

AGENDA

REGULAR MEETING BOARD OF SUPERVISORS EAST MARLBOROUGH TOWNSHIP

July 11, 2022
7:00 P.M.

Meeting held at the Municipal Building, 721 Unionville Road, Kennett Square, PA 19348
Meeting will be broadcasted via the GoToMeeting platform. Online participation details on website (www.eastmarlborough.org)
Agenda Deadline is 12:00 p.m. the Wednesday prior to the meeting.

1. CALL TO ORDER

2. ANNOUNCEMENTS

- Executive Session was held on June 6, 2022, to discuss legal and personnel matters

View 3. REVIEW OF TREASURER'S REPORT & POSSIBLE AUTHORIZATION FOR PAYMENT OF MONTHLY BILLS

View 4. Longwood Gardens, Inc. – Preliminary/Final Plans for Sanitary Sewer Improvements

Discussion and possible approval of the above project that proposes to construct an additional sewage lagoon, slightly south of the existing lagoon, on 311 Longwood Road, and to construct a new building and driveway serving existing sewage treatment facilities on 338 Longwood Road.

- i. *Historic Resource No. 67, Class 1* – Township Historic Commission Recommendation Regarding Buffer Requirement

View 5. Longwood Gardens, Inc. – Water Tower – *Historic Resource No. 130, Class 1* – Township Historic Commission Recommendation Regarding Buffer Requirement

6. CONTINUING BUSINESS

View a. Discussion and Possible Authorization to Release Financial Security for the *Glenelg Farm–Tree Replacement Project*

View b. Discussion and Possible Authorization to Release Financial Security for the: - i. Northridge, Phase 1a/b – Escrow Release #27 - ii. Northridge, Phase 3 – Escrow Release #7

7. NEW BUSINESS

View a. Discussion and Possible Authorization to Advertise the *County-Wide Act 167 Model Ordinance Update* for a Public Hearing and Possible Adoption

b. Kennett Library's *Capital Campaign* Update

View c. Discussion and Possible Authorization for the Township Manager to Accept the Terms of the Agreement, Dated July 6, 2022, as Submitted by Herbert, Rowland & Grubic, Inc. to *Update the Township's Act 537 Plan*

View d. Discussion and Possible Approval of a *Certificate of Appropriateness* for 809 Wollaston RD (Fenstermacher Residence)

View e. Discussion and Possible Approval of the *2022 Mushroom Cap Half Marathon*-November 5, 2022 - i. Discussion and Possible Approval of Temporary Township Road Closures Associated with the Event

View f. Discussion and Possible Approval for the *2022 Chester County Balloon Festival* to Operate on October 8 – 9, 2022, – Ordinance Provisions to Follow

View g. Discussion and Possible Authorization to Advertise the Sale of Equipment Through MUNICIBID

h. Discussion of Possible Funding Increase for the Kennett Fire and EMS Regional Commission

8. ZONING HEARING BOARD APPLICATIONS

View a. Discussion Regarding Application for 2061 Lenape-Unionville RD (Royer Residence)

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EAST MARLBOROUGH TOWNSHIP

July 11, 2022
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Variance Requested – To permit construction of a swimming pool, patio, fire pit and equipment structure which will exceed the maximum lot coverage permitted.

[View](#)

- b. **Discussion Regarding Application for 817 East Baltimore PK (Kennett Subs, LLC)**

Variance Requested – To permit the installation of a business sign on the façade of the existing structure that will exceed the maximum square footage permitted.

[View](#)

9. **TOWNSHIP DEPARTMENTS – MONTHLY REPORTS**

10. **TOWNSHIP-WIDE ADVISORY COMMITTEES' UPDATES**

- a. Community Development Committee – Supervisors Matuszak & Vannote
 - i. Draft resolution supporting the *Chester County Complete Streets Policy* under review.
- b. Health & Safety Committee – Supervisors McKinstry & Sarro
- c. Organizational Sustainability Committee – Supervisors Monahan & Vannote
 - i. Draft *Fund Balance Policy* under review.

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

[View](#)

12. **APPROVAL OF MEETING MINUTES**

13. **ADJOURNMENT**

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EAST MARLBOROUGH TOWNSHIP			
Fund Balances As Of: July 11,2022			
BUDGETED FUNDS			
GENERAL FUND			Current Balance
	CLASS	\$2,137,381.31	\$2,192,334.77
	RESERVE	\$54,953.46	
SEWER FUND	CLASS	\$2,567,640.30	\$4,903,775.26
	RESERVE	\$2,336,134.96	
STATE FUND (Liquid Fuels)			\$400,735.48
PARKS	CLASS	\$4,559.62	\$81,764.48
	RESERVE	\$77,204.62	
OPEN SPACE PRESERVATION	CLASS	\$598,066.53	\$1,358,581.81
	RESERVE	\$760,515.28	
LIBRARY			\$60,879.07
FIRE & EMERGENCY SERVICES			\$416,601.74
OPERATING RESERVE			\$1,717,260.44
CAPITAL IMPROVEMENT/BUILDING FUND	CLASS	\$568,709.55	\$2,553,976.61
	RESERVE	\$1,985,267.06	
		SubTotal	\$13,685,909.66
NON-BUDGETED FUNDS			
LAND TRUST	CLASS	\$1,168.73	\$671,302.00
	RESERVE	\$670,133.27	
ReBill			\$66,909.08
WILLOWDALE CHAPEL ESCROW			\$102,186.13
ARP			\$395,533.83
DEVELOPMENT FUND	CLASS	\$2,137,381.31	\$119,546.19
	RESERVE	\$54,953.46	\$1,355,477.23
		TOTAL NON BUDGETED:	\$2,710,954.46
		TOTAL:	\$16,396,864.12

East Marlborough Township General Fund
Deposit Detail
June 7 through July 11, 2022

Date	Name	Memo	Account	Detail	Amount
06/07/2022	Mihai Gavril	502 Fox Hollow Dr 22-126	322.400 · Fence Permit	-20.00	
	DLB Pretzels	516 Schoolhouse Rd, Walmart 22-53C	362.521 · UCC Fees	-4.50	
	DLB Pretzels	516 Schoolhouse Rd, Walmart 22-53C	362.410 · Building Permits	-450.00	
	DLB Pretzels	516 Schoolhouse Rd, Walmart 22-53C	362.420 · Electrical Permits	-250.00	
	DLB Pretzels	516 Schoolhouse Rd, Walmart 22-53C	362.450 · Use & Occupancy Permits	-400.00	
	Edwin Hannum	222 Lily Lane 22-114R construct 2 level deck and st	362.410 · Building Permits	-354.50	
	Edwin Hannum	222 Lily Lane 22-114R construct 2 level deck and st	362.470 · Zoning Permits	-175.00	
	Longwood Gardens-West Conserv.	special duty longwood gardens april 2022	362.100 · Police Special Duty	-17,930.00	
	Commonwealth of Pennsylvania	state police fines 2022-4-29,	331.130 · State Police Fines	-1,786.95	
	Longwood Gardens-West Conserv.	Deposit	361.300 · Subdivision and Land Dev. - Fee	-1,550.00	
	Longwood Gardens-West Conserv.	Deposit	361.300 · Subdivision and Land Dev. - Fee	-2,170.00	
	Lexis Nexis	copy of police report	362.110 · Police Reports	-25.00	
	Lexis Nexis	copy of police report	362.110 · Police Reports	-25.00	
	Willowdale Steeplechase, Inc.	special duty willowdale steeplechase 5/14/22	362.100 · Police Special Duty	-3,060.00	
					28,200.95
06/07/2022	Charles Markwardt	430 Lilac Dr 22-109R replace deck, construct landin	362.521 · UCC Fees	-4.50	
	Charles Markwardt	430 Lilac Dr 22-109R replace deck, construct landin	362.410 · Building Permits	-350.00	
	Elizabeth Lawson	817 Waverly Rd, 22-128 install 150sf shed and elec	362.420 · Electrical Permits	-154.50	
	CARFAX	payment ID#000000351/103 ROY220204_V100586	362.110 · Police Reports	-40.00	
	PECO Energy Company	incentive check for participating in PECO energy effri	389.000 · Miscellaneous Revenue	-3,060.00	
06/07/2022	Niki Group Quick Lane		1499 · Undeposited Funds	-2,187.13	
06/07/2022	Villages@Northridge-Thompson Homes-DougWh		1499 · Undeposited Funds	-18,227.86	
					24,023.99
06/07/2022		Berkheimer	301.100 · Real Estate Taxes		672.80
06/10/2022		Berkheimer	301.100 · Real Estate Taxes		3,176.41
06/13/2022	Longwood Gardens-West Conserv.	Invoice #61pd5.22 from 5/31/22 police services 5/1-	362.100 · Police Special Duty	-9,265.00	
	Chester County Tax Claim Bureau	May 2022 Tax Lien Dist.	301.400 · Delinquent Real Estate Taxes	-1,871.62	
	Chester County Clerk of Courts	Vehicle,Crimes Code and Misc Income Report	331.100 · District Court Fines	-76.73	
	Lexis Nexis	Deposit	362.110 · Police Reports	-25.00	
	Lexis Nexis	Deposit	362.110 · Police Reports	-25.00	
	Metropolitan Reporting Brueau	Deposit	362.110 · Police Reports	-25.00	

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	American Tower, LLC	inv # PN11926784 00093710 Jun 2022	342.000 · Rents & Royalties	-1,795.48	
					13,083.83
06/14/2022		Berkheimer	301.000 · Real Estate Taxes		853.26
06/16/2022	United States Treasury	refund 941 payroll taxes fr om June 2021	395.100 · Refund of PY Expenses	-111.47	
	PECO Energy Company	permit application for road and right of way	362.050 · Road Occupancy Permit	-149.00	
	Sethuraman Iyer	permit 22-145R 290 Hickory Dr. finish basement and	362.521 · UCC Fees	-4.50	
	Sethuraman Iyer	permit 22-145R 290 Hickory Dr. finish basement and	362.420 · Electrical Permits	-250.00	
	Sethuraman Iyer	permit 22-145R 290 Hickory Dr. finish basement and	362.410 · Building Permits	-250.00	
	Sethuraman Iyer	permit 22-145R 290 Hickory Dr. finish basement and	362.430 · Plumbing Permits	-165.00	
	Sethuraman Iyer	permit 22-145R 290 Hickory Dr. finish basement and	362.450 · Use & Occupancy Permits	-190.00	
	First State Building	22-131R 814 Fountain Tr deck extension and stairw	413.000 · UCC & Code Enforcement	-4.50	
	First State Building	22-131R 814 Fountain Tr deck extension and stairw	362.410 · Building Permits	-350.00	
	First State Building	22-131R 814 Fountain Tr deck extension and stairw	362.470 · Zoning Permits	-175.00	
05/20/2022	Escrow/Rebill:518 Beechwood Drive - Dorothy Wavrek		1499 · Undeposited Funds	-1,155.35	
06/16/2022	LONGWOOD PRESERVE LLC		1499 · Undeposited Funds	-3,285.19	
					6,090.01
06/17/2022		Berkheimer	301.100 · Real Estate Taxes		1,829.26
	West Marlborough Township	Police services for May 2022	358.100 · W. Marlborough Police Coverage	-1,000.00	
	Jan Donofrio	96 Violet Dr 22-130D, 22-141R	362.410 · Building Permits	-699.50	
	Jan Donofrio	96 Violet Dr 22-130D, 22-141R	362.470 · Zoning Permits	-154.50	
	Connor Kindig	815 Fountain Tr, 22-79R	362.410 · Building Permits	-350.00	
	Connor Kindig	815 Fountain Tr, 22-79R	362.470 · Zoning Permits	-175.00	
	Kennett Subs	817 E. Baltimore Pike, Kennett Subs,LLC Variance	361.341 · Zoning Hearing Board Fees	-1,000.00	
	Royer, Steven	2061 Lenape Unionville Rd, variance or exception fo	361.341 · Zoning Hearing Board Fees	-750.00	
	District Court	From District court 15-3-04	331.100 · District Court Fines	-196.70	
	JM Profesional Services	105 Ithan Ct Villages at Northridge, 22-120R screen	362.521 · UCC Fees	-4.50	
	JM Profesional Services	105 Ithan Ct Villages at Northridge, 22-120R screen	362.410 · Building Permits	-350.00	
	JM Profesional Services	105 Ithan Ct Villages at Northridge, 22-120R screen	362.420 · Electrical Permits	-165.00	
	Connor Kindig	815 Fountain Tr, 22-79R	362.521 · UCC Fees	-4.50	
					4,849.70

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06/21/2022		Berkheimer	301.100 · Real Estate Taxes		5,821.63
06/21/2022		Keystone	310.500 · Local Services Tax		5,000.00
06/21/2022		Deposit	341.100 · Interest Earnings		0.85
06/23/2022	NVR Ryan Homes	630 Fountain TR 22-132-R	362.410 · Building Permits	-1,434.63	
	NVR Ryan Homes	630 Fountain TR 22-132-R	362.470 · Zoning Permits	-175.00	
	NVR Ryan Homes	630 Fountain TR 22-132-R	361.350 · Traffic Impact Fee	-600.00	
	NVR Ryan Homes	630 Fountain TR 22-132-R	361.370 · Emergency Services Impact Fee	-200.00	
	NVR Ryan Homes	630 Fountain TR 22-132-R	361.360 · Open Space Impact Fee	-500.00	
	NVR Ryan Homes	632 Fountain Tr 22-133R	362.410 · Building Permits	-1,762.38	
	NVR Ryan Homes	632 Fountain Tr 22-133R	362.470 · Zoning Permits	-175.00	
	NVR Ryan Homes	632 Fountain Tr 22-133R	361.350 · Traffic Impact Fee	-600.00	
	NVR Ryan Homes	632 Fountain Tr 22-133R	361.370 · Emergency Services Impact Fee	-200.00	
	NVR Ryan Homes	632 Fountain Tr 22-133R	361.360 · Open Space Impact Fee	-500.00	
	Jerry Legros	Shed permit - 411 Manor Dr. Kennett Square, Pa	362.520 · Special Permits & Inspections	-20.00	
	American Tower, LLC	Deposit	342.000 · Rents & Royalties	-3,604.34	
					9,771.35
06/23/2022	NVR Ryan Homes	634 Fountain Tr 22-134R finishing basement	362.410 · Building Permits	-1,409.38	
	NVR Ryan Homes	634 Fountain Tr 22-134R finishing basement	362.470 · Zoning Permits	-175.00	
	NVR Ryan Homes	634 Fountain Tr 22-134R finishing basement	361.350 · Traffic Impact Fee	-600.00	
	NVR Ryan Homes	634 Fountain Tr 22-134R finishing basement	361.370 · Emergency Services Impact Fee	-200.00	
	NVR Ryan Homes	634 Fountain Tr 22-134R finishing basement	361.360 · Open Space Impact Fee	-500.00	
	NVR Ryan Homes	636 Fountain Tr 22-135R Fin Basement	362.410 · Building Permits	-1,483.51	
	NVR Ryan Homes	636 Fountain Tr 22-135R Fin Basement	362.470 · Zoning Permits	-175.00	
	NVR Ryan Homes	636 Fountain Tr 22-135R Fin Basement	361.350 · Traffic Impact Fee	-600.00	
	NVR Ryan Homes	636 Fountain Tr 22-135R Fin Basement	361.370 · Emergency Services Impact Fee	-200.00	
	NVR Ryan Homes	636 Fountain Tr 22-135R Fin Basement	361.360 · Open Space Impact Fee	-500.00	
	Elizabeth Lawson	817 Waverly Rd Shed Permit 22-128	362.520 · Special Permits & Inspections	-40.00	
	Jill Pearson	19 Radnor La, Deck extension, stairway to grade	362.410 · Building Permits	-354.50	
	Jill Pearson	19 Radnor La, Deck extension, stairway to grade	362.470 · Zoning Permits	-175.00	
06/23/2022	Sangram Das	246 Lily Lane 22-105R Landing and stairway	362.521 · UCC Fees	-4.50	
	Sangram Das	246 Lily Lane 22-105R Landing and stairway	362.410 · Building Permits	-250.00	

