

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS
688 SUGARTOWN ROAD, MALVERN, PA
MONDAY, NOVEMBER 14, 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, Robert T. Lange, and William R. Shoemaker were present. Also present were Township Manager Shanna Lodge, Township Treasurer Martin McKenzie, Director of Planning Robert Smiley, Chief of Police Robert Klinger, and Solicitor Bill Christman.

Chief Klinger led the Pledge of Allegiance and a moment of silence for military personnel and first responders.

Announcements

Supervisor Shoemaker announced that the Land Development item to be considered would be moved up the agenda. He further noted that the advertisement for the Stormwater Ordinance Amendment is for a hearing to be held on December 12.

New Business

Minutes – Supervisor Perrin moved to approve the minutes of October 24, 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 November 11, 2022. Supervisor Lange seconded the motion. There were no comments from the Board or the public and the motion carried unanimously.

Police Report – Chief Klinger reported on department activity for the past month, including arrests for a DUI and firearms-related offenses. The Chief reminded residents about package thefts from porches during the holiday season. A resident asked a follow-up question regarding the firearms incident.

Public Hearing

The Board held a public hearing regarding the application of Sugartown Farm, 423 Dutton Mill Road, for inclusion in the Willistown Township Agricultural Security Area. A court reporter was present, and the transcript is on file at the Township office. The hearing was closed. Supervisor Perrin moved to approve the application of Sugartown Farm, adding the property to the Willistown Township Agricultural Security Area. Supervisor Lange seconded the motion. There were no comments from the Board or the public and the motion carried unanimously.

Land Development

Supervisor Shoemaker introduced the Preliminary/Final Plan Application of Villa Maria Academy for a

building addition to the gym and the addition of three tennis courts. The Planning Commission has recommended approval. He noted that this is a newly submitted plan, but is also a change of a previous plan that was submitted. Solicitor Christman identified the waivers that are requested: a partial waiver of required plantings, a waiver to combine the preliminary and final plan requirements, a partial waiver to show all existing right-of-way lines, but to not identify the metes and bounds on the plan, and a waiver of the traffic impact study as this addition will serve the existing faculty and students. Conditions of approval will include the finalization of escrow and payment of any outstanding invoices. Supervisor Perrin inquired regarding the waiver of additional plantings. Zeke Spillane, Villa Maria Academy facilities director indicated that plantings were made when the building was constructed under the original plan. This small addition abuts a tree line. Supervisor Perrin inquired about the waiver to exclude the metes and bounds; Mr. Spillane noted that no metes and bounds are changing under this plan and therefore the applicant can rely on the specifications in the previously approved plan. Supervisor Perrin moved to approve the land development application with the waivers and conditions specified. Supervisor Lange seconded the motion. Tom Renkey of 45 Tulip Drive asked if the change in the plan increases or decreases impervious coverage. It was noted that, in the revision, the number of tennis courts was changed from 5 courts to 3, therefore decreasing the overall total impervious coverage. There were no further comments from the Board or the public and the motion passed unanimously.

Advertisement – Supervisor Perrin moved to authorize the advertisement of the Stormwater Ordinance Amendment for a hearing to be held on December 12, 2022. Supervisor Lange seconded the motion. Solicitor Christman commended Planning Director Smiley and Township Planner John Gaadt for their work on and formatting of the Stormwater Ordinance amendment. There were no further comments from the Board or the public and the motion passed unanimously.

2023 Budget Presentation

Manager Lodge presented the proposed budget for 2023. The General Fund is balanced at \$9.6 million; there is no proposed tax increase; and the projected expenditures for the sewer funds, which are operating at a deficit, total \$2.7 million. Planned capital projects and purchases for the coming year include building renovations, fleet vehicle replacements, and a Stormwater Master Plan.

Henry Yordan of 152 Grubb Road inquired whether the sewer funds' loss was depreciation. Manager Lodge and Treasurer McKenzie noted that it is a cash loss; depletion of reserves is required to balance the funds.

Supervisor Perrin moved to authorize the advertisement of the 2023 Proposed Budget. Supervisor Lange seconded the motion. There were no further comments from the Board or the public and the motion passed unanimously.

Resolutions

Supervisor Perrin moved to approve Resolution 19 of 2022, Disposition of Municipal Records. Supervisor Lange seconded the motion. Julie Frissora of 34 Chetwynd Road inquired regarding the age and type of records to be destroyed. Manager Lodge noted that the Township follows state guidelines regarding the

length of time records are to be kept and that the guidelines vary by type of record. All the records included in this Resolution are administrative and the newest records are dated 2014. There were no further comments from the Board or the public and the motion passed unanimously.

Supervisor Shoemaker introduced Resolution 20 of 2022, ARPA Funding Distribution. The Resolution regards the most recent funding provided to the Township under the American Rescue Plan Act. The Resolution allocates a portion of the funding, totaling \$174,017.48, as contributions to the various Fire Companies which serve Willistown Township as well the Malvern and Paoli Libraries. The remainder of the funding, totaling \$406,040.81, is appropriated to stormwater mitigation and improvements and infrastructure by the Resolution. Supervisor Perrin moved to approve Resolution 20 of 2022. Supervisor Lange seconded the motion. There were no comments from the Board or the public and the motion passed unanimously.

