

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS
688 SUGARTOWN ROAD, MALVERN, PA
MONDAY, NOVEMBER 22nd, 2021 AT 7:00 PM

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 pm. Supervisors William R. Shoemaker and George J. McHugh, IV were present. Also present were Township Manager Sally Slook, Detective Sergeant Steve Jones, Finance Director Martin Mackenzie, Director of Planning and Zoning Bob Smiley, Director of Parks and Recreation Mary Hundt, 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 – Supervisor Shoemaker announced the Board met in Executive Session prior to this meeting to discuss legal issues. He also announced hybrid meetings would begin with the Monday, December 13th Board of Supervisors Meeting.

New Business

Minutes – Supervisor McHugh moved to approve the minutes of the meeting of October 25, 2021. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0. Supervisor McHugh moved to approve the Ronnie Park Stormwater meeting minutes of October 21, 2021. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Expenditures - Supervisor McHugh moved to approve the list of expenditures and interfund transfers dated November 19th, 2021. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Conditional Use Hearing– Supervisor Shoemaker introduced a public hearing for application #C-4-21 for Alexandra Murphy in order to allow the construction of stormwater pipes within areas of precautionary and prohibitive slopes in the steep slope conservation district on the property located at 925 Plumssock Road, Willistown Township, Chester County (UPI No. 54-6-87). Mr. Bill Christman, Esq., Township Solicitor, conducted the public hearing. A court reporter was present, and the transcript is on file in the Township office.

Resolution #14 of 2021 – Supervisor McHugh moved to approve Resolution #14 of 2021: Kirkwood Preserve III Acquisition. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Motion to Advertise – Supervisor McHugh moved to authorize the advertisement of the preliminary 2022 Annual Budget. Supervisor Shoemaker seconded the motion. Kevin Rice, 6 Colonial Way, asked how it would be advertised. Ms. Slook explained there would be an advertisement notice in the Daily Local newspaper. Starting tomorrow, it will be on the Township website and in the Township, Administration Building for in-person review. There were no further comments from the Board or the public, and the motion carried 2-0.

Escrow Release – Supervisor McHugh moved to approve the release of escrow funds for the development known as Willistown Point. This is request #8, in the amount of \$66,366.16, with \$573,244.18 remaining in escrow balance. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Escrow Release – Supervisor Shoemaker moved to approve the release of escrow funds for the development known as Troutbeck Farms. This is Request #1, in the amount of \$120,448.00. Approval to Release \$108,403.20 is recommended, with 10% of the requested amount held for retainage. Following approval of the recommended release, the total amount remaining in escrow will be \$97,793.05, which includes \$20,619.63 in retainage. Supervisor McHugh seconded the motion. There were no comments from the Board or the public, and the motion carried 2-0.

Cable Franchise Renewal Services – Supervisor McHugh moved to approve an engagement letter with Cohen Law Group to perform Cable Franchise Renewal Services with Comcast of Pennsylvania, LLC. Supervisor Shoemaker seconded the motion. Supervisor Shoemaker explained that each municipality normally does the cable franchise renewal services individually. This motion allows Willistown to join with other municipalities with Cohen Law Group to negotiate as a group and receive a discount on the rate. There were no further comments from the Board or the public, and the motion carried 2-0.

Police Report – Detective Sergeant Jones reported calls for service are up 15% from last year. There were three drug arrests to report. One was a 45-year-old male arrested for heroin possession after he was found waving down traffic on Dutton Mill Road and State Road 926. A 49-year-old male was arrested after a traffic stop. He had a bench warrant issued for him, and he was also found to be in possession of heroin. The Department assisted the Philadelphia Police Department Homicide with executing a homicide warrant for a 28-year-old male on the 100 block Cedar Hollow and issued search warrants on the residence. Additional charges are pending for drugs and firearms possession, and the Department is also working with other agencies. Detective Sergeant Jones clarified that this was the same case reported at the October 25, 2021, BOS meeting. There were four catalytic converter thefts from Main Line transportation. The catalytic converters are worth \$1200 to \$1500 each. The Department is still investigating a fatal accident at West Chester Pike and Delchester Road, and a series of search warrants are in process for the case. Citations were issued this month for animal complaints, public drunkenness, and criminal trespass at the Devereaux facility. Additionally, a subject was sentenced to 18 - 36 years in prison for a drug deal that resulted in a fatality.

Citizens' Comments

Bob Swift, 13 Devon Road, commented on the sewer sale to Aqua. He commented he sent an email to the Board to consider backing out of the asset purchase agreement with Aqua but has not received a response. Supervisor Shoemaker explained he had been out of the country for a few weeks and just saw the email upon his return. He also explained the Board would be changing on January 1 with a new Supervisor being elected and would prefer to meet after the new Supervisor has joined the Board. Discussion ensued.

Henry Yordan, 152 Grubb Road, asked if the Board would intervene in halting the sewer sale. Supervisor Shoemaker explained he couldn't comment on that until the new Supervisor has joined the Board. He suggested Mr. Yordan meet with Supervisor-Elect Molly Perrin as two private citizens before she joins the Board. If two Board members attend a meeting, it is considered a public meeting under the Sunshine Law and must be advertised. Discussion ensued.

