

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS

June 14, 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 and Robert T. Lange were present. Also present were Township Manager Sally Slook, Chief Robert Klinger, Lt. Jeff Heim, Finance Director Martin McKenzie, Director of Planning and Zoning Robert Smiley, 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.

New Business

Minutes – Supervisor Shoemaker moved to approve the minutes of the meeting of May 24, 2021. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Expenditures - Supervisor Lange moved to approve the list of expenditures and interfund transfers dated June 11, 2021. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Resignation of Supervisor Handelin – Supervisor Shoemaker moved to accept the resignation of Supervisor Barbara Handelin. Supervisor Lange seconded. There were no comments from the Board or the public, and the motion carried 2-0.

Police Report – Chief Klinger reported the Department is investigating another theft of a catalytic converter at a business in the 300 block of Paoli Pike. There were also thefts from vehicles in the 6100 block Goshen Road. The Department had two DUI arrests from two separate accidents on Paoli Pike. One was a 26-year-old male in the area of Bryn Mawr Rehab and Paoli Pike and the other was a 28-year-old female in the 100 block of Paoli Pike. While the recent accidents were the result of DUIs, the Chief would like to remind residents to observe the speed limit when driving and drive more cautiously now that more people are on the road as the pandemic winds down.

Conditional Use Decision and Order for Application C-2-21 - Supervisor Lange moved to approve and issue a Decision & Order in the matter of Application No. C-2-21, Application of Jeffrey & Lindsay Gehret for Conditional Use Approval, pursuant to § 73-32.D(1) of the Willistown Township Environmental Protection Ordinance, in order to allow the construction of an in-ground swimming pool and pool deck within precautionary slopes on property located at 7 Sugarbrook Lane, Willistown Township, Chester County (tax parcel number 54-3-311.4). The property is located in the RA Residence Zoning District. Supervisor Shoemaker seconded. There were no further comments from the Board or the public, and the motion carried by a vote of 2-0. 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 swimming pool shall meet all requirements contained within the Willistown Township Environmental Protection Ordinance, 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 construct adequate storm water management controls, to the satisfaction of the Township.

3. The Applicant shall submit the materials required by Section 73-33 of the EPO for review by Township Engineer, shall obtain from the Township Engineer a written review of said materials, and shall fully comply with the recommendations of the Township Engineer to the satisfaction of the Township.
4. 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.
5. 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.
6. 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 - Authorization to Release Escrow Funds for the Development known as Willistown Point. This is Request # 6, in the amount of \$84,936.48, with \$882,110.05 remaining in escrow balance. Supervisor Shoemaker moved to approve the escrow release. There was no second. The item is tabled till there is a third Supervisor.

Chetwynd Road Storm Water Mitigation Project - Supervisor Lange moved to authorize the advertising the bid for the Chetwynd Road Storm Water Mitigation Project. Supervisor Shoemaker seconded. Mike Kerr, 33 Stonehenge Lane asked for the size and scope of the project. Ms. Slook replied the project includes an engineered swale between 21 and 23 Chetwynd Road as well as a rock filter berm and plunge pool to be installed by the lower inlet. New trees will be planted to replace the trees removed during the project. There were no further comments from the Board or the public, and the motion carried 2-0.

Conditional Use Hearing -Supervisor Shoemaker introduced a public hearing in the application C-3-21 of Costel Talanca, on behalf of landowner Robert Butwin, Jr., for Conditional Use Approval pursuant to 73-62.B (2) (b) and B (2)(d) in order to allow the construction of a sanitary sewer lateral and stormwater management facility within Zone 2 of the Riparian Buffer Area Conservation District on property located at 613 South Warren Avenue. This hearing will be continued on the record at the July 19 Board meeting.

Conditional Use Hearing - Supervisor Shoemaker introduced a public hearing in the application C-1-20: Application C-1-20: The application of Applebrook Meadows Homeowners Association, Inc. for Conditional Use Approval pursuant to 73-62.A (2) (c) and B (2) (c) of the Willistown Township Code of Ordinances in order to delineate and allow activity within the Riparian Buffer Area Conservation District and to revise the Riparian Buffer Management Plan for property located at 100 Red Oak Way, Willistown Township (UPI No. 54-2-95.5). The property is located in the RA Residence District.

Mr. Bill Christman, Esq., Township Solicitor, conducted the public hearing. A court reporter was present to record the proceedings, and the transcript will be on file in the Township Administrative Offices.

Citizens' Comments

Mike Kerr, 33 Stonehenge Lane, asked about the process for replacing Supervisor Handelin. Supervisor Shoemaker replied the Board has 45 days to appoint a replacement but plan to appoint a new Supervisor at the next meeting on June 28. Discussion ensued.

Leslie Green, 2 Castlebar Lane, asked about the activities at 6 & 8 Castlebar Lane. Supervisor Shoemaker replied enforcement actions are taking place for zoning violations. Discussion ensued.

Yolanda Grey, 9 Castlebar Lane, also asked about the activities at 6 & 8 Castlebar Lane. Discussion ensued.

Supervisor Shoemaker commented on the June 7 letter mailed to all residents regarding the sewer sale. In the letter the statement "Township Counsel indicates that a simple tax-free cash payout of nearly \$16 million to current users would likely be unlawful on its face" has been questioned. Supervisor Shoemaker said they have never used the term legal opinion, and instead used the word indicates. The primary reason for the Board supporting the recommendation of the Customer Benefit Fund Committee for the use of proceeds is as stated in the letter:

The Board of Supervisors also sees the cash payout plan as unreasonable and inequitable as it offers no protection against future rate increases and grinder pump problems, nor resolves the metering of sewer usage by well households. The committee plan addresses all of the Board's concerns and particularly ensuring rate stabilization for rate payers in the event of future increases for the next 20 years. This is our top priority: to protect our sewer rate payers now and into the future.

The indication the Board was given is that a tax-free payout from the net proceeds has never been done before and they are unsure how it would be interpreted by the IRS. This could open up the Township to additional lawsuits which could consume all the sewer sale proceeds. The rate stabilization fund makes more sense for the long term and ensure the funds remain available to the ratepayers.

The citizens who commented on use of the sewer sale proceeds are listed below:

Jerry Childers, 8 Colonial Way
Julie Frissora, 34 Chetwynd Road

Next Meeting

The next regular meeting of the Board of Supervisors will be on Monday, June 28, 2021, at 7:00 pm via Zoom.

Adjournment

Seeing no further business, the meeting adjourned.

Sincerely,



Sally Slook, Township Manager