

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS
688 SUGARTOWN ROAD, MALVERN, PA
MONDAY, JANUARY 23, 2023, AT 7:00 PM

MINUTES

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 Township Manager Shanna Lodge, Chief of Police Robert Klinger, Treasurer Martin McKenzie, Director of Public Works William Hagan, Director of Planning and Zoning Robert Smiley, Lieutenant Jeffrey Heim, and Solicitor Katie Ladow.

The meeting was called to order at 7:00 PM. Supervisor Perrin led the Pledge of Allegiance and a moment of silence for military personnel and first responders.

Announcements – Supervisor Perrin announced that the Board of Supervisors held executive sessions on January 18 and 23, 2023 regarding legal and real estate matters. Supervisor Perrin announced that there is no scheduled vote and no scheduled discussion regarding the sewer sale.

New Business

Minutes – Supervisor Shoemaker moved to approve the minutes of January 3, 2023. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Expenditures – Supervisor Shoemaker moved to approve the list of expenditures and interfund transfers dated January 20, 2023. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Police Report – Chief Klinger reported on department activity for the prior month, including arrests for criminal trespass, assault, and driving under the influence. The department investigated a report of a theft of a purse from a restaurant and the subsequent use of the victim's credit card. Chief Klinger was pleased to report that Officer Mark Monroe was recently honored with a Certificate of Appreciation from the Philadelphia Chapter of the Military Order of the World Wars.

Supervisor Lange inquired how often reports of suspected DUIs are called in. Chief Klinger advised that the department gets a lot of calls reporting erratic drivers, but often drivers have left the Township before an officer can respond. A resident inquired about collisions with deer, suggesting this is a serious problem in the autumn.

Public Hearing- The Board held a public hearing to consider a Zoning Ordinance Amendment regarding Direct Commercial Sales of Agricultural Commodities. Counsel Katie Ladow conducted the hearing and introduced exhibits. Public comment was accepted. A court reporter was present, and the transcript is on file at the Township office. The hearing was closed.

Ordinance 1 of 2023 – Supervisor Shoemaker moved to approve Ordinance 1 of 2023, "An Ordinance Amending the Zoning Ordinance of Willistown Township to Further Define and Regulate Direct Commercial Sales of Agricultural Commodities." Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried unanimously.

Presentation by the Environmental Sustainability Committee

Susan Vogel, Chair of the Willistown Environmental Sustainability Committee (ESC), presented to the Board on the Committee's investigation into municipal-wide single hauler collection of trash and recyclables for residents. She noted that the benefits include cost savings to residents, the ability to control and monitor the performance of the hauler, the ability to ensure compliance with Act 101, fewer trucks on the roads, and consistency in collection and education. The ESC is seeking approval to continue the exploration and research through resident surveys and public meetings. Supervisor Shoemaker asked if this would eliminate residents' ability to select their trash and recycling hauler, which Ms. Vogel confirmed. Exceptions would include commercial customers and HOAs. Supervisor Perrin asked how many bids for the haulers would be expected; Ms. Vogel advised that 2 to 3 bids would be expected.

Henry Yordan of 152 Grubb Road inquired how residents would pay for the service or if it would be funded by a tax increase. Ms. Vogel advised that residents would receive a bill, likely on a quarterly basis. Mr. Yordan further asked if there would be an option to opt-out, noting that some residents do not use a hauler. He did not elaborate on how trash is disposed of in this circumstance. Manager Lodge noted that residents are required to have trash and recycling removal services in Willistown. Carol Meerschaert of 133 Spruce Lane inquired about the pay-as-you-throw option for residents who produce a very small amount of refuse. Julie Frissora of 34 Chetwynd echoed Ms. Meerschaert's comments, noting she pays a very small amount for her service. Murray Gordon of 42 Meadowview suggested that East Goshen Township personnel could answer questions about special circumstances e.g., long driveways, flag lots, etc. Louis Pettinos of 6 Applewood Road noted that, following the departure of Republic Services from the Township, residents are left with little choice of a hauler. Ms. Meerschaert requested that residents be given additional education on recycling. Frederick Haack of 486 King Road requested that any proposed changes to trash hauling be well communicated to the public.

Ms. Vogel thanked the members of the public for their comments and noted that all these considerations would be helpful to the ESC in their research and encouraged continued input from residents.

Ordinance Advertisement – Supervisor Shoemaker moved to authorize advertisement of Proposed Ordinance Amendments Zoning Ordinance Amendment – Various Amendments; Subdivision and Land Development Ordinance (SLDO) Amendment – Cul-de-sac and Other Single Access Streets; and Miscellaneous Ordinance Amendment – Steep Slope Conservation District. Supervisor Lange seconded the motion. There were no further comments from the Board or the public, and the motion carried unanimously.