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	Glen Run Framers LLC	417 Manor Dr 22-121R' office addition on concrete in	362.521 · UCC Fees	-4.50	
	Glen Run Framers LLC	417 Manor Dr 22-121R' office addition on concrete in	362.410 · Building Permits	-344.00	
	Glen Run Framers LLC	417 Manor Dr 22-121R' office addition on concrete in	362.420 · Electrical Permits	-175.00	
	Glen Run Framers LLC	417 Manor Dr 22-121R' office addition on concrete in	362.450 · Use & Occupancy Permits	-190.00	
	Glen Run Framers LLC	417 Manor Dr 22-121R' office addition on concrete in	362.470 · Zoning Permits	-175.00	
					6,412.39
06/23/2022	Walnut Walk	Deposit	1499 · Undeposited Funds		721.72
06/24/2022		Berkheimer	301.100 · Real Estate Taxes		1,485.24
06/28/2022		this entry is to correct a previously deleted entry		100.305 · BB&T Bank/Truist	100,000.00
06/28/2022		Berkheimer	301.100 · Real Estate Taxes		2,206.87
06/30/2022		Interest	341.100 · Interest Earnings		4.99
06/30/2022		Interest	341.100 · Interest Earnings		76.94
07/05/2022		Berkheimer	301.100 · Real Estate Taxes		6,727.08
07/05/2022		Berkheimer	434.360 · Unionville Street Lights		111.00
07/06/2022	R&D Heating - Cooling*	commercial certificate of Occpancy	362.450 · Use & Occupancy Permits	-400.00	
	MLC Properties	conditional use 507 N. Walnut Rd Scott Wistar	361.340 · Conditional Use Fees	-4,500.00	
	Run2shine, Inc	Temp outdoor activity permit Mushroom Run	362.400 · Special Event Permit Fees	-100.00	
	Lexis Nexis	Deposit	362.110 · Police Reports	-25.00	
	Varitronics Consulting, Inc.	817 E. Baltimore Pike, take out restaurant,	361.340 · Conditional Use Fees	-1,000.00	
	Ryan Kushner	700 Beversrede Trail	322.400 · Fence Permit	-20.00	
	Healy Electric, LLC	727 Willowdale Lane, standby generator	362.420 · Electrical Permits	-250.00	
	Healy Electric, LLC	727 Willowdale Lane, standby generator	362.521 · UCC Fees	-4.50	
	Peter D'Angelo	18 KW Generac Standby generator 324 Maple Ln	362.470 · Zoning Permits	-254.50	
					6,554.00
					227,674.27

East Marlborough Township General Fund
Check Detail
June 7 through July 11, 2022

Num	Date	Name	Memo	Account	Details	Amount
	06/28/2022	Evolution Payroll Services		6560 · Payroll Expenses		22.00
	06/29/2022			429.000 · Payroll + GF Sewer/Water		34,731.89
ACH	06/14/2022	Evolution Payroll Services		100.305 · BB&T Bank/Truist		14,729.50
24384	06/08/2022	PECO Energy		248.200 · Escrow Funds (Liability)		2,000.00
24385	06/13/2022	Comcast/Xfinity + Admin Internet		410.300 · PD Other Services & Charges		84.95
24386	06/13/2022	PECO Energy Summary Bill	Post Office	409.360 · Twp. Bldg. Utilities	60.46	
			PD Trailer	410.360 · PD Office Utilities	241.57	
			RS IN/OUT	409.360 · Twp. Bldg. Utilities	143.09	
			721 Unionville Rd Street lights	434.360 · Unionville Street Lights	204.98	
						650.10
24387	06/17/2022	10+8 Emergency Vehicle Service	EMT PD VINNKD3868 202 Ford 150	410.370 · PD Vehicle Repairs & Maint.		6,440.76
24388	06/17/2022	21st Century Media + Philly Cluster		406.340 · Advertising Expense	161.73	
				406.340 · Advertising Expense	599.44	
						761.17
24389	06/17/2022	A F Daniel Technology Group, Inc.		407.270 · Computer/Technology Expenses		691.38
24390	06/17/2022	Accurate Building Inspections, Inc.		414.300 · Outside Zoning Inspector		1,708.85
24391	06/17/2022	AECOM Technical Services, Inc.		408.313 · Engineering + Reimbursable	556.66	
				408.313 · Engineering + Reimbursable	462.76	
				408.313 · Engineering + Reimbursable	232.41	
				408.313 · Engineering + Reimbursable	726.28	
						1,978.11
24392	06/17/2022	Aqua PA		411.380 · Fire Hydrant Rental		104.73
24393	06/17/2022	ASAP		406.216 · Newsletter Production & Mailing		1,126.99
24394	06/17/2022	Barsz Gowie Amon & Fultz		402.310 · Outside Accounting Services		4,338.75
24395	06/17/2022	Berkheimer Tax Administrator		403.100 · Tax Collection Expenses	3.00	
				403.100 · Tax Collection Expenses	24.36	
						27.36
24396	06/17/2022	Brandywine Ace Pet and Farm	ant bait, raid, garden sprayer	430.245 · PWD Operating Supplies		21.73
24397	06/17/2022	Brandywine Valley SPCA		422.317 · Animal Control Expense		119.41
24398	06/17/2022	Cameron's Hardware & Supply	chain, gasket, fuel mix, woodcutter, starter fl	437.100 · Small Tools and Machinery		226.45
24399	06/17/2022	Canon Business Solutions, Inc.		406.450 · Printer/Copier Lease Expense		207.64

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24400	06/17/2022	Chadds Ford Complete Services	At well tank the switch and ripple were corro	409.373 · Twp. Bldg. Repairs & Maint.			455.00
24401	06/17/2022	Established Traffic Control	10' sq post complete, 10x24 R6+2	433.245 · Traffic Signs			877.56
24402	06/17/2022	Gawthrop Greenwood		414.312 · ZHB Legal Expense	37.00		
				414.312 · ZHB Legal Expense	148.00		
				414.312 · ZHB Legal Expense	444.00		
				414.312 · ZHB Legal Expense	74.00		
							703.00
24403	06/17/2022	Go Green 'N' Clean Car Wash		410.370 · PD Vehicle Repairs & Maint.			70.00
24404	06/17/2022	Herbert, Rowland & Grubic, Inc.	Engineering Services	408.310 · General Engineering	3,685.00		
				408.313 · Engineering + Reimbursable	832.00		
							4,517.00
24405	06/17/2022	Independence Blue Cross	70% of full payment \$16,321.34	487.100 · Health Insurance			11,424.94
24406	06/17/2022	John Deere Financial	JD6200 Cap and Key Switch = \$64.17 Hygar	430.371 · PWD Vehicles + Maint. & Repairs			392.75
24407	06/17/2022	Keen Compressed Gas	16001	430.245 · PWD Operating Supplies			14.06
24408	06/17/2022	Long's Asphalt, Inc.	Onyx Drive area repair	438.100 · Road Repair Materials	7,400.00		
			Area #1 Repair	438.100 · Road Repair Materials	9,425.00		
							16,825.00
24409	06/17/2022	Lowe's	Rup 2.5 Gal Pro conc,	230.080 · Due to Sewer Fund (GF)	208.05		
			Terro 6 pack liquid ant K, Raid 20oz	409.373 · Twp. Bldg. Repairs & Maint.	14.20		
			60lb mortar mix	436.245 · Storm Sewer & Drains R&M	83.11		
			1.5L hand sprayer, termite kill	230.500 · Due to Park Fund	29.40		
							334.76
24410	06/17/2022	Lyn Hughes Limited	reimbursement for overpayment sewer bill or	403.100 · Tax Collection Expenses			1,293.60
24411	06/17/2022	Metropolitan Communications, Inc.	labor, work done on ticket \$4833, no network	410.370 · PD Vehicle Repairs & Maint.			234.90
24412	06/17/2022	NAPA Auto Parts	Gask Mat	430.371 · PWD Vehicles + Maint. & Repairs			10.44
24413	06/17/2022	PA Townships Health Insurance Coo Trust		487.900 · Dental Insurance			4,527.36
24414	06/17/2022	Penn Prime		487.710 · Disability Insurance			10,748.00
				486.500 · Insurance + PD Heart & Lung			
24415	06/17/2022	Pipe Line Plastics, Inc	40' 15"x2' ads n+12 IB pipe	436.245 · Storm Sewer & Drains R&M			607.00
24416	06/17/2022	SECCRA	NL312 dump truck , A/Automobile tires, T/Tru	409.373 · Twp. Bldg. Repairs & Maint.			21.00
24417	06/17/2022	Shawna Thornton	birthday card and cake for Neil	406.210 · Office Supplies			17.86

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24418	06/17/2022	STEPP MFG	oil + 5 gals, plastic pail, oil heat transfer 5 ga	430.371 · PWD Vehicles + Maint. & Repairs			194.79
24419	06/17/2022	Traisr, LLC	405.10	407.452 · TraisR Database			600.00
24420	06/17/2022	Unruh, Turner, Burke & Frees		361.320 · Engineering/Legal Fees Reimb.	375.00		
				404.310 · Legal Services + Township	46.00		
				404.310 · Legal Services + Township	1,414.50		
				404.320 · Legal Services + Reimbursable	138.00		
				404.320 · Legal Services + Reimbursable	69.00		
				404.320 · Legal Services + Reimbursable	138.00		
				404.320 · Legal Services + Reimbursable	69.00		
				404.310 · Legal Services + Township	2,484.00		
				404.310 · Legal Services + Township	6,479.46		
							11,212.96
24421	06/17/2022	Vandemark & Lynch		408.313 · Engineering + Reimbursable			929.00
24422	06/17/2022	We R Technology	Corinne Badman: CJIS Compliance/TAC/JTA	410.320 · PD Communication			1,000.00
24423	06/17/2022	Weaver Mulch	4 cu screened topsoil	436.245 · Storm Sewer & Drains R&M			110.00
24424	06/21/2022	New Holland Auto Group	New Truck 2022 Ford F150	410.370 · PD Vehicle Repairs & Maint.			43,765.00
24425	06/21/2022	Williams Scotsman, Inc.	see email. This bill represents a few left over	410.383 · PD Office Rental			167.10
24426	06/30/2022	21st Century Media + Philly Cluster	Daily local news	406.340 · Advertising Expense			146.19
24427	06/30/2022	Atlantic Tactical	uniform shirts	410.210 · PD Uniforms			300.00
24428	06/30/2022	Cintas	organized cabinet, allergy relief tablet, lens/s	430.245 · PWD Operating Supplies			53.73
24429	06/30/2022	Comcast Business + Office	Bill never received. Responding to email from	410.360 · PD Office Utilities			237.26
24430	06/30/2022	DelChester Public Works Association	Annual Membership Fee	400.420 · Dues & Memberships			60.00
24431	06/30/2022	Dixie Land Energy, LLC	gasoline	430.231 · PWD Vehicles + Gasoline	2,094.89		
			clear diesel	430.231 · PWD Vehicles + Gasoline	2,034.08		
				430.231 · PWD Vehicles + Gasoline	1,556.83		
							5,685.80
24432	06/30/2022	Gale Lane Solar LLC	purchase of solar power for May 2022	409.360 · Twp. Bldg. Utilities			275.66
24433	06/30/2022	Glackin Thomas Panzak Inc.	Longwood Gardens Sewer Improvements	408.313 · Engineering + Reimbursable	700.00		
			EMT/Unionville HS/MS Fields	408.313 · Engineering + Reimbursable	1,592.50		
			Longwood Gardens Storage	408.313 · Engineering + Reimbursable	1,014.81		
			EMT/East Baltimore Pike	408.313 · Engineering + Reimbursable	1,150.00		
							4,457.31

East Marlborough Township General Fund
Check Detail
June 7 through July 11, 2022

24434	06/30/2022	Jeffrey_Simpson	3 cases of coffee	406.210 · Office Supplies				104.97
24435	06/30/2022	Jenkins & McMahon	hose clamp, brass elbow, bronze ball valve, f	409.375 · Post Office + Repairs & Maint.				76.58
24436	06/30/2022	Michaelene Bailey	Fee for Notary exam, scheduled on 7/13/22	406.210 · Office Supplies				65.00
24437	06/30/2022	PSATS CDL Program	Dan Hoover	430.470 · PSATS CDL Program				51.00
24438	06/30/2022	Republic Services		427.367 · Refuse Collection				803.93
24439	06/30/2022	Selective Insurance Company of America		486.300 · Insurance + Automobile				134.00
24440	06/30/2022	The Lincoln National Life Insurance Group		487.800 · Life Insurance				457.48
24441	06/30/2022	Traffic Planning & Design	project royal farms east marlborough EMAT C	408.313 · Engineering + Reimbursable				5,421.06
24442	06/30/2022	Univest Insurance	Treasurer's Bond	486.600 · Surety Bonds				3,211.00
24443	06/30/2022	Verizon Wireless		410.360 · PD Office Utilities				40.01
24444	06/30/2022	Witmer Public Safety Group	magazine pouch, holster. Baton holder, Belt Kee	410.210 · PD Uniforms		359.71		
			gloves, flashlight, PAA	410.210 · PD Uniforms		555.91		
								915.62
						Total:		203,521.45

East Marlborough Sewer Company

Check Detail

June 7 through July 11, 2022

Num	Date	Name	Item	Account	Detail	Amount
5688	06/13/2022	PECO		429.361 · Electrical Service		8,111.06
5689	06/07/2022	Buckmans Inc.		429.221 · Chemicals/Filters		715.50
5690	06/20/2022	Independence Blue Cross		487.196 · Health Insurance		9,792.80
5692	06/27/2022	USA BlueBook		429.220 · Operating Supplies & Materials		762.17
5693	06/27/2022	PECO Energy		429.361 · Electrical Service		205.99
5694	06/27/2022	Buckmans Inc.		429.221 · Chemicals/Filters		202.50
5695	06/27/2022	Brandywine Ace Pet and Farm		429.370 · Treatment Plant Maint & Repairs	9.99	
				429.220 · Operating Supplies & Materials	71.98	
						81.97
5696	06/28/2022	USA BlueBook		429.370 · Treatment Plant Maint & Repairs		151.09
5697	06/28/2022	Exeter Supply Company		429.375 · Grinder Pump Maint. & Repairs		198.24
5698	06/20/2022	Republic Serivces		429.367 · Refuse Disposal		374.12
5699	06/30/2022	Chester Water Authority		429.360 · Utilities		65.00
5700	07/06/2022	Commonwealth of Pennsylvannia		406.318 · Other Operating Services		100.00
5701	07/06/2022	PECO		429.361 · Electrical Service		7,782.13
5702	07/06/2022	Exeter Supply Company		429.375 · Grinder Pump Maint. & Repairs		610.05
5703	07/06/2022	Suburban Testing Labs		429.317 · Lab Analysis		792.00
5704	07/06/2022	Buckmans Inc.		429.221 · Chemicals/Filters		236.70
5705	07/06/2022	Site Specific Design, Inc		429.375 · Grinder Pump Maint. & Repairs		375.10
5706	07/06/2022	Premium Power Services		429.372 · Pump Station Maint. & Repairs		6,033.00
5707	07/06/2022	Premium Power Services		429.376 · Generator Maintenance		31,821.00
5708	07/06/2022	Martin Drumheller		364.100 · Sewer User Fees		180.00
					Total:	68,590.42



Return to Agenda

June 28, 2022

Project No. 23425.84

EAST MARLBOROUGH TOWNSHIP

721 Unionville Road
Kennett Square, PA 19348

Attn: Neil Lovekin, Township Manager
Longwood Gardens Sewer Improvements
311 & 338 Longwood Road

As requested, we have reviewed a revised Preliminary/Final plan submission for the above referenced project. The submission consists of:

- An 18 sheet set of plans titled Preliminary/Final Land Development Plans for Longwood Gardens Sanitary Improvements, prepared by Rettew Associates (RA), dated May 25, 2022, last revised June 21, 2022
- An updated waiver request letter from RA, dated June 22, 2022
- Submission letters from RA, dated June 22, 2022, responding to comments in our June 14, 2022 letter, and the Township Sanitary Sewer Consultant's June 13, 2022 letter

The documents above were received in our office via email on June 22, 2022.

The purpose of the project is to construct an additional sewage lagoon, slightly south of the existing lagoon, on 311 Longwood Road, and to construct a new building and driveway serving existing sewage treatment facilities on 338 Longwood Road.

Listed below are the comments from our June 14, 2022 letter, followed by a response in bold face type, indicating what action has been taken by the applicant to resolve the comment.

Zoning Ordinance (ZO):

1. Several specimen trees are shown to be removed. The plans include a request for a variance from Section 1822.D.1 of the ZO, to allow removal of the specimen trees. The applicant should discuss the tree removal with the Zoning Hearing Board. (ZO§1822.D.1)

Response: No further comment. We understand that application has been made to the Zoning Hearing Board regarding this project.

2. Restoration of the entire wetland and buffer area, even the area not subject to disturbance, is required by the ZO. We have discussed the situation with the applicant's engineer, who indicated that they would prefer not to restore the buffer, to protect environmentally sensitive vegetation that may potentially exist within the buffer area. The applicant should discuss modifications to the buffer restoration requirements with the Board of Supervisors, as permitted by Section 1820.E.1. (ZO 1820.D.1)

Response: The applicant's response states that:

"No disturbance is proposed within any wetland buffer areas as shown on the plans. Due to the relatively limited proposed disturbance of the sewer improvements project compared to the size of the overall parcels, a formal wetland investigation has only been completed in the general area of proposed disturbance on the overall parcels. The intent is that a majority of Parcel 'A', including any wetland buffer areas, be maintained in its existing condition, which is primarily meadow. The disturbance proposed on Parcel 'B' is less than 1% of the total lot area, so we would request no additional wetland buffer planting be required due to the limited impact of the project. The PNDI (Pennsylvania Natural Diversity Inventory) that was completed as part of the project permitting identified several potential sensitive plant species in the existing wetland areas. Planting additional trees that would create more shade in the wetland buffer areas could have a detrimental effect on the existing sensitive wetland plant communities"

We have no additional comment. The applicant should discuss this issue with the Board.