Administration Items

Supervisor Perrin moved to approve a Work Change Directive for the Fairview Road Sewer Replacement Project; the Directive will extend the replaced line by 60 linear to repair an additional failure in the line for a total of \$29,367.17. Supervisor Lange seconded the motion. Mike Kerr of 33 Stonehenge Lane inquired if the additional work will be done at the established unit price; Manager Lodge confirmed this is the case. There were no further comments from the Board or the public and the motion passed unanimously.

Supervisor Perrin moved to approve a Change Order for the Fairview Road Sewer Replacement Project; this change order accounts for a delay due to unmarked utilities and the replacement of a storm sewer pipe for a total of \$15,798.38. Supervisor Lange seconded the motion. Mr. Kerr inquired how the stormwater utility could be missed given the inlets. Manager Lodge noted that the stormwater pipe impact and the utilities are distinct issues affecting the work; Supervisor Shoemaker advised that the Township will seek to recover the loss from both the utility company which failed to mark their lines as well as PennDOT, as the stormwater pipe is located in Paoli Pike, a state road. There were no further comments from the Board or the public and the motion passed unanimously.

Supervisor Perrin moved to authorize the Township Manager to sign renewal documents for the Ascensus employee 457 retirement plan. Supervisor Lange seconded the motion. There were no further comments from the Board or the public and the motion passed unanimously.

Supervisor Perrin moved to authorize the purchase of a vacuum deck to repair the Township sweeper truck in the amount of \$14,816.23 via the COSTARS cooperative purchasing program. Supervisor Lange seconded the motion. There were no further comments from the Board or the public and the motion passed unanimously.

Citizens' Comments

Tom Renkey of 45 Tulip Drive inquired if the 2022 surplus could be put toward paving additional

roadways this year. Manager Lodge noted that the time of year and dropping temperatures make adding more roads this year difficult but advised that the Board could consider this in the future.

Mr. Kerr inquired about the Nike Site, suggesting its potential usefulness to the Township. Supervisor Shoemaker noted the Township's continued interest in the site; the site is still currently owned by the Federal government.

Robert Swift of 13 Devon Road inquired about the erosion of waterways and the Township's responsibilities regarding roadway runoff. He further offered suggestions regarding stormwater runoff mitigation. Supervisor Shoemaker thanked Mr. Swift for his comments and referenced the Township's ongoing problems with stormwater, including the issues in older neighborhoods, like Ronnie Park. He advised that the aforementioned Stormwater Master Plan will seek to identify problem areas and mitigation options and that public comment will be accepted on this Plan.

Fred Haack of 486 King Road inquired about streams that run beneath Grubb Road and erosion issues in that area. Manager Lodge requested that Mr. Haack email her directly regarding the issue. Separately, he inquired about the issues of the soccer field on Line Road. Supervisor Shoemaker and Solicitor Christman advised that this is still being worked through the courts.

Ms. Frissora inquired about the Aqua extension request regarding the sewer sale and a question she had sent via email. Supervisor Shoemaker noted that the Final Order is defined as a Governmental Approval in the Asset Purchase Agreement (APA). Adjudications and courts are specifically referenced in the APA regarding Approvals of Governmental Agencies. Supervisor Shoemaker reiterated that the Board will not close on the sale of the sewer system in the absence of a Final Order. Ms. Frissora and Henry Yordan of 152 Grubb Road inquired about the APA and the purpose of the termination clause. Supervisor Shoemaker advised that, to the best of his knowledge, the APA is a standard form. He further speculated that the termination clause is also relatively standard; in general, a purchase should close within a reasonable amount of time for the negotiated terms to remain reasonable.

Supervisor Shoemaker advised that the Board's position has not changed. At such time when the termination clause can be acted upon, the Board will consider and vote on that option. Until then, the Board continues to await any decision of the courts regarding the ongoing appeals.

Mr. Renkey inquired about traffic light sequencing on Paoli Pike; it was suggested that he was thinking about sequencing on Route 30/Lancaster Avenue. Treasurer McKenzie advised that the Township has an ongoing "Green Light Go" grant to contribute to the regional sequencing of the lights.

Jay Sayers of 641 Warren Avenue inquired about the action on the sewer sale Supervisor Shoemaker referenced, suggesting that the Board had promised not to take action. Supervisor Shoemaker clarified that the action that the Board is not going to take at present is to close the sale. It is possible that the Board may soon have the option to terminate the APA, should the termination date arrive before the appeals are decided in the courts. Considering the option to terminate is the potential upcoming action

Supervisor Shoemaker referenced. The Board has not decided on that option or when that option will be considered.

Jackie Springman of 36 Chetwynd inquired about the total amount spent on legal counsel regarding the sewer sale. Manager Lodge advised that she did not have the numbers in front of her, but that Ms. Springman could follow up via email. Ms. Springman asked how much more will be spent. Supervisor Shoemaker noted that this is unknown; he offered to have the figure of money spent up to this point announced at the next meeting of the Board, speculating it was in the area of \$268,000 for Obermayer.

Mr. Yordan asked if the Board could make draft meeting minutes available to the public before the Board votes on these. Solicitor Christman noted that state law indicates that draft minutes are not a public record and are exempt from disclosure, but that the Board could elect to waive that exemption if they so chose. Mr. Yordan requested that the Board consider doing so.

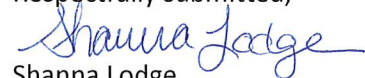
Next Meeting

The next meeting of the Board of Supervisors will be held Monday, November 28, 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 8:15 PM.

Respectfully submitted,



Shanna Lodge
Township Manager