

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike
July 2, 2007, 7:30PM

In attendance were Supervisors Chair Carol De Wolf, Vice-Chair Thomas A. Foster and Police Commissioner Charles Barber; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark S. Gross; Planning Commission member Richard Pomerantz; and Parks Advisory Group Chair Leonard Tehrani. There were sixty-nine guests in attendance.

I. Call to Order.

As there was a quorum present Chair De Wolf led those present in the Pledge of Allegiance and called the meeting to order (7:36PM).

II. Approval of Minutes (June 18, 2007 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber to approve the minutes of the June 18, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

Ms. De Wolf asked that a letter be sent to Larry Lucker, who had resigned from the Parks Advisory Group, thanking him for volunteering his time and service to the Township.

III. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson advised the Board that June had been a very busy month. The permits issued were for additions and renovations; no new construction. He stated he has been sending letters to residents concerning trimming of trees that are overhanging streets and sidewalks and that the residents have been very cooperative in correcting this situation.

B. Township Roadmaster - Mark Gross.

Mr. Gross reported that Department replaced 27 stormwater inlets and replaced 11 manhole frames and lids in preparation for this year's road restoration project which will commence the middle of July. A preconstruction meeting will be held with the contractor this week. He also stated that line painting of intersections will be done at the end of July. The mowing of Township open space is done three times a year with the second mowing to be done this month. Mr. Foster asked about the switching problem with the traffic signal at S. New Street and Route 926. Mr. Gross responded that that backup battery had to be sent out to be repaired; if not repairable the Township will submit a claim to our insurance company. Mr. Foster asked if there will be a new traffic signal installed at the intersections of Routes 352 and 926 due to the development of Fairhope Orchard. Mr. Gross advised Mr. Foster that a new traffic signal will be installed.

C. Township Planning Commission – Richard Pomerantz.

Mr. Pomerantz reported on the June 20, 2007 Commission meeting. He stated that the Commission continued review of the plan for a super WAWA at Manley Road and West Chester Pike. They also continued discussions with the Township Lighting Consultant on changes to the Township Lighting Ordinance. Mr. Foster asked if the Commission had reviewed East Goshen's letter concerning WAWA. Mr. Pomerantz responded yes and that Mr. Pingar, Township Engineer, had responded to the letter. The letter concerned water run off on Manley Road, possibly from the new apartments, in East Goshen and counsel for WAWA does not feel that his client should be responsible for correcting this. Mr. Foster stated that Westtown had requested that East Goshen make Manley Road three lanes when the apartments were being constructed but East Goshen did not wish to do this at that time.

Because of the July 4th holiday the Planning Commission meeting has been changed to July 11, 2007, at 7:30Pm. The meeting will be held in the Stokes Assembly Hall at the Township Building.

D. Parks Advisory Group – Leonard Tehrani.

Mr. Tehrani reported that there were only two members present at the June 12, 2007 meeting, himself and Mr. Layman. He asked for help from the Board of Supervisors to obtain new members for Parks Advisory. He stated it is very disappointing when current members do not response to e-mails and do not attend meetings. Ms. De Wolf said that an article will be put in the Township Newsletter that volunteers are needed for Parks Advisory. Mr. Tehrani said he is hoping to move forward with activities in the Park such as a Township movie night. He suggested that it might be possible, under the Parks Advisory budget, to hire a park time recreation director for the Township who would be paid on an event basis.

Ms. De Wolf announced that the Township has received a grant from the Chester County Conference and Visitors Bureau for \$50,000 for the Smith Mansion in Oakbourne Park. She also stated that Oakbourne Park and the Smith Mansion will be included on Chester County Day, held on October 6th, this year. She thanked the Oakbourne Mansion Commission for their efforts on behalf of the Mansion. Mr. Foster said the Commission is planning a kickoff for Chester County with a week long decorator showcase. A special event will be held on Saturday evening September 29th. Proceeds from the ticket sales for this event will go toward restoration of the Mansion.