3. The Planning Commission, Historic Commission and Environmental Advisory Council should review the materials that have been presented by the applicant and consider whether or not it is likely that the project will have an adverse impact on public natural or historic resources. (§1825.D.2)

Response: No further comment. The Chair of the Historic Commission has confirmed that the Commission's recommendation is that the Board approve this application. The Environmental Advisory Council should review the submitted information and consider whether or not it is likely that the project will have an adverse impact on public natural or historic resources.

4. Both parcels on which work is proposed are within the Longwood Historic District. Historical Resource #264 is on the parcel where the new lagoon is proposed. The Historic Commission should review the project and determine what (if any) landscaping or buffering is required to screen the historic resources. (ZO §2405, §2408)

Response: The applicant's response letter indicates Historic Commission approval was given at their 5/9/22 meeting, and that no although no buffering of the historic resources was determined necessary, they are providing landscaping to block views of the lagoon from Longwood Road. We will defer to the Township Landscape Architecture Consultant regarding compliance with ZO§1104.B.2 & 3, as relates to ZO§1812.D & E. This item is resolved, subject to any comments the Township Landscape Architecture Consultant may have.

Subdivision and Land Development Ordinance (SLDO):

5. The applicant is requesting a waiver from Section 405, to allow the plan to be formally submitted as a Final Land Development Plan, rather than a Preliminary Land Development Plan. We have no technical objections to the waiver request. The Board should determine whether or not to grant the waiver. (SLDO §405)

Response: No further comment. The Board should determine whether or not to grant the waiver.

6. The applicant is requesting a waiver from Section 502.B, to allow an overall plan scale greater than 1"=100'. Due to the relatively large size of the subject parcels in relation to the area actually being disturbed, we have no technical objection. (SLDO §502.B)

Response: No further comment. The Board should determine whether or not to grant the waiver.

7. The applicant is requesting a waiver from Section 502.C.8, to allow GIS information rather than field surveyed information to be used on the overall plan, for areas not subject to disturbance. Due to the relatively large size of the subject parcels in relation to the area actually being disturbed, we have no technical objection. (SLDO §503.C.8)

Response: No further comment. The Board should determine whether or not to grant the waiver.

8. The applicant is requesting a waiver from the shadow analysis requirements of Section 502.C.13. We defer to the Township Landscape Architecture Consultant to evaluate this request. The applicant should address any comments provided by the Township Landscape Architecture Consultant. (SLDO §502.C.13)

Response: The Township Landscape Architecture consultant's June 27, 2022 indicates they have no technical objection to the requested waiver. The Board should determine whether or not to grant the waiver.

9. Sheet 5 shows dedication of additional right-of-way along Longwood Road, to a half right of way width of 25 feet. Longwood Road is a collector road, and a half right-of-way of 30 feet is required. All relevant sheets of the plans should be updated to reflect the 30' half right of way, the metes and bounds of the area offered for dedication should be added to sheets C02 and C07, and the building restriction line should be adjusted to be measured from the ultimate right of way line. (SLDO §605.A)

Monuments should also be provided at all proposed property/right of way corners, per SLDO§626.D.

Response: The current submission includes an additional waiver request to allow for the dedication of a half ROW of 25', rather than the 30' required by the Ordinance. The Board should determine whether or not to grant the waiver. Depending on the results of that decision, additional monuments and/or a shift of the building restriction line may be required.

10. The applicant and Township should discuss whether or not sidewalks should be provided for this project. (SLDO §615.A)

Response: The applicant's response letter indicates that it would be their preference to not provide sidewalk, to prevent additional stormwater runoff, and preserve existing trees. The Board and applicant should discuss whether or not sidewalks will need to be provided.

Stormwater Management Ordinance (SWMO):

11. The date and title of the current Stormwater Management and Erosion and Sediment Control Reports should be added the sheet C11. (SWMO§402)

Response: The requested information has been added to sheet C11. This item is resolved.

12. The following note should be added to sheet C11: "*Copies of the following need to be submitted to East Marlborough Township prior to construction:*"
 - *The NPDES Permit*

- *Water Quality Management Permit*
- *Letter of Adequacy regarding Erosion and Sediment Control*

Response: The requested information has been added to sheet C11. This item is resolved.

13. The bearings and distances of existing and proposed property lines should be added to sheet C02.
(SWMO§402.B.7.a)

Response: The bearings and distances of existing property lines have been added to sheet C02. This information should be duplicated on sheet C07, and supplemented with the bearings and distances of proposed right-of-way lines.

14. Drainage area boundaries and the site POI (the existing pond on TP 61-6-94) should be added to sheet C11. (SWMO§402.B.8.c)

Response: The requested information has been added to sheet C11. This item is resolved.

15. An easement is required to allow the Township to enter the property to verify compliance with the SWMO. The applicant has the choice of a blanket easement across the property, or a defined easement, with metes and bounds shown on the plans. If the blanket easement option is chosen, the following note should be added to the plans: *"The owners _____, having acquired title to the property by deed recorded in the Chester County Recorder of Deeds Office in Record Book ____ page ____ hereby grant a blanket easement, across the property as described in the afore mentioned deed, for purposes of inspection of the implementation, conditions, and operations and maintenance of the stormwater facilities and BMPs as set forth on these plans. Without limiting the foregoing, this easement is to enable the Township to inspect and enforce the owner's obligations as set forth in the inspection and maintenance provisions as set forth on these plans, and/or assure compliance with the Township's Stormwater Management Ordinance. This easement shall run with the land in perpetuity and shall be binding upon the owners, and all succeeding owners of the subject property."*
(SWMO§402.B.18.c, 704.A)

Response: The requested note has been added to sheet C1. This item is resolved.

16. The Lagoon Operations and Maintenance note on sheet C14 should be updated to include a reference to the DEP Water Quality Management Permit number for this project. (SWMO§402.F.1)

Response: The requested information has been added to sheet C11. This item is resolved.

17. Financial security for the proposed improvements is required. Given the atypical approach to SWM compliance associated with this project, we suggest the applicant's engineer contact us to discuss what improvements will need to be secured, and include a cost estimate with their next submission.
(SWMO§403.G)

Response: We are discussing the items needing to be secured with the applicant's engineer, who has indicated that they will be providing a cost estimate under separate cover. This item is resolved, subject to our review of the cost estimate, and execution of a financial security agreement prior to permits being issued for the project.

18. The following note should be added to the plans: *"The applicant will be required to submit As-Built*

plans of the lagoon and all proposed grass paver driveways and buildings to the Township for approval prior to release of financial security and/or issuance of a Certificate of Use and Occupancy for the project."

Response: The requested note has been added to sheet C1. This item is resolved.

19. The note required by the below referenced section of Code should be added to the Post Construction Operation and Maintenance note on sheet C14. (SWMO§702.B.4)

Response: The required note has been added to sheet C14. This item is resolved.

General Comment:


20. It appears that fill will need to be imported to achieve the design grades. The applicant should clarify the source of fill to be used.

Response: The applicant's cover letter indicates that the source of fill will be identified prior to construction. The source, and approximate volume, of material to be brought onto and/or removed from the site should be identified to allow evaluation of the adequacy of the construction entrance facilities.

If you have any questions, please call.

Sincerely,
VanDemark & Lynch, Inc.

Township Engineers


Lisa Donlon, P.E.

cc: Planning Commission
Cory Salmon, HRG, Inc.
Lisa Thomas, RLA, Glackin Thomas Panzak
Jeff Simpson, Director of Public Works
Penny Person, Longwood Gardens
Kevin Ember, RLA, Rettew Associates
Charles Shock, Zoning Officer

June 30, 2022

Lisa L. Thomas, RLA, AICP,
LEED AP

Bernard S. Panzak, Jr., RLA,
ASLA, LEED AP

Chris H. Garrity, RLA, LEED AP

Associate

Cathy W. Jan, CLA, LEED AP

Glackin Thomas Panzak, Inc.

Paoli Executive Green 1
Suite 300

41 Leopard Road
Paoli, Pennsylvania 19301
610.408.9011
plans@glackinplan.com

Neil Lovekin
Township Manager
East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348

RE: Longwood Gardens Sewer Improvements
Preliminary / Final Land Development Plan Updated Review #1
(GTP job no. 2022G73-016)

Dear Neil:

Based on a meeting today with the Longwood Gardens team and the East Marlborough Township consultant team, please accept this update to our previous review letter dated, June 27, 2022.

At your request, Glackin Thomas Panzak, Inc. has reviewed the Preliminary / Final Land Development Plan for proposed improvements to the Longwood Gardens sewage treatment facilities located at 311 and 338 Longwood Road. The enhancements include the construction of an additional sewage lagoon at the existing sewage treatment plant, a new equipment building, and new access driveways.

We have reviewed the following plans for compliance with Township Ordinances:

- An 18-page plan set titled Preliminary / Final Land Development Plan, prepared by Rettew Associates, Inc., received in our office on June 23, 2022, dated May 25, 2022, and last revised on June 21, 2022.
- A 5-page response letter addressing comments from Lisa Donlon, P.E., of Vandemark & Lynch Inc., written by Kevin Ember, RLA, and dated June 22, 2022.

We note that the plan set does not include a lighting plan and that no new lighting features are being proposed. We offer the following general comments and recommendations for your consideration:

Zoning Ordinance:

1. §1822.D. – Specimen Trees:

The location of any tree to be removed with a DBH of 30” or greater should be identified as a specimen tree on the Existing Conditions / Demolition Plans.

2. §1822.D.4 – Specimen Trees:

A variance has been requested to permit the removal of 3 specimen trees on Parcel A, and 1 specimen tree on Parcel B. Should the Zoning Hearing Board grant this variance, GTP recommends, at a minimum, that replacement trees be provided in accordance with Ordinance section 1822.D.4:

“The replacement shall be at a rate of six (6) trees of no less than 6” DBH for each Specimen Tree removed, with two (2) additional replacement trees for each 12” of caliper (or fraction thereof) by which the caliper of such removed Specimen Tree exceeds 36.”

The proposed planting plan should be revised to include a compliance chart indicating the total number of required replacement trees being installed to satisfy this requirement.

3. §1822.C.4. – Tree Protection:

“Property owners shall exercise care to protect remaining trees from damage during construction with approved fencing to the limits of the dripline.”

Tree protection fence notes and details are shown on the plan. Sheet C04 shows that some grading disturbance will take place within the dripline of trees to remain. Additional tree protection notes should be added to the Existing Conditions / Demolition Plan on sheets C03 and C04 to ensure that existing trees to remain are not adversely affected by construction activities.

4. §2408.– Buffering of Historical Resource:

It is our understanding that the Historic Commission has reviewed and determined that the buffering requirement did not apply to the proposed improvements.

Subdivision and Land Development Ordinance:

5. §502.C.13 – Shadow Analysis:

The applicant is requesting a waiver from the requirement to perform a shadow analysis for existing and proposed landscaping. Due to the location of trees to be removed, we have no technical objection to this request.

6. §616.B. - Street Trees:

Street trees of a minimum 2 1/2" to 3" caliper should be provided along Longwood Road at 60' on center, placed 3' to 5' back from the right-of-way line. The plan should be noted where existing trees are to be used to satisfy this requirement.

General Comment:

7. Planting Specifications:

The landscape plans should be updated to include detailed planting notes and specifications, including deer guards for proposed deciduous trees, a minimum 1-year landscape guarantee, and the requirement for the township landscape architect to approve plant material substitutions in writing.

Please do not hesitate to contact me if you have any questions or require clarification regarding the above comments.

Respectfully,
GLACKIN THOMAS PANZAK, INC.



Lisa L. Thomas, RLA, AICP, LEED AP

Principal

cc: East Marlborough Township Planning Commission
East Marlborough Township Board of Supervisors
Lisa Donlon, PE, VanDemark & Lynch
Jeff Simpson, Director of Public Works
Penny Pearson, Longwood Gardens
Gina Sinovich, Longwood Gardens
Kevin Ember, RLA, Rettew Associates
Charles Shock, Zoning Officer

June 30, 2022

Mr. Neil Lovekin
East Marlborough Township
721 Unionville Road
Kennett Square, Pennsylvania 19348

Re: Longwood Gardens – Sewer Improvements Project
Land Development Submission
East Marlborough Township, Chester County, PA
Applicant: Longwood Gardens Inc.
Sanitary Sewer Review No. 2

Dear Mr. Lovekin:

On behalf of East Marlborough Township, HRG has reviewed the submitted Preliminary Land Development Plan for the proposed project on P.O. Box 501 prepared by Rettew Associates, Inc. dated May 25, 2022 (Rev. June 21, 2022), relative to the sanitary sewer system. We offer the following comments:

GENERAL COMMENTS:

1. All comments identified in HRG's June 13, 2022 correspondence have been adequately addressed.

This review was completed only for general compliance with the Township's Standard Sewer Construction Specifications and Details and the PA DEP Domestic Wastewater Facilities Manual, and does not relieve the design engineer of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc.

If you have any questions concerning this review or our recommendations, please feel free to contact the undersigned at **484.460.7050**.

Sincerely,

HERBERT, ROWLAND & GRUBIC, INC.



Cory J. Salmon, PE, PMP
Group Manager | Water & Wastewater

MNR/MAV/CJS

P:\0090\009080_0426\Admin\PH 002 - Longwood Gardens Sanitary Improvements Project\Reviewed\Sewer\Review 2\2022.06.30 - Longwood Gardens Sanitary Improvements Project- Sewer Review 2.docx

Encl.

c: Jeff Simpson, East Marlborough Township
Cuyler Walker, East Marlborough Township
Kevin Ember, RLA, RETTEW Associates, Inc.
Neil Carlson, VanDemark & Lynch, Inc.
Penny Person, PMP, Longwood Gardens
HRG Files

East Marlborough Township

HISTORIC COMMISSION

Chester County, Pennsylvania

May 15, 2022

East Marlborough Board of Supervisors
East Marlborough Building Inspector

RE: Sewer Treatment Plant – Review of Proposed Rehabilitations, Enlargements and Alterations as per Article XXIV Section 2406 and Buffering Requirement as per Article XXIV Section 2408; Longwood Gardens; Tax Parcel #: 61-06-0054, HR #: 067

Dear Sirs:

During our regularly scheduled meeting on May 9, 2022, the Historic Commission met to review the proposed improvements and expansion to the Sewer Treatment facility located along Longwood Road between Conservatory and School House Roads as it pertained to Sections 2406 and 2408, which are found in Article XXIV of the East Marlborough Township Zoning Ordinance.

The property in question is Historic Resource No.: 067 and is a Class1 Historic Resource in its entirety.

During this meeting, the Commission determined that the Buffering requirement did not apply to the proposed improvements and found no objections to the proposed work.

The commission voted unanimously for the BOS to approve this application.

Respectfully,

John Rosecrans – Chairman, East Marlborough Historic Commission

cc: Neil Lovekin – Township Manager
Charlie Shock – Building Inspector
Penny Persons – Owners Representative

BOS.HC.HR067.220515

East Marlborough Township

HISTORIC COMMISSION

Chester County, Pennsylvania

[Return to Agenda](#)

May 15, 2022

East Marlborough Board of Supervisors
East Marlborough Building Inspector

RE: T-Mobile Improvements: Review of Proposed Rehabilitations, Enlargements and Alterations as per Article XXIV Section 2406; Longwood Gardens; Tax Parcel #: 61-06-0057, HR #: 130

Dear Sirs:

During our regularly scheduled meeting on May 9, 2022, the Historic Commission met to review the proposed T-Mobile improvements being added to an existing water tower located on the property of Longwood Gardens.

The Commission has reviewed this application as it pertained to Sections 2406 and 2408 - Buffering, which are found in Article XXIV of the East Marlborough Township Zoning Ordinance.

The property in question is Historic Resource No.: 130 and is a Class1 Historic Resource in its entirety.

During this meeting, the Commission determined that the Buffering requirement did not apply to the proposed improvements and found no objections to the proposed work.

The commission voted unanimously for the BOS to approve this application.

Respectfully,

John Rosecrans – Chairman, East Marlborough Historic Commission

cc: Neil Lovekin – Township Manager
Charlie Shock – Building Inspector
Penny Persons – Owners Representative

BOS.HC.HR130.220515



[Return to Agenda](#)

June 15, 2022

Project No. 18700.92

East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348
Attn.: Neil Lovekin, Township Manager

**RE: Glenelg Subdivision
Replacement Tree Planting Security Release**

Mr. Lovekin,

Bob Pearson, the developer of the Glenelg Farms subdivision, has installed the replacement trees discussed in our letter of November 27, 2019 (attached), and has requested release of the check for \$900.00 that the Township has been holding as security on that work.

