

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown  
May 3, 2010, 7:30PM

In attendance were Supervisors Chair Charles P. Barber; Vice Chair Carol R. De Wolf; and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Road Master Mark Gross; and Oakbourne Mansion Commission Chair Eva Foster. There were six 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 (April 5, 2010 Regular Meeting, April 17, 2010 PSATS Workshop and April 26th, Regular Meeting.)**

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the minutes of the Board of Supervisors April 5, 2010 regular meeting, and April 24, 2010 regular meeting. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve the minutes of the Board of Supervisors April 17<sup>th</sup>, 2010 PSATS Workshop. 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 5/3/10.**

Mr. Barber stated the following items were discussed at the workshop: Weiss, 959 S. Matlack Street, Grinder Pump request for connecting to public sewer; Review of proposals from URS and American Water to prepare the renewal application for the Westtown-Chester Creek Plant NPDES Permit; Aqua's offer to do a stream crossing for installation of a new water line to their tank on Colony Lane at Oakbourne Park; A bill from the West Goshen Sewer Authority for approximately \$80,000 for our share of the cost of the TMDL's and a new building on the plant property; and discussion of the Liberty Square Development.

Ms. De Wolf stated that the bill from West Goshen is for items that Westtown has never agreed to and the Board is not approving payment at this time.

**IV. Departmental Reports.**

**A. Township Building Inspector – John Wilson.**

Mr. Wilson stated with the spring weather there has been a significant increase in permits being issued. Mr. Wilson asked the Board to consider adopting an ordinance that would pertain to GEO Thermal heat pumps and also consider that permits should be issued for their installation. Ms. De Wolf stated that Lower Merion Township has been reviewing updating codes in respect to energy related issues and this is a system that the Township should be addressing. Mr. Foster asked if the health department is involved with this type of installation as it does impact the aquifer. Mr. Wilson stated as far as he knows the Health Department is only involved with well drilling at this time.

**B. Township Roadmaster- Mark Gross.**

Mr. Gross reviewed the April Building Report. He reported that the Department worked on the stormwater drainage at Little Shiloh and Hummingbird Lane and that the seasonal mowing and mulching of Township property has started. The Township Engineer is preparing the Road

resurfacing bid for this year. Mr. Gross stated the manhole leak where our sewer system connects with East Goshen's system has been repaired. He also stated that a hot tap was done on the force main from the Pleasant Grove Pump where it crosses Goose Creek and a ball valve was installed for manual air release.

**C. Township Planning Commission.**

Mr. Layman stated that the Planning Commission did not meet on April 21<sup>st</sup> for lack of an agenda. They will not meet this week as the Rossiter's engineer is not ready to make a presentation.

**D. Parks and Recreation Commission.**

Mr. Layman reported for the Park and Recreation Commission. He stated that they are working on their summer programs. The first Movie Night will be June 25<sup>th</sup> and the movie will be Planet 51. Handouts are available for the movie night and votes are being taken for the movies to be shown at the second and third movie nights.

**E. Oakbourne Mansion Commission – Eva Foster.**

Mrs. Foster stated that she has scheduled another wedding at Oakbourne and a Holiday party in December. She is working on finding vendors for the car show which will be held on June 5<sup>th</sup>, rain date June 6<sup>th</sup>.

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

Beth Carroll, 607 Bowers Drive, asked for a status on Liberty Square. Mr. Layman advised Ms. Carroll that he has spoken with Mr. Kilgarif who asked for a release of funds beyond what the Township is willing to release. Ms. Carroll asked if this was in addition to what he has previously requested. Mr. Layman responded that his last request which was for \$20,000 was not released as it was conditioned on Mr. Kilgarif paying the \$16,000 engineer fees which he still owes. He has not paid the fees and is now requesting \$35,000 in order to pay his contractors. The Township is concerned that there will not be enough in escrow to finish the project if these releases are made and Mr. Kilgarif has not presented any documentation for the release. Mr. Barber stated that they had met with Mr. Kilgarif and the Township Solicitor and it was indicated that Mr. Kilgarif was having financial problems. Mr. Barber asked if the Homeowners Association ("HOA") has a signed agreement from Mr. Kilgarif. Ms. Carroll stated that Mr. Kilgarif did not attend the meeting when the development was transferred to the HOA. only his lawyer was in attendance. There is no written agreement for the HOA and they do not have the tax bills for the common area. Ms. Carroll stated that the residents are very dissatisfied with the HOA.