IV. Public Comment Non-Agenda Items.

Peter Dalton, President, West Chester Library, thanked the Board for their donation of \$5,000 last year to the library. He stated that there are 4,078 users of the library that live in Westtown which is 60-70% of our residents. Mr. Daulton stated that the library receives funding from the State of \$1.00 per resident. He asked that the Board would increase their donation next year to \$10,000 which is equivalent to the Township population of a little over 10,000 residents. Mr. Daulton also stated that the library would welcome a representative from Westtown on their Board. Mr. Barber asked what communities serve on the Board. Mr. Daulton responded that they have representatives from Birmingham, East Bradford, West Goshen and the Borough of West Chester. Ms. De Wolf stated this request would be included in the Township newsletter and discussed at a Board's workshop. Mr. Daulton asked if anyone is interested in serving on the Board please contact Victoria Dahl, Library Director.

Larry Willis, 1550 Marlboro Road, asked if the Board had contacted Representative Hershey about legislation to mandate funds for the treatment plant. Mr. Foster responded that he has not been contacted. Mr. Willis stated that this has been done in Florida where Congress has been earmarked funds to pay for treatment plant infrastructure. Mr. Layman advised Mr. Willis that Tom Killion is our State Representative and he has been contacted. Mr. Willis said he meant Federal not State. Mr. Layman stated that Senator Sestak has been contacted. Mr. Foster advised Mr. Willis that our representative in Congress is Joe Sestak. Ms. De Wolf stated that she is familiar with the municipalities who are getting earmarked but it is hard for Westtown to qualify. Ms. De Wolf said this can be reevaluated and Representative Sestak contacted again. Mr. Willis asked if the residents will receive shares or dividends on new connections as they are paying for this and who benefits from the initial investment. Mr. Foster stated as the Township is financing the project the initial investment or tap in fee goes toward maintaining the plant and the user fees toward financing and maintenance. Mr. Willis asked if there was available information he could receive that would explain this. Ms. De Wolf stated that there are financial spread sheets available but asked Mr. Layman to give an overview of the financing. Mr. Layman stated when the Westtown-Chester Creek plant was upgraded the Township borrowed a bond for 5 million for thirty years. The Township pays on this every year through the sewer budget with half going to debt service and the other half to treatment and plant maintenance. Mr. Layman stated with the expansion of the system there is a significant cost installing the sewer lines. The resident would be charged a tap in fee of about \$12,000 and a yearly fee of \$1100-\$1300. Mr. Willis said no one objects to the hook up fee because that is a standard cost but stated he objects to paying to finance a bond and feels this should not be placed on the homeowners. Mr. Layman said if the Board decides to proceed with the project they will be taking out another bond for construction and expansion. The bond will have to be paid back and this is normally paid for by connection and users fees. If we did not finance this it would be a cost of \$53,000 per household but instead the term of the bond would be financed by the tap in fees and the user fees.

Steven Klagholz, (not at microphone difficult to hear), 1425 Overhill Road, asked if the \$1100 - \$1300 user fee would be per Township resident and if the residents already on public sewer would be assessed the \$1100. Mr. Layman stated it would be for any household who would be connecting to the public sewer system. Ms. De Wolf said that her area of the Township is in phase five and when that area is connected to public sewer the user's fees will be the same as everyone else on public sewer. The user fees that are in place now will be gradually increased so that everyone is equal in what they are paying.

Roger Godfrey, 201 W. Hilltop Road, said he moved to the Township in 1966 and by 1968 he was ready for public sewer. He stated that now that the Township is finally ready he is not as taxes are going up on everything and he is not ready to pay \$1300 for user fees. He asked why DEP had not attended the sewer meetings and said he would not have come either as the Township has no answers but are ready to charge the residents \$1300 a year. He stated this is a lot of money and he would not even give the Township \$50.00.