We have reviewed the installation in the field, and recommend release of the full \$900.00 in security.

We have advised Mr. Pearson to coordinate with you regarding return of the security.

If you have any questions, please call.

Sincerely,
VanDemark & Lynch, Inc.
Township Engineers



Lisa Donlon, P.E.

cc: Lisa Thomas, GTP (via email)
Bob Pearson, (via fax)



**VANDEMARK
& LYNCH, INC.**
ENGINEERS • PLANNERS • SURVEYORS

4305 MILLER ROAD
WILMINGTON, DE 19802-1901
(302) 764-7635 FAX (302) 764-4170
www.vdleng.com

November 27, 2019

Project No. 18700.92

Board of Supervisors
EAST MARLBOROUGH TOWNSHIP
721 Unionville Road
Kennett Square, PA 19348

Attn: Laurie C. Prysock, Township Manager

**RE: Glenelg Subdivision (Glenelg Farm Drive & Laurali Drive)
Expiration of Maintenance Bond**

The 18 month maintenance and performance bond for the Glenelg Farms subdivision expires December 5, 2019. On November 15, 2019 we inspected the bonded infrastructure in both East Marlborough and Newlin Townships. We identified a few minor issues, which the developer repaired on November 22, 2019. We re-inspected the repairs on November 25, 2019, and found no defects in materials or workmanship.

Glackin Thomas Panzak (GTP), the East Marlborough Township Landscape consultant, inspected the landscaping on November 27, 2019. GTP identified three trees near the stormwater basin on Lot 21 that have died. GTP recommends they be replaced with three, 6 foot tall, white spruce trees, and estimates replacement cost at \$900.00.

The developer has indicated that he will appear at the December 2, 2019 East Marlborough Township Board of Supervisors meeting, to post security for the trees to be replaced, until such time as the work can be completed.

Given that the security posted for the tree replacement is acceptable to East Marlborough Township, we have no objection to both East Marlborough and Newlin Township releasing the developer's bond.

If you have any questions, please call.

Sincerely,
VanDemark & Lynch, Inc.
Township Engineers

Neil Carlson

cc: Ross Unruh., Esq.
Kristin Camp, Esq.
James Fritsch, P.E.
Robert Pearson, Cope and Pearson Development, L.P.
Gail Ayres, Newlin Township
Lisa Thomas, Glackin Thomas Panzak



VANDEMARK & LYNCH, INC.

ENGINEERS • PLANNERS • SURVEYORS

4305 MILLER ROAD
WILMINGTON, DE 19802-1901
(302) 764-7635 FAX (302) 764-4170
www.vdlenr.com

December 9, 2019

Project No. 18700.92

Bob Pearson
PO Box 133
Unionville, PA 19375

**RE: Glenelg Subdivision
Landscape Architect Recommendation on Replacement Tree Planting**

Bob,

As discussed in our letter of November 27, 2019, three of the trees near the stormwater basin on Lot 21 of the Glenelg Farms subdivision are dead, and need to be replaced. Glackin Thomas Panzak (GTP), East Marlborough Township's landscape consultant, has recommended they be replaced with 6 foot tall white spruces, and you have posted security with East Marlborough sufficient to guarantee installation.

GTP has recommended that the optimal time to plant the replacement trees is from the end of March to the beginning of April. I marked the trees to be replaced in the field on December 6, 2019. If re-marking is required, please feel free to contact me. For your convenience, I have attached the planting detail from the approved plans.

Once the trees have been planted, please contact me to arrange for final inspection, and release of your security.

If you have any questions, please call.

Sincerely,
VanDemark & Lynch, Inc.
Township Engineers

Neil Carlson

cc: Lisa Thomas, GTP (via email)
Hannah Cristopher, East Marlborough Township (via email)

NOTES:

STAKE ALL EVERGREEN TREES UNDER 12'

GUY TREES 12' AND OVER AS SPECIFIED
FOR DECIDUOUS TREES

TREE SHALL BEAR SAME RELATION TO
FINISHED GRADE AS IT BORE TO
PREVIOUS GRADE

NEVER CUT LEADERS

PRUNE ONLY TO REMOVE DAMAGED
OR BROKEN BRANCHES

SET STAYS OR GUYS 1/2 - 2/3
UP TREE. SEE DETAIL.

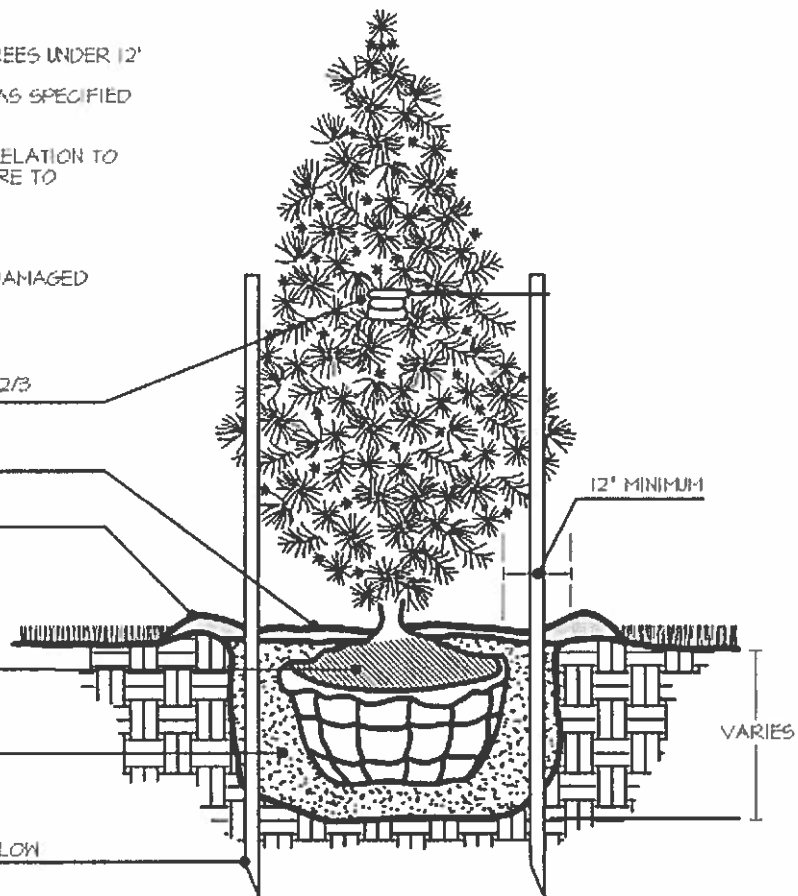
2" OF MULCH

MOUND TO FORM SAUCER

REMOVE BURLAP FROM
TOP 1/3 OF BALL

PREPARED
TOPSOIL BACKFILL

STAKES TO EXTEND 18" BELOW
TREE PIT IN UNDISTURBED
GROUND



EVERGREEN TREE PLANTING

NOT TO SCALE



**VANDEMARK
& LYNCH, INC.**
ENGINEERS • PLANNERS • SURVEYORS


4305 MILLER ROAD
WILMINGTON, DE 19802-1901
(302) 764-7635 FAX (302) 764-4170
www.vdleng.com

[Return to Agenda](#)

MEMORANDUM

Project No. 23425.40

TO: Board of Supervisors, East Marlborough Township

FROM: Neil Carlson, P.E., VanDemark & Lynch, Inc. 

RE: Northridge - Escrow Releases: Phase 1a/b Release 27, Phase 3 Release 7

DATE: July 6, 2022

We received escrow release requests from the developer on June 29, 2022 in the amount of \$175,597.58 (\$162,428.07 for Phase 3, and \$13,169.51 for Phase 1a/b). After reviewing the work in the field, we recommend release of the requested amount.

The release includes:

Phase 1a/b:

- Contingency (\$13,169.51, 86% complete)

Phase 3:

- Erosion & Sediment Control (\$1,200.00, 94% complete)
- Sitework (\$10,000.00, 82% complete)
- Sanitary Sewer (\$2,500.00, 94% complete)
- Storm Sewer (\$36,977.35, 100% complete)
- Water (\$81,525.76, 100% complete)
- Curb (\$26,724.96, 100% complete)
- Survey (\$3,500.00, 78% complete)

We have attached signed copies of the escrow releases.

If you have any questions, please call.

Attachments: **Escrow Account Schedules**
Release Request
Certifications of Completion

cc: Ryan Jennings, Esq.
Nick Ceritano, Thompson Homes

Villages at Northridge, LLC
981 A South Bolmar Street
West Chester, PA 19382
Phone: 484-887-8520 Fax: 484-887-8212

June 29,2022

Lisa Donlon, P.E.
Vandemark & Lynch, Inc.
4305 Miller Road
Wilmington, DE 19802

**Re: Village at Northridge Phase 1A and 1B Escrow Release #27 and Phase 3
Escrow Release #7**

Lisa,

Attached please find Phase 1A and 1B Escrow Release #27 in the amount of \$13,169.51 and Phase 3 Escrow Release # 7 in the amount of \$162,428.07 dated 6/29/22 for the Villages at Northridge in East Marlborough Township.

We hope you find this release in agreement with your findings and will present to the Board on July 11, 2022

Please let us know if you have any questions.

Sincerely,

Nick Ceritano

EAST MARLBOROUGH TOWNSHIP

721 Unionville Road
Kennett Square, PA 19348

Attn: Neil G. Lovekin, Township Manager

In accordance with the Township-Builders Escrow Agreement for public improvements for the above referenced project, we hereby request public monies to be released from escrow for the following items of work which have been completed:

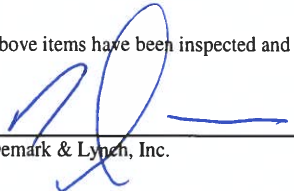
Item No.	Description of Work	Scheduled value	Previous work	This period	Total completed	Balance to finish
Phase 3						
1	Erosion & Sediment Control:					
	Construction Entrance	\$ 2,940.00	\$ 2,940.00	\$ -	\$ 2,940.00	\$ -
	24" Silt Sock	\$ 9,720.00	\$ 9,720.00	\$ -	\$ 9,720.00	\$ -
	30" Silt Fence	\$ 1,120.00	\$ -	\$ -	\$ -	\$ 1,120.00
	Inlet Protection	\$ 1,200.00	\$ -	\$ 1,200.00	\$ 1,200.00	\$ -
	Orange Construction Fence	\$ 5,200.72	\$ 5,200.72	\$ -	\$ 5,200.72	\$ -
	Subtotal	\$ 20,180.72	\$ 17,860.72	\$ 1,200.00	\$ 19,060.72	\$ 1,120.00
2	Site Work					
	Clearing & Grubbing	\$ 11,760.00	\$ 11,760.00	\$ -	\$ 11,760.00	\$ -
	Strip Topsoil (ROW, Basin, Lots)	\$ 8,107.50	\$ 8,107.50	\$ -	\$ 8,107.50	\$ -
	Bulk Cut/Fill	\$ 40,271.10	\$ 24,162.66	\$ 10,000.00	\$ 34,162.66	\$ 6,108.44
	Grade Streets	\$ 2,725.00	\$ -	\$ -	\$ -	\$ 2,725.00
	Segmental Retaining Wall	\$ 45,136.00	\$ 45,136.00	\$ -	\$ 45,136.00	\$ -
	GeoTech	\$ 5,250.00	\$ 5,250.00	\$ -	\$ 5,250.00	\$ -
	Replace Topsoil (street ROW, Basin, Lots)	\$ 13,935.90	\$ -	\$ -	\$ -	\$ 13,935.90
	Subtotal	\$ 127,185.50	\$ 94,416.16	\$ 10,000.00	\$ 104,416.16	\$ 22,769.34
3	Sanitary Sewer:					
	8" PVC	\$ 40,531.46	\$ 40,531.46	\$ -	\$ 40,531.46	\$ -
	6" PVC	\$ 24,255.00	\$ 24,255.00	\$ -	\$ 24,255.00	\$ -
	Manholes	\$ 27,600.00	\$ 27,600.00	\$ -	\$ 27,600.00	\$ -
	Testing	\$ 5,000.00	\$ -	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
	Flush and Video Pipe	\$ 3,268.95	\$ -	\$ -	\$ -	\$ 3,268.95
	Subtotal	\$ 100,655.41	\$ 92,386.46	\$ 2,500.00	\$ 94,886.46	\$ 5,768.95
4	Storm Sewer					
	Inlets	\$ 55,720.05	\$ 37,146.70	\$ 18,573.35	\$ 55,720.05	\$ -
	15" HDPE	\$ 5,076.00	\$ -	\$ 5,076.00	\$ 5,076.00	\$ -
	18" HDPE	\$ 28,273.00	\$ 14,945.00	\$ 13,328.00	\$ 28,273.00	\$ -
	24" HDPE	\$ 14,575.00	\$ 14,575.00	\$ -	\$ 14,575.00	\$ -
	Subtotal	\$ 103,644.05	\$ 66,666.70	\$ 36,977.35	\$ 103,644.05	\$ -
5	Water:					
	8" DIP	\$ 22,028.00	\$ -	\$ 22,028.00	\$ 22,028.00	\$ -
	6" DIP	\$ 22,397.76	\$ -	\$ 22,397.76	\$ 22,397.76	\$ -
	6" Gate Valve	\$ 1,800.00	\$ -	\$ 1,800.00	\$ 1,800.00	\$ -
	Fire Hydrant	\$ 4,400.00	\$ -	\$ 4,400.00	\$ 4,400.00	\$ -
	8"x2" Blowoff	\$ 1,900.00	\$ -	\$ 1,900.00	\$ 1,900.00	\$ -
	Air Release Valve	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 3,000.00	\$ -
	1" Copper Services	\$ 21,000.00	\$ -	\$ 21,000.00	\$ 21,000.00	\$ -
	Testing	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -
	Subtotal	\$ 81,525.76	\$ -	\$ 81,525.76	\$ 81,525.76	\$ -
6	Curbs					
	18" Vertical	\$ 26,724.96	\$ -	\$ 26,724.96	\$ 26,724.96	\$ -
	Subtotal	\$ 26,724.96	\$ -	\$ 26,724.96	\$ 26,724.96	\$ -

Item No.	Description of Work	Scheduled value	Previous work	This period	Total completed	Balance to finish
7	Paving					
	6" 3A Modified	\$ 20,174.25	\$ -	\$ -	\$ -	\$ 20,174.25
	5" BCBC	\$ 48,941.64	\$ -	\$ -	\$ -	\$ 48,941.64
	2" Binder	\$ 24,274.53	\$ -	\$ -	\$ -	\$ 24,274.53
	1.5" Wearing	\$ 23,598.42	\$ -	\$ -	\$ -	\$ 23,598.42
	Paved Trail	\$ 15,736.00	\$ -	\$ -	\$ -	\$ 15,736.00
	Signs	\$ 2,400.00	\$ -	\$ -	\$ -	\$ 2,400.00
	Subtotal	\$ 135,124.84	\$ -	\$ -	\$ -	\$ 135,124.84
8	Sidewalk					
	4" Conc	\$ 19,858.10	\$ -	\$ -	\$ -	\$ 19,858.10
	6" Driveway Crossing	\$ 1,758.96	\$ -	\$ -	\$ -	\$ 1,758.96
	Subtotal	\$ 21,617.06	\$ -	\$ -	\$ -	\$ 21,617.06
9	Seeding/Matting					
	Temp Seeding	\$ 9,960.00	\$ -	\$ -	\$ -	\$ 9,960.00
	NAG S-75	\$ 9,157.56	\$ -	\$ -	\$ -	\$ 9,157.56
	Subtotal	\$ 19,117.56	\$ -	\$ -	\$ -	\$ 19,117.56
10	Landscaping					
	Deciduous Trees	\$ 24,187.50	\$ -	\$ -	\$ -	\$ 24,187.50
	Evergreen Trees	\$ 50,750.00	\$ -	\$ -	\$ -	\$ 50,750.00
	Deciduous Shrubs	\$ 11,500.00	\$ -	\$ -	\$ -	\$ 11,500.00
	Mulch	\$ 2,625.00	\$ -	\$ -	\$ -	\$ 2,625.00
	Subtotal	\$ 89,062.50	\$ -	\$ -	\$ -	\$ 89,062.50
11	Survey					
	Construction Stakeout	\$ 17,500.00	\$ 12,000.00	\$ 3,500.00	\$ 15,500.00	\$ 2,000.00
	Conc. Monuments	\$ 1,950.00	\$ -	\$ -	\$ -	\$ 1,950.00
	Iron Pins	\$ 300.00	\$ -	\$ -	\$ -	\$ 300.00
	Subtotal	\$ 19,750.00	\$ 12,000.00	\$ 3,500.00	\$ 15,500.00	\$ 4,250.00
	Construction review / inspection	\$ 37,229.00	\$ 14,164.67	\$ -	\$ 14,164.67	\$ 23,064.33
	Contingency	\$ 78,182.00	\$ 16,161.27	\$ -	\$ 16,161.27	\$ 62,020.73
	GRAND TOTAL	\$ 859,999.36	\$ 313,655.98	\$ 162,428.07	\$ 476,084.05	\$ 383,915.31

TOTAL THIS REQUEST	\$ 162,428.07
---------------------------	----------------------

Builder / Developer _____ Date _____

The above items have been inspected and are hereby approved for the release of escrow in the above manner.


