

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS
688 SUGARTOWN ROAD, MALVERN, PA
AUGUST 15, 2022, AT 7:00 PM**

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Supervisors Robert T. Lange, Molly H.B. Perrin, and William R. Shoemaker were present. Also present were Finance Director Marty McKenzie, Director of Public Works George Martynick, Police Chief Robert Klinger, Lt. Jeff Heim, and Solicitor Bill Christman. Director of Planning and Zoning Bob Smiley and Bill Malin of Carroll Engineering joined via Zoom.

Lt. Heim led the Pledge of Allegiance and led a moment of silence for military personnel, and first responders.

Announcements – Supervisor Shoemaker announced an executive session was held before this meeting to discuss real estate and legal matters. He acknowledged the large audience both inside the meeting room and outside the building. The capacity of the meeting room is 48. He asked residents to keep comments to 2 minutes or less so everyone has a chance to speak and there will be a meeting stop time of 9:00 pm. The Township will schedule the 9/12 regularly scheduled meeting at General Wayne or Sugartown Elementary Schools to accommodate a larger crowd. There will be no decision on the sale of the sewer made tonight.

New Business

Minutes – Supervisor Perrin moved to approve the meeting minutes of July 18, 2022. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

Expenditures - Supervisor Perrin moved to approve the list of expenditures and interfund transfers dated August 12, 2022. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

Resolution 15 of 2022 – Supervisor Perrin moved to approve Resolution 15 of 2022: appointing Shanna Lodge as the Township Manager of Willistown Township. Supervisor Lange seconded the motion. Ms. Lodge said she is looking forward to working at the Township and thanked the Board. There were no further comments from the Board or the public, and the motion carried 3-0.

Appointing an Assistant Secretary– Supervisor Perrin moved to appoint Martin McKenzie as the Assistant Secretary of Willistown Township. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

Bid Award – Supervisor Perrin moved to award Fairview Road Sanitary Sewer Project to BP Paterson, Inc. of King of Prussia, in the amount of \$459,176.76. Supervisor Lange seconded the motion. A resident

asked how many bids were received. Mr. Malin answered that 4 bids were received. The lowest bid was \$459,176.76 as stated by Supervisor Shoemaker and the second lowest bidder was \$549,554. The highest bidder came in at \$843,266. Fred Haack, 486 King Road, asked if it was a fixed price or cost-plus contract. Supervisor Shoemaker replied it is a fixed price contract. There were no further comments from the Board or the public, and the motion carried 3-0.

Escrow Release- Supervisor Perrin moved to authorize the release of escrow funds for the development known as Villa Maria Student Union (Without Tennis Courts). This is the final release in the amount of \$457,613.35. Supervisor Lange seconded. There were no comments from the Board or the public, and the motion carried by a vote of 3-0.

Grant Application- Supervisor Perrin moved to approve the Environmental Sustainability Commission applying for the Chester County Solid Waste Zero Waste Initiative Grant in the amount of up to \$5,000. Supervisor Lange seconded. There were no comments from the Board or the public, and the motion carried by a vote of 3-0.

Subdivision and Land Development – Supervisor Shoemaker introduced final application S-8-21, Minor Subdivision for Robert D. and Delphia B. Frisch and William C. and Susan E. Lucas: Located at 3 Lucas Lane and 736 Monument Road. This Lot Line change proposes transferring a strip of land (totaling 3,606 sq.ft.) from the property owned by William Lucas (UPI: 54-2-41.3B) to the property owned by Robert Frisch (UPI: 54-2-40.5). The property is located within the R-1 District. This lot line change will transfer a strip of land containing trees Mr. Frisch planted along his property line thinking it was his. Solicitor Christman asked the motion to include two waiver requests from Section 123 -17(b)(3) and 18(b)(3) to not require a conservation plan, and from Section 123-17(b)(4) and 18(b)(4) to not require a construction improvement plans since no new improvements are proposed. He also asked for a condition that the applicant must pay all outstanding fees within 30 days of receipt. Supervisor Perrin moved to approve the plan with the waiver requests and conditions mentioned by Solicitor Christman. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried by a vote of 3-0.