Adam Barker, 303 Diane Drive, asked that the Township install speed humps and speed enforcement signs on Diane Drive between Manley Road and Leslie Lane because of the sixteen children who live on this road. Mr. Gross asked if Mr. Barker felt that speed humps would really help the situation. Mr. Barker said he felt they would along with enforcement of speeding. Mr. Gross said he would investigate this issue but felt that it is possible that Diane Drive might not meet PennDOT's specifications for speed humps. Mr. Barber will ask that the Traffic Unit patrol and use the Speed Board in this area. Mr. Barker said if he pays \$53,000 what guarantee would he have that the Township would not sell the sewer plant and make money both ways. Ms. De Wolf said selling the plant has been discussed and that she can not promise that it would not be. She stated but in all honestly no one is interested in buying the plant at this time due to the amount of debt the Township has in the plant. Mr. Barker said it would be better for the residents if the plant was sold now not after tap in fees and user fees are being paid. He asked what portion the Township would be paying as previously it had been stated that the Township was not financing any of the bill. Mr. Foster said the Township is basically financing everything except the tapping fee. Mr. Barker said the Township is financing but not owning any of the financial burden it is out of the resident's pockets. Mr. Foster said funds that come in as fees or taxes go out to pay expenses. The Township is not in the business to make money and if there was a way to sell this whole project outright it would be much easier for the Township. Mr. Foster said you have to realize that whoever bought the plant would possibly charge more. Mr. Barker asked which of the two treatment plants was the 3.5 million spent on. Mr. Layman stated that the Township only has one treatment plant the Westtown Chester Creek Plant and a contract with the West Goshen Sewer Authority. He stated that all bond money went to the Westtown-Chester Creek plant. Mr. Barker said that at the four previous sewer meetings it was stated that there has been no increase in user fees, even with more residents, and now we are being asked to pay an increase. Mr. Layman advised Mr. Barker that user fees were increased 40% three years ago, and 4% two years ago. He stated at the present time there are two different tapping fees and five different user fees. Mr. Barker asked about meter usage to determine the fee. Ms. De Wolf said that the Township has looked in to this.

Kevin Flynn, 1000 Windy Knoll Road, said in December 2000 it was estimated in the Act 537 plan that the tap in fee would be between \$6,000 and \$7500 and user fees at \$400.00. In the seven years since the tap in fee has increased 100% and the annual fees by 300%. Mr. Flynn said as his home is not in the initial phases what is his cost going to be ten years from now as it appears that it could be up 200%. He also stated that the current tap in fee is \$5,900 and why it is not being raised for any new home construction at this time. Mr. Foster said that is a good point but the Township needs approval from DEP to do this. Mr. Flynn said he feels that there are too few potential users to fund the entire system. Mr. Flynn said hypothetically if I have an acre lot that was originally zoned so I could take care of my on site system and I no longer need to have septic could I hypothetically subdivide my lot now and recover some of my costs. Ms. De Wolf said the undeveloped portions of the Township as a whole are not going to significantly affect the overall numbers. In other words that portion of our Township that remains undeveloped, other than Crebilly is not very significant. Mr. Flynn said I am talking about infill development. Ms. De Wolf said yes that is what I am talking about and even if we considered that tap in fee and raised it it would not change the numbers significantly. Mr. Barber asked Mr. Flynn if he was talking about subdividing his acreage now. Mr. Flynn said yes can I be entitled to a zoning change so I could have two lots and recover some of my costs. Is this something that the Board would consider. Ms. De Wolf asked if that can be done under our current zoning. Mr. Flynn responded no but the original zoning was put in place because of the amount of land that was needed for the septic system. Ms. De Wolf said that she does not think that the Township is looking at changes in zoning to pay for the sewer system.

William Roth, 119 E. Hilltop Road, read into the record a letter from the concerned Westtown Farms residents (attached).

