

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown  
March 3, 2008 7:30PM

In attendance were Supervisors Chair Thomas A. Foster, Vice Chair Carol R. De Wolf, and Police Commissioner Charles P. Barber; Township Manager Robert Layman; Township Solicitor Robert A. Adams; Township Building Inspector John Wilson; Township Roadmaster Mark Gross; and Parks Advisory Group Chairman Leonard Tehrani. There were four guests in attendance.

**I. Call to Order.**

As there was a quorum present Chairman Foster called the meeting to order at 7:32PM and led those present in the Pledge of Allegiance.

**II. Approval of Minutes (February 19, 2008 Regular Meeting).**

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve the minutes of the February 19, 2008 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Departmental Reports.**

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

Mr. Wilson presented the February Building report. He stated that the Liberty Square Development was finally sold out. He also stated that permits have been submitted for new single family homes at the following locations: Oakbourne and Route 202, 580 S. Chester Road and 1115 Shady Grove Way. Ms. De Wolf asked if the tree work being done by Asplundh on S. New Street was part of the Township tree trimming project. Ms. De Wolf was advised that Asplundh was doing this work for PECO.

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

Mr. Gross reported that the Road Department had four incidents of ice/snow removal in February. He stated that more salt will have to be purchased to fulfill the Township's salt contracts. He reported that two Township employees attended an MS4 training seminar as required by the MS4 program. Mr. Gross advised the Board that Mr. Wilson's tree trimming efforts have been a benefit to the snow plowers and have made a real impact on the snow plowing. He also stated that the Department has been trimming the trees in the Township open space. He reported that the second pump at the Kirkwood Pump Station was rebuilt this year and as part of routine housekeeping heavy grease cleaning of wet wells will be done by Aqua on Wednesday. Mr. Wilson asked if the grease was traceable to any commercial establishment. Mr. Gross said the area around Kirkwood is mostly residential and it is difficult to trace the source of the grease.

**C. Township Planning Commission – David Walter.**

Mr. Layman stated that the February 21<sup>st</sup> meeting of the Planning Commission was canceled due to the lack of a quorum and as the Township Lighting Consultant is not available the March 5<sup>th</sup> meeting will also be canceled. The Commission will continue discussion of the proposed revisions to the Township Lighting Ordinance at the March 19<sup>th</sup>, meeting.

**D. Parks Advisory Group – Leonard Tehrani.**

Mr. Tehrani stated that Parks Advisory has received approval from the Board of Supervisors to move forward with their planned events. He stated we are waiting for approval from the Oakbourne Mansion Commission for the Mother's Day Tea. He also stated that a haunted house

at the Mansion in October is only tentative at this time. Parks Advisory will be meeting in the near future to discuss the events.

**1V. Public Comment Non-Agenda Items.**

There was no public comment.

**V. Old Business.**

**A. Report on Workshop With Thornbury Chester County.**

Mr. Layman reported on a meeting that was held with Thornbury (Chester County) to discuss traffic issues between the two Townships. The intersection of Routes 202 and 926 was discussed pertaining to the Crebilly development and the new CVS Pharmacy at this location. Mr. Layman stated that Crebilly has been meeting with PennDOT to look at improvements to the intersection. It is felt that the any improvements should be coordinated with the CVS construction. He also stated that Thornbury has approached the developer of CVS to install backup power to the traffic signals in case of power outages. Mr. Gross who attended the meeting with Thornbury stated that he felt a second bank of batteries would fulfill the need for backup. Also discussed was the installation of a traffic signal at the intersection of Westbourne Road and Route 926. Mr. Gross stated that the signal would be a hazard as it would be at the bottom of a hill. He suggested that the bank on the south side of route 926 be cut back and the overhanging tree canopy trimmed back. This would greatly increase visibility. Mr. Gross said that Thornbury is considering these improvements.

**VI. New Business.**

**A. Dedication of Right of Right of Way 2000-14 Mears Subdivision.**

Mr. Gross stated that a meeting was held last week with Mr. Mears, his attorney, Yerkes and URS to discuss the dedication of the sewer line that was installed as part of the subdivision of the Mears property. This sewer lines ties into a Township existing manhole which conveys the flow from the east side of Route 352 and down Wickerton Drive. The problem arose when the tie in was made from the Mears line into the manhole. The approved plan showed that the tie in was to be on the opposite side of the steps in the manhole but when the line was connected it went into the stairwell itself compromising the first several steps of manhole. URS inspected when the connection was made and had the contractor lift the invert of the pipe up 8" so the boring would not go through a seam in the manhole This did not change the horizontal position of the pipe. Mr. Foster stated the Township's position is that they will not take dedication until the manhole is up to Township specifications and standards.

