

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES
40 Lloyd Avenue, Suite 208, Malvern, Pennsylvania
February 25, 2013 at 7:00 PM

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Chairman Robert T. Lange, Vice-Chairman William R. Shoemaker and Supervisor Norman S. MacQueen were present. Also present were Manager David R. Burman and Chief John M. Narcise.

Pledge of Allegiance to the Flag and Moment of Silence for Military Personnel

Mr. Lange led in the Pledge of Allegiance to the Flag, followed by a moment of silence for our troops.

Treasurer's Report

None.

Announcements

Mr. Lange announced that the Zoning Hearing Board will meet on Wednesday, February 27, 2013, at 7:30 PM to hold a hearing on Application No. Z-1-13, in which the Applicants seek variance relief to permit the construction of a 24-inch high stone retaining wall along the street perimeter of Applicants' property at 9 Callery Way in the R-1 Residence District. The Applicants propose to place the wall not less than four feet from the street curb of Callery Way, which would otherwise be required to be at least 14 feet from the curb.

Mr. Lange announced that the Supervisors met in Executive Session immediately prior to this meeting to discuss a personnel matter.

Unfinished Business

None.

New Business

Mr. Shoemaker moved to approve the minutes of the Supervisors' Work Session and Meeting held February 11, 2013. Mr. MacQueen seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Mr. Shoemaker moved to approve the Lists of Expenditures and Interfund Transfers dated February 25, 2013. Mr. MacQueen seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Mr. MacQueen moved to approve the sale of the following vehicles pursuant to Section 1504 of the Second Class Township Code:

- | | |
|------------------------|------------|
| • 1999 Ford F-150 | \$1,550.00 |
| • 1999 Ford Expedition | \$1,852.00 |
| • 2003 Ford Expedition | \$3,900.00 |
| • 2005 Ford Crown Vic | \$3,251.01 |

Mr. Shoemaker seconded the motion. Jack McGinley, 2 Second Avenue, commented on the vehicles. There were no further comments from the Board or the public, and the motion passed unanimously.

Mr. Shoemaker moved to approve Resolution 7 of 2013 concerning a Grant Application to Chester County for the acquisition of open space. Mr. MacQueen seconded the motion. Mike Kerr, 33 Stonehenge, asked how much grant funding was requested. Mr. Burman reported that the Township sought \$500,000 with this

grant application. There were no further comments from the Board or the public, and the motion carried unanimously.

Mr. Shoemaker moved to approve Resolution 8 of 2013 concerning a Grant Application to the Pennsylvania Department of Conservation and Natural Resources for the acquisition of open space. Mr. MacQueen seconded the motion. Mike Kerr, 33 Stonehenge, asked how much grant funding was requested. Mr. Burman reported that the Township sought \$850,000 with this grant application. There were no further comments from the Board or the public, and the motion carried unanimously.

