

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS  
688 SUGARTOWN ROAD, MALVERN, PA  
MONDAY, OCTOBER 24, 2022, AT 7:00 PM**

**MINUTES**

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Supervisors Molly H.B. Perrin and William R. Shoemaker were present. Also present were Township Manager Shanna Lodge, Police Lieutenant Jeffrey Heim, Public Works Director George Martynick, and Solicitor Bill Christman.

Supervisor Shoemaker led the Pledge of Allegiance and a moment of silence for military personnel and first responders.

**Announcements**

Supervisor Shoemaker announced that an official notification was received on the morning of October 24 from Aqua Pennsylvania Wastewater regarding the Asset Purchase Agreement. The letter served as notification that the company exercises its right to extend the "Outside Date" for an additional 90 days. The date referenced is defined in the Asset Purchase Agreement and is the date after which the Township has the right to terminate the Agreement. Supervisor Shoemaker noted that the letter from Aqua will be posted to the Township website tomorrow.

**New Business**

**Minutes** – Supervisor Perrin moved to approve the minutes of October 10, 2022. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public and the motion carried.

**Expenditures** – Supervisor Perrin moved to approve the list of expenditures and interfund transfers dated October 21, 2022. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public and the motion carried.

**Police Report** – Lieutenant Heim reported on department activity for the past month. Arrests were made for felony trespass, assault, criminal mischief, and defined trespass, among other offenses. A citation was issued for harassment and an investigation of a burglary was conducted. There are open investigations of fraud, stolen checks, and thefts from vehicles. Supervisor Shoemaker reminded the public to lock their vehicles and Lt. Heim advised that all residents conduct "9 PM Routines," locking their homes and vehicles for the night. A resident inquired if things have quieted down at Devereux. Lt. Heim noted the department is still getting calls from the school, but that incidents involving juveniles are not made public.

**Resolution** – Supervisor Perrin moved to approve Resolution 18 of 2022, an Update to the Employees Medical Expense Reimbursement Plan. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public and the motion carried.

**Advertisement** – Supervisor Perrin moved to authorize the advertisement of a Public Hearing to be held on November 14, 2022, regarding the application of Sugartown Farm, 423 Dutton Mill Road, for inclusion in the Willistown Township Agricultural Security Area. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public and the motion carried.

**Contract Award** – George Martynick announced that three bids were received for the annual resurfacing contract. The low bid, from Di Rocco Brothers, Inc., totaled \$565,328. Supervisor Shoemaker referenced the budgeted amount for the work, \$350,000, and noted that prices of asphalt, a petroleum product, have risen significantly over the last year. \$250,000 of the budgeted amount is from the Liquid Fuels fund. Supervisor Perrin made a motion to approve the work to the low bidder for the budgeted amount of \$350,000 pending approval of the project by PennDOT and their authorization of the expenditure; \$100,000 will be spent on the work in the absence of a PennDOT approval. Supervisor Shoemaker seconded the motion. Mike Kerr of 33 Stonehenge asked for the list of roads to be paved and the totals from the other bidders. Mr. Martynick provided the information and Shanna Lodge noted that a subset of the roads on the list will be paved, given the funding available. There were no further comments from the Board or the public, and the motion carried.

**Subdivision Plan** – Supervisor Perrin moved to approve the preliminary/final Subdivision Plan Application for 366/388 Paoli Pike, which transfers 1.547 acres from UPI 54-2-106 to UPI 54-2-107 within the RA-Residential zoning district. Supervisor Shoemaker seconded the motion. Solicitor Christman offered requested amendments to the motion. Waivers of the requirement of a conservation plan and improvements construction plan, as no construction is proposed, are requested. In addition, Mr. Christman recommended that the approval be conditioned upon approval for the sewage planning module from the Department of Environmental Protection and upon payment of the necessary fees within 30 days. The motion and second were modified to include these waivers and conditions. There were no further comments from the Board or the public, and the motion carried.

**Land Development** – Supervisor Shoemaker introduced the approvals related to Stage 2 of the Troutbeck Farms Development. Supervisor Perrin moved to execute the Stage 2 Developer Agreement, Subdivision Financial Security Agreement, and Termination of Agreement Prohibiting Conveyance for the Troutbeck Farms Development. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried.