Richard Pomerantz, 1005 Robin Drive, asked what URS has been paid for the four sewer meetings. Ms. De Wolf said the Township has contracts with URS for various projects and she could only estimate the cost at this time. Mr. Layman said he will look into this and provide the information to Mr. Pomerantz. Mr. Pomerantz asked if the cost was a fixed fee or scope of activities. Mr. Layman responded that it was a fixed fee. Mr. Pomerantz said it is the perception of some that URS was not providing good information and is there a benchmark in the contract if the contract is not fulfilled to the Township's satisfaction. Ms. De Wolf said you do not generally see benchmarking for public entities for consultants. He also asked if assuming that the project goes through would the Township continue to send sewer to West Goshen as the Township would now be in competition with them. Mr. Layman stated that if the whole Township is sewered it could not be handled at the Westtown-Chester Creek plant. He stated that we have been paying West Goshen for twenty-eight years for capacity at their plant. There is no competition in what is allocated to West Goshen. Mr. Pomerantz was asked how the 900 homes were selected whose sewer would go to the Westtown-Chester Creek plant. Mr. Layman said the boundary line, determined twenty-eight years ago, in our agreement with West Goshen, is the area west of the railroad tracks to Route 202. Ms. De Wolf stated that the rest of the Township is undefined except in the Act 537 Plan. Mr. Pomerantz asked if West Goshen has access capacity. Mr. Layman said they can add on by increments of 750,000 which Westtown is part of. Mr. Pomerantz said if we assume that the project will start the Township will look like a construction site and does the Roadmaster have plans for repaving the torn up roads. Ms. De Wolf stated that these cost are included in the project. She also stated that the Township has increased its road budget as we are behind in road restoration. Also there are no plans to pave any roads where sewer lines are proposed to be installed. Mr. Foster said the Township planned two years ago to pave Shiloh Road, which is to be done this summer, and sewer lines will also be installed at this time. Mr. Pomerantz expressed his concern that the Township does not appear to have a time plan to repave the roads that will be torn up for sewer installation and feels that this is unfair to the residents. He would like assurance that the roads will be repaved in a timely manner as he was told it would be two years for installation.

Jill Voeller, URS, said a time frame cannot be put on paving as the depth of the sewer lines has not been determined. She stated that she feels the cost of paving was factored in the total project cost. If grinder pumps are installed it will take less time as the excavation is only 3- 5 feet. Mr. Pomerantz asked what the policy of the Board will be if the contractor completes the work and there is no money for paving. Ms. De Wolf said no money has been allocated. Mr. Pomerantz questioned how the Board could start sewer connections and leave the roads unpaved. Ms. Voeller said the contractor is required to do a full width paving along with the installation to restore the road to its original condition.

Mr. Willis stated that all residents use these roads and the paving cost should not just be on those who are having sewer installed. He feels the cost of paving the roads should be removed from the cost of the installation for the sewer lines to reduce the overall cost. He suggested that Board take out a separate bond to do the roads and reduce the resident's costs.

Sean McIntyre, 1537 Overhill Road, asked why the July 11th, meeting was closed to the public. Ms. De Wolf advised Mr. McIntyre that the Board does not have a Township meeting the 11th but has a meeting with DEP. Mr. McIntyre asked who would be in attendance. Ms. De Wolf responded that representatives from the Board of Supervisors, the Township Manager, representatives from URS and DEP. Mr. McIntyre asked why the meeting was closed as it comes under the Sunshine Law. Ms. De Wolf said the Township has regular meetings with DEP and at this meeting they will be discussing the new DEP standards for discharge from the treatment plant and the options the Township has concerning public sewer because of the feedback from the residents at the four sewer meetings. She also stated that she does not feel it would be an effective meeting if residents attended. She advised Mr. McIntyre that the closed meeting is considered legal by the Township Solicitor. She suggested that Mr. McIntyre call Mr. Layman tomorrow who can advise him of the Solicitor's ruling on the meeting. Mr. McIntyre asked what the term of our contract is with West Goshen. Mr. Layman stated the term of the contract is for thirty years for payment of capital costs but it is basically a life time contract as long as we continuing to send sewer to their plant. Mr. McIntyre asked if we can get out of the contract. Mr. Layman said after paying thirty years of capital costs we would not want to. Ms. De Wolf stated that it is less expensive for the Township to send to West Goshen than to our plant. Mr. McIntyre said with the infrastructure in place why can't the main be

rerouted. He asked if a study was done to show that it is less expensive. Mr. Layman will contact him concerning this.

