there were 575 calls for service in Westtown in April. He commended a witness who reported a burglary on Lake Drive and Officer Lewis who apprehended the suspect on Route 202. The suspect is wanted for 14 burglaries in Delaware and Chester County. Ms. De Wolf asked if the "clock" on false alarms is reset each year. Mr. Layman responded in the affirmative. Mr. Foster said that there are relatively few habitual offenders. He also stated that two officers respond to an alarm in case there is a real emergency which is a substantial cost. Chief Dumond stated that the Officers gain access and thoroughly check each residence.

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

Beth Carroll, 607 Bowers Drive, was in attendance representing Liberty Square.

**1. Liberty Square Escrow.**

Mr. Adams stated that he has discussed the completion of Liberty Square with the Board. He stated that the Supervisors are reluctant to finish a job that a private contractor has started but that the residents are entitled to have the work completed in accordance with the developer's agreement. Mr. Adams also stated that based on the advice from the Township Engineer there is enough money in the escrow account for the Township to complete the work if necessary. He also stated that in speaking

with Patrick Kilgarif his contractors will not commence work until they are paid for the work they have completed. The Board had approved a release of \$20,000 conditioned on Mr. Kilgarif paying his outstanding consultant fees before the money is released but this has not been done. The Township does not have any assurance that once the funds are released the work will be completed. Mr. Adams stated that he has been authorized by the Board to send a letter to Mr. Kilgarif stating that he is in default of the developer's agreement and giving him 45 days until July 10<sup>th</sup>, to start the work. At that time the \$20,000 will be released as conditioned. If the work is not started the Township would then take the necessary steps to complete the work. Mr. Adams stated that this is a reasonable compromise and knowing how patient the residents have been, feels they have a right to expect the Township to enforce the agreement. Ms. Carroll asked if the work is not started by July 10<sup>th</sup>, how quickly will the Township move forward to complete the project. Mr. Layman responded that the work should be completed by September. Ms. Carroll asked what happens if Mr. Kilgarif starts work on the 10<sup>th</sup> and then walks away from the project. Mr. Adams stated that under those circumstances the escrow would not be released. Mr. Barber asked about the taxes that have not been paid. Ms. Carroll stated that Mr. Kilgarif has not turned over the tax bills for the common area. She also stated that she has discussed this with the Chester County Assessment Office.

Mr. Foster made a motion, seconded by Ms. De Wolf, to authorize Mr. Adams to send a letter to Mr. Kilgarif that he is in default of the Developer's Agreement for Liberty Square and that work must be commenced by July 10<sup>th</sup>, 2010. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Planning Commission – Brent Whitig.**

Mr. Whitig advised the Board that as there are no items for an agenda this weeks Planning Commission meeting has been canceled. He stated that they will have an agenda for the June 9<sup>th</sup> meeting as sketch plans have been received for additions to Penn Wood Elementary School and Westtown-Thornbury Elementary School.

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

Carolyn T. Comitta, the new Mayor of the Borough of West Chester was in attendance. She stated she wanted to take a few minutes to introduce herself to West Chester's neighbors. She stated that she wanted to reach out to the Township and is hoping that the Borough and the Township can work together on mutual ideas and concerns. Mayor Comitta presented the Board with a gift of the 1999 Bicentennial History of West Chester and stated she looked forward to working with the Board. The Board thanked her and expressed their appreciation for her attendance at the meeting.

**VI. Old Business:**

There was no old business.

**VII. New Business.**

**A. Authorization to Advertise the 2010 Road Restoration Bid.**

Mr. Barber stated that the bid is for the Township's annual road restoration project.

Mr. Foster made a motion, seconded by Ms. De Wolf, to authorize advertising of the 2010 Road Restoration Bid for the following road; Carolyn Drive, Hummingbird Lane, Hunt Drive, Little Shiloh Road between Five Points and Shiloh Road and Little Shiloh between Five Points and Tyson Drive; Alternate Bid Little Shiloh Road Drainage Improvements. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Approve Agreement and Dedication Tract 95-3 The Enclave (Kolbe Lane).**

Mr. Layman explained that there has been an ongoing problem with the completion of the Enclave similar to the Liberty Square Development. Mr. Kravitz is agreeing to release the remaining escrow to the Township so the project can be completed. Mr. Layman stated that Kolbe Lane and the sanitary sewer/stormwater improvements will be dedicated to the Township. Mr. Adams stated that Mr. Kravitz has signed the agreements and he will have them recorded.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the Settlement Agreement and accept dedication of the sanitary/stormwater improvements and Kolbe Lane. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion

**C. Approve Agreement with Aqua Pa for Water Line on Colony Lane.**

Mr. Barber stated this is for extension of Aqua's water line to their tank in Oakbourne Park. The approval will be conditioned on the Township's Engineer review.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the Agreement with Aqua to drill under the road bridge on Colony Lane, replace the box culvert and restore the paving conditioned on the approval of the Township Engineer. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**D. Approve "Evergreen Lease" for Wynnorr Farms.**

Mr. Foster stated that the lease for Stratton Enterprises, Inc. (Wynnorr Farms) will be changed to allow continued farming of Township property on Route 926 until either party terminates the lease. There is a 60 day termination clause. Mr. Layman stated that the fees for the lease are based on the number of acres that are farmed.

Mr. Foster made a motion, to approve the change in the lease with Stratton Enterprises, Inc. (Wynnorr Farms) to an "Evergreen Lease". 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. Foster, the Board of Supervisors unanimously approved payment of the bills as presented.

**X. Adjournment.**

On the motion of Ms. De Wolf, seconded by Mr. Foster the meeting was unanimously adjourned at 8:10Pm.

Respectfully Submitted  
Robert Layman, Township Manager