Amy Leforge, 615 Bowers Drive, treasurer for the HOA, stated that Mr. Kilgarif came back in the fall of 2009 and planted some trees and did some work on the stormwater basin. She has pictures of the condition of the development at that time which she will e-mail to the Board. She also stated that that she contacted Mr. Kilgarif about the payment of the taxes for the HOA. He stated that he was taken care of this but the IRS claims they are not paid. Mr. Foster stated that the Township has limited responsibility for the type of development and that the Township is working with Mr. Adams concerning what action they can take. The Township would need a legal release from Mr. Kilgarif in order to take over the escrow account and do the work.

Sheila Dragon, 611 Bowers Drive, expressed her opinion that the contractors should sue Mr. Kilgarif if they are not being paid. She also stated that the HOA would have to sue the Township if they released the escrow money. Mr. Layman advised Ms. Dragon that the Township's position is not to release the monies in escrow.

**V. Old Business**

Mr. Barber stated that he is aware that there were two oil spills in the Township. He asked Mr. Layman if he had been notified of the spill at Westtown School this past weekend. Mr. Layman responded that he was not notified until this morning. Ms. De Wolf asked for information about the spill and stated as a parent of a Westtown School student she was notified by the school. Mr. Layman stated that someone had left the gas tank open and approximately 400 gallons were released. He stated that the County

Hazmat, DEP and Goshen Fire Company were on site. He also stated that he investigated why the Township had not been notified. His investigation revealed that the police had been notified and they had contacted our Road Department. Bob Doan from the Road Department went to the scene but was not needed. Mr. Layman stated that Don Verdiani our Emergency Management Coordinator was notified by a text message but by that time DEP and the County already there. He also stated that he contacted the County 911 and was told they have a standard operating procedure for notification and unfortunately looked at the wrong book and did not notify Westtown's Supervisors. This oversight will be corrected. The Supervisors discussed what the chain of command should be and how to correct this situation so it does not happen in the future.

**VI. New Business.**

**A. Approve Contract NPDES Permit Renewal Westtown-Chester Creek Plant.**

Mr. Barber stated that the Township received quotes from URS and American Water for preparing the application. As there is no difference in the work involved the contract will be awarded for the lower quote from American Water Services in the amount of \$2,500.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve the contract with American Water for preparation of the NPDES Permit Renewal for the Westtown-Chester Creek Plant in the amount of \$2,500. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Approve Township Ground Lease with Wynnorr Farms.**

Mr. Barber stated that this is a one year lease with the Stratton's, Wynnorr Farm, to farm Township property on E. Street Road.

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the Ground Lease for one year with Wynnorr Farms. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**C. Announcement May 17<sup>th</sup>, Board of Supervisors Meeting.**

Mr. Layman stated that due to conflicts with meeting dates the Board of Supervisors meeting will be changed to Monday, May 24<sup>th</sup>.

Ms. De Wolf made a motion, seconded by Mr. Foster, to approve changing the May 17<sup>th</sup> Board meeting to Monday, May 24<sup>th</sup>. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**VII. Public Comment (all topics)**

Beth Carroll had questions about Escrow Release #8 for Liberty Square for \$79,000. She stated the only thing listed on the invoice was landscaping. Mr. Foster stated that the release was much less. Mr. Barber stated that the release was only for work that was actually done which the Board was required to release.

**VIII. Payment of Bills.**

On the motion of Mr. Foster, seconded by Ms. De Wolf, the bills were approved as presented.

**IX Adjournment.**

On the motion of Mr. Foster, seconded by Ms. De Wolf, the meeting was unanimously adjourned at 8:40Pm.

Respectfully Submitted,  
Robert Layman, Township Manager