Shannon Gallagher, 307 Diane Drive, stated she attended a meeting last year to inquire when public sewer would be available as her septic system was in need of replacement and being pumped monthly. The system was replaced last April at a cost of \$12,000 which had to be financed. She asked if the Board is considering grandfathering those who have recently replaced their systems. Mrs. Gallagher said she does not want to sell her home and has seen sale signs in her neighborhood because of this issue. Ms. De Wolf said she feels the Board will be lenient and offer a time period. Mrs. Gallagher said she would like a thirty year time period. Ms. De Wolf said she does know that there are residents who have installed new systems in the past few years but does not know what the grandfathering period will be. She stated that the Board is sensitive to her concerns.

Adam Barker said he would like an answer to the question about grandfathering as he was told that in meeting minutes that Board said they would not grandfather any of the systems. Ms. De Wolf said we have not discussed this but in general you will find that Board is sensitive to this. She stated that the Board is talking with their consultants to see if there are other ways to do the phasing. Mr. Barker said is the statement I just made about grandfathering a false statement. Ms. De Wolf said she had not made that statement. Mr. Foster said he does not recall that statement ever being made by the Board. Mr. Barker said there are rampant rumors and he will speak to the person who gave him that information. Mr. Barker then asked if the Township has applied for any State grants for the planning of the system in respect to the Act 537 Plan. Ms. De Wolf stated that some of the planning is reimbursable through DEP. Mr. Layman said a reimbursement request has been submitted to DEP in the time frame for submission. Mr. Barker said at this time he was asking formally for copies of the cost spread sheets that Ms. De Wolf has referred to at those last four meetings, grants that have been requested from the State for this project and the existing system as per State Act 537 section 5 subsection B2 paragraph one. Mr. Barker said the Board has not answered the resident's questions concerning what areas of the Township have septic problems and where they are located and also has not been given information on what it would cost to bring those systems back to working order. He stated that the Board has not inspected every on lot system in the Township but is basing the \$47 million cost for the project on a West Chester University study. Mr. Barker said the residents are facing a cost of \$53,000 per home, which he can't afford, when the Township does not even know how many septic systems are failing.

Frank Wolf, 1541 Overhill Road, said the numbers are already increasing from what the residents were told two or three years ago and he knows they will just keep getting higher. He asked the Board if they realize how this plan is affecting the community and how many residents cannot afford this. Ms. De Wolf said because of the feedback from the residents at the sewer meetings the Board is looking at how this project can be done in the most efficient and least expensive way. She said they are looking at ways to lower the tapping fees, user fees and creative ways to restructure the engineering plan for allocation of sewer. The Township if need be will continue to explore the grant issue. Ms. De Wolf said the Board is obligated to do this and to represent all of the residents. She also stated that she also realizes that there are a significant number of residents who cannot afford the tie in or the user fees. Mr. Wolf said he feels the Board does not know what they are doing and asked if there is any chance that they would not go through with this plan. Ms. De Wolf said that she cannot personally answer that question as the Board does not know the end of the process they are now going through. The Board has been looking at grinder pumps as an option and there are now 60 to 70 included in the plan. The estimate costs for grinder pumps would be a \$5,000 tie in fee and an \$800.00 user fee. Mr. Foster said this is a process that has gone on for approximately twenty years. There are residents that are desperate for public sewer but perhaps not in your area or this particular phase. Mr. Foster said it would be highly irresponsible if the Board put this off for another Board and did not continue with this process. He also stated that the Board is taking longer to deliberate on this because of all the pro and con feedback that has been received. The Township will be sending out surveys to all residents with septic systems and also implementing an on lot inspection program. The Board will also be discussing with DEP and our engineers a possible change in priorities as to which areas should be sewerred first. Mr. Foster said he does not know how long this will take but the Township deserves this and there are many residents who want public sewer. Mr. Foster said we are in a process and we feel we know what we are doing. Mr. Wolf asked if it is know if the residents who need sewer are in the minority or the majority. Ms. De Wolf responded that they can better answer that after the surveys are sent out. She also stated that it may not matter because the Board has to do what is best for all the residents. Mr. Wolf stated he hopes that the Board takes into consideration the information that is received from the survey.

