

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES
688 SUGARTOWN ROAD, MALVERN, PA
MONDAY, JULY 10, 2017 AT 7:00 PM

The regular meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Supervisors William R. Shoemaker, George J. McHugh IV and Robert T. Lange were present. Also present were Township Manager David R. Burman, Chief of Police John M. Narcise, and Zoning Officer Neil D. Vaughn.

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

Announcements

None.

New Business

Mr. McHugh moved to approve the minutes of the Board of Supervisors' regular meeting dated June 12, 2017. Mr. Lange seconded the motion. There were no comments from the Board or the public and the motion passed unanimously.

Mr. McHugh moved to record the procurement card reconciliations for April and May 2017. Mr. Lange seconded the motion. There were no comments from the Board or the public, and the motion passed unanimously.

Mr. Shoemaker introduced consideration in the matter of Application L-2-16, the application of Willistown Conservation Trust for Land Development Approval for a new Conservation Center at 921 Delchester Road, located in the RU Rural District of Willistown Township. Mr. Shoemaker reminded residents that the proposed lot consolidation plan had been approved by the Supervisors at a previous meeting. Mr. Lange expressed his total opposition to this Application because the grant funds utilized by the Trust to acquire the property required the land to be preserved in perpetuity. Mr. Lange further expressed his regret that he couldn't persuade the other Supervisors to vote in opposition. Mr. Lange expressed his discouragement and acknowledged that, while we are all on the same team, sometimes we don't see eye-to-eye. Mr. Shoemaker expressed his agreement with Mr. Lange, but reminded residents that the Board of Supervisors has no legal power to enforce agreements to which the Township is not a party. Mr. Shoemaker moved to approve Application L-2-16. Mr. McHugh seconded the motion. There were no further comments from the Board or the public, and the motion carried by a vote of 2-1, with Mr. Lange voting in opposition.

Mr. Shoemaker introduced a public hearing to consider adoption of an Ordinance amending Chapter 139 of the Code of Ordinances of Willistown Township, being the Zoning Ordinance, in order to provide for uses permitted under Pennsylvania Act 16 of 2016, the Medical Marijuana Act. Effective five days from enactment. A court reporter was present and a transcript of the proceedings is on file in the Township offices. At the conclusion of the public hearing, Mr. McHugh moved to adopt the proposed Ordinance. Mr. Lange seconded the motion. There were no comments from the Board or the public, and the motion carried unanimously.

Mr. Shoemaker introduced consideration of Resolution 21 of 2017, opposing PA House Bill 1469 and Senate Bill 663 mandating the use of Third Party Agencies in connection with the Uniform Construction Code. Mr. McHugh moved to adopt the Resolution. Mr. Lange seconded the motion. There were no comments from the Board or the public, and the motion carried unanimously.

Mr. Shoemaker introduced consideration of an Agreement with the landowner at 56 S. Lloyd Avenue, UPI

54-1Q-43, regarding use of the Accessory Structure on the Property, in settlement of Zoning Hearing Board Application Z-4-17. Mr. McHugh moved to approve the Agreement and Mr. Lange seconded the motion. Mary Napier Hundt of 58 Lloyd Avenue asked for clarification of the Agreement. Mr. Burman the terms of the Agreement, in part:

1. The Landowner has a vested right to the use of the accessory structure as sleeping quarters for visiting family and friends, without limit as to duration.
2. The Landowner shall not advertise or otherwise make the accessory structure available for rent. The payment and/or receipt of rent or other consideration, no matter how or in what form demanded or paid in connection with the accessory structure, shall be prohibited.
3. Kitchen facilities are not permitted within the accessory structure.
4. The Township shall refund the \$1,000 fee it collected for Landowner's Application to the Zoning Hearing Board.
5. The Landowner does hereby release, remise, quitclaim and discharge the Township and its appointed officials, employees, agents, servants, contractors and employees (hereinafter "Township releasees") from any claim or right to damages or other emolument of value for the rights, liberties and privileges given and granted to the Township under this Agreement. Landowner hereby remises, releases and forever discharges the Township releasees from and against any and all actions, causes of action, claims, demands, suits, debts, obligations and any and all liabilities of any nature, past or present, known or unknown, foreseen or unforeseen, whether in contract or in tort or under any statute, or under any other legal theory, whether at law or in equity, matured or immature, fixed or contingent, arising out of or relating to any claims relating to this matter.

Mr. Shoemaker further clarified that the cottage / accessory structure cannot be rented separately from the principal structure on the property, but that the Township cannot prevent the landowner from exercising landowner's right to rent the entire property to a tenant. There were no further comments from the Board or the public, and the motion carried unanimously.

Mr. Shoemaker introduced consideration of a Sewage Pump Operations and Maintenance Agreement with the Landowner at 617 Sugartown Road, UPI 54-2-122, covering the operation and maintenance of the low pressure grinder pump and lateral. Mr. McHugh moved to approve the Agreement and Mr. Lange seconded the motion. There were no comments from the Board or the public, and the motion carried unanimously.

Mr. McHugh moved to approve the final release of financial security covering the Bryn Mawr Rehabilitation Hospital Parking Lot Expansion Project. Mr. Lange seconded the motion. Mahala Renkey, a resident of Tulip Drive, expressed concerns about this project. Specifically, Mrs. Renkey is concerned that lighting from the project shines into the Applebrook Meadows Development, that landscaped screening should have been installed, and that there are drainage issues with the driveway. Mr. Burman asked whether the Board would like him to follow-up with the Township Engineer and, if so, the Board could delay consideration of this matter. The Board did so, and this matter was tabled.

Citizens' Comments

Fred Haack, a resident of East King Road, expressed concern with the lack of screening for residential properties adjacent to the Fox Hollow Trail and asked the Board to consider a future requirement that private properties along trails receive landscaped screening.

Mike Kerr, a resident of Stonehenge Lane, asked the Board for clarification on the locations in which medical marijuana facilities will be permitted under the new Ordinance. Mr. Shoemaker noted that the facilities would be permitted in the Commercial-Industrial Overlay District.

Steve Sansone, a resident of Jaffrey Road, publicly thanked Sergeant Lapira and Officer Kushner for assisting their house sitter while the Sansone's were away on vacation.

Tom Renkey, a resident of Tulip Drive, asked the Board about the standing of individual landowners in the Applebrook Meadows Development, in relation to the various Developer Agreements between the Township and Toll Brothers. Mr. Shoemaker indicated that he could not answer the question, but suggested that Mr. Renkey might seek legal advice if Mr. Renkey feels there is a potential exposure. Mr. Renkey indicated that the Applebrook Meadows Homeowners Association has been paying for snow removal fees, while he believes that, perhaps, the Developer should have been paying those fees. Mr. Renkey asked whether there may be an opportunity to recover those costs through the various Developer Agreements. Mr. Shoemaker indicated that he could not answer the legal questions posed by Mr. Renkey.

Mahala Renkey, a resident of Tulip Drive, expressed concerns with the landscaping at Applebrook Meadows and indicated that a lot of energy exists within the Homeowners Association concerning this matter. Mr. Burman attempted to discuss the situation and ultimately the Board asked Mr. Burman to work with the Township Solicitor and Township Engineer to resolve this matter.

Next Meeting

The next regular meeting of the Board of Supervisors will be held on August 14, 2017 in the Municipal Meeting Room at 688 Sugartown Road.

Adjournment

There being no further business, Mr. Lange moved to adjourn the meeting. Mr. McHugh seconded the motion. There were no comments from the Board or the public and the meeting adjourned.

Respectfully submitted,



David R. Burman
Secretary