Administration Item – Supervisor Shoemaker moved to approve a Change Order for the Fairview Road Sewer Replacement Project in the amount of \$25,621.45. Supervisor Lange seconded the motion. Supervisor Shoemaker inquired regarding the source of the concrete that was removed, resulting in this change order. Director of Public Works Hagan noted that this was pipe casing, likely from a previous fix to the line. Mr. Yordan inquired regarding the concrete location, which Manager Lodge noted was in the initial work area. There were no further comments from the Board or the public and the motion carried.

Great Valley Community Organization Presentation - Keith Walsh of the Great Valley Community Organization gave a presentation about the organization's efforts to construct a new community center. The 501(c)3 began more than 20 years ago as a youth sports organization. As demand for programming has grown beyond sports, GVCO sought to develop a business plan and began a fundraising effort toward the goal of constructing a community center. Funding was secured through a Pennsylvania RACP grant and a financing loan, along with numerous donations from individual donors. Mr. Walsh presented programming maps depicting the great number of Willistown residents who participate in GVCO programming. The organization is approaching municipalities in the district and their service area seeking financial support. Mr. Walsh presented a request for \$450,000, over several years, to the Board of Willistown Township. Supervisor Shoemaker

inquired what the donation would fund – it will go to debt payments. He further inquired into the source of operating funding – this comes from the programming. Supervisor Perrin thanked Mr. Walsh for the presentation and advised that the Board will discuss the request.

Citizens' Comments

During citizens' comments, a discussion was had regarding invoices of the Township Counsel on the matter of the sewer sale, which had been released in redacted format to a resident requestor and subsequently distributed to other residents.

Pam Schaffer of 129 South Cedar Hollow Road commented on the redaction of all descriptions on the Obermeyer invoices from the recent right-to-know request. She has worked in billing for law firms and firms advise lawyers to include a brief general description of the work done in the billing description. The Township staff and Supervisors concurred that this is ideal in theory, but is often not how things are done in practice.

Carol Meerschaert of 133 Spruce Lane commented on the balance between protecting the Township from a potential lawsuit and keeping citizens informed and requested to review draft minutes. Supervisor Perrin replied the Board minutes are now published a few days before the upcoming meeting so residents can read and comment. Anyone having trouble finding the location of the minutes can contact Township staff.

Jerry Childers of 8 Colonial Way commented on the redaction of all descriptions on the Obermeyer invoices. He also asked about the training of the Open Records Officer and if the Supervisors see right-to-know requests. Supervisor Shoemaker replied that requests are answered by staff; the Supervisors do not directly review requests.

Mr. Yordan of 152 Grubb Road asked about waiving attorney-client privilege. Supervisor Perrin explained when attorney-client privilege is waived, anything said to your attorney is now open to discovery; the Township's practices are to protect the Township from litigation.

Ms. Frissora of 34 Chetwynd Road stated the PA Open Records Office has written a final determination on attorney-work product doctrine and what can and can't be redacted on right-to-know requests. And while the Township has agreed to re-examine the invoices, it was only doing so after the requestor appealed to the State.

Kathy Schmidt of 2804 Sagewood Drive commented because of the sensitive nature of the sewer sale, staff should not make assumptions about what the requestor is seeking. She suggested the right-to-know officer run the sewer-specific right-to-know requests by the Supervisors before answering them.

Murray Gordon, 42 Meadow View Lane, asked if the right-to-know officer takes a test or exam to become the open records officer. He also asked if an independent review of the Obermeyer invoices could be done by another law firm.

Lewis Pettinos of 6 Applewood Road stated he has sent record requests to other municipalities, primarily in New Jersey, for legal and engineering invoices and only one municipality heavily redacted the response. Once the municipality clarified what he was seeking, they released additional information.

Betsy Allinson of 21 Wistar Road congratulated Supervisor Perrin on her appointment as Chair of the Board. She further thanked the Board and staff for their work and expressed her trust in the Board regarding the sewer sale.

A resident asked if the Township campus is on public sewer and water. Supervisor Shoemaker replied it is not.

Jamie Schrader of 652 Warren Ave asked if the right-to-know officer can run the requests by the Supervisors before answering them. Supervisor Perrin said the Township gets hundreds of requests, too many for the Supervisors to review before the response deadline.

Manager Lodge noted that the Township is re-examining the invoices to provide more information to the requestor. She further apologized for the concern the distribution of the records has caused and advised that the staff were being cautious regarding attorney-client privilege and concerns regarding the potential for litigation. She noted that records have been redacted in this manner before and that there was an assumption requestor was just seeking the total amount of money billed by Obermeyer due to the appeal.

Supervisor Shoemaker summarized the Township will appropriately review and re-redact the invoices and get them to the requestor as soon as possible.

Ms. Meerschart expressed appreciation to the Police Department for patrols in the area of the Fox Hollow Trail, where motorists tend to drive recklessly. She requested that the Police Department enhance these efforts when and where possible.

Next Meeting

The next regular meeting of the Board of Supervisors will be held Monday, February 13, 2023, 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 8:30 PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Shanna Lodge". The signature is written in a cursive style with a long horizontal flourish at the end.

Shanna Lodge
Township Manager