

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
SMITH MANSION OAKBOURNE PARK, 1014 SOUTH CONCORD ROAD
September 18, 2006 7:30Pm

In attendance were Supervisors Chairman Thomas A. Foster, Vice Chairman Charles P. Barber and Police Commissioner Carol R. De Wolf; Township Manager Robert Layman; Township Solicitor Robert F. Adams; Township Planning Commissioner member Mark Purcell; and Westtown-East Goshen Police Chief John M. Dumond. There were eight guests in attendance.

I. Call to Order.

As there was a quorum present Chairman Foster called the meeting to order at 7:37Pm and led those present in the pledge of allegiance.

II. Approval of Minutes (September 5, 2006 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the minutes of the September 5, 2006 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes of the September 5, 2006 regular meeting as presented.

III. Departmental Reports.

A. Westtown East Goshen Police – Chief John M. Dumond.

Chief Dumond reviewed the August Police Department Report. He reported on a rape at the Heather Glen Apartments and stated a suspect has been arrested in Delaware County. He also reported on an accident at Routes 202 and 926 which resulted in a fatality and stated because it is early in the investigation the District Attorney has asked that the accident not be discussed. Chief Dumond said there have been only two minor incidents at the Bayard Rustin High since it opened. He also reported that the traffic unit and the speed trailer have been present on Shiloh Road and several traffic citations have been issued for speeding.

B. Planning Commission – Mark Purcell.

Mr. Purcell stated that the September 6th Planning Commission meeting had been canceled. The Commission will review a sketch plan for Swiss Farms, revisions to the flood plain ordinance and continue a review of road classifications at this week's meeting. Presby Homes is also on the agenda and they will be making a presentation for the Crebilly Tract. Mr. Foster suggested, as the Commission seems to have concerns other than planning, that the Township Solicitor attend the meeting and explain the taxability of a CCRC. This would help the Commission to move forward with the zoning ordinance revisions. Mr. Layman said Mr. Adams would not be able to attend this meeting but would ask Mr. Adams to address the Commission in writing concerning this issue.

C. Financial Report – Robert Layman.

Mr. Layman said, as was stated last month, the collection of engineering/consultant fees continues to off set the expenditures specifically in the wastewater fund. The trash tipping fees have decreased this year and there is an increase in building permit fees.

Mr. Foster noted for the record that the West Chester Area School District still owes the Township approximately \$42,000.00 in consultant fees.

D. Township Solicitor – Robert F. Adams (Arrived at 8:50Pm)

1. Authorization to Advertise Warrantless Arrest Ordinance.

Mr. Adams stated that the District Attorney has endorsed the adoption of this ordinance which allows the police to make a summary arrest without a warrant. He also stated that since the Police Department serves East Goshen and Thornbury Chester County, all three participating Township's should adopt a uniform ordinance. Chief Dumond said he would be discussing this with East Goshen tomorrow evening. Mr. Layman has provided a copy of the ordinance to both Townships. Mr. Adams will advertise the ordinance after he reviews East Goshen and Thornbury's ordinances for uniformity.

2. Conditional Use Hearing Commerce Bank – Continuation.

At this time the Board of Supervisors reconvened the Conditional Use Hearing for Commerce Bank. (Transcripts available at the Township office).

The Conditional Use Hearing and record were closed. Mr. Adams will draft the Conditional Use Order for the Board's execution.

IV. Public Comment-Non Agenda Items.

There was no public comment at this time.

V. Old Business:

Ms. De Wolf asked about the status of the proposed Parking Ordinance as she feels the residents in Plumly who will be affected by ordinance revisions should be consulted. Mr. Foster said in anticipation of problems with overflow parking at the school the Township is considering permit parking on the roads in Plumly. Mr. Barber expressed his concerns about the installation of signs for permit parking. Chief Dumond said signage would have to be installed in order for the permit parking to be enforced. He also stated that he feels the residents should be consulted.

VI. New Business:

A. Approve Escrow Release No.4 Tract 2003-11 1645 West Chester Pike in The Amount of \$62,588.70

Mr. Foster stated that the Township Engineer has reviewed the escrow release and recommends approval.

