

BOARD OF SUPERVISORS
721 Unionville Road
Kennett Square, PA 19348

April 3, 2023
7:00 P.M.

1. CALL TO ORDER

Present:

Chairman McKinstry
Vice-Chair Vannote
Supervisor Sarro
Supervisor Monahan
Supervisor Matuszak

Township Staff & Consultants:

Ryan Jennings, Township Solicitor
Neil Lovekin, Township Manager
Mickey Bailey, Recording Secretary
Jeff Simpson, Public Works Director
Robert Clarke, Police Chief
Peter Barsz, Treasurer (Remote)

2. ANNOUNCEMENTS

- An Executive Session was held prior to the April 3rd board meeting to discuss legal and real estate matters.

3. PROCLAMATION 2023-01 HONORING GERALD D. HOOVER

Township Manager, Neil Lovekin, read proposed Proclamation 2023-01 honoring Gerald D. Hoover, a volunteer who served on the Zoning Hearing Board for over 16 years and was a township resident for over 50 years. Supervisor Sarro motioned to adopt the proclamation. Vice Chair Vannote seconded. Motion carried 5-0.

Shelley Mincer commented that a tree was donated by Dick Pratt to be planted to honor Gerald Hoover and his dedicated service to the township. The horse chestnut was planted in the front yard area of the township building.

4. CONTINUING BUSINESS

- a. Longwood Gardens – Red Lion Equipment/Storage Building – Supplement to Stormwater Operations and Maintenance Agreement. Lisa Donlon from Vandemark and Lynch briefed the amended agreement as recommended by Township Solicitor, Ryan Jennings. Solicitor Jennings confirmed that he has reviewed the agreement and found it to be acceptable. Vice Chair Vannote moved to approve the supplemental agreement. Supervisor Sarro seconded. Carried 5-0.
- b. Discussion and recommendations for the Chipotle Restaurant Facade at 802-810 East Baltimore Pike. Chairman McKinstry moved to delete this topic from the agenda. The tenant is not yet ready to come before the board. Supervisor Sarro seconded, carried 5-0.

5. REVIEW OF TREASURER'S REPORT & POSSIBLE AUTHORIZATION FOR PAYMENT OF MONTHLY BILLS

Township Treasurer, Peter Barsz, briefed the Treasurer's report remotely. He commented that the township funds continue to be healthy. He pointed out that the only notable payment was the purchase of land on E. Street Rd. This was a check payment from the sewer fund in the amount of \$1,373,540.60. Chairman McKinstry commented that the township also intends to purchase the land adjacent to the township building and would most probably use the Building Fund for that purchase.

Vice Chair Vannote moved to approve the Treasurer's Report and pay the monthly bills. Supervisor Monahan seconded. Motion carried 5/0.

6. NEW BUSINESS

a. Temporary Outdoor Activity Permit Application for the *Tough Mudder*

- i) A.J. Monette addressed this event, which is due to take place May 20-21, 2023, 6am – 6pm Saturday, 6:30am – 4pm on Sunday. Mr. Monett explained that both the police and fire department have signed off on the event. Supervisor Monahan motioned to approve the event and permit subject to the condition that a road closure plan is submitted and approved. Supervisor Matuszak seconded. Carried 5-0.

b. Temporary Outdoor Activity Permit Application for *The Horse Trails at Plantation Fields*. This item was deleted from the agenda because it did not need board approval.

c. Discussion and possible approval for the temporary test sale of fireworks at the Walmart parking lot. (TNT Fireworks)

- i) This tent sale refers to the annual fireworks set up and sale in the days preceding the 4th of July holiday. The event has been on going at the Walmart parking lot for over 10 years. Supervisor Sarro motioned to approve the event, Vice Chair Vannote seconded, carried 5-0.

d. Ratification of the Township's support for the Brandywine Red Clay Alliance's grant application through the Watershed Restoration and Protection Program, including \$50,000 contribution in the 2024 Budget.

- i) Township Manager, Neil Lovekin presented this item. The Brandywine Red Clay Alliance is looking for a pledge of \$50,000 from East Marlborough Township to assist in the improvement flooding on Walnut Rd. Supervisor Matuszak motioned to approve the 2024 budget contribution, Supervisor Sarro seconded, carried 5-0.

e. Affirming the Township’s support of the Longwood Gardens, Inc. request for community funding for its project, titled “Longwood Gardens One Water Initiative” to revamp its sanitary sewer infrastructure and focus on biodiversity, water re-use, and minimizing wastewater effluent.

i) Chairman McKinstry introduced and explained this initiative. Vice Chair Vannote motioned to affirm East Marlborough’s support to Longwood, Supervisor Matuszak seconded, carried 5-0.

f. Ratification of agreement dated March 10, 2023, authorizing Brickhouse Environmental to conduct a Phase II Environmental Assessment at 717 Unionville Road as a condition of due diligence, prior to Township acquisition.

i) Chairman McKinstry introduced this agreement ratification. Vice Chair Vannote motioned to approve, Supervisor Sarro seconded, approved, 5-0.

g. Discussion and possible award of the 2023 Spring Roadway Bids as recommended by the Municipal Cooperative of Southern Chester County on March 29, 2023.

i) Jeff Simpson, Director of Public Works presented the following bid results and requested contracts be awarded to the following vendors.