Police Report – Lt. Heim reported the arrest of a 67-year-old male for assaulting a nurse at Paoli Hospital. Five DUI arrests were made, one was a hit and run and the other four were from complaints of an erratic driver. A 47-year-old male was arrested for sexual assault against another employee at Arbor Terrace. A 41-year-old female was arrested for making terrorist threats over a voicemail at the Devereux campus and a 50-year-old male was arrested for incident exposure off West Chester Pike. Criminal mischief was reported to a deer hunting stand on Sugartown Road and an 18-year-old male was cited for underage drinking at Serpentine Preserve. The department is also looking into catalytic converter thefts from vehicles parked in parking lots and driveways and investigating two outstanding sexual assaults at Devereux. He also reminded residents of “The 9 pm Routine” – make a habit of removing all valuables from vehicles, lock the vehicle doors and don’t leave the key fob in the vehicle, close your garage door, turn on outside lights and lock your front door. A resident asked when the local police departments will be allowed to use radars to enforce speed limits. Lt. Heim stated there is a House Bill that is pending but there is no date of when it will or will not pass. Finally, Lt. Heim

announced the Department is inviting Willistown families to Greentree park for ice cream and to meet the officers. They are finalizing the ice cream truck and will announce the date on social media.

Citizens Comments

Supervisor Shoemaker again commented there is no vote tonight on the sewer sale. Although the PUC approved the sale, there is an appeal by Mr. Swift representing a portion of Willistown sewer users and the PA Office of Consumer Advocate. The Township is not going to close with Aqua until the Board has more information and knows the outcome of the appeals. The next regularly scheduled Board of Supervisor Meeting is scheduled for Monday, September 12, and will be held at one of the elementary schools to accommodate more residents. Residents can continue to comment on the sewer sale during public comment at the September meeting.

Residents made the following comments or asked the questions listed below regarding the sewer sale:

Lack of clarity of what is going on regarding the sale from the Township.

The Township not holding this meeting in a large enough venue for all citizens to be able to hear and speak.

The mailing sent out to sewer users from Willistownsewer.org.

The age of the Willistown sewer lines, pump stations, and equipment.

If residents could pay for repairs needed to the sewer infrastructure if the Township kept the system.

Donations to Supervisor Shoemaker's re-election campaign.

Will the Board share the cost-benefit analysis of selling the system at the next meeting?

An administrative law judge reviewed the sale and found there are no benefits to the residents.

Despite a large showing of the public at tonight's meeting, the decision to eventually sell or not sell the sewers comes down to the vote of three people.

The Board needs to present the numbers and convince the ratepayers it's in their best interest to sell the system.

The Board needs to explain the cancelation clause in the asset purchase agreement and any fines associated with exiting the sale agreement.

A resident owns a vacation home by Lake Harmony and after the sale of the sewer to Aqua, their sewer rates went from \$33 a month in 2014 to the current rate of \$135 a month after the moratorium on rate increases ended.

Everyone in Willistown owns the sewer system. The ratepayers are a subset of that group.

Has the Board finalized how much of the proceeds will go back to the ratepayers?

What fund is being used to pay the legal fees from Obermayer Rebmann Maxwell & Hippel LLP for the sale of the system and the two appeals?

The sewer group opposing the sale felt they were not making progress with the Township in early 2021, so the group went to the PUC. The PUC administrative law judge recommended not selling the sewer because it would provide few public benefits. The sewer group would like the Township to not close the sale until a Commonwealth Court adjudicates the appeals. The asset purchase agreement allows the Township and Aqua to close the sale if both parties are in agreement at any time during the appeal process.

The Township is out of touch with what the residents want due to not listening to the chatter on social media, not noticing the yard signs around town, and being unprepared for the number of residents who showed up for this meeting.

The history of paying and building the sewer system and infrastructure through bond issues and connection fees started in the 1970s.

Can the Township cancel the asset purchase agreement, and would that lead to litigation from Aqua?

The Township should have informed residents earlier in the sale process. Residents were notified in 2020 during the pandemic.

A resident's grinder pump has not been serviced since 2020 despite being billed \$200 a year for preventative maintenance.

Can residents have a sub-meter on their water meter for outside watering so it will not count towards their sewer use?

Next Meeting

The next meeting of the Board of Supervisors is scheduled for Monday, September 12, 2022. The time and location are TBD.

Adjournment

Adjournment

Seeing no further business, the meeting adjourned.

Sincerely,

A handwritten signature in blue ink that reads "Martin McKenzie". The signature is written in a cursive style with a horizontal line underneath it.

Martin McKenzie, Assistant Secretary