VanDemark & Lypen, Inc.


Date

East Marlborough Township

Date

EXHIBIT "C"

**CERTIFICATE OF COMPLETION AND
AUTHORIZATION OF REDUCTION AND RELEASE
Phase 1A and 1B No. 27
Phase 3 No.7**

WE, THE UNDERSIGNED, HEREBY:

A. CERTIFY that the work and Improvements, described herein below, completion of which is provided under and by that certain Development Agreement between East Marlborough Township ("Township") Villages at North Ridge, LLC. ("Developer"), dated _____ 201 , concerning the construction, installation and completion of Improvements in the Villages at Northridge Subdivision and Land Development, have been completed to the extent of the amount indicated in item I below; and

B. AUTHORIZE Meridian Bank, pursuant to the Development Agreement and related Financial Security Agreement of the same date, **TO REDUCE** the Financial Security, in the nature of a \$175,597.58 provided and held with said Bank to guaranty, among other things, the completion of said work and Improvements, **to the extent of the amount indicated in item iii below**, and to release said amount of reduction from and under the terms and conditions of the escrow account.

The reduction and release of the amount of the Financial Security hereby authorized shall not be construed, in any manner or extent, as an acceptance by Township of the work and Improvements described herein below (or of any other work performed or any Improvements installed or constructed), nor shall this Certificate and Authorization constitute any waiver by Township of its rights to inspect and approve the work and Improvements described herein below (or any other work performed and Improvements installed and constructed) . Township hereby reserves the right to re-inspect the work and Improvements (as well as any other work and Improvements) and to require Developer to correct, repair or demolish and to properly reconstruct any and **all** defective and deficient work and Improvements not accepted and approved by Township.

THE FOLLOWING WORK AND Improvements are the subject of this
Certificate and Authorization: (See *attached letter and invoice.*)

THE REDUCTION AND RELEASE of the Financial Security authorized by this Certificate and Authorization have been determined as follows:

I. COST OF COMPLETED WORK AND Improvements
\$175,597.58

II. less AMOUNT OF RETAINAGE (10%)

\$ -0-

III. AMOUNT OF REDUCTION AND RELEASE

\$175,597.58

Date

7/6/22

Township Engineer

Date

Chairman, East Marlborough Township
Board of Supervisors

EAST MARLBOROUGH TOWNSHIP

721 Unionville Road
Kennett Square, PA 19348

Attn: Neil Lovekin, Township Manager

In accordance with the Township-Builders Escrow Agreement for public improvements for the below referenced project, we hereby request public monies to be released from escrow for the following items of work which have been completed:

Site Work and Development Escrow Account			Douglas C. White - "Northridge"			
Item No.	Description of Work	Scheduled value	Previous work	This period	Total completed	Balance to finish
Phases 1a & 1b						
Erosion & Sediment Control:						
1	Construction Entrance	\$ 4,380.00	\$ 4,380.00	\$ -	\$ 4,380.00	\$ -
	Inlet Protection	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	\$ -
	Temp Riser w/ skimmer	\$ 6,107.00	\$ 6,107.00	\$ -	\$ 6,107.00	\$ -
	24" Silt Sock	\$ 4,914.00	\$ 4,422.60	\$ -	\$ 4,422.60	\$ 491.40
	30" Silt Fence	\$ 1,914.00	\$ 1,722.60	\$ -	\$ 1,722.60	\$ 191.40
	Orange Construction Fence	\$ 6,765.00	\$ 6,765.00	\$ -	\$ 6,765.00	\$ -
	Sed. Trap Maintenance	\$ 10,000.00	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 8,000.00
	Basin Baffles	\$ 6,975.00	\$ 6,975.00	\$ -	\$ 6,975.00	\$ -
	Rock Filter Outlet	\$ 495.00	\$ 495.00	\$ -	\$ 495.00	\$ -
	River Rock	\$ 3,740.00	\$ -	\$ -	\$ -	\$ 3,740.00
	Temporary Endwall (Install & Remove)	\$ 3,500.00	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 500.00
	Temporary 30" HDPE (Install & Remove)	\$ 17,760.00	\$ 14,760.00	\$ -	\$ 14,760.00	\$ 3,000.00
	Temporary Manhole (Install & Remove)	\$ 3,500.00	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 500.00
	Subtotal	\$ 73,050.00	\$ 56,627.20	\$ -	\$ 56,627.20	\$ 16,422.80
2	Site Work					
	Clearing & Grubbing	\$ 13,140.00	\$ 13,140.00	\$ -	\$ 13,140.00	\$ -
	Remove Existing roadway	\$ 6,283.00	\$ 6,283.00	\$ -	\$ 6,283.00	\$ -
	Relocate Existing Gas Line (Allowance)	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -
	Relocate Existing Electric Line (Allowance)	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -
	Strip Topsoil (ROW, Basin, Lots)	\$ 16,000.00	\$ 16,000.00	\$ -	\$ 16,000.00	\$ -
	Bulk Cut/Fill	\$ 150,000.00	\$ 150,000.00	\$ -	\$ 150,000.00	\$ -
	Grade Streets	\$ 4,356.00	\$ 4,356.00	\$ -	\$ 4,356.00	\$ -
	Temp. Driveway (Everfast)	\$ 15,000.00	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -
	Replace Topsoil (street ROW, Basin, Lots)	\$ 32,000.00	\$ 31,200.00	\$ -	\$ 31,200.00	\$ 800.00
	Basin Fence	\$ 29,656.00	\$ -	\$ -	\$ -	\$ 29,656.00
	Subtotal	\$ 286,435.00	\$ 255,979.00	\$ -	\$ 255,979.00	\$ 30,456.00
3	Sanitary Sewer:					
	8" PVC	\$ 62,720.00	\$ 62,720.00	\$ -	\$ 62,720.00	\$ -
	6" PVC	\$ 51,300.00	\$ 51,300.00	\$ -	\$ 51,300.00	\$ -
	Manholes	\$ 52,800.00	\$ 52,800.00	\$ -	\$ 52,800.00	\$ -
	Flush & Video Pipe	\$ 5,120.00	\$ -	\$ -	\$ -	\$ 5,120.00
	Testing	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -
	Subtotal	\$ 176,940.00	\$ 171,820.00	\$ -	\$ 171,820.00	\$ 5,120.00
4	Storm Sewer					
	Outlet Structures	\$ 8,700.00	\$ 8,700.00	\$ -	\$ 8,700.00	\$ -
	Endwalls	\$ 10,950.00	\$ 10,950.00	\$ -	\$ 10,950.00	\$ -
	Inlets	\$ 49,650.00	\$ 49,650.00	\$ -	\$ 49,650.00	\$ -
	Anti-Seep Collars	\$ 3,080.00	\$ 3,080.00	\$ -	\$ 3,080.00	\$ -
	Rip-Rap	\$ 8,415.00	\$ 8,415.00	\$ -	\$ 8,415.00	\$ -
	15" HDPE	\$ 7,889.00	\$ 7,889.00	\$ -	\$ 7,889.00	\$ -
	18" HDPE	\$ 3,145.00	\$ 3,145.00	\$ -	\$ 3,145.00	\$ -
	24" HDPE	\$ 43,320.00	\$ 43,320.00	\$ -	\$ 43,320.00	\$ -
	30" HDPE	\$ 17,215.00	\$ 17,215.00	\$ -	\$ 17,215.00	\$ -

Site Work and Development Escrow Account

Douglas C. White - "Northridge"

Item No.	Description of Work	Scheduled value	Previous work	This period	Total completed	Balance to finish
	36" RCP	\$ 5,115.00	\$ 5,115.00	\$ -	\$ 5,115.00	\$ -
	6" Sched. 40 w/valve	\$ 3,984.00	\$ 3,984.00	\$ -	\$ 3,984.00	\$ -
	Pavement Base Drain	\$ 7,000.00	\$ 7,000.00	\$ -	\$ 7,000.00	\$ -
	Subtotal	\$ 168,463.00	\$ 168,463.00	\$ -	\$ 168,463.00	\$ -
5	Water:					
	8" DIP	\$ 90,200.00	\$ 90,200.00	\$ -	\$ 90,200.00	\$ -
	6" DIP	\$ 10,150.00	\$ 10,150.00	\$ -	\$ 10,150.00	\$ -
	8" Gate Valve	\$ 25,620.00	\$ 25,620.00	\$ -	\$ 25,620.00	\$ -
	6" Gate Valve	\$ 3,750.00	\$ 3,750.00	\$ -	\$ 3,750.00	\$ -
	Fire Hydrant	\$ 19,800.00	\$ 19,800.00	\$ -	\$ 19,800.00	\$ -
	8"x2" Blowoff	\$ 5,440.00	\$ 5,440.00	\$ -	\$ 5,440.00	\$ -
	1" Copper Services	\$ 43,420.00	\$ 43,420.00	\$ -	\$ 43,420.00	\$ -
	Testing	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	\$ -
	Subtotal	\$ 201,380.00	\$ 201,380.00	\$ -	\$ 201,380.00	\$ -
6	Curbs					
	Belgian Block	\$ 12,535.00	\$ 12,535.00	\$ -	\$ 12,535.00	\$ -
	18" Vertical	\$ 37,635.00	\$ 37,635.00	\$ -	\$ 37,635.00	\$ -
	Subtotal	\$ 50,170.00	\$ 50,170.00	\$ -	\$ 50,170.00	\$ -
7	Paving					
	6" 3A Modified	\$ 33,660.00	\$ 33,660.00	\$ -	\$ 33,660.00	\$ -
	5" BCBC	\$ 84,870.00	\$ 84,870.00	\$ -	\$ 84,870.00	\$ -
	2" Binder	\$ 36,900.00	\$ 36,900.00	\$ -	\$ 36,900.00	\$ -
	1.5" Wearing	\$ 31,365.00	\$ -	\$ -	\$ -	\$ 31,365.00
	Temp. Stone road	\$ 30,000.00	\$ 30,000.00	\$ -	\$ 30,000.00	\$ -
	Signs	\$ 6,720.00	\$ 1,920.00	\$ -	\$ 1,920.00	\$ 4,800.00
	Subtotal	\$ 223,515.00	\$ 187,350.00	\$ -	\$ 187,350.00	\$ 36,165.00
8	Sidewalk					
	4" Conc	\$ 44,460.00	\$ 36,054.00	\$ -	\$ 36,054.00	\$ 8,406.00
	6" Driveway Crossing	\$ 3,960.00	\$ 3,960.00	\$ -	\$ 3,960.00	\$ -
	HC Ramps	\$ 1,600.00	\$ 1,600.00	\$ -	\$ 1,600.00	\$ -
	Pedestrian Path connection thru Phases 3 & 4:	\$ 8,680.00	\$ -	\$ -	\$ -	\$ 8,680.00
	Subtotal	\$ 58,700.00	\$ 41,614.00	\$ -	\$ 41,614.00	\$ 17,086.00
9	Seeding/Matting					
	Temp Seeding	\$ 29,350.00	\$ 27,475.00	\$ -	\$ 27,475.00	\$ 1,875.00
	NAG S-75	\$ 20,870.00	\$ 20,870.00	\$ -	\$ 20,870.00	\$ -
	NAG P-300	\$ 418.00	\$ 418.00	\$ -	\$ 418.00	\$ -
	Subtotal	\$ 50,638.00	\$ 48,763.00	\$ -	\$ 48,763.00	\$ 1,875.00
10	Landscaping					
	Deciduous Trees	\$ 21,500.00	\$ 19,500.00	\$ -	\$ 19,500.00	\$ 2,000.00
	Buffer Plantings (in Phases 1a & 1b):					
	Deciduous Trees	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 2,000.00
	Evergreen Trees	\$ 66,850.00	\$ 43,225.00	\$ -	\$ 43,225.00	\$ 23,625.00
	Understory Trees	\$ 19,800.00	\$ 12,600.00	\$ -	\$ 12,600.00	\$ 7,200.00
	Deciduous Shrubs	\$ 20,687.50	\$ 12,937.50	\$ -	\$ 12,937.50	\$ 7,750.00
	Wetland Buffer Plantings - Tree Whips (Incl. Shelter & Deer Guard)	\$ 10,083.50	\$ -	\$ -	\$ -	\$ 10,083.50
	Wetland Buffer Plantings - Decid. Shrubs	\$ 6,321.00	\$ -	\$ -	\$ -	\$ 6,321.00
	Wetland Buffer Plantings - Herbaceous	\$ 942.00	\$ -	\$ -	\$ -	\$ 942.00
	Mulch	\$ 2,875.00	\$ -	\$ -	\$ -	\$ 2,875.00
	Ernst Meadow Seeding	\$ 8,580.00	\$ -	\$ -	\$ -	\$ 8,580.00
	Subtotal	\$ 159,639.00	\$ 88,262.50	\$ -	\$ 88,262.50	\$ 71,376.50
11	Survey					
	Construction Stakeout	\$ 30,000.00	\$ 30,000.00	\$ -	\$ 30,000.00	\$ -
	Conc. Monuments	\$ 2,470.00	\$ -	\$ -	\$ -	\$ 2,470.00
	Iron Pins	\$ 400.00	\$ -	\$ -	\$ -	\$ 400.00
	SWM As-Built	\$ 3,500.00	\$ -	\$ -	\$ -	\$ 3,500.00
	Subtotal	\$ 36,370.00	\$ 30,000.00	\$ -	\$ 30,000.00	\$ 6,370.00

Site Work and Development Escrow Account

Douglas C. White - "Northridge"

Item No.	Description of Work	Scheduled value	Previous work	This period	Total completed	Balance to finish
	Total	\$ 1,485,300.00	\$ 1,300,428.70	\$ -	\$ 1,300,428.70	\$ 184,871.30
	Construction review / inspection	\$ 74,265.00	\$ 65,228.12	\$ -	\$ 65,228.12	\$ 9,036.88
	Contingency	\$ 155,957.00	\$ 120,281.86	\$ 13,169.51	\$ 133,451.37	\$ 22,505.63
	Grand Total	\$ 1,715,522.00	\$ 1,485,938.68	\$ 13,169.51	\$ 1,499,108.19	\$ 216,413.81
	TOTAL THIS REQUEST			\$ 13,169.51		

Builder / Developer

Date

The above items have been inspected and are hereby approved for the release of escrow in the above manner.



VanDemark & Lynch, Inc.



Date

East Marlborough Township

Date

ADDENDUM - APPENDIX D

County-wide Act 167 Stormwater Management

Model Ordinance

[Return to Agenda](#)

**COUNTY-WIDE
ACT 167
STORMWATER MANAGEMENT

MODEL ORDINANCE**

June 2, 2022

**EAST MARLBOROUGH TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**Approved by PA Department of Environmental Protection
Month Day, 2022**

**East Marlborough Township
STORMWATER MANAGEMENT
ORDINANCE**

ORDINANCE NO. _____ OF 2022

**EAST MARLBOROUGH TOWNSHIP CHESTER COUNTY,
PENNSYLVANIA**

Adopted at a Public Meeting held on

_____, 2022__

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County-wide Act 167 Model Ordinance

June 2, 2022

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ARTICLE I – GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known as the [*Municipality name*]'s Stormwater Management Ordinance.”

Section 102. Statement of Findings

The Governing Body of the Municipality finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from land disturbance and development throughout a watershed increases flooding, flows and velocities, contributes to erosion and sedimentation, overtaxes the capacity of streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces infiltration and groundwater recharge, increases nonpoint source pollution to waterways, and threatens public health and safety.
- B. Inadequate planning and management of stormwater runoff resulting from land disturbance and development throughout a watershed can harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds and stream banks, thereby elevating sedimentation), destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A comprehensive program of stormwater management, including minimization of impacts of New Development, Redevelopment, and other Earth Disturbance Activities causing accelerated runoff and erosion and loss of natural infiltration, is fundamental to the public health, safety, and general welfare of the people of the Municipality and all of the people of the Commonwealth, their resources, and the environment.
- D. Stormwater is an important water resource that provides infiltration and groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.

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- E. Impacts from stormwater runoff can be minimized by reducing the volume of stormwater generated and by using project designs that maintain the natural hydrologic regime and sustain high water quality, infiltration, stream baseflow, and aquatic ecosystems. Cost-effective and environmentally sensitive stormwater management can be achieved through the use of nonstructural Site design techniques that minimize Impervious Surfaces, reduce disturbance of land and natural resources, avoid sensitive areas (i.e., riparian buffers, floodplains, steep slopes, wetlands, etc.), and consider topography and soils to maintain the natural hydrologic regime.
- F. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- G. Federal and State regulations require the Municipality to implement a program of stormwater controls. The Municipality is required to obtain a permit and comply with its provisions for stormwater discharges from its Separate Storm Sewer System under the National Pollutant Discharge Elimination System (NPDES).
- H. Non-stormwater discharges to municipal or other storm sewer systems can contribute to pollution of the Waters of the Commonwealth.
- I. The use of green infrastructure, low impact development (LID), and Conservation Design (CD) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices, LID, and CD contribute to the restoration or maintenance of pre-development hydrology.