Supervisor Perrin moved to approve the road name change on recorded plans (from “Kingfisher Road” to “Old Kingfisher Road”) and to authorize the Township solicitor, engineer, and staff to work with the developer to effectuate this change. Supervisors Shoemaker seconded the motion, noting that the name change was at the behest of the post office due to a similarly named road in the region. Solicitor Christman noted that there are no final documents to effectuate this change, but that a declaration will be prepared to request the change on recorded plans. A resident inquired why “Old Kingfisher” was selected. Alyson Zarro, counsel for the developer, noted that this was her client’s selection from the options offered. There were no further comments from the Board or the public, and the motion carried.

**Conditional Use, Decision & Order** – Supervisor Shoemaker introduced the decision and order for the application of Management Assistance Group for the construction of an electronic/illuminated sign on property located at 16 Industrial Blvd. (UPI 54-1-2.1) within the I-Restricted Industrial zoning district. This application and decision regard the illumination of the sign only. Supervisor Perrin moved to approve the Decision and Order. Supervisor Shoemaker seconded the motion. Supervisor Shoemaker announced that the Board approved the application given the location in a non-residential district. There were no comments from the Board or the public, and the motion carried.

**Administration Item** – Supervisor Perrin moved to approve a change order for the Fairview Sewer Replacement Project. The change order will expand the project scope of work to include a repair of the failure on N. Cedar Hollow Rd. Supervisor Shoemaker seconded the motion. Ms. Lodge noted that the work for this emergency repair to the main was completed on the afternoon of October 24, and this item serves to memorialize the work as a change order to the Fairview project. The additional work on N. Cedar Hollow is estimated to cost approximately \$10,000. A resident inquired about the quality of the replacement pipe and the cause of the collapse. Ms. Lodge noted that PennDOT stormwater infrastructure in the road had undermined the integrity of the section of pipe in question. There were no further comments from the Board or the public, and the motion carried.

#### **Public Comment**

Julie Frissora of 34 Chetwynd Road requested clarification of the Aqua extension letter. Supervisor Shoemaker noted that the Board will seek legal counsel regarding the notification and its applicability as related to the noted “required Governmental Approval” in the Agreement. Ms. Frissora further inquired whether the recent denial of a request for a stay of the sewer sale has changed the Township’s position. Supervisor Shoemaker noted that two appeals of the PUC decision are still before the Commonwealth Court and the Board has committed to awaiting the outcome of those before moving to close on the sale.

Steve Olin of 32 Sunset Drive asked what the 90-day extension accomplishes. Supervisor Shoemaker referred to the Asset Purchase Agreement which allows the buyer to extend the “Outside Date” by 90 days to obtain a “required Governmental Approval.”

Mike Kerr of 33 Stonehenge Lane recalled that, upon the dedication of Troutbeck development, a chain would be placed across the intersection with Friarsheel Lane, and noted that the previous Supervisor, Ms. Handelin, had been in support of this action. He asked Supervisor Perrin whether she supported this as well, and she replied in the affirmative. Supervisor Shoemaker added that the Board had taken the stance that the Friarsheel connection should be emergency access only but noted that the exact placement of the chain had not yet been determined.

Lewis Pettinos of 6 Applewood Lane asked if the Township can decline the 90-day extension of the Outside Date. Supervisor Shoemaker noted that the Township does not have the option to reject the extension.

Ms. Frissora requested a follow-up regarding the Aqua letter and the required Governmental Approval referenced. The Board suggested that additional information could be announced at a future public meeting. Ms. Frissora further requested that the Board not miss any required deadlines for options such as termination. Supervisor Shoemaker noted there will be multiple meetings at which further discussion and votes may take place if the Board ultimately decides to pursue that option.

Tom Renkey of 45 Tulip Drive asked for clarification regarding the "Outside Date."

Supervisor Shoemaker referenced messaging spread on social media suggesting a conflict of interest for Lamb McErlane, PC, the Township solicitor. He reiterated what has been previously announced: neither Bill Christman, nor any Lamb McErlane employee is now, or has ever been, counsel to the Township regarding the sewer sale. Peter Batchelor of 32 Laurel Circle inquired if there was letter sent to the Township announcing the recusal. Mr. Christman and Supervisor Shoemaker surmised that the recusal was likely verbal.

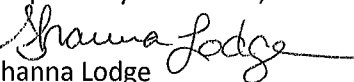
### **Next Meeting**

The next meeting of the Board of Supervisors will be held Monday, November 14, 2022, at 7:00 PM in the Township Building and via Zoom.

### **Adjournment**

There being no further business before the Board, the meeting was adjourned at 7:39 PM.

Respectfully submitted,

  
Shanna Lodge  
Township Manager