Mr. Mears stated that it was URS's decision to raise the elevation when the line was connected to the manhole and that Mr. Gross is correct that the approved plan did show the steps on the other side of the manhole. When the manhole was opened URS could see where the steps were and it was their decision which has created the safety condition. He stated that he did not know about this until eighteen months later when he received a call from Yerkes that there was a problem with the steps. Mr. Mears said that Yerkes has been working on a detailed design to correct the problem and was to have a sketch to URS this afternoon. The estimated cost to remedy the problem is \$3,000. He said as stated at the meeting last week he would pay 50% of the cost to correct the problem. He also asked why he should pay for a Township consultant to be on site who made a decision that he now is responsible to fix. Mr. Foster said he appreciates what Mr. Mears is saying but it was his understanding that the drawings were wrong to begin with. Mr. Barber said the original drawings were approved by Yerkes who did not make a site visit and look at the manhole; they have an obligation to correct this. Mr. Foster stated the Board is not making a decision tonight as they will not take dedication until the problem is corrected. A lengthy discussion ensued concerning the responsibility for the correction and the financial responsibility for this issue.

Mr. Adams said as he was in attendance at last week's meeting he has a high level of confidence that the engineers will come to an agreement as to what is to be done. He stated that he is in agreement that dedication be deferred until the design is agreed on and the financial

responsibility is decided. Mr. Adams said he does understand Mr. Mears point of view and sympathizes with it. He stated that he feels the real issue is the issuing of a building permit for the lot not being approved till this issue is resolved. Mr. Adams said as the line is already being used for the Mears home what is the harm of allowing a new house to be started and defer occupancy of the property until the sewer issue is fully resolved. Mr. Adams said he felt that issuing the building permit would be a real incentive to getting the sewer resolved. Mr. Layman stated only one building permit should be issued. Ms. De Wolf said she was in agreement with Mr. Adams.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the issuance of one building permit on condition that a Certificate of Occupancy would not be granted until the sewer issue was completely resolved. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

**B. Approve Payment URS Program Management in the Amount of \$789.17.**

Mr. Foster stated that the cost increase was for work on the Crebilly project and the Board needs to approve any payment over the original contract of \$54,700.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve payment for the URS Program Management in the amount of \$789.17. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the URS payment.

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

Eva Foster, 734 Westbourne Road, stated that her comments were being directed to Ms. De Wolf. Mrs. Foster stated that she was very disconcerted to read in the paper that Ms. De Wolf had stated publicly, in front of an audience full of people, and reported in the newspapers that she and Mrs. Barber were trying to drive people off the Oakbourne Mansion Commission. She stated that she found this disconcerting because she and Ms. De Wolf go back a long way. Mrs. Foster stated that she supported Ms. De Wolf candidacy, had a sign in her yard, and even voted for her and gives her credit for being the first women elected supervisor in Westtown in 300 years. Mrs. Foster said she saw Ms. De Wolf on the Sunday before the Township meeting and everything was fine. Then finds out that Ms. De Wolf was spreading gossip, which is lies, and was really amazed that Ms. De Wolf would do such a thing to her and Mrs. Barber who she barely knows and to do it in such a public way. Mrs. Foster asked Ms. De Wolf why did she do it, who told her such a colossal lie and why did she not have the decency to call her to find out what was going on. She stated that Ms. De Wolf charged ahead, made a mess of things and hurt not only her and Mrs. Barber but denigrated all the hard work of the Commission. Mrs. Foster stated that she really wanted to know who stated these tall tales, why Ms. De Wolf believed them and would like an apology for both herself and Mrs. Barber. She asked Ms. De Wolf for her response. Ms. De Wolf stated that she cannot address tall tales. Ms. De Wolf said I think the way I can answer this is that when the Board has issues they are first handled in the workshop but Mr. Layman had put this on the agenda as the chairman of the Oakbourne Commission was coming to the meeting to present the idea of re-organization of the Commission. The Board would normally have handled this at a workshop but unfortunately that did not happen and a discussion occurred. The newspapers (Daily Local/Town Talk) were represented at the meeting but Ms. De Wolf said that it was never her desire to have people named in the way it was reported in the newspapers. Ms. De Wolf said that she holds to her position, which she has already given, that she does not approve of moving from a six member board to a three member board. This will make it difficult to deal with policy with my colleagues and the relationship they have with their spouses. Ms. De Wolf stated that she received her packet for the meeting on Friday and did not know about the re-organization which apparently was put forward by Mr. Foster in an email to the Commission in October. Ms. De Wolf stated that on Sunday prior to Monday's meeting she heard about issues of which she was not aware. She said that she did not know if this colored the choices that she made or anything that she said but that she feels strongly that smaller commissions are not a good idea and feels strongly that having a mix of relatives is not a good choice for the Township. Ms. De Wolf complimented Mrs. Foster for her work on the Chester County Day events as she was told that Mrs. Foster was the key person who made it work. She stated that the exposure in the newspapers was not her choice. Ms. De Wolf said that she was approached by someone and was given information that she was not aware of. Mrs. Foster said she respected Ms. De Wolf opinion about the number of people who should be on the Board but was going to re-ask the same question again and would keep asking till the

