

WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS
688 SUGARTOWN ROAD, MALVERN, PA
TUESDAY, FEBRUARY 25, 2019 AT 7:00 PM

The Regular Meeting of the Willistown Township 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 David R. Burman, Chief John M. Narcise, Sergeant Detective Jeff Heim and Township Solicitor Vince Pompo.

Supervisor Lange led the Pledge of Allegiance to the Flag and a moment of silence for military personnel.

Announcements

Supervisor Lange announced that the Board of Supervisors met briefly with the Township Solicitor in Executive Session before this meeting to discuss legal matters.

New Business

Supervisor Shoemaker moved to approve the Minutes of the Regular Meeting held February 11, 2019. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried by a vote of 2-0.

Supervisor Shoemaker moved to approve the list of expenditures and interfund transfers dated February 25, 2019. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried by a vote of 2-0.

Supervisor moved to appoint Bill Unrath to fill an unexpired term on the Park and Recreation Board, Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried by a vote of 2-0.

Supervisor Shoemaker with a great deal of reluctance moved to approve Ordinance 1 of 2019 establishing a right turn only intersection at southbound Dutton Mill Road and Street Road (Route 926). Supervisor Shoemaker feels this is not the best solution for this situation. A solution which the Supervisors have no further input, as this is PennDOT's recommendation. Supervisor Lange seconded the motion echoing Supervisor Shoemaker's sentiments.

Joe Kerecman, 42 Street Road, has lived at the corner property for 20 years and thinks this a good solution. The only other solution would be a four way stop which would be problematic or a traffic light which would cause more pollution and congestion. This will alleviate most of the accidents.

Joe Cori, 26 Smedley Drive, asked for an overview of the communication process to the public. Mr. Burman stated the Township is required by law to advertise which is done in the newspaper. In addition, Mr. Burman stated that the announcement was published on the Township's website and on social media. This follows months of conversation at the Township meetings.

Carla Meaders, 2076 Dutton Mill Road, feels that to make a right hand turn at this intersection is dangerous. This restriction would force her to turn left on Smedley to get back to Dutton Mill Road, which is even more dangerous. Supervisor Lange stated that the Township's hands are tied. PennDot is calling for this measure. Supervisor Shoemaker stated the Township has been asking PennDot of a four way stop sign to deal with all the issues at that intersection. Street Road is a state road and PennDot will not grant a four way stop at that intersection.

John Clements, 2078 Dutton Mill Road, asked if this was only for the southbound traffic and if PennDot is forcing this why does the Township have to pass an ordinance. Supervisor Shoemaker stated this is only southbound and the signs will be on the Township Road. PennDot has gone on record that this is the solution that they see, if we don't pass the ordinance and there is an accident the Township could be liable.

Linda Grogan, 5 Smedley Drive, said there are no speed limit signs on Smedley Drive and it has been a quiet street and it can't handle the additional traffic.

Debbie Deeney, 2079 Dutton Mill Road, said that shrubbery needs to be cut back on Dutton Mill and Street Roads and has notified the Township. She also said PennDot is testing this option. Mr. Burman clarified that if the Township is called regarding unsafe vegetation we will work with you to get it fixed.

Robert DeLuca, 11 Smedley Drive, stated this is not a good resolution, it will move the problem to another intersection.

Mark Meaders, 2076 Dutton Mill Road, asked what the plan was to enforce the right only intersection.

Bill Harrigan, 20 Smedley, discussed the Township's potential legal liability if there is an accident at either intersection.

Tom Vecchione, 22 Smedley, asked what is PennDot's objection to a four way stop sign. Supervisor Shoemaker stated PennDot does not tell us that and is not sure the Township has any leverage to force them to answer.

Chief Narcise, stated the first letter regarding this issue he sent to PennDot was more than ten years ago. PennDot installed advisory signs in 2015. Chief Narcise then requested a four way stop also in 2015 which was denied. He assured the residents that the police will keep a watch on this area for other issues and these will be addressed.

A resident inquired about speed bumps on Smedley Drive. Chief Narcise explained that speed bumps can slow down emergency vehicles and studies show that residents often want them removed once they are installed.

Tara Foret, 7 Smedley Drive, asked why PennDot was not at this meeting. The Supervisors wished they did attend the meeting.

Emily Wells, Valley Road, asked if new signs are installed how quickly this will happen. Chief Narcise stated he will have the Traffic Officer review this but, if approved, it would happen quickly.

Ellen Bartlett, 6 Smedley Road, asked the Supervisors to request PennDot install a no left turn on Smedley Drive before approving this ordinance. The Supervisors agreed to seek PennDOT's approval of this request.

Borka Corson, 9 Smedley Drive, asked how long PennDot took to do a traffic study. She feels that this part of the Township is treated like a stepchild. Supervisors Lange stated that every neighborhood in the Township receives the same level of service.

Gordon Hammond, 11 Smedley Drive, asked if one of these roads could be dead ended. Supervisor Shoemaker stated that could lead to problems with emergency response vehicles.

John feels like the Township is being coerced into doing this.

Mindy Rhodes, Broad Run Road, asked if a representative from PennDot can come to a meeting and listen to the residents. If a meeting is held, she suggested the residents bring something in writing to leave with the representative. The Supervisors requested Mr. Burman to invite PennDot to the next meeting and it will be posted. Supervisor Shoemaker suggested the residents sign up for "Notify Me" on the Township's website so the Township can communicate with them.

