

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**April 26, 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, Lt. Jeff Heim, Finance Director Martin McKenzie, Director of Planning and Zoning Robert Smiley, Director of Public Works Bill Hagan, Assistant to the Township Manager Jennifer Jacobs, Chair of the Recycling Commission Susan Vogel 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.

**New Business**

**Minutes** – Supervisor Lange moved to approve the minutes of the meeting of April 12, 2021. Supervisor Handelin 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 April 23, 2021. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Bid Award** - Supervisor Lange moved to award the bid for the 2021 Road Resurfacing Contract to John DiRocco General Contractors Inc. for \$281,573.91. Supervisor Handelin seconded the motion. Mr. Hagan commented the roads being repaved would be Chetwynd Road, Sunset Drive, Timber Lane, Rollingview Drive, Line Road from Paoli Pike to Forest Lane, and S. Cedar Hollow from Paoli Pike to Route 30. Supervisor Handelin asked if it is difficult to award the bid based solely on the lowest bid. Mr. Hagan replied the bidders submitted bids based on their availability over the next several months and the fluctuating price of asphalt. The lowest bidder was available to start to early summer when there is less traffic due to vacation and the end of the school year, which is ideal for repaving. There were no further comments from the Board or the public, and the motion carried 3-0.

**Bid Award** - Supervisor Lange moved to award the bid for the 2021-2025 Grounds Maintenance Contract to TS Morris Landscaping for the following rates: Category 1: Park Properties-\$27,230, Category 2: Township Properties-\$3,500, Category 3: Sewer Properties-\$39,795, Category 4: Parks Fertilization-\$2,600, Category 5: Miscellaneous Labor Rates per hour: Foreman-\$30, Laborer-\$30, Dump Truck Operator-\$100, Skid/Loader Operator-\$100, Roller and Operator-\$100. Supervisor Handelin seconded the motion. Supervisor Handelin asked why there was only one bidder. Mr. Hagan explained many municipalities include snow removal in their grounds maintenance bids, but Willistown does not. TS Morris Landscaping has done work for the Township in the past and is very responsive. The company charges a fair price when extra work needs to be done. There were no further comments from the Board or the public, and the motion carried 3-0.

**Appointment of Mark Angelo to the Recycling Commission** -Supervisor Lange moved to appoint Mark Angelo to an unexpired vacancy on the Recycling Commission. Supervisor Handelin seconded. Susan Vogel commented that the Recycling Commission interviewed 4 candidates and felt that the two candidates recommended for an appointment tonight were the strongest. There were no further comments from the Board or the public, and the motion carried 3-0.

**Appointment of Brendan Kay to the Recycling Commission** -Supervisor Handelin moved to appoint Brendan Kay to an unexpired vacancy on the Recycling Commission. Supervisor Lange seconded. There were no comments from the Board or the public, and the motion carried 3-0.

**Conditional Use Decision and Order for Application C-1-21** - Supervisor Handelin moved to approve and issue a Decision & Order in the matter of Application No. C-1-21, the Application of Cornerstone Constructing Engineers & Architectural, Inc. on behalf of Wendy's for Conditional Use Approval pursuant to Section 139-111. C of the Willistown Township Zoning Ordinance. The application requests to allow the construction of electronic/LED signs on property owned by Broadstone WI East, LLC, located at 220 West Lancaster Avenue, Willistown Township, Chester County, Tax Parcel # 54-1L-78. The property is located in the HB Business Zoning District. Supervisor Lange seconded. Solicitor Christman asked for an amendment to the motion allowing him to attach electronic signatures to the Decision and Order. Supervisor Handelin moved to approve the amended motion accordingly. Supervisor Lange seconded. There were no further 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. At the time of construction of the new wall sign approved by this Decision and Order, the Applicant shall remove the existing wall sign reading "Quality Is Our Recipe" from the building.
3. 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.
4. 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.
5. 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.

**Escrow Release** - Supervisor Handelin moved to authorize a release of escrow funds for the development known as Willistown Point. This is request #5 in the amount of \$165,967.64, with \$967,046.63 remaining in escrow balance. Supervisor Shoemaker seconded. There were no further comments from the Board or the public, and the motion carried 2-1. Supervisor Lange has gone on record previously, stating he opposed this development.

**Ordinance #2 of 2021** – Supervisor Lange moved to approve Ordinance #2 of 2021: Amending Chapter 46 of the code of Willistown Township by changing the name of the Recycling Commission to the Environmental Sustainability Commission and Expanding Its Powers and Duties. Supervisor Shoemaker explained the Recycling Commission would like to expand its scope and offer more than just recycling to the residents of Willistown.

Supervisor Handelin seconded. Supervisor Handelin commended the Recycling Commission for being forward-thinking regarding Willistown becoming more sustainable and addressing climate change. Discussion ensued. There were no further comments from the Board or the public, and the motion carried by a vote of 3-0.