Section 103. Purpose

The purpose of this Ordinance is to protect public health, safety and general welfare, property, and water quality by implementing drainage and stormwater management practices, criteria, and provisions included herein for land development, construction, and Earth Disturbance Activities, to achieve the following throughout the Municipality:

- A. Reduce the frequency and magnitude of flooding and stormwater impacts affecting people, property, infrastructure, and public services.
- B. Sustain or improve the natural hydrologic characteristics and water quality of groundwater and surface waters.
- C. Protect natural resources, including riparian and aquatic living resources and habitats.
- D. Maintain the natural hydrologic regime of Land Development Sites and their receiving watersheds.

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- E. Minimize land disturbance and protect and incorporate natural hydrologic features, drainage patterns, infiltration, and flow conditions within land development Site designs.
- F. Reduce and minimize the volume of stormwater generated and manage and release stormwater as close to the source of runoff as possible.
- G. Provide infiltration and maintain natural groundwater recharge to protect groundwater supplies and stream baseflows, prevent degradation of surface water and groundwater quality, and to otherwise protect water resources.
- H. Reduce stormwater pollutant loads to protect and improve the chemical, physical, and biological quality of ground and surface waters.
- I. Reduce scour, erosion, and sedimentation of stream channels.
- J. Reduce flooding impacts and preserve and restore the natural flood-carrying capacity of streams and their floodplains.
- K. Protect adjacent and downgradient lands from adverse impacts of direct stormwater discharges.
- L. Minimize Impervious Surfaces and connected Impervious Surfaces to promote infiltration and reduce the volume and impacts of stormwater runoff.
- M. Provide proper long-term operation and maintenance of all permanent stormwater management facilities, BMPs and Conveyances that are implemented within the Municipality.
- N. Reduce the impacts of runoff from existing developed land undergoing Redevelopment while encouraging New Development and Redevelopment in urban areas and areas designated for growth.
- O. Implement an illicit discharge detection and elimination program that addresses non-stormwater discharges.
- P. Provide stormwater management performance standards and design criteria on a watershed basis.
- Q. Provide standards to meet certain NPDES stormwater permit requirements.
- R. Meet legal water quality requirements under State law, including regulations at 25 PA Code Chapter 93, to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.

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- S. Implement the requirements of Total Maximum Daily Load (TMDLs) where applicable to waters within or impacted by the Municipality.
- T. Provide review procedures and performance standards for stormwater planning and management.
- U. Fulfill the purpose and requirements of PA Act 167 (PA Act 167, Section 3):

“(1) Encourage planning and management of storm water runoff in each watershed which is consistent with sound water and land use practices.

(2) Authorize a comprehensive program of stormwater management designated to preserve and restore the flood carrying capacity of Commonwealth streams; to preserve to the maximum extent practicable natural storm water runoff regimes and natural course, current and cross-section of water of the Commonwealth; and to protect and conserve ground waters and ground-water recharge areas.

(3) Encourage local administration and management of storm water consistent with the Commonwealth's duty as trustee of natural resources and the people's constitutional right to the preservation of natural, economic, scenic, aesthetic, recreational and historic values of the environment.”

Section 104. Statutory Authority

The Municipality is empowered or required to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of:

- A. Act of October 4, 1978, P.L. 864 (Act 167) 32 P.S., Section 680.1 et seq., as amended, the “Storm Water Management Act” (hereinafter referred to as “the Act”);
- B. Second Class Township Code, 53 P.S. Sections 65101, et seq.;
- C. Act of July 31, 1968, P.L. 805, No. 247, 53 P.S. Section 10101, et seq., as amended, the Pennsylvania Municipalities Planning Code, Act 247 hereinafter referred to as the “MPC”).

Section 105. Applicability

- A. The following activities are regulated by this Ordinance:
 - 1. All Regulated Activities as defined in this Ordinance including, but not limited to, New Development, Redevelopment, and Earth Disturbance Activities that are located within the Municipality shall be subject to regulation by this Ordinance.

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2. When a building and/or grading permit is required for any Regulated Activity on an existing parcel or approved lot created by a subdivision and/or improved as a land development project, issuance of the permit shall be conditioned upon adherence to the terms of this Ordinance.
3. This Ordinance contains the stormwater management performance standards and design criteria that are necessary from a watershed-based perspective. The Municipality's stormwater management Conveyance and system design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal ordinance(s), applicable State regulations, or as included in Section 311 of this Ordinance.
4. Notwithstanding anything to the contrary contained herein, the provisions of Article VIII, titled "Prohibitions" shall apply to every person in the Township, whether or not they are engaged in a Regulated Activity.

B. Duty of Persons Engaged in a Regulated Activity

Notwithstanding any provision(s) of this Ordinance, including exemptions, any Landowner or any person engaged in a Regulated Activity, including but not limited to the alteration or development of land, which may affect stormwater runoff characteristics, shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality of Waters of the Commonwealth.

C. Phased and Incremental Project Requirements

1. Any Regulated Activity (including but not limited to New Development, Redevelopment, or Earth Disturbance) that is to take place incrementally or in phases, or occurs in sequential projects on the same parcel or property, shall be subject to regulation by this Ordinance if the Regulated Impervious Surface or Earth Disturbance exceeds the corresponding threshold for exemption (as presented in Table 106.1 "Thresholds for Regulated Activities that are Exempt from the Provisions of this Ordinance as Listed Below").
2. The date of adoption of this Ordinance shall be the starting point from which to consider tracts as parent tracts relative to future subdivisions, and from which Impervious Surface and Earth Disturbance computations shall be cumulatively considered.

For example:

If, after adoption of this Ordinance, an Applicant proposes construction of a four hundred fifty (450) square foot addition, that project would be exempt from the requirements of this Ordinance as noted in Table 106.1. If, at a later date, an Applicant proposes to construct a nine hundred (900) square foot garage on the same property, the Applicant would then be required to implement the stormwater management and plan submission requirements of this Ordinance for the cumulative total of one three hundred fifty (1,350) square feet of additional Impervious Surface added to the property since adoption of this Ordinance.

Section 106. Exemptions and Modified Requirements

A. Requirements for Exempt Activities

1. An exemption from any requirement of this Ordinance shall not relieve the Applicant from implementing all other applicable requirements of this Ordinance or from implementing such measures as are necessary to protect public health, safety, and welfare, property, and water quality.
2. An exemption shall not relieve the Applicant from complying with the requirements for State-designated special protection waters designated by PADEP as high quality (HQ) or exceptional value (EV) waters, or any other current or future State or municipal water quality protection requirements.
3. An exemption under this Ordinance shall not relieve the Applicant from complying with all other applicable municipal ordinances or regulations.

B. General Exemptions

Regulated Activities that:

1. Involve both less than five hundred (500) square feet of Regulated Impervious Surfaces AND less than two thousand seven hundred (2,700) square feet of Earth Disturbance; or
2. Are listed in Subsection 106.C,

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are exempt from those (and only those) requirements of this Ordinance that are included in the sections and articles listed in Table 106.1. Exemptions are for the items noted in Table 106.1 only and shall not relieve the Landowner from other applicable requirements of this Ordinance. Exemption shall not relieve the Applicant from implementing such measures as are necessary to protect health, safety, and welfare, property, and water quality.

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TABLE 106.1

Thresholds for Regulated Activities that are Exempt from the Provisions of this Ordinance as Listed Below (see Notes below)

Ordinance Article/Section	Activities Listed in Subsection 106.C.	< 500 sq. ft. of Regulated Impervious Surfaces AND <2,700sq. ft. of Proposed Earth Disturbance	≥ 500 sq. ft. of Regulated Impervious Surfaces OR ≥ 2,700 sq. ft. of Proposed Earth Disturbance
Article I	Not Exempt	Not Exempt	Not Exempt
Article II	Not Exempt	Not Exempt	Not Exempt
Sections 302, and 303, 311	Not Exempt	Not Exempt	Not Exempt
Sections 301, 304, 305, 306, 307, 308, 309, and 310	Exempt	Exempt	Not Exempt
Article IV	Exempt	Exempt	Not Exempt
Article V	Exempt	Exempt	Not Exempt
Article VI	Exempt	Exempt	Not Exempt
Article VII	Exempt	Exempt	Not Exempt
Article VIII	Not Exempt	Not Exempt	Not Exempt
Article IX	Not Exempt	Not Exempt	Not Exempt
Other Erosion, Sediment and Pollution Control Requirements	Must comply with Title 25, Chapter 102 of the PA Code and other applicable State and municipal codes, including the Clean Streams Law.		

Table 106.1 Notes:

- Specific activities listed in Subsection 106.C are exempt from the indicated requirements, regardless of size.
- A proposed Regulated Activity must be less than BOTH the Regulated Impervious Surfaces and proposed Earth Disturbance thresholds to be eligible for exemption from the requirements listed in this table.
- “Regulated Impervious Surface” - as defined in this Ordinance.
- “Exempt” – Regulated Activities are exempt from the requirements of listed section(s) only; all other provisions of this Ordinance apply. These exemptions have no bearing on other municipal regulations or ordinances.

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C. Exemptions for Specific Activities

The following specific Regulated Activities are exempt from the requirements of Sections 301, 304, 305, 306, 307, 308, 309, and 310, and Article IV, Article V, Article VI, and Article VII) of this Ordinance (as shown in Table 106.1), unless otherwise noted below. All other conveyance and system design standards established by the Municipality in other codes or ordinances shall be required, and all other provisions of this Ordinance shall apply.

1. Emergency Exemption - Emergency maintenance work performed for the protection of public health, safety, and welfare. This exemption is limited to repair of the existing Stormwater Management Facility; upgrades, additions or other improvements are not exempt. A written description of the scope and extent of any emergency work performed shall be submitted to the Municipality within two (2) calendar days of the commencement of the activity. A detailed plan shall be submitted no later than thirty (30) days following commencement of the activity. If the Municipality finds that the work is not an emergency, then the work shall cease immediately, and the requirements of this Ordinance shall be addressed as applicable.
2. Maintenance - Any maintenance to an existing Stormwater Management Facility, BMP or Conveyance made in accordance with plans and specifications approved by the Municipal Engineer or Municipality.
3. Existing Landscaping - Use of land for maintenance, replacement, or enhancement of existing landscaping.
4. Gardening - Use of land for gardening for home consumption.
5. Agricultural Related Activities –
 - a. Agricultural Activities (as defined in Article II), when performed in accordance with the requirements of 25 PA Code Chapter 102.
 - b. Conservation Practices (as defined in Article II) that do not involve construction of any new or expanded Impervious Surfaces.
 - c. High Tunnel if:
 - i. The High Tunnel or its flooring does not result in an impervious surface exceeding 25% of all structures located on the Landowner's total contiguous land area; and
 - ii. The High Tunnel meets one of the following:
 1. The High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road, or neighboring property line.

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2. The High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%.
3. The High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of Pennsylvania Act 167.
6. Forest Management - Forest management operations, which are consistent with a sound forest management plan as filed with the Municipality and which comply with the Pennsylvania Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" (as amended or replaced by subsequent guidance). Such operations are required to have an Erosion and Sedimentation Control Plan, which meets the requirements of 25 PA Code Chapter 102 and meets the erosion and sediment control standards of Section 303 of this Ordinance.
7. Maintenance of Existing Gravel and Paved Surfaces - Replacement of existing gravel and paved surfaces shall meet the erosion and sediment control requirements of 25 PA Code Chapter 102 and Section 303 of this Ordinance and is exempt from all other requirements of this Ordinance listed in Subsection 106.C above. Resurfacing of existing gravel and paved surfaces is exempt from the requirements of this Ordinance listed above. Paving of existing gravel surfaces is exempt from the requirements of this Ordinance listed above. Construction of new or additional Impervious Surfaces shall comply with all requirements of this Ordinance as indicated in Table 106.1.
8. Municipal Roadway Shoulder Improvements - Shoulder improvements conducted within the existing roadway cross-section of municipal owned roadways, unless an-NPDES permit is required, in which case the proposed work must comply with all requirements of this Ordinance.
9. In-Place Replacement of Residential Dwelling Unit - The replacement in the exact footprint of an existing one- or two-family dwelling unit.
10. In-Place Replacement, Repair, or Maintenance of Residential Impervious Surfaces - The replacement of existing residential patios, decks, driveways, pools, garages, and/or sidewalks that are accessory to an existing one- or two-family dwelling unit in the exact footprint of the existing Impervious Surface.

D. Modified Requirements for Small Projects

Regulated Activities that involve between 500 square feet and 1,000 square feet of *Regulated* Impervious Surfaces, and between 2,700 square feet and 10,000 square feet of

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proposed Earth Disturbance may apply the modified requirements presented in the “Simplified Approach to Stormwater Management for Small Projects” (Simplified Approach) (Appendix A) to comply with the requirements of Sections 301, 304, 305, 306, 307, 308, 309, and 310, and Article IV, Article V, Article VI and Article VII of this Ordinance (as shown in Table 106.2). The Applicant shall first contact the Municipal Engineer: to confirm that the proposed project is eligible for use of the Simplified Approach and is not otherwise exempt from these Ordinance provisions; to determine what components of the proposed project are to be considered as Impervious Surfaces; and to determine if other known Site or local conditions exist that may preclude the use of any techniques included in the Simplified Approach. Appendix A includes instructions and procedures for preparation, submittal, review, and approval of documents required when using the Simplified Approach and shall be adhered to by the Applicant. Infiltration testing for projects using the Simplified Approach is recommended but is not required by this Ordinance. All other provisions of this Ordinance shall apply.”

TABLE 106.2
Thresholds for Regulated Activities that are Eligible for “Modified” Requirements
for the Provisions of this Ordinance that are Listed Below

Ordinance Article/Section	Activities Listed in Subsection 106.D
Article I	All Provisions Apply
Article II	All Provisions Apply
Sections 302, and 303, 311	All Provisions Apply
Sections 301, 304, 305, 306, 307, 308, 309, and 310	Exempt if Modified Requirements of 106.D are Applied
Article IV	Exempt if Modified Requirements of 106.D are Applied
Article V	Exempt if Modified Requirements of 106.D are Applied
Article VI	Exempt if Modified Requirements of 106.D are Applied
Article VII	Exempt if Modified Requirements of 106.D are Applied
Article VIII	All Provisions Apply
Article IX	All Provisions Apply
Other Erosion, Sediment and Pollution Control Requirements	Must comply with Title 25, Chapter 102 of the PA Code and other applicable State and municipal codes, including the Clean Streams Law.

Table 106.2 Notes:

- “Modified Requirements” – Regulated Activities listed within the Subsections of this Ordinance noted in Table 106.2 are eligible for exemption only from the indicated sections and subsections of this Ordinance and only if the modified requirements of Section 106.D are met to the satisfaction of the Municipality; all other provisions of this Ordinance apply.

Section 107. Repealer

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Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency only.

Section 108. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared the intent of the Governing Body of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not been included herein.

Section 109. Compatibility with Other Ordinances or Legal Requirements

- A. Approvals issued and actions taken pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure and comply with other required permits or approvals for activities regulated by any other applicable code, rule, act, law, regulation, or ordinance.
- B. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management than any other code, rule, act, law, regulation or ordinance, the specific requirements contained in this Ordinance shall take precedence.
- C. Nothing in this Ordinance shall be construed to affect any of the Municipality's requirements regarding stormwater matters that do not conflict with the provisions of this Ordinance, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). The requirements of this Ordinance shall supersede any conflicting requirements in other municipal ordinances or regulations.

Section 110. Financial Security

For all activities requiring submittal of a Stormwater Management (SWM) Site Plan that involve subdivision or land development, the Applicant shall post financial security to the Municipality for the timely installation and proper construction of all stormwater management facilities as required by the approved SWM Site Plan and this Ordinance, and such financial security shall:

- A. Be equal to or greater than the full construction cost of the required facilities except to the extent that financial security for the cost of any of such improvements is required to be and is posted with the Pennsylvania Department of Transportation in connection with a highway occupancy permit application;

AND

- B. Be determined, collected, applied, and enforced in accordance with Sections 509-511 of the MPC and the provisions of the Municipality's Subdivision and Land Development Ordinance (SALDO).

Section 111. Waivers

A. General

The requirements of this Ordinance are essential and shall be strictly adhered to. For any Regulated Activity where, after a close evaluation of alternative Site designs, it proves to be impracticable to meet any one or more of the mandatory minimum standards of this Ordinance on the Site, the Municipality may approve measures other than those in this Ordinance, subject to Subsections 111.B and 111.C.