Marge Jones, 1543 Overhill Road, said what she is hearing from all the meetings is that sewer is coming and it will be an astronomical cost. She said she feels someone more knowledge should be looking into lowering the costs. She asked if a resident paid the \$53,000, upfront, would they still have to pay the yearly fees. Mr. Foster thought possibly not but he has not heard anyone suggest this. Ms. Jones said the Board just expects people to come up with an astronomical amount of money and if she came up with the \$53,000 would that be the end of it. Mr. Layman advised Ms. Jones that the quarterly fee has several components; it helps to reduce the tap in fee to \$12,000 and also goes to financing the project and treatment at the plant. Ms. Jones said she understands that but she had not understood that the tap in fee was a one time payment. Ms. De Wolf said the Board is hopeful that a more reasonable number can be reached for the residents.

Mr. McIntyre asked who will be in attendance at the DEP meeting. Ms. De Wolf responded URS, Mr. Layman, and members of the Board of Supervisors. Mr. McIntyre asked if more than one Supervisor would be attending. Ms. De Wolf said she would not answer anymore questions about the meeting and to direct his questions to Mr. Adams, Township Solicitor. Mr. McIntyre asked those in attendance if they would like to know who will be in attendance at the meeting. Ms. De Wolf stated that the residents will know that. Mr. McIntyre then asked who in the audience would like the meeting to be opened. Ms.? (not at microphone hard to hear) basically stated that as long as the Board shared the information they received at the meeting she did not feel it had to be an open meeting.

Vivian Gallagher, 1538 Marlboro Road, asked if there is a deadline when the Board will have concrete answers for the residents. Ms. De Wolf said after the meeting with DEP they will have a better idea of how to proceed. Mr. Foster said at this time he is not sure that they can give a deadline as they will be doing the survey and compiling data to better answer the residents questions presented at the meetings. Ms. Gallagher advised the Board that her elderly neighbors on Marlboro Road are considering moving because of the sewer but she feels it will be very difficult to sell their homes. She said she feels for herself and her neighbors. Ms. De Wolf said money can be put in escrow for the sewer when a home is sold but she realizes it can be discouraging for sellers and hopes no one will have to relocate because of the sewer installation. She stated that the Township will work with the residents to try and find financing so that they do not have to sell their homes. Ms. Gallagher asked if the Board will be discussing grandfathering of systems as an answer on this will be very helpful. Mr. Layman said the residents need to understand that up until recently the Board did not know what the costs were going to be and felt it necessary to present them to the residents. The Board has received excellent public comments which are forcing them to re-evaluate the project so this can be settled.

Alan Barker stated that he know of three people who are close to selling their homes because they cannot get enough information from the Board about the sewer project. He asked if the Board allows grandfathering will a fine be imposed on those who don't tie in for at least five years. Ms. De Wolf stated she could not answer that but they are going to do the best for all the residents. Mr. Barker said he feels that he has had to drag out information from the Board or URS at every meeting or present it himself. He stated he feels that the Board is completely unprepared and has not thoroughly thought through the project. Ms. De Wolf responded she is sorry he feels that way but the Board has put a lot of time and commitment into this project and if you are familiar with the political process things do not happen overnight. The Board needs to come to a consensus as to how they are to proceed. Mr. Barker said all we are hearing is that you want \$53,000 and now we hear we won't have answers for another two to three months. He also stated that one person on the Board has said he is for the project and this is unprofessional as he should not have given his opinion before hand. Mr. Foster said I think you are misquoting me. I was asked by a longtime resident who is in need of sewer if this was a system that would be looked on favorably by the Board. Basically I said I liked the plan from an engineering standpoint. He asked Mr. Barker why the Board would present a plan to the residents that they did not like. Mr. Foster stated that this is a project that is being created for the entire Township and the Board will not be able to please everyone. Mr. Barker asked about the road paving as he pays taxes and does not want to pay twice for road restoration. Mr. Gross said the Board appears to understand this and that is a decision they will have to make. If the restoration is for the sewer trenching only that would be included in the cost of the project but if the Township does full width paving and full base repair then the burden would not be on the homeowner but the Township. Ms. De Wolf asked that Ms. Voeller review this issue to see if full paving is included in the total project cost. Ms. De Wolf stated that there is an update on the Township website on the frequently asked sewer questions and that the minutes of the four sewer meetings are being transcribed. She also stated residents may contact Mr. Layman at the Township office to answer any questions. Mr. Barker asked the Board when their term of office would be up. Ms. De