Mr. Barber made a motion, seconded by Ms. De Wolf to approve escrow release No.4 Tract 2003-11 1645 West Chester Pike in the amount of \$62,588.70. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

B. Accept Proposal Hall & Associates Re Copper Limits Westtown-Chester Creek.

Mr. Foster stated the proposal is for a WER study to help the Township comply with DEP's standards for copper levels at the Westtown-Chester Creek Plant. Mr. Foster said the Township had discussed alternative ways of testing the copper levels with DEP but they were not helpful in their responses. The Township can be fined by DEP unless we are in compliance. He stated that Hall & Associates worked with another facility on Chester Creek to bring their copper levels into compliance. Mr. Barber said in talking with Mark Prouty, URS, that he had received the CD from DEP with the formula they used to determine our copper levels. He stated Mr. Prouty will be evaluating the hardness levels from June, July and early August using DEP's formula. Mr. Barber recommended, because this has been such a lengthy process, and to protect ourselves, that the Board accept Hall's proposal but not implement the proposal until we have URS's review. Ms. De Wolf said when she spoke with Mr. Prouty it was her understanding that we are close to complying with the copper levels. She also stated that she had not been informed that

Hall & Hall had been asked to present a proposal for the WER study. Ms. De Wolf stated that she has reservations with hiring a law firm from Washington D.C. as we do not know if the firm has DEP approval. After a lengthy discussion the Board agreed that a WER study needed to be done but not as to the consultant.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve doing a WER study. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

C. Accept URS Proposal Ponds Edge Road Sewer Pipe/Manhole Repair in The Amount of \$44,000.00.

Mr. Foster said this is for replacement of approximately twenty feet of sewer line which has collapsed on Ponds Edge Road near Manley Road. In addition it would include the lining of an additional length beyond the collapse.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve the URS proposal in the amount of \$44,000.00 for sewer line repairs. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously accepted the proposal.

D. Accept Proposal URS Design Phase 1B Sanitary Sewer Collection in The Amount of \$615,500.00.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the URS proposal for the Phase 1B design of the sanitary sewer collection system in the amount of \$615,500.00. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously accepted the proposal.

VII. Public Comment (All Topics).

Ms. De Wolf advised those present that the Police Union is in negotiations with the Police Commission concerning the Finance Group. The Union feels the Finance Group's meetings should be public sessions. She stated that Westtown's Board feels the Finance Group should be in a non public forum. Mr. Foster said that establishing the Finance Group has enabled East Goshen and Westtown Board's to have better communication. He also stated that solicitors for both Townships' have researched the issue and that this Group is not in violation of the Sunshine Law.

Mr. Barber said he and his fellow board members have been attending the Police Academy. Chief Dumond stated he appreciates that they are attending as they are the first Supervisors to do so.

VIII. Payment of Bills.

Ms. De Wolf asked about the bill for grass/weed cutting at the jug handle. Mr. Layman responded that Mr. McCawley will reimburse the Township for the cleanup. Due to a bill pertaining to the condition of mold in the Stokes Assembly Hall Ms. De Wolf asked how much longer before this is resolved. Mr. Layman responded approximately three months. Mr. Foster said this is being handled through our solicitor and insurance company. Mr. Layman stated that we are required to give the original contractor and architect the opportunity to correct the problem.

The Board discussed the warranties for the HVAC in the Police Building. The time period for the warranties was through substantial completion which was May 17, 2006. As there have been problems with the system the final payment to Cook's has not been made. Mr. Adams stated that Cook's has been cooperative and are having the manufacturer come on site to address the problem. He also stated that Cook's as the bidder has an obligation to correct the HVAC system. Mr. Layman felt that the Board could authorize release of up to \$10,000 to Cook's.

On the motion of Ms. De Wolf, seconded by Mr. Barber, the Board of Supervisors unanimously approved payment of the bills as presented including a payment to Cooks' Service Company not to exceed \$10,000.00.

IX. Adjournment.

On the motion of Ms. De Wolf, seconded by Mr. Barber, the meeting was unanimously adjourned at 9:14 Pm.

Respectfully Submitted,

Robert Layman
Township Manager