

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
Monday, September 20, 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; Township Solicitor Robert F. Adams; Westtown-East Goshen Police Chief John M. Dumond; and Planning Commission Member Eric Rohrbach. There were three guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair Barber called the meeting to order at 7:29Pm and led those present in the pledge of allegiance to the flag.

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

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the minutes of the September 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 9/20/2010.**

Mr. Barber stated that the following items were discussed at the workshop: a proposal to survey a section of Township open space; a generator for the Police sprinkler system which the Board feels is not needed at the present time; the first draft of the Police 2011 Budget; discussed the changes in the collection of the Earned Income Tax and the Local Services Tax commencing in 2011; the Township mold issue; complaints from school bus drivers of overhanging trees in the Plumly development which the Township will address; outstanding items with the WCASD; the advertising of work at Liberty Square; and the Board's meeting this morning with the Lains and DEP.

**IV. Departmental Reports.**

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

Chief Dumond stated that the Department responded to 472 calls in Westtown for the month of August. He stated that the Department has been asked by DEA to use the Police Building as a drop off location for their "Take Back" initiative on Saturday, September 25<sup>th</sup>. This program allows residents to drop off their unused or expired prescription medications for correct disposal. There will be flyers at the Township office about the collection. Chief Dumond stated that a suspect in an attempted robbery at the TD Bank in the Westtown Village Shopping Center has been arrested in Lehigh County.

**B. Township Solicitor Robert F. Adams.**

Mr. Adams reported on the Township's meeting with DEP concerning the Lains' request for implementation of the Township's ACT 537 Plan to provide for a private public sewer connection for their property. The Lains were in attendance at the DEP meeting with their solicitor. The Township has an agreement with the Lains, executed in July 2009, which the Lains have not been able to implement because they have not been able to obtain an easement from a neighboring property. The issues pertaining to this were discussed at the meeting. DEP has 120 days to respond to the Lains' request. DEP could issue an order requiring the Township to implement its ACT 537 Plan or a portion of the Plan but DEP also indicated that they would like the Board of Supervisors and the Lains to resolve this issue. Mr. Adams stated that he has spoken with Mr. Embick, solicitor for the Lains, and Mr. Embick stated he would speak to the Lains and present a proposal to the Board but would like the Board to proceed with Eminent Domain condemnation for the easement. Mr. Adams stated

that the Board would like to review the cost for condemnation before they proceed. Mr. Adams stated that he would prepare the papers for the condemnation. He asked that the Board authorize him to move forward with a resolution to condemn the easement on the Hooper property as this is not for a private purpose but ultimately for the Township's sewer system.

Mr. Foster made a motion, seconded by Ms. De Wolf, to authorize the Township Solicitor to prepare a resolution for condemnation of the easement on the Hooper property. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Planning Commission – Eric Rohrbach.**

Mr. Rohrbach reviewed the September 8<sup>th</sup>, Planning Commission Meeting. He stated that the Commission completed review of the renovations for Penn Wood Elementary School. He stated, as directed by the Board, the Commission reexamined the sidewalk issue. As there are no sidewalks on Johnnys Way to connect to the Commission felt a sidewalk would not be necessary. The Planning Commission is recommending Preliminary/Final Plan approval with the following conditions: waive the sidewalk requirement; accept a payment in lieu of for tree replacement; and infiltration testing which the Township Engineer feels can be done. Also discussed was the proposed stadium lighting at Bayard Rustin High School. Kevin Campbell, was in attendance for the District, but stated they were not prepared to answer the questions in the Township Traffic Engineer's review letter. Mr. Rohrbach said the Commission is concerned with the parking and the lack of adequate lighting on the walkways to the field, Mr. Foster expressed concern that the lights to be installed are used lights and if they will meet the specifications in our ordinance. Mr. Barber asked if the sound system was discussed. Mr. Foster commented that the current sound system does not meet the terms of our ordinance. Mr. Rohrbach stated that it appears the District is more concerned with the actual field lighting than with other issues. He also stated that the Commission will continue review of the Township open space at their meeting this week.

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

There was no public comment.

Mr. Layman announced that the third annual Township Dog Show would be held this Saturday, September 25<sup>th</sup> at Oakbourne Park from 10:00Am – 12:00Pm.

**VI. Old Business:**

There was no old business

**VII. New Business.**

**A. Minimum Municipal Obligation – Township Pension Plan.**

Mr. Barber stated that each year the Commonwealth requires the Board, at a public meeting to acknowledge the Township's Minimum Municipal Obligation ("MMO") for the Employee Pension Fund. This year's obligation is \$36,720.00.

Mr. Foster made a motion, seconded by Ms. De Wolf, acknowledging the receipt of the worksheet pertaining to this year's Township's Minimum Municipal Obligation in the amount of \$36,720.00. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Approve Advertising the Earned Income Tax Ordinance ("EIT").**

Mr. Barber stated that the County EIT Committee has chosen Keystone to collect the EIT for all municipalities in the County. This will commence on January 1<sup>st</sup>, 2011. Mr. Barber also stated that collection of the Local Services Tax by Keystone will be included in the ordinance. Mr. Foster stated that this is a plan by the County to centrally collect the EIT.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve advertising of the Earned Income Tax Ordinance. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Approve Escrow Release No.1 Tract 2001-5 Jefferson Center Office Building.**

Mr. Barber stated that the Township Engineer has reviewed and approved the escrow release in the amount of \$122,092.42 for the Jefferson Center Office Building.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve escrow release No.1 Tract 2001-5 Jefferson Center Office Building in the amount of \$122,092.42. 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 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 7:54Pm.

Respectfully Submitted,  
Robert Layman, Township Manager