Carla Meaders, 2076 Dutton Mill Road, asked who will take responsibility of notifying the buses, trash haulers, etc.

A resident from Smedley Drive asked if there is a possibility to remove the wall on Dutton Mill and Street Road or install a trigger light. Supervisor Shoemaker explained that this is a historic structure and it would be costly and the front lawn would have to be regraded. PennDot will not install a trigger light.

A resident requested that their State Representative also attend the meeting with PennDot. Sean West of Representative Howard's office identified himself and stated he would invite the Representative to attend, as well.

Supervisor Shoemaker moved to table Ordinance 1 of 2019, Supervisor Lange seconded the motion. There were no further comments from the Board or the public, and the motion carried 2-0.

Supervisor Shoemaker moved to approve the following agreements relative to the Dovecote Development.

- a. Settlement Agreement and usual release between the Township, Kazanjian Associates and The Bank of America
- b. Acceptance of Deed of Dedication for Dovecote Lane, Firethorn Lane and Snowberry Lane
- c. Acceptance of Deed of Dedication and easement for sanitary sewer lines, pump station and force main.

Township Solicitor Vince Pompo stated that residents of the Dovecote Development received letters from the Township indicating that this would be on the Agenda.

Mr. Pompo stated the Dovecote development started around 1997 when the developer came before the Township and got the approvals necessary and entered into agreements with the Township for construction of the necessary improvements. Those improvements included roads, sewage pump station, a force main and some of the major collection lines to collect and convey the sewage. The project took a long time to build out which is not unusual. It took quite some time for the developer to offer the public improvements for Dedication to the Township. Of course, Townships don't want to take improvements and be responsible for them and spend taxpayer money too soon, preferring to wait until the development is completed. On the other hand, Townships don't want to wait too long and then it becomes more difficult for the Developer to actually complete the project. For a number of years the Township pushed the Developer to do this. The Township had a punch list of items that needed to be corrected. There were assertions that the Township was being unfair and expecting them to correct minor problems and holding the Developer to higher standards. The Township held escrow money to guarantee and insure these improvements would be installed.

The escrow was held by Bank of America. The balance of the escrow can only be released with the approval and consent of the Township. It was discovered the Developer went to The Bank of America and withdrew the funds without approval, knowledge or consent from the Township. As a result of that action there was law suit filed against the Township on behalf of the Developer in which the Developer claimed the Township had unjustly withheld final release of those funds and he and his company was entitled to those funds. The Township filed a counter claim against the Developer saying he was not entitled to those funds because he had not corrected the deficiencies in the improvements to allow for dedication. The Township also pursued a claim against Bank of America, stating that they had violated their fiduciary duty as escrow agent by releasing those funds to the Developer. That litigation is the result in bringing this settlement agreement and mutual release to the Board of Supervisors for approval.

The settlement agreement would have the Developer pay to the Township \$56,000.00, Bank of American paying to the Township \$28,000.00 for a total of \$84,000.00 in order to resolve the issue of the escrow agreement. The Township in return would release all claims against those two entities and accept dedication of the roads and the sewer facilities. Even though this is not the total monies that was in the escrow, the township would have the money to use for the benefit of the community and would avoid any further legal expense.

John Kall, 7 Firethorn Lane asked what improvement did not get finished. And what would be the cost.

Raymond Dombroski, 8 Firethorn Lane, asked what improvements need to be completed and what the costs would be. Mr. Burman stated the punch list that needed to be completed and the Township would compile provide this list to the residents. Some of the remaining items included maintenance of the sanitary sewage pumping station, installation of auto dialers, and other necessary things to keep a pumping station in a state of good repair. The Township has been performing this work for quite some time. At the time the development was approved, the pumping station did not require a backup generator which the Township will install. Other relatively minor stormwater items remained on the punch list. The Township will provide the entire list to those who requested it.

A resident asked how many houses were in this development. Supervisor Lange stated there were 25 houses.

Fred Haack asked if the Township would use The Bank of America in the future. Mr. Pompo stated that this happened because Bank of America took over another bank.

Supervisor Lange stated he has been on the Board since 1997 and this is the most egregious thing that has happened to the Township in his view and he does not intend to vote for approval. Supervisor Lange feels this is wrong, illegal and immoral, and he hopes everyone understands the Board's frustration.

Coleen Demorat, 8 Firethorn Lane, asked if this was tabled again what is the upside and downside of that. Supervisor Shuman said they were tabling it because if a motion was made it would fail because there would be no second. He agrees with Supervisor Lange in every single detail except they have to approve this to get something. This is taxpayer's money that would be expended.

Mr. Pompo stated that the Township is a defendant in the original law suit, with a counter claim. If we don't settle we have to defend the law suit. In his opinion it is not worth going to trial and it is not in the public interest to spend money when you have a settlement that is getting almost all of the money. It was a long and tough negotiation to get to the point where he could recommend the Township accept this agreement.

The matter was tabled.

Citizen's Comments

Mahala Renkey, 45 Tulip, the Christ Memorial Lutheran Church at 89 Line Road cut down 12 white pine trees with diameters of 2 to 3 feet. The Township's Director of Engineering & Planning, Dan Malloy, will review.

Next Meeting

The next Meeting of the Board of Supervisors is scheduled for Monday March 11, 2019 at 7:00 PM at Sugartown Elementary School.

Adjournment

Seeing no further business, the meeting adjourned.

Sincerely,



David R. Burman, Secretary