

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**FEBRUARY 22, 2021 AT 7:00 PM via Zoom**

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Supervisors William R. Shoemaker, Barbara L. Handelin, and Robert T. Lange were present. Also present were Township Manager Sally Slook, Police Chief Robert Klinger, Police Lieutenant Jeff Heim, Finance Director Martin McKenzie, Director of Planning and Zoning Robert Smiley, Director of Public Works William Hagan, Assistant to the Township Manager Jennifer Jacobs, and Solicitor Bill Christman.

Supervisor Shoemaker led a moment of silence for military personnel, first responders, and all front-line workers in the current pandemic.

**Announcements**

The Board met in executive session prior to this meeting to discuss legal matters.

Supervisor Shoemaker welcomed new officers Barry Strube and Thomas Wooding to the Willistown Police Department.

**New Business**

**Minutes** – Supervisor Handelin moved to approve the minutes of the meeting of February 8, 2021. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Expenditures** - Supervisor Lange moved to approve the list of expenditures and interfund transfers dated February 19, 2021. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Police Report** – Chief Klinger announced new AED (automated external defibrillators) have been placed in the patrol cars, Administration Building, Public Works, and the Parks and Recreation Office at Okehocking. The Parks and Recreation unit is portable and can be taken to Township events.

**Conditional Use** – Supervisor Handelin moved to approve and issue a Decision & Order in the matter of Application No. C-4-20: The application of James Sheward/Shelamandiam at 209 West Lancaster Avenue, Paoli, PA 19301, multi-tenant building within the Town Center District, known as Tax Parcel 54-IL-56, pursuant to Section 139-111 C. of the Willistown Township Zoning Ordinance. Applicant wishes to place an LED electronic wall sign on each side of the existing building, one facing Lancaster Avenue and the other facing Plank Avenue, which is the main entrance to the building. Supervisor Lange seconded. There were no comments from the Board or the public, and the motion carried by a vote of 3-0. Supervisor Shoemaker read the following conditions into the record:

The following conditions are imposed and attached pursuant to Section 603 (c)(2) of the Municipalities Planning Code and Zoning Ordinance Section 139-118.1.E. For the purpose of this Decision and Order, and specifically the following conditions, the term "Applicant" shall include the Applicant's successors and assigns with respect to the Property and the Application:

1. To the extent not inconsistent with this Order, the development of the Property and construction of the electronic signage shall meet all requirements contained within the Willistown Township Zoning Ordinance and all other Township Ordinances and Regulations, to the satisfaction of the Zoning Officer, and must be substantially in accordance with the exhibits and testimony presented by the Applicant.

2. The Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the property in question and stipulating the terms and conditions of this approval and shall consent to the recording by the Township in the office of the Recorder of Deeds of Chester County within thirty (30) days following the date of this Decision and Order.
3. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the Applicant to seek and obtain building and use and occupancy permits or any other necessary permits and approvals for construction and occupancy on the Property. This approval shall be deemed null and void eighteen (18) months from the date hereof unless construction has heretofore been commenced or unless, prior to the expiration of the eighteen-month period, the Board of Supervisors shall grant an extension for cause shown by the Applicant.
4. The Applicant shall express to the Board in writing within fourteen (14) days of the date of this Decision and Order, its agreement to the above conditions or the Application is denied; the Board expressly finding and concluding that the Application in the absence of compliance with the said conditions is inconsistent with the objective criteria set forth in the applicable provisions of the Zoning Ordinance.

**Advertising of an Ordinance** - Supervisor Handelin moved to advertise an ordinance authorizing execution of a Cable Franchise Agreement between the Township and Verizon Pennsylvania LLC. Supervisor Lange seconded. Ms. Slook explained the Township has long-standing cable franchise agreements with both Comcast and Verizon. Verizon hired an attorney to negotiate with all neighboring municipalities for the new agreement. The franchise fee will remain at 5% during the 5-year contract. The most significant change to the agreement is that the contract term is shortened from 10 years to 5 years. Elizabeth Jekot, 18 Applewood Rd, asked how the franchise fee affects the subscriber. Supervisor Shoemaker explained that the franchise fee is wrapped up in the subscriber fee and spread out over thousands of users. The Township doesn't see the breakdown of fees for a subscriber. Supervisor Handelin suggested that Verizon may have asked for a 5-year contract because the cable business has dropped significantly as streaming has become more and more popular. There were no further comments from the Board or the public, and the motion carried 3-0.

**Bid Award** – Supervisor Handelin moved to award the bid for the Jacqueline Drive Stormwater Mitigation Project to John DiRocco Construction Inc. in the amount of \$69,640.33. Supervisor Lange seconded. Ms. Slook explained the Township has made a significant commitment this year to begin to remediate stormwater issues in the Township. The project will stabilize and restore extremely eroded steep slopes, and the areas will be filled and compacted. Doghouse inlets with rock filter berms will be added over an existing 21" reinforced pipe. The project area will be restored with grading, topsoil, matting, and grass. There were no further comments from the Board or the public, and the motion carried 3-0.

#### **Citizens' Comments**

Mary Talbutt, 801 Andover Court, asked for clarification on who enforces Township Ordinances and whom to contact if a resident suspects a violation. Supervisor Shoemaker explained the Board has the authority to enforce Ordinances, and they delegate the enforcement to the Township Manager and the Code Official. Discussion ensued. Ms. Talbutt also asked about enforcement of Ordinances when HOAs are not responsive to Homeowners in a timely manner. Solicitor Christman commented the Township is responsible for enforcing its Ordinances. An issue between a private landowner and HOA is a civil issue, and the landowner should seek recourse through the courts. Discussion ensued.

#### **Next Meeting**

The next regular meeting of the Board of Supervisors will be on Monday, March 8, 2021, at 7:00 PM via Zoom.

**Adjournment**

Seeing no further business, the meeting adjourned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sally Slook", written over a horizontal line.

Sally Slook, Township Manager