Wolf responded 2 ½ years. Mr. Foster's term expires in 2012 and Mr. Barbers in 2007. Mr. Barker thanked the Board for their time.

Kenneth Diulio, 1557 Marlboro Road, addressing his comments to Mr. Layman, stated that he had a brand new septic tank installed in 1999 and does not need or can he afford the public sewer system.

Jennifer Shea, 1518 Carmac Road, asked if all the residents will receive the survey letter. Ms. De Wolf said only those residents with on-lot systems. Ms. Shea asked if random site visits will be made for on-lot systems. Mr. Foster advised her that on-lot management will be implemented regardless of any decision on the public sewer project. He stated that residents in the areas of the last phases of the project need to be reminded that they should be pumping their systems. Ms. Shea said there seems there is a lot to be done in three months time and when will this process be completed. Mr. Foster responded hopefully in a few months. Ms. Shea stated that a good packet of information was handed out at the school meeting and she took this to her elderly neighbors. She also commented that she had recently received favorable help from the Westtown-East Goshen Police and is very happy with their services. Ms. Shea said she understands the time and effort the Board has put into this project and realizes they are residents and also subject to these the cost.

Ms. De Wolf stated at this time the Board would take a few minutes break and then continue with the regular meeting. Anyone wishing to make public comment can do so at the end of the meeting.

V. Old Business.

There was no old business at this time.

VI. New Business.

A. Award Shiloh Road Bid to Nick Falcone & Sons, Inc. in The Amount of \$858,060.00.

Ms. De Wolf stated that the reconstruction work on Shiloh Road is due in part to several accidents that have happen on the road and to site issues. She also stated that part of the Township's agreement with the West Chester Area School District was that they would allocated funding to help pay for this project. The bid is for road restoration and also installation of a sewer line. The Board felt it would be economically responsible to do both at the same time. Thee bids were received for the project with Nick Falcone & Sons, Inc, the lowest responsible bidder.

Mr. Foster made a motion, seconded by Mr. Barber, to award the Shiloh Road Reconstruction Bid to Nick Falcone & Sons, Inc, in the amount of \$858,060.00. Ms. De Wolf asked for public comment.

Bruce Larison, 1006 Plumly Road, expressed his concern that the retention basin on the school property, across from Ashley Road, is not gated only fenced and is not draining correctly. There is always water in the basin and last winter children were ice skating there. He feels this is a hazard. Mr. Layman stated that runoff from Kilduff Circle goes to the basin but the problem is that the inflow pipe is lower than the outflow pipe. The basin was not built to take water from Kilduff Circle. Mr. Pingar said the basin was designed to have water at all times. The basin is not included in this project but the extension of the walking trail around the basin to Ashley Road is. . Mr. Larison asked if channeling the water runoff which flows south will be included in the road work. Mr. Foster said that the water now flows underneath the road. Mr. Pingar stated that the basin belongs to the School District. Mr. Layman was asked to address Mr. Larison concerns with the fence with the School District. Mr. Pingar said the project will help to correct with the drainage to the north that causes icy conditions. Mr. Larison asked if the road would be widened. Mr. Pingar responded no as there are too many trees and utility poles. Ms. De Wolf said the Township will be looking at traffic calming on Shiloh Road after this work is completed.

The Board of Supervisors unanimously awarded the Shiloh Road Restoration Bid to Nick Falcone and Sons, Inc., in the amount of \$858,060.00.