air is cleared. The only way things are going to move forward to have a collegiality among the Board and for honesty and integrity to prevail is to ask you again where did that lie come from. It did not come from you specifically as you have not been to our meetings so someone is feeding you false information and I would like to know who that person is in our group. Mrs. Foster said she would like an apology because Ms. De Wolf had repeated gossip which she should not have done and has hurt a lot of people. Ms. De Wolf said I will apology for the newspapers as I can't control that but I don't feel I have to apologize for anything I said. I am sorry about the way it was done which was not intentional. Ms. De Wolf said for her it is solely policy related as she does not like a three person board that five is better and the more diversity the better. Mrs. Foster said I will ask the question again, if you like diversity that's fine, if you like three people or five people whatever you like but I would like an answer and I think you owe that to me. Ms. De Wolf said she gets lots of phone calls and has a lot of interaction with residents but will never say who unless they care to stand up and speak. I can't speak for them nor will I put forth names or comments. Mrs. Foster said she thinks Ms. De Wolf is making a mistake as she needs to be honest. The people of Westtown elected her to be an honest person and a leader and to hide behind words like diversity is stone walling and is not being honest and forth coming and that disappoints her. Ms. De Wolf said she appreciates Mrs. Foster's comments and appreciates where she is coming from and can imagine how disconcerting this is given what happened at your last Commission meeting in trying to get some honesty back from that meeting. I was not there so I cannot speak to it. Mrs. Foster said you know what is going on but you don't come to our meetings but you are willing to say what happened at our meeting on heresy and gossip, that is a problem right now. Ms. De Wolf said it is a public meeting and it may not be gossip but it is a particular perspective that I have listened to. Mrs. Foster again asked where did this come from. Ms. De Wolf stated if that person wants to speak up they would have done so. She stated she is their voice and guesses this is the reason she is here. Mrs. Foster said you are the voice of one not the voice of all. Ms. De Wolf said I think the issue is I don't support going from a six member board to a three member board. Ms. De Wolf stated she would be happy to speak with Mrs. Foster off the record at anytime. Mrs. Foster said the only reason she is here speaking publicly in front of everybody is because Ms. De Wolf had no problem with repeating things in front of everybody. I wanted to give you an opportunity to clear the record and you absolutely refuse to be honest. Ms. De Wolf said I was honest and I appreciate your comments. Mrs. Foster said you have not been honest with me or anyone else and you have hurt a lot of people and the person you have hurt the most is yourself and your position in the Township. Ms. De Wolf thanked Mrs. Foster for sharing. Mrs. Foster thanked Ms. De Wolf for her time.

Kristine Lisi, 915 Shady Grove Way, said the only reason she was coming forward is that she wonders if she is the person for whom Mrs. Foster is looking for. Mrs. Lisi said the Sunday before the Board meeting she attended a camp at Westtown School where Ms. De Wolf was in attendance. Mrs. Lisi said Ms. De Wolf asked her how she was doing and how her husband was doing with the Oakbourne Commission. Mrs. Lisi said in talking to her husband he had mentioned that Eva Foster would like to re-organize the Commission and she told this to Ms. De Wolf who asked what that was about. Mrs. Lisi said she told Ms. De Wolf that Mrs. Foster and Mrs. Barber wanted to change the Board from six members to three members. Mrs. Lisi said that is all that she said to Ms. De Wolf, it was a two minute conversation, and does not know if Ms. De Wolf had talked to anyone else about this. She said she is bringing this out as she does not want Mrs. Foster to think that there was some dishonesty as this was a casual conversation between two people. She said she never thought that it would have been carried this far... Mrs. Lisi said she hopes this is something that we can all get through. .

#### **VIII. Payment of Bills.**

Ms. De Wolf made a motion, seconded by Mr. Barber to approve payment of the bills. The Board of Supervisors unanimously approved payment of the bills as presented.

#### **IX Adjournment.**

On the motion of Ms. De Wolf, seconded by Mr. Barber, the meeting was unanimously adjourned at 8:50Pm.

Respectfully Submitted,

Robert Layman,  
Township Manager