Mr. Lange introduced the next Agenda item, Toll Brothers' Land Development Request for Applebrook Meadows Phase II (REVISED). Alyson M. Zarro, of Riley Riper Hollin & Colagreco, represented the Applicant, along with Michael J. Bowker of Momenee and Associates, Inc. Mr. Andrew Semon of Toll Brothers was also present. Mr. Shoemaker expressed concerns with the Engineered Stormwater Management System and his impression that experience in systems of this magnitude was somewhat limited. Mr. Shoemaker also expressed concerns with the cost of a potential failed system to future HOA residents. Ms. Zarro indicated that the Agreements included a cost sharing component between the Hospital and the HOA of approximately 1/3 – 2/3, respectively. Mr. Shoemaker asked whether there was any project anywhere with an Engineered Stormwater Management of this size. Mr. Bowker indicated that a similar system existed at the Worthington project in Malvern, describing the similarities and differences between the two systems. Mr. MacQueen asked about redundant systems in case of power failures. Mr. Bowker reported that two pumps are planned, as well as an emergency backup generator. Mr. Lange discussed his understanding of problems associated with other similar systems, such as the one in service at the Radnor Middle School, and expressed his skepticism that the proposed system is going to work. Mr. Bowker reported that the system has been designed in accordance with the best engineering practices available today. The basin is designed to be "soggy", with any standing water to drain within 72 hours of a storm event. Mr. MacQueen expressed concerns with the life expectancy of the system. Mr. Bowker acknowledged that the system, including the pumping station and basin, must be maintained by the HOA to mitigate future problems. Mike Kerr, 33 Stonehenge, asked whether the Developer would consider posting a \$1,000,000 bond to guarantee operation of the mechanical systems for the short-term. Ms. Zarro reported that such bonds and assurances for the short-term were included in the Land Development Agreements. Victor Guglielmi, 22 Wildwood Drive, asked who would be responsible for the annual inspections and reporting to the Township. Ms. Zarro reported that the HOA would be responsible for this work. George McHugh, 846 Forest Lane, asked whether there are any similar systems of this size. Mr. Semon reported that the pumping station makes this system unique. However, a similarly sized basin exists in a development known as Byers Station in Chester Springs. At the conclusion of the discussion, Mr. Shoemaker moved to approve the Land Development Application of Toll Brothers for Applebrook Meadows Phase II and the execution of the necessary Agreements, provided the Applicant shall comply with each of the following conditions of final plan approval:

1. Compliance with all outstanding comments as set forth in the Township consulting engineer's review letter of February 6, 2013 pertaining to Phase II attached as Exhibit A, and receipt of a written letter from the Township engineer confirming the same.
2. Approval of and execution by the Applebrook Meadows Homeowners Association Inc. (the "Association") of the Trail Easement Agreement by and among Natural Lands Trust, Incorporated, Willistown Township and the Association for the establishment and maintenance of the trail connection from the development across lands of Natural Lands Trust to the Greater Chester Valley

Soccer Association property in the form as approved by the Board of Supervisors attached hereto as Exhibit B.

3. The Applicant agrees to undertake and complete the conditions Developer agreed to complete as set forth in the letter from Applicant's counsel to H. Scott Wendle of the Natural Lands Trust dated December 10, 2012, to the satisfaction of the Township and the Natural Lands Trust.
4. The Applicant shall provide evidence acceptable to the Township that the Applicant has satisfied the conditions set forth in Natural Land Trust's letter of April 25, 2011 regarding Natural Land Trust's conditional approval of the regional stormwater facility on Natural Land Trust's property.
5. The Applicant, prior to the release of the final land development plan for recording, shall provide the following documents executed and in recordable form to the satisfaction of the Township Solicitor:
 - a. Subdivision and Land Development Agreement.
 - b. Financial Security Agreement.
 - c. Financial Security in the amount of \$2,262,258.08.
 - c. Stormwater Facilities Operation and Maintenance Agreement.
 - d. Termination of Agreement Prohibiting Conveyance.
 - e. Easements for Off-site Stormwater Operation and Maintenance.
6. The payment of any outstanding review fees, pursuant to Section 503 of the Municipalities Planning Code, including, but not limited to, professional consultations, engineering review and reporting, and legal documentation preparation, review and recordation, incurred by the Township, within thirty (30) days after invoicing.

Mr. MacQueen seconded the motion. There were no further comments from the Board or the public. Mr. Shoemaker and Mr. MacQueen voted affirmatively and Mr. Lange voted against. The motion carried, 2 to 1.

Citizens' Comments

None.

Next Meeting

Mr. Lange announced that the next meeting would be take place on Monday, March 11, 2013 with a public work session at 6:30 PM and the regular business meeting at 7:00 PM. All meetings are open to the General Public.

Adjournment

Mr. Shoemaker moved to adjourn the meeting. Mr. MacQueen seconded the motion. There were no comments from the Board or the public, and the motion carried unanimously.

Respectfully Submitted,



David R. Burman
Secretary