**Subdivision and Land Development** – Supervisor Handelin moved to approve Application S-1-20, entitled “Final Subdivision and Land Development Plans for Troutbeck Farms” prepared by DH Enterprises, dated November 5, 2020, last revised March 22, 2021, consisting of 33 sheets, subject to the granting of waivers (if any) and conditions imposed by the Board of Supervisors. 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 conditions into the record:

1. Applicant shall comply in all material respects with any of the outstanding comments set forth in the aforementioned Gaadt/Conrad/Theurkauf review letter, as well as all of the outstanding comments (if any) contained within the review letters listed in the Gaadt/Conrad/Theurkauf letter, to the satisfaction of the Township’s consultants, as supplemented by the following conditions of this final plan approval.
2. Applicant shall comply in all material respects with any of the outstanding comments set forth in the aforementioned Pennoni review letter to the satisfaction of the Township’s consultants, as supplemented by the following conditions of this final plan approval.
3. Applicant shall comply in all material respects with any of the outstanding comments set forth in the aforementioned Carroll Engineering email to the satisfaction of the Township’s consultants, as supplemented by the following conditions of this final plan approval.
4. Final plan approval shall be subject to the conditions set forth in §123-18.A.(2)(c) of the Willistown Code, including but not limited to, the execution of a subdivision and land development agreement, a performance guaranty or escrow agreement, and all required permits and approvals from agencies having jurisdiction over ancillary matters necessary to effect the land development, such as the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, the Chester County Conservation District and the Chester County Health Department.
5. Applicant shall execute a Landscape Restrictive Covenant as required by §73-57.C. of the Willistown Code in form and substance acceptable to the Township Solicitor.
6. Applicant shall record its Riparian Buffer Area Management Plan separately in form and substance acceptable to the Township Solicitor.
7. Applicant shall record an HOA declaration that will include, but not be limited to, provisions relating to sewage facility maintenance and riparian buffer and open space management, to the satisfaction of the Township Solicitor.
8. Walnut Tree Lane, Kingfishing Lane, and Friarsheel Lane shall be constructed to Township standards to the satisfaction of the Township Engineer and, upon completion, shall be offered to the Township for dedication. The Applicant shall not be required to amend the plans to include a typical cross-section detail with construction notes and specifications for grass pavers on any section of Friarsheel Lane.
9. Pursuant to the preliminary plan approval for this application, Applicant shall afford existing properties along Monument Road and Sugartown Road the opportunity to connect to the sewer facilities to be installed by the Applicant in the aforesaid roads.
10. Within thirty (30) days of the date of this letter, and pursuant to Section 503 of the MPC, 53 P.S. §10503, Applicant shall pay to the Township any outstanding invoices associated with this matter.

Supervisor Handelin moved to approve Application S-2-18, entitled “Minor Subdivision Plans for Troutbeck Farms” prepared by DH Enterprises, dated November 23, 2018, last revised January 20, 2021, consisting of 5 sheets,

subject to conditions imposed by the Board of Supervisors. There were no comments from the Board or the public, and the motion carried by a vote of 3-0.

Solicitor Christman read the conditions into the record:

1. Applicant shall comply in all material respects with any of the outstanding comments set forth in the aforementioned Gaadt/Conrad/Theurkauf review letter, as well as all of the outstanding comments (if any) contained within the review letters listed in the Gaadt/Conrad/Theurkauf letter, to the satisfaction of the Township's consultants, as supplemented by the following conditions of this final plan approval.
2. Applicant shall prepare and record the discussed shared access easement, conservation easement, and utility easement for the properties depicted on this plan to the satisfaction of the Township Solicitor.
3. Within thirty (30) days of the date of this letter, and pursuant to Section 503 of the MPC, 53 P.S. §10503, Applicant shall pay to the Township any outstanding invoices associated with this matter.

**Resolution #8 of 2021** - A resolution recognizing and honoring Bells Across Pennsylvania Day, May 2, 2021. Supervisor Lange moved to approved Resolution #8 of 2021. Supervisor Handelin seconded. There were no comments from the Board or the public, and the motion carried by a vote of 3-0.

**Police Report** – Chief Klinger thanked the Board for passing Resolution #8, which acknowledges the dedication of first responders throughout Pennsylvania. He reported another theft of catalytic converter from the 100 block of Penns Lane, and the Department is investigating a \$35,000 wire fraud case from Old Covered Bridge Road. Chief Klinger explained catalytic converters are being stolen from hybrid cars like the Toyota Prius because of the soaring value of rhodium and palladium used to make them. Two juveniles were issued a warning for being on the roof of Sugartown Elementary, and a 25-year male was arrested for a DUI following a crash on West Chester Pike. A female was cited for criminal mischief in the 900 block of Warton Court, and criminal mischief was reported at a construction site on Harvey Lane. Finally, an attempted theft was reported on the 900 block of Providence Road.

#### **Citizens' Comments**

Julie Frissora, 34 Chetwynd Road, thanked Supervisor Handelin for allowing many residents to speak their concerns and opinions during the last Sewer Customer Benefit Fund Committee on April 22. She also added the sewer grinder pump users would like to negotiate a rate with Pre-Doc sooner rather than later. Discussion ensued.

#### **Next Meeting**

The next regular meeting of the Board of Supervisors will be on Monday, May 10, 2021, at 7:00 PM via Zoom.

#### **Adjournment**

Seeing no further business, the meeting adjourned.

Sincerely,



Sally Stokk, Township Manager