B. Approve Sale of Township Vehicle to Bala Auto Sales in the Amount of \$601.00.

Ms. De Wolf stated that four bids were received for the 1993 Chevrolet Caprice. The high bidder was Bala Auto Sales.

Mr. Foster made a motion, seconded by Mr. Barber, to approve sale of the 1993 Chevrolet Caprice to Bala Auto Sales in the amount of \$601.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the sale.

C. Authorize Advertising for Re-Zoning of a Small Parcel of Westtown Mews.

David Redash, EB Walsh and Associates, was in attendance for Swiss Farms.

Ms. De Wolf stated that a small parcel of Westtown Mews is being sold to an adjoining property on which a Swiss Farms Store will be constructed. The zoning will be changed on this small parcel from R2 to C1.

Mr. Foster made a motion, seconded by Mr. Barber, to authorize advertising the zoning change for a small parcel of Westtown Mews from R2 to C1. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the advertising.

D. Accept Dedication of Sanitary Sewer Easements SS. Simon & Jude.

Mr. Foster made a motion, seconded by Mr. Barber, to accept the dedication of the sanitary sewer easements from SS. Simon & Jude conditioned on the dedication by the appropriate agreement for the sanitary sewer lines. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the dedication of the sanitary sewer easements.

E. Accept Resignation – Jeff House Township Planning Commission.

This item was tabled.

F. Approve Proposal PennBrook Construction for Replacement of Pole Gutters at The Township Municipal Building.

Mr. Foster stated that replacement of the pole gutters is do the mold problem in the building. The proposal is to replace the pole gutters with aluminum gutters at the cost of \$5600. This has been reviewed and approved by our construction consultant.

Mr. Foster made a motion, seconded by Mr. Barber, to approve PennBrook Constructions proposal for replacement of pole gutters at the Township Municipal Building in the amount of \$5600.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the proposal.

VII. Payment of Bills.

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors approved payment of the bills as presented.

VIII. Public Comment (all topics)

Mr. Barker said he would like it on the record that he is opposed to the closed meeting with DEP. He asked which supervisors would be attending the meeting. Mr. Foster said he planned to attend. Mr. Barber said he would be attending and Ms. De Wolf responded that she may be there. Mr. Barker said it is his understanding that under the Sunshine Law if there are more than two supervisors in attendance it must be an open meeting. Ms. De Wolf said, as per our solicitor, there are circumstances where we are allowed to meet and this is one of them. Mr. Foster advised Mr. Barker that the Board has only one hour to go over a list of issues with DEP. Mr. Barker said he has tried to contact DEP but they have not answered his emails or returned his calls. Ms. De Wolf advised Mr. Barker to call Mr. Layman to get John Venezia phone number as he does return calls. Mr. Barker asked Mr. Gross if the Township has looked at dedicating roads to the State. Mr. Gross responded we can't even give our roads away to the State.

Ms. De Wolf suggested that the process might move forward better if the Board met with representative's who would act for the citizens in their neighborhoods.

Mr. Larison asked what is WCASD contributing to the Westtown-Chester Creek Plant. Mr. Barber responded at this time nothing. The School District is using a pump and haul operation for the Bayard Rustin High School as the District has issues with the design of the line. The District pumps twice a day and as tax payers we are paying for this.

Walter Pavelchek, 1050 S. New Street, advised the Board that what he is going to say is said in an attempt to help the situation. In 2000 the proposed plan was for grinder pumps. There were three meeting held with questions that were not answered. In 2001 the second version of the plan was also for grinder pumps but still no answers to the questions that were asked. One question that was asked at that time was a clear comparison which gave a justification for a decision to proceed and that was essentially promised at that meeting but from my viewpoint suddenly the plan was abandoned and all gravity was chosen without any questions being answered. Five years later the costs have gone up from \$7,500 to \$12,000 with all fees up. Mr. Pavelchek urged the Board to look at all the questions that were asked, to get all the answer they can, as soon as they can as that is the only thing that will stop this. (at this point the tape ended).

IX Adjournment.

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was adjourned at 10:47 Pm.

Respectfully Submitted,
Robert Layman,
Township Manager