Kevin Rice, 6 Colonial Way, commented his emails to the Board have only been returned by Supervisor Handelin, who is no longer on the Board. Supervisor Shoemaker explained that the Board gets hundreds of emails and cannot answer every one of them. Discussion ensued.

Jerry Childers, 8 Colonial Way, commented on paying into the sewer system in the early 1990s when he bought his home. He feels that the rate increase Aqua will eventually propose is unfair since he already paid thousands of dollars to connect to the system. Discussion ensued.

Kevin Rice, 6 Colonial Way, commented on paying into the sewer system and paying to use the system again with Aqua sewer sale. He also asked when the sewer sale proceeds will be added as a line item in the Township Budget. Supervisor Shoemaker explained Aqua has indicated they will ask for a 43% increase to the PUC; some of the increase will cover their acquisition cost, but to say the entire \$17.2 million will be charged back to the sewer users in Willistown is inaccurate. In the long run, it will be a less expensive system to operate through Aqua than through the Township retaining the system. At the moment, Aqua's rates are lower than Willistown's because the Township has a small group of users to distribute costs across. Aqua has 400,000 users. Discussion ensued.

Jerry Childers, 8 Colonial Way, commented that he does not feel like the Township did enough to inform the residents of the upcoming sewer sale in the fall of 2020. Discussion ensued.

Henry Yordan, 152 Grubb Road, commented he has already privately met with Molly Perrin because the current Board is unresponsive. Both Supervisor McHugh and Supervisor Shoemaker replied they met with Mr. Yordan via Zoom and responded to his emails. Discussion ensued.

Julie Frissora, 34 Chetwynd Road, commented she sent the email to Supervisor McHugh Willistown's Township email. Supervisor McHugh responded he had been using his personal email and apologized for not checking the Township email. Discussion ensued.

Jacqueline Springman, 36 Chetwynd Road, expressed she feels like the Board has made up its mind regarding the sale, and sewer users opposing the sale are wasting their time. Supervisor Shoemaker again stated he believes that selling the system to Aqua is the right thing to do in the long run because it will result in more reliable service, better performance, less environmental impact, and lower costs to the users. Some residents disagree with him vehemently on his position. If the majority of the new Board believes the sewer should not be sold, Supervisor Shoemaker will support the decision. Discussion ensued.

Bob Swift, 13 Devon Road, asked the sale to be postponed for three years. Supervisor Shoemaker replied that if the sewer sale opposition group proposes this and if the new Board supports the position, he will also support it. Discussion ensued.

Jerry Childers, 8 Colonial Way, commented on the Valley Creek Trunk Line sale to Aqua also affecting Willistown sewer user rates in terms of a rate increase. Supervisor Shoemaker explained that Aqua has purchased the line and as part of that acquisition has taken on both the costs of rebuilding the line and the clean-up expenses associated with earlier spills as paid by the prior group of owners.

Jim Land, 23 Tulip Drive, the President of the Applebrook Meadows Homeowners Association, read a statement from the HOA Board regarding the riparian buffer management plan and phragmites on the Line Road portion of the property. Supervisor Shoemaker addressed three things in the letter. The Zoning Officer can meet with any resident, and the Township does not have to notify a third party such as the HOA of that meeting. The Conditional Use decision and order given earlier this year addressed mowing limits with new mow lines that have been staked out. In the case of the phragmites, the riparian buffer management plans say they must be mowed down twice a

year, and the plan must be followed. The Zoning Officer will make a formal determination, and the HOA can appeal his decision if they oppose it. Discussion ensued.

John Plonski, 63 Boxwood Court, is also on the Board of the HOA and would like a meeting with Board before the Zoning Officer makes a final determination on the phragmites. Discussion ensued.

Mahala Renkey, 45 Tulip Drive, stated that the HOA should follow the recorded riparian buffer management plan, which calls for cutting the phragmites according to the map included in the original plan. Discussion ensued.

Ms. Slook wanted to clarify that Zoning Officer Bob Smiley has talked to several members of the HOA and not just the Renkeys. Mr. Smiley also stated he had sent the HOA an informal memo based on the riparian buffer management plan. He included exhibits showing areas that need to be mowed with his memo. Discussion ensued.

Jack McGinley, 2 Second Ave, wanted to thank the Willistown Police Department for sending two officers to check on him after his cardiologist couldn't get a hold of him.

John McGowan, 149 Grubb Road, asked about plans to repair the closed bridge on Whitehorse Road. Ms. Slook replied the Township is waiting on an estimate of repair from an engineer, but the 2022 Budget does include \$100,000 to repair the bridge. She hopes the repairs will begin in the spring after the formal bidding process. Discussion ensued.

Joe Heenan, 713 Monument Road, asked about the outstanding debt levels on the Open Space Fund. Mr. Mackenzie replied he does not have the bond statements but will get them for Mr. Heenan. Ms. Hundt also commented the Township has refinanced the bond twice and does keep a close eye on the Open Space Fund. Discussion ensued.

Next Meeting

The next regular meeting of the Board of Supervisors will be on Monday, December 13, 2021, at 7:00 pm at the Township building.

Adjournment

Seeing no further business, the meeting adjourned.

Sincerely,



Sally Slook, Township Manager