a). Line Painting – Alpha Space Control Co. - Award amount = \$60,116.00

b). Stone: New Enterprise Stone and Lime Co. – Award amount = \$49,075.00

c). Road Oils: AMS – Award amount = \$12,460.00

d). Fuels: Dixieland Energy – Award amount = \$49,080.00

ii) Supervisor Sarro moved to accept the award amounts and proceed with contracts for 2023. Supervisor Matuszak seconded, carried 5-0.

h. Discussion and possible authorization to refurbish a 1995 Ford L-8000 dump truck at a cost of \$58,656.00, in lieu of a 2023 budgeted Peterbilt dump truck that has been postponed for an undetermined time due to pandemic-induced supply shortages.

i). Jeff Simpson, Director of Public Works explained that the supply chain for ordering new trucks is at least 2 years behind schedule. He expects this refurbished truck to last another 10 years.

ii). Vice Chair Vannote moved to approve the request and authorize funds for the truck refurbishment, Supervisor Matuszak seconded, carried 5-0.

7. RESOLUTION NO. 2023-21: APPOINTMENT TO THE ZONING HEARING BOARD

Discussion and possible adoption of Resolution No. 2023-21, to appoint _____ to the Township's Zoning Hearing Board to fill the unexpired term of Gerald E. Hoover whose term expires January 1, 2027.

- a. Township Manager, Neil Lovekin provided an update on filling the vacancy on the Zoning Hearing Board. He explained that there are three interested candidates, all of whom have been serving as alternates on the board. Two candidates, Shelly Mincer and Rich Abbott were present and rose to publicly explain why they were interested in the seat. One candidate, Tim Stevens, was not present. After a brief discussion the board decided to table the discussion until they have had a chance to hear from Mr. Stevens

8. ZONING HEARING BOARD APPLICATIONS

- a. 242 Lily Lane – Variance to Exceed Rear Yard Setback

- i) Discussion whether to take a position on the Application that seeks relief to construct a covered porch and deck. The hearing date is scheduled for Wednesday, April 12, 2023.

- b. 1780 West Doe Run Road – Variance to Exceed Lot Coverage

- i) Discussion whether to take a position on the Application that seeks relief to construct a home addition. The hearing date is scheduled for Wednesday, April 12, 2023.

- c. 252 Lily Lane – Variance to Exceed Rear Yard Setback

- i) Discussion whether to take a position on the Application that seeks relief to construct a covered porch. The hearing date is scheduled for Wednesday, April 12, 2023.

- d. 205 Ridgescote Lane – Permission to Extend Time Period for 2022 Variance Relief

- i) Discussion whether to take a position on the Application that seeks relief to extend its prior approved relief (January 12, 2022) in the form of a variance to construct a new single-family detached dwelling and related improvements. Granted relief expires if a permit is not obtained within 6 months of ZHB authorization. The hearing date is scheduled for Wednesday, April 12, 2023.

- e. For the above applications the board decided to take no position and to allow the ZHB to take action as appropriate.

9. TOWNSHIP DEPARTMENTS – MONTHLY REPORTS

- a. Jeff Simpson gave updates on the Public Works Department.
 - i. E. Locust Lane Bridge project – Road closed on March 27th. The old bridge is fully demolished. The new structure will be set in place on April 19th and fully completed within 60 days.
 - ii. Mill Road – permit received. Estimated cost \$239,100.00. Engineering drawings received. Expect to start the week before Memorial Day. 90% of this work will be done in-house.
 - iii. Truck replacements: new sewer utility truck ordered with a January 2023 build date. The 2023 Ford F-600 dump truck chassis has been assigned a VIN number. We are waiting for the build date.
 - iv. Park restrooms were opened March 27th.
- b. Police Department:
 - i) Chief Clark reported the total number of incidents for March 2023 was 219, 121 of which were handled by EMPD.
 - ii) The balloon festival is all coordinated.
 - iii) EMPD teamed up with Chester County Health Department and will be distributing NARCAN to residents
 - iv) EMPD assisted township traffic study being done by HRG by supplying data on the intersection of 926 and School House Rd.
- c. Township Manager, Neil Lovekin reported on the Administration Department.
 - i) Development Fund was closed, and funds distributed Parks Fund and Fire/EMS Funds.
 - ii) Admin Dept is working on a plan to move forward using QuickBooks to manage all Sewer invoicing and tracking and moving off the Access database completely.

10. TOWNSHIP-WIDE ADVISORY COMMITTEE’S UPDATES

Township Manager, Neil Lovekin reported that he has a draft Five Year Capital plan ready for the Advisory Committees to view.

11. PUBLIC COMMENT (For matters not on the agenda)

- a. Shelly Minser commented on the light on E. Doe Run Rd.
- b. Matthew Cole wanted to address some ongoing issues with the newly acquired property on E. Street Rd. He stated that the former owner continues to bring in debris to burn. Jeff Simpson, Director of Public Works agreed to go out and take a look at what is going on at the property.

12. APPROVAL OF MINUTES

Supervisor Sarro motioned to approve the March minutes, Supervisor Monahan seconded, Carried 5/0.

13. ADJOURNMENT

Supervisor Sarro motioned to adjourn, Vice Chair Vannote Matuszak seconded, Carried 5/0.

Respectfully submitted,

Mickey Bailey, Recording Secretary