- B. The Governing Body shall have the authority to waive or modify the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. Cost or financial burden shall not be considered a hardship. Modification may also be considered if an alternative standard or approach can be demonstrated to provide equal or better achievement of the results intended by the Ordinance. A request for modification shall be in writing and accompany the SWM Site Plan submission. The request shall state in full the grounds and facts on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

C. PADEP Approval Required

No waiver or modification of any regulated stormwater activity involving Earth Disturbance greater than or equal to one (1) acre may be granted by the Municipality unless that action is approved in advance by PADEP or the Chester County Conservation District.

Section 112. Erroneous Permit

Any permit or authorization issued or approved based on false, misleading, or erroneous information provided by an Applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Municipality purporting to validate such a violation.

ARTICLE II – DEFINITIONS

Section 201. Interpretation

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any section prescribing or imposing a penalty, the term “person” shall include the members of a partnership, the officers, members, servants and agents of an association, officers, agents and servants of a corporation, and the officers of a municipality.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used” or “occupied” include the words “intended, designed, maintained, or arranged to be used, occupied, or maintained.”
- F. The definitions in this Ordinance are for the purposes of enforcing the provisions of this Ordinance and have no bearing on other municipal regulations or ordinances.

Section 202. Definitions

Agricultural Activity – Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including tillage, plowing, disking, harrowing, planting, or harvesting crops; or pasturing and raising of livestock; and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.

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Applicant – A Landowner, developer, or other person who has filed an application to the Municipality for approval to engage in any Regulated Activity as defined in this Ordinance.

As-Built Plans (Drawings) – Engineering or Site plans or drawings that document the actual locations, dimensions, and elevations of the improvements, and building components, and changes made to the original design plans. The final version of these documents, or a copy of same, are signed and sealed by a qualified Licensed Professional and submitted to the Municipality at the completion of the project, as per the requirements of Section 502 of this Ordinance as “final As-Built Plans”.

Bankfull – The channel at the top-of-bank or point from where water begins to overflow onto a floodplain.

Baseflow – Portion of stream discharge derived from groundwater; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

BMP (Best Management Practice) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Activities, to provide water quality treatment, infiltration, volume reduction, and/or peak rate control, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one (1) of two (2) broad categories or measures: “structural” or “nonstructural.” In this Ordinance, nonstructural BMPs or measures include certain low impact development and conservation design practices used to minimize the contact of pollutants with stormwater runoff. These practices aim to limit the total volume of stormwater runoff and manage stormwater at its source by techniques such as protecting natural systems and incorporating existing landscape features. Nonstructural BMPs include, but are not limited to, the protection of sensitive and special value features such as wetlands and riparian areas, the preservation of open space while clustering and concentrating development, the reduction of impervious cover, and the disconnection of rooftops from storm sewers. Structural BMPs are those that consist of a physical system that is designed and engineered to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, bioretention, wet ponds, permeable paving, grassed swales, riparian buffer, sand filters, detention basins, and manufactured devices. Structural and nonstructural stormwater BMPs are permanent appurtenances to the Site. [See also Stormwater Management Facility and Stormwater Control Measure (SCM)].

Buffer – See Riparian Buffer.

Carbonate Geology (or carbonate rock formations) – See Karst.

CFS – Cubic Feet per Second.

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Channel – A natural or artificial open drainage feature that conveys, continuously or periodically, flowing water and through which stormwater flows. Channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

CN – Curve number.

Commonwealth – Commonwealth of Pennsylvania.

Conservation District – The Chester County Conservation District.

Conservation Design - A series of holistic land development design goals that maximize protection of key land and environmental resources, preserve significant concentrations of open space and greenways, evaluate, and maintain site hydrology, and ensure flexibility in development design to meet community needs for complimentary and aesthetically pleasing development. Conservation design encompasses the following objectives: conservation/enhancement of natural resources, wildlife habitat, biodiversity corridors, and greenways (interconnected open space); minimization of environmental impact resulting from a change in land use (minimum disturbance, minimum maintenance); maintenance of a balanced water budget by making use of site characteristics and infiltration; incorporation of unique natural, scenic and historic site features into the configuration of the development; preservation of the integral characteristics of the site as viewed from adjoining roads; and reduction in maintenance required for stormwater management practices. Such objectives can be met on a site through an integrated development process that respects natural site conditions and attempts, to the maximum extent possible, to replicate or improve the natural hydrology of a site.

Conservation Plan – A plan written by a planner certified by NRCS that identifies Conservation Practices and includes site specific BMPs for agricultural plowing or tilling activities and animal heavy use areas.

Conservation Practices – Practices installed on agricultural lands to improve farmland, soil and/or water quality which have been identified in a current Conservation Plan.

Conveyance – A natural or manmade, existing, or proposed Stormwater Management Facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, Conveyance shall include pipes, drainage ditches, channels, and swales (vegetated and other), gutters, stream channels, and like facilities or features.

Design Storm – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five (5)-year storm) and duration (e.g., twenty-four (24) hours), used in the design and evaluation of stormwater management systems. Also see Return Period.

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Detention (or To Detain) – Capture and temporary storage of runoff in a Stormwater Management Facility for release at a controlled rate.

Detention Basin – An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event.

Detention Volume - The volume of runoff that is captured and released into the Waters of the Commonwealth at a controlled rate.

Developer – A person, company, or organization who seeks to undertake any Regulated Activities at a Site in the Municipality.

Diameter at Breast Height (DBH) – The outside bark diameter of a tree at breast height which is defined as four and one half (4.5) feet (one and thirty-seven one-hundredths of a meter (1.37 m)) above the forest floor on the uphill side of the tree.

Disturbed Area – Land area disturbed by or where an Earth Disturbance Activity is occurring or has occurred.

Drainage Area - That land area contributing runoff to a single point (including but not limited to the point/line of interest used for hydrologic and hydraulic calculations) and that is enclosed by a natural or man-made ridge line.

Earth Disturbance (or Earth Disturbance Activity) – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing; grading; excavations; embankments; road maintenance; land development; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Easement – A right of use granted by a Landowner to allow a grantee the use of the designated portion of land for a specified purpose, such as for stormwater management or other drainage purposes.

Erosion – The process by which the surface of the land, including water/stream channels, is worn away by water, wind, or chemical action.

Erosion and Sediment (E&S) Control Plan – A plan required by the Conservation District or the Municipality to minimize accelerated erosion and sedimentation, and that must be prepared and approved per the applicable requirements.

Evapotranspiration (ET) – The combined processes of evaporation from the water or soil surface and transpiration of water by plants.

FEMA – Federal Emergency Management Agency.

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Flood – A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

Floodplain - Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a Special Flood Hazard Area.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one hundred (100)-year flood (also called the base flood or one percent (1%) annual chance flood). Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the centerline of the stream and to fifty (50) feet beyond the top of the bank of the stream on both sides.

Forest Management/Timber Operations – Planning and activities necessary for the management of forest lands. These include timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, Site preparation, and reforestation.

Freeboard – A vertical distance between the design high-water elevation and the elevation of the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

Geotextile – A fabric manufactured from synthetic fiber that is used to achieve specific objectives, including infiltration, separation between different types of media (i.e., between soil and stone), or filtration.

Governing Body - the *Board of Supervisors of East Marlborough Township*.

Grade/Grading – 1. (noun) A slope, usually of a road, channel, or natural ground, specified in percent and shown on plans as specified herein. 2. (verb) To finish the surface of a roadbed, the top of an embankment, or the bottom of an excavation.

Green Infrastructure – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

Groundwater – Water that occurs in the subsurface and fills or saturates the porous openings, fractures and fissures of under-ground soils and rock units.

Groundwater Recharge – The replenishment of existing natural groundwater supplies from infiltration of rain or overland flow.

HEC-1 – The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) hydrologic runoff model.

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HEC-HMS – The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS).

High Tunnel - A structure which meets the following:

1. is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the “Pennsylvania Farmland and Forest Land Assessment Act of 1974,” or for the storage of agricultural equipment or supplies; and
2. is constructed with all the following:
 - a. has a metal, wood, or plastic frame;
 - b. when covered, has a plastic, woven textile, or other flexible covering; and
 - c. has a floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.

Hotspots – Areas where prior or existing land use or activities can potentially generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Regime – The hydrologic system, cycle or balance that sustains the quality and quantity of stormwater, stream baseflow, storage, and groundwater supplies under natural conditions.

Hydrologic Soil Group (HSG) – A classification of soils by the Natural Resources Conservation Service (NRCS), into four (4) runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Impervious Surface - A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with this Ordinance, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Uncompacted gravel areas with no vehicular traffic, such as gardens, walkways, or patios areas, shall be considered pervious per review by the Municipal Engineer. Surfaces that were designed to allow infiltration (i.e., pavers and areas of porous pavement) are not to be considered impervious surface if designed to function as a BMP per review by the Municipal Engineer. Additionally, for the purposes of determining compliance with this Ordinance, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, and arrays, shall be considered pervious so long as the designs note that natural vegetative cover will be preserved

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and/or restored underneath the solar photovoltaic cells, panels, and arrays, and the area disturbed is planned as a vegetated pervious surface.

Infiltration – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

Infiltration Facility – A stormwater BMP designed to collect and discharge runoff into the subsurface in a manner that allows infiltration into underlying soils and groundwater (e.g., French drains, seepage pits, or seepage trenches, etc.).

Intermittent Stream – A defined channel in which surface water is absent during a portion of the year, in response to seasonal variations in precipitation or groundwater discharge.

Invert – The lowest surface, the floor or bottom of a culvert, pipe, drain, sewer, channel, basin, BMP, or orifice.

Karst – A type of topography that is formed over limestone or other carbonate rock formations by dissolving or solution of the rock by water, and that is characterized by closed depressions, sinkholes, caves, a subsurface network of solution conduits and fissures through which groundwater moves, and no perennial surface drainage features.

Land Development – Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. A subdivision of land;
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code (as amended).

Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if they are authorized under the lease to exercise the rights of the Landowner, or other person having a proprietary interest in the land.

Licensed Professional – A Pennsylvania Registered Professional Engineer, Registered Landscape Architect, Registered Professional Land Surveyor, or Registered Professional Geologist, or any person licensed by the Pennsylvania Department of State or qualified by law to perform the work required by the Ordinance within the Commonwealth of Pennsylvania.

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Limiting Zone – A soil horizon or condition in the soil profile or underlying strata that includes one of the following:

- A. A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by other subsurface or soil conditions.
- B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- C. A rock formation, other stratum, or soil condition that is so slowly permeable that it effectively limits downward passage of water.

Low Impact Development (LID) - Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, provide evapotranspiration and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

MPC - Act of July 31, 1968, P.L. 805, No. 247, 53 P.S. Section 10101, et seq., as amended, the Pennsylvania Municipalities Planning Code, Act 247.

MFEMP – Mushroom Farm Environmental Management Plan.

MS4 - Municipal Separate Storm Sewer System.

Maintenance - The action taken to restore or preserve the as-built functional design of any Stormwater Management Facility or system.

Municipal Engineer – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a Municipality, planning agency, or joint planning commission.

Municipality – East Marlborough Township, Chester County, Pennsylvania.

New Development – Any Regulated Activity involving placement or construction of new Impervious Surface or grading over existing pervious land areas not classified as Redevelopment as defined in this Ordinance.

NOAA - National Oceanic and Atmospheric Administration.

Nonpoint Source Pollution – Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete Conveyances.

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Nonstormwater Discharges – Water flowing in stormwater collection facilities, such as pipes or swales, which is not the result of a rainfall event or snowmelt.

Nonstructural Best Management Practice (BMPs) – See Best Management Practice (BMP).

NPDES – National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NRCS – Natural Resource Conservation Service (previously Soil Conservation Service, SCS), an agency of the U.S. Department of Agriculture.

PADEP – Pennsylvania Department of Environmental Protection.

Parent Tract – The parcel of land from which a land development or subdivision originates, determined from the date of municipal adoption of this Ordinance.

Peak Discharge – The maximum rate of stormwater runoff from a specific storm event.

PennDOT – Pennsylvania Department of Transportation.

Pennsylvania Stormwater Best Management Practices Manual (PA BMP Manual) - Document Number 363-0300-002 (December 2006, and as subsequently amended).

Pervious Surface (or Pervious Area) – Any area not defined as Impervious Surface.

Planning Commission – The Planning Commission of [East Marlborough Township

Point Source – Any discernible, confined, and discrete Conveyance including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pennsylvania Code § 92.1.

Post-construction – Period after construction during which Disturbed Areas are stabilized, stormwater controls are in place and functioning, and all proposed improvements approved by the Municipality are completed.

Predevelopment –Ground cover conditions assumed to exist within the proposed Disturbed Area prior to commencement of the Regulated Activity for the purpose of calculating the Predevelopment water quality volume, infiltration volume, and peak flow rates as required in this Ordinance.

Pretreatment – Techniques employed in stormwater BMPs to provide storage or filtering, or other methods to trap or remove coarse materials and other pollutants before they enter the stormwater system but may not necessarily be designed to meet the entire water quality volume requirements of this Ordinance.

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Proposed Impervious Surface - All new, additional and replacement Impervious Surfaces.

Rainfall Intensity - The depth of accumulated rainfall per unit of time.

Recharge – The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

Redevelopment - Any Regulated Activity that involves demolition, removal, reconstruction, or replacement of existing Impervious Surface(s).

Regulated Activity - Any Earth Disturbance Activity(ies) or any activity that involves the alteration or development of land in a manner that may affect stormwater runoff.

Regulated Earth Disturbance Activity – Any activity involving Earth Disturbance subject to regulation under 25 Pennsylvania Code Chapter 92.a, Chapter 102, or the Clean Streams Law.

Regulated Impervious Surface - Proposed impervious surface as part of a current proposed activity and all existing impervious surfaces installed after December 2, 2013 as part of previous activity.

Retention or To Retain – The prevention of direct discharge of stormwater runoff into surface waters or water bodies during or after a storm event by permanent containment in a pond or depression; examples include systems which discharge by percolation to groundwater, exfiltration, and/or evaporation processes and which generally have residence times of less than three (3) days.

Retention Basin – An impoundment that is designed to temporarily detain a certain amount of stormwater from a catchment area and which may be designed to permanently retain stormwater runoff from the catchment area; retention basins always contain water.

Retention Volume/Removed Runoff – The volume of runoff that is captured and not released directly into the surface Waters of the Commonwealth during or after a storm event.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one (1) time. For example, the twenty-five (25)-year return period rainfall would be expected to occur on average once every twenty-five (25) years; or stated in another way, the probability of a twenty-five (25)-year storm occurring in any one (1) year is four-one hundredths (0.04) (i.e., a four (4)% chance).

Riparian – Pertaining to anything connected with or immediately adjacent to the banks of a stream or other body of water.

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Riparian Buffer – An area of land adjacent to a body of water and managed to maintain vegetation to protect the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other aquatic species and wildlife.

Runoff – Any part of precipitation that flows over the land surface.

SALDO – See Subdivision and Land Development Ordinance.

SCS – Soil Conservation Service, now known as the Natural Resources Conservation Service.

Sediment – Soil or other materials transported by, suspended in, or deposited by surface water as a product of erosion.

Separate Storm Sewer System – A Conveyance or system of Conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

Sheet Flow – A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

Site – Total area of land in the Municipality where any proposed Regulated Activity, as defined in this Ordinance, is planned, conducted, or maintained or that is otherwise impacted by the Regulated Activity.

Soil Cover Complex Method – A method of runoff computation developed by NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve number (CN).

State Water Quality Requirements – The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.

Storm Frequency – (see Return Period).

Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Control Measure - Physical features used to effectively control, minimize, and treat stormwater runoff. [See Best Management Practice (BMP)].

Stormwater Management Facility – Any feature, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity, including Best Management Practices and Stormwater Control

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Measures. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and Infiltration Facilities.

Stormwater Management (SWM) Site Plan – The plan prepared by the Applicant or its representative, in accordance with the requirements of Article IV of this Ordinance, indicating how stormwater runoff will be managed at a particular Site in accordance with this Ordinance, and including all necessary design drawings, calculations, supporting text, and documentation to demonstrate that Ordinance requirements have been met, herein referred to as “SWM Site Plan.” All references in this Ordinance to “final” or “approved” SWM Site Plans shall incorporate the approved SWM Site Plan and all subsequent approved revisions thereto.

Stream – A natural watercourse.

Structural Best Management Practices - See BMP (Best Management Practices).

Subdivision - The division or re-division of a lot, tract, or parcel of land as defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247 (as amended).

Subdivision and Land Development Ordinance – Subdivision and Land Development ordinance of **East Marlborough Township**, Chester County, PA, as amended.

Swale – An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff, and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

SWM Site Plan – See Stormwater Management Site Plan.

Timber Operations – See Forest Management.

Top-of-bank – Highest point of elevation of the bank of a stream or channel cross-section at which a rising water level just begins to flow out of the channel and into the floodplain.

USDA – United States Department of Agriculture.

Watercourse – A channel or Conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Table – The upper most level of saturation of pore space or fractures by groundwater. Seasonal high-water table refers to a water table that rises and falls with the seasons due either to natural or man-made causes.

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Waters of the Commonwealth – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of Conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

Watershed – Region or area drained by a river, watercourse, or other body of water, whether natural or artificial.

Wetland – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas.

Woods - Any land area of at least one-quarter (0.25) acre with a natural or naturalized ground cover (excluding manicured turf grass) and that has an average density of two (2) or more viable trees per one thousand five hundred (1,500) square feet with a DBH of six (6) inches or greater *and where such trees existed at any time within three (3) years of the time of land development application submission of the proposed project.* The land area to be considered Woods shall be measured from the outer drip lines of the outer trees.

ARTICLE III – STORMWATER MANAGEMENT STANDARDS

Section 301. General Requirements

- A. Applicants proposing Regulated Activities in the Municipality which are not exempt under Section 106 shall submit a Stormwater Management Site Plan (SWM Site Plan) to the Municipality for review and approval in accordance with Articles III and IV. SWM Site Plans approved by the Municipality shall be on Site throughout the duration of the Regulated Activity.
- B. The stormwater management and runoff control criteria and standards in this Ordinance shall apply to the total proposed Regulated Activity, even if it is to take place in stages. The measurement of Impervious Surfaces shall include all of the Impervious Surfaces in the total proposed Regulated Activity even if the development is to take place in stages.
- C. No Regulated Activity within the Municipality shall commence until:
 - 1. The Municipality issues approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance; and
 - 2. The Applicant has received a letter of adequacy or approval for the Erosion and Sediment Control Plan review by the Municipality and the Conservation District (if required), and has received all other local, State and Federal permit approvals required for the project involving the Regulated Activity.
- D. Neither submission of a SWM Site Plan under the provisions herein nor compliance with the provisions of this Ordinance shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.
- E. The Applicant shall design the Site to minimize disturbances to land, Site hydrology, and natural resources, and to maintain the natural hydrologic regime, drainage patterns and flow conditions. The Applicant shall apply the procedures set forth in Section 304 for the overall Site design and for selection, location, and design of features and BMPs to be used to comply with the requirements of this Ordinance.
- F. To the maximum extent practicable, Post-construction stormwater shall be discharged within the drainage area of the same stream or water body receiving the runoff prior to construction of the proposed Regulated Activity.
- G. Existing drainage peak rate discharges up to and including the one hundred (100)-year storm and the volume of runoff up to and including the two (2)-year storm onto or through adjacent property(ies) or downgradient property(ies), including diffuse drainage discharge, shall not be altered in any manner by Regulated Activities under this Ordinance without written permission from, and, where applicable as determined

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by the Municipality, an easement and agreement with the affected Landowner(s) for conveyance of discharges onto or through their property(ies). Altered stormwater discharges shall be subject to any applicable discharge criteria specified in this Ordinance.

- H. Areas located outside of the Site (i.e., areas outside of the Regulated Activity) that drain through a proposed Site are not subject to water quality and volume control, infiltration, stream channel protection, or peak flow rate control requirements (as presented in Sections 305, 306, 307, and 308). Drainage facilities located on the Site shall be designed to safely convey flows from outside of the Site through the Site.
- I. If Site conditions preclude capture of runoff from limited portions of the Disturbed Area for achieving water quality volume control standards, stream channel protection standards, and the peak runoff rate reduction standards for New Development required by this Ordinance, the Applicant shall propose alternate methods to mitigate the bypass of the BMPs, subject to the approval of the Municipal Engineer. In no case shall resulting peak rate be greater than the Pre-development peak rate for the equivalent design storm.
- J. For all Regulated Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Activities (i.e., during construction) as required to meet the purposes and requirements of this Ordinance, to meet the erosion and sediment control requirements of the Municipality, if applicable, and to meet all requirements under Title 25 of the PA Code and the Clean Streams Law.
- K. For all Regulated Activities, permanent BMPs and Conveyances shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- L. The design of all BMPs and Conveyances shall incorporate sound engineering principles and practices in a manner that does not aggravate existing stormwater problems as identified by the Municipality. The Municipality reserves the right to disapprove any design that would result in construction in an area affected by existing stormwater problem(s) or continuation of an existing stormwater problem(s).
- M. Existing wetlands, either on the Site or on an adjacent property, shall not be used to meet the minimum design requirements for stormwater management or stormwater runoff quality treatment. Stormwater discharges to existing wetlands shall not degrade the quality or hydrologic integrity of the wetland.

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N. Hotspots Runoff Controls –

Specific structural or pollution prevention practices may be required, as determined to be necessary by the Municipal Engineer, to pretreat runoff from Hotspots prior to infiltration. Following is a list of examples of Hotspots:

1. Vehicle salvage yards and recycling facilities;
2. Vehicle fueling stations;
3. Vehicle service and maintenance facilities;
4. Vehicle and equipment cleaning facilities;
5. Fleet storage areas (bus, truck, etc.);
6. Industrial sites based on Standard Industrial Classification Codes;
7. Marinas (service and maintenance areas);
8. Outdoor liquid container storage;
9. Outdoor loading/unloading facilities;
10. Public works storage areas;
11. Facilities that generate or store hazardous materials;
12. Commercial container nursery;
13. Contaminated sites/brownfields;
14. Other land uses and activities as designated by the Municipality.

O. Contaminated and Brownfield Sites -

Where BMPs may contribute to the migration of contaminants in groundwater, the water quality and runoff volume, stream channel protection, and peak rate control standards shall be met; however, at the Municipal Engineer's discretion, the minimum infiltration requirement may be reduced or eliminated commensurate with the contaminated area and the required water quality and runoff control measures may be increased to mitigate the reduced infiltration requirement for the contaminated area.

P. Additional Water Quality Requirements -

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The Municipality may require additional stormwater control measures for stormwater discharges to special management areas including, but not limited to:

1. Water bodies listed as “impaired” by PADEP.
2. Any water body or watershed with an approved Total Maximum Daily Load (TMDL).
3. Areas of known existing flooding problems.
4. Critical areas with sensitive resources (e.g., State designated special protection waters, cold water fisheries, carbonate geology or other groundwater recharge areas that may be highly vulnerable to contamination, drainage areas to water supply reservoirs, etc.).

- Q. Applicants shall utilize the *Pennsylvania Stormwater Best Management Practices Manual* (PA BMP Manual), as amended, or other sources acceptable to the Municipal Engineer, for testing and design standards for BMPs, and where there is a conflict with the provisions of this Ordinance, the most restrictive applies.
- R. For areas underlain by karst or carbonate geology that may be susceptible to the formation of sinkholes and other karst features, the location, type, and design of infiltration BMPs shall be based on a Site evaluation conducted by a qualified Licensed Professional and based on the PA BMP Manual (as amended) or other design guidance acceptable to the Municipal Engineer.
- S. All Regulated Activities located within a Special Flood Hazard Area designated by the Federal Emergency Management Agency (FEMA) shall comply with Article XIII of the Zoning Ordinance, and shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream. The natural conveyance characteristics of the Site and the receiving floodplain shall be incorporated into the stormwater management practices proposed for the Site.
- T. Disturbance of existing ground cover during construction of the proposed Regulated Activity is prohibited within fifty (50) feet of top-of-bank of all perennial and intermittent waterways, water bodies (lakes, ponds, etc.) and wetlands, except for activities otherwise approved by State or local agencies (e.g., stream restoration projects, road crossings, subsurface utility projects, etc.). At the Municipal Engineer’s discretion, and with Conservation District and PADEP approval where necessary, the non-disturbance buffer may be reduced because of setback or other Site constraints, but never be less than ten (10) feet.

Section 302. Permit Requirements by Other Governmental Entities

The following permit or other regulatory requirements may apply to certain Regulated Activities and shall be met prior to (or as a condition of) final approval by the Municipality of the SWM Site Plan and prior to commencement of any Regulated Activities, as applicable:

- A. All Regulated Activities subject to permit or regulatory requirements by PADEP under regulations at Title 25 Pennsylvania Code Chapter 102, or erosion and sediment control requirements of the Municipality.
- B. Work within natural drainage ways subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.
- C. Any BMP or Conveyance that would be located in or adjacent to surface Waters of the Commonwealth, including wetlands, subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.
- D. Any BMP or Conveyance that would be located on or discharge to a State highway right-of-way or require access to or from a State highway and be subject to approval by PennDOT.
- E. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.

Section 303. Erosion and Sediment Control

- A. No Regulated Activity within the Municipality shall commence until:
 - 1. The Municipality receives documentation that the Applicant has received:
 - a. A “letter of adequacy” from the Conservation District or other approval from PADEP in compliance with Title 25 Chapter 102 of the Pennsylvania Code of an Erosion and Sediment Control Plan for construction activities for projects where the area of disturbance exceeds one (1) acre, where pond dredging is involved, or when the disturbance is associated with activities described under Title 25 Chapter 105 of the Pennsylvania Code permits;

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- b. A PADEP NPDES Permit for Stormwater Discharges Associated with Construction Activities as required under Title 25 Pennsylvania Code Chapter 92.a, if applicable;
 - c. Evidence of any other permit(s) or approvals required for the Regulated Activities; and
- 2. An Erosion and Sediment Control Plan has been approved by the Municipality, if required.
- B. A copy of the Erosion and Sediment Control Plan and any required permit(s), as required by PADEP regulations, shall be available on the Site at all times.
- C. Additional erosion and sediment control measures shall be applied where infiltration BMPs are proposed, at a minimum including those required in Subsection 306.L.

Section 304. Site Design Process

The Applicant shall design the Site to minimize the disturbances to land, Site hydrology, and natural resources, and to maintain the natural hydrologic regime, drainage patterns and flow conditions. The Applicant shall demonstrate in its SWM Site Plan (as required in Subsection 402.C) that the design sequence, objectives, and techniques described below were applied to the maximum extent practicable in the Site design of the Regulated Activity while complying with all other requirements of this Ordinance. The Site design shall:

- A. First, identify and delineate all existing natural resources and natural and man-made hydrologic features listed in Subsection 402.B.8 that are located within the Site, or receive discharge from, or may be impacted by the proposed Regulated Activity.
- B. Second, provide a prioritized listing of these resources and features to identify:
 - 1. Those to be incorporated into the Site design in a manner that provides protection from any disturbance or impact from the proposed Regulated Activity;
 - 2. Those to be protected from further disturbance or impact but for which the proposed Regulated Activity will provide improvement to existing conditions;
 - 3. Those that can be incorporated into and utilized as components of the overall Site design in a manner that protects or improves their existing conditions while utilizing their hydrologic function within the limits of their available capacity (e.g., for infiltration, evapotranspiration, or reducing pollutant loads, runoff

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volume or peak discharge rates, etc.) to reduce the need for or size of constructed BMPs; and

4. Those that may be considered for alteration, disturbance, or removal.

C. Third, develop the Site design to achieve the following:

1. Recognize and incorporate the priorities identified in Subsection 304.B as the basis for the proposed Site layout, grading, construction, and permanent ground cover design;
2. Minimize Earth Disturbance (both surface and subsurface);
3. Maximize protection of or improvement to natural resources and special management areas;
4. Minimize the disturbance of natural Site hydrology, in particular natural drainage features and patterns, discharge points and flow characteristics, natural infiltration patterns and characteristics, and natural channel and floodplain conveyance capacity;
5. Incorporate natural hydrologic features and functions identified in Subsection 304.B into the Site design to protect and utilize those features and their hydrologic functions to reduce the need for or size of constructed BMPs;
6. Maximize infiltration and the use of natural Site infiltration features, patterns and conditions, and evapotranspiration features;
7. Apply selective grading design methods to provide final grading patterns or preserve existing topography in order to evenly distribute runoff and minimize concentrated flows;
8. Minimize the cumulative area to be covered by Impervious Surfaces and:
 - a. Minimize the size of individual Impervious Surfaces,
 - b. Separate large Impervious Surfaces into smaller components,
 - c. Disconnect runoff from one Impervious Surface to another, and
 - d. Utilize porous materials in place of impervious wherever practicable;
9. Minimize the volume and peak discharge rates of stormwater generated;
10. Avoid or minimize stormwater runoff pollutant loads and receiving stream channel erosion;

11. Locate infiltration and other BMPs:
 - a. At or as near to the source of generation as possible, and
 - b. At depths that are as shallow as possible;
12. Prioritize the selection and design of BMPs as follows:
 - a. Nonstructural and vegetation BMPs, then
 - b. Structural (surface and subsurface) BMPs;
13. For flow volumes requiring conveyance from the source of generation to a BMP for management, give preference to open channel conveyance techniques that provide infiltration and water quality benefits, and landscaped-based management in common open space areas, where practicable; and
14. Consider additional guidance for incorporating natural hydrology into the Site and BMP designs, methods and techniques that support the objectives of Subsections 304.B and 304.C. Appendix B presents additional discussion of “Conservation Design” and “Low Impact Development-
D. The procedures set forth above shall be utilized to the maximum extent practicable for the overall Site design and selection, location, and design of features and BMPs to be used to comply with the requirements of Sections 305, 306, 307 and 308.

Section 305. Water Quality and Runoff Volume Requirements

To control Post-construction stormwater impacts from Regulated Activities and meet State water quality requirements, BMPs shall be provided in the Site design that replicate Predevelopment stormwater infiltration and runoff conditions, such that Post-construction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. The green infrastructure and Low Impact Development (LID) practices provided in the PA BMP Manual, as well as the guidance on green infrastructure, LID and Conservation Design (CD) provided in Appendix B, shall be utilized for all regulated activities wherever possible. The Applicant shall comply with the following water quality and runoff volume requirements for all Regulated Activities, including all New Development and Redevelopment activities:

- A. The Post-construction total runoff volume shall not exceed the Predevelopment total runoff volume for all storms equal to or less than the two (2)-year, twenty-four (24)-hour duration precipitation (design storm). The water quality and runoff volume to be managed shall consist of any runoff volume generated by the proposed Regulated Activity over and above the Predevelopment total runoff volume and shall be

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captured and permanently retained or infiltrated on the Site. Permanent retention options may include, but are not limited to, reuse, evaporation, transpiration, and infiltration.

- B. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- C. The design of the Stormwater Management Facility outlet shall provide for protection from clogging and unwanted sedimentation.
- D. BMPs that moderate the temperature of stormwater shall be used to protect the temperature of receiving waters.
- E. Water quality improvement shall be achieved in conjunction with achieving the infiltration requirements of Section 306. The infiltration volume required under Section 306 may be included as a component of the water quality volume. If the calculated water quality and runoff volume is greater than the volume infiltrated, then the difference between the two (2) volumes shall be managed for water quality and runoff volume control through other techniques or practices but shall not be discharged from the Site.
- F. Runoff from the Disturbed Area shall be treated for water quality prior to entering existing waterways or water bodies. If a stormwater management practice does not provide water quality treatment, then water quality BMPs shall be utilized to provide pre-treatment prior to the runoff entering the stormwater management practice.
- G. The Municipality may require additional water quality and runoff control measures for stormwater discharging to special management areas such as those listed in Subsection 301.P.
- H. When the Regulated Activity contains or is divided by multiple drainage areas, the water quality and runoff volume shall be separately addressed for each drainage area.
- I. Weighted averaging of runoff coefficients shall not be used for manual computations or input data for water quality and runoff volume calculations.
- J. Areas located outside of the Site (i.e., areas outside of the Regulated Activity) may be excluded from the calculation of the water quality and runoff volume requirements.
- K. Water quality and volume control practices shall be selected and designed to meet the criteria of Subsection 304.C that apply to water quality and volume control.

- L. Evapotranspiration may be quantified and credited towards meeting volume requirements according to the PADEP Post Construction Stormwater Management (PCSM) Spreadsheet and Instructions (December 2020) or the most recent guidance from PADEP.

Section 306. Infiltration Requirements

Providing for infiltration consistent with the natural hydrologic regime is required to compensate for the reduction in the recharge that occurs when the ground surface is disturbed, or Impervious Surface is created or expanded. The Applicant shall achieve the following infiltration requirements:

- A. For Regulated Activities involving both New Development and Redevelopment, infiltration should be designed to accommodate the entire water quality and runoff volume required in Section 305. Infiltration BMPs should be consistent with the design and infiltration period guidelines included in the PA BMP Manual or other PA DEP design guidance. If the runoff volume required by Section 305 cannot be infiltrated, then alternative methods consistent with the PA BMP Manual (as amended) or other PA DEP guidance, such as the Managed Release Concept, may be used to manage this volume with approval from the Municipal Engineer.
- B. For Regulated Activities involving both New Development and Redevelopment, the volume of a minimum of one (1)-inch of runoff from all Regulated Impervious Surfaces shall be infiltrated.
- C. If the requirements of Subsection 306.A or 306B cannot be physically accomplished, then the Applicant shall be responsible for demonstrating with data or calculations to the satisfaction of the Municipal Engineer why this infiltration volume cannot be physically accomplished on the Site (e.g., shallow depth to bedrock or limiting zone, open voids, steep slopