

**WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS  
688 SUGARTOWN ROAD, MALVERN, PA  
MONDAY, AUGUST 21, 2023, AT 7:00 PM**

**MINUTES**

The Regular Meeting of the Board of Supervisors came to order at 7:00 PM. Supervisors Robert T. Lange and William R. Shoemaker were present. Also present were Township Manager Shanna Lodge, Lieutenant Jeffrey Heim, and Solicitor Max O'Keefe.

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

**Announcements**

None.

**Minutes**

Supervisor Lange moved to approve the minutes of July 17, 2023. Supervisor Shoemaker seconded the motion. There were no comments from the Board or the public, and the motion carried.

**Expenditures**

Supervisor Lange moved to approve the list of expenditures dated August 18, 2023. Supervisor Shoemaker seconded the motion. Julie Frissora of 34 Chetwynd Road inquired regarding the Yerkes payments related to Penns Preserve. Manager Lodge noted that Yerkes is the Penns Preserve operator. There were no further comments from the Board or the public, and the motion carried.

**Police Report**

Lieutenant Heim reported on recent Police Department activity, including arrests for theft, unauthorized use of a credit card, theft from a vehicle, sexual assault, and heroin possession, and citations for disorderly conduct, harassment, and public drunkenness. The Lieutenant reminded residents about the 9 PM safety routine, an increase in scam phone calls, the use of reverse 911, and offered caution about school zones. Mike Kerr of 33 Stonehenge asked about the requirements for door-to-door solicitation in the Township. Lieutenant Heim replied that, apart from non-profit organizations, companies soliciting in Willistown are to register with the PD and are issued a badge. Pamela Schaeffer of 139 South Cedar Hollow Road asked if the reverse 911 calls cell phones; Lieutenant Heim reported that at present, he believes it is only landlines.

**Advertisement**

Supervisor Shoemaker introduced the request to authorize advertisement for sewer repairs. The project includes the replacement of approximately 340 ft of 8" vitrified clay pipe (VCP) along Paoli Pike between Fairview Road and Moreland Road. This work will also replace three manholes and four laterals to the right of way; the replacement of approximately 697 ft of 12" asbestos concrete pipe (ACP) along Paoli Pike from Devon Road to where the sewer exits Paoli Pike and turns towards Pump Station No. 3. This section includes four manholes and four laterals; and the replacement of approximately 508 ft of 8" ACP in front of 20 – 24 Long Lane. This includes five manholes and five lateral replacements. Supervisor Lange moved to authorize advertisement. Supervisor Shoemaker seconded the motion. Ms. Frissora inquired who is preparing the bid specifications; Manager Lodge confirmed it is the Township Wastewater Engineer. Henry Yordan of 152 Grubb Road inquired how the sections were identified. Supervisor Shoemaker noted that prior to the erstwhile sale of the Township sewer system, certain areas were prioritized for repair based on previous televising of the lines, field observations, and known problem areas. A conversation about the televising of the sewer lines followed. Joe

Heenan of 713 Monument Road asked if the request for bids will be able to be split into multiple contracts for each of the repairs, suggesting that this could save money. Mr. Kerr commented that he disagreed, noting that from his experience, larger jobs generate lower prices. Supervisor Shoemaker noted that the cost of mobilization and demobilization can contribute to pricing and a discussion followed. There were no further comments from the Board or the public, and the motion carried.

### **Administration**

Supervisor Shoemaker introduced the request for purchase approval for a highway mower, a Kubota M-5 Tractor with Terrain King mid mount boom mower for a price of \$139,106.60. He highlighted its ergonomic design. Manager Lodge added that this price is under budget. Supervisor Shoemaker further noted that the Township may also be able to sell the mower currently being used. Supervisor Lange moved to approve the purchase. Supervisor Shoemaker seconded the motion. Mr. Kerr inquired where the proceeds from the sale of the old mower will be deposited; it was noted these will be deposited in the General Fund. There were no further comments from the Board or the public, and the motion carried.

Supervisor Lange moved to approve an On-Lot Sewage Management Agreement for Brook Lane. Supervisor Shoemaker seconded the motion. Mr. Kerr inquired what kind of system is being proposed. Supervisor Shoemaker reported that it is a Premier Tech Aqua Ecoflo Coco Biofilter system. There were no further comments from the Board or the public, and the motion carried.

### **Citizens' Comments**

Steve Sarmiento of 230 Spring Road commented regarding what he believes are a non-conforming fence and garage at 232 Spring Road. He raised concerns about the visibility of the fence, his belief that it was installed without a permit, and a lack of maintenance in the proximity of the fence. His concerns about the garage include side yard setbacks, which he believes are inadequate, and its height. He believes that this installation would have required a variance, and that no such variance was granted. He noted the lack of a response from the previous Township Manager and noted his own work to be in compliance with code regarding the installation of a shed on his property. Supervisor Lange inquired whether Mr. Sarmiento had spoken to his neighbors about the issue, which Mr. Sarmiento reported he was no longer doing. Manager Lodge requested an email from Mr. Sarmiento with his contact information and advised that she would follow up with him directly. Supervisor Shoemaker noted that, as Mr. Sarmiento observed, the previous manager is no longer with the Township, but apologized that the staff at the time was unresponsive.

Mr. Childers spoke additionally about televising the sewer lines, infiltration and inflow problems. He spoke about EPA materials on the subject. He inquired whether the pipes being repaired discussed earlier in the meeting will be replaced or relined; it was clarified that they will be replaced. A discussion of the specification of materials for the bid followed, and Supervisor Shoemaker noted that standards will be specified.

Ms. Schaeffer inquired whether homeowners or contractors are responsible for pulling permits and whether they would be held accountable for unpermitted work. Supervisor Shoemaker spoke about the different types of approvals and processes, including applications that go before the Planning Commission, etc. He noted that while he cannot speak specifically about the construction on Spring Road, contractors are not the accountable party when it comes to permitting. A discussion of the inspection process followed.

Murray Gordon of 42 Meadowview Road inquired regarding the corrugated metal fence along Paoli Pike. He requested that the Code be changed to require softening around structures like this.

Ms. Frissora requested information regarding Solicitor O'Keefe's statements at the previous meeting related to the case law regarding the word "operation." Solicitor O'Keefe reiterated that while the case is not identical or similar to the question of sewer system operation, a case was found that indicated that "operation" reflects a "continuum of activity." Supervisor Shoemaker noted the Township auditor's independent conclusion regarding the broad understanding of the word.

Mr. Kerr inquired regarding the sale of the Valley Creek Trunk Sewer to Aqua, speculating that proceeds were deposited into the sewer funds. Supervisor Shoemaker noted that any analogy to the potential sale of the Willistown collection system is now moot due to the termination of the asset purchase agreement.

Mr. Childers inquired, regarding the fence at the property on Paoli Pike, if there is a height restriction. He separately contended that the Township Solicitor did not supply adequate legal citations.

Ms. Schaeffer commented on the "operation" definition as it relates to operating versus non-operating expenditures in accounting. She stated that while the potential sewer sale may have been a part of operation, it may not be operating expenditures.

Mr. Heenan commented that he believes operation is connected to maintenance, given the phrase "operation and maintenance." Solicitor O'Keefe noted that "operation" and "maintenance" are two of several cost categories eligible for the expenditure of sewer funds.

Lewis Pettinos of 6 Applewood Road asked if the sewer users were canvassed ahead of the planned sale; Supervisor Shoemaker replied no, but the issue was advertised. Mr. Pettinos asserted his belief that the legal costs related to the sewer sale were incorrectly categorized when charged to the sewer fund. He reiterated the request for a sewer advisory board. Supervisor Lange noted that due diligence is being conducted. Supervisor Shoemaker noted that the ongoing sewer studies are a part of the decision-making. Kevin Rice of 6 Colonial Way inquired which consultant will advise on that decision of the administrative structure of the sewer system. Supervisor Shoemaker responded that this decision will not be made by a consultant, but by the Board.

Carla Meaders of 2076 Dutton Mill Road noted the costs of her sewer system for installation and upkeep. She inquired whether public sewer users pay for the service. Supervisor Shoemaker noted that sewer users pay a quarterly fee.

Jay Salyers of 641 South Warren noted that the Township's sewer users also pay a tapping fee when they connect. He separately inquired about the expected installation of well meters for well users who are also on sewer. Mr. Childers spoke about the various components of a well meter and their reporting function. A discussion of the issue followed. Manager Lodge noted that the Township is exploring different well meter options, but that no decision has been made.

Mr. Yordan inquired whether the Township has explored digitization of older paper records. Manager Lodge noted that there has been some exploration, but that the endeavor is very costly.


### **Next Meeting**

The next regular meeting of the Board of Supervisors will be held on September 11, 2023, at 7:00 PM at the Township Building and on Zoom.

**Adjournment**

There being no further business before the Board, the meeting adjourned at 8:42 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Shanna Lodge". The signature is written in black ink and is positioned above the printed name and title.

Shanna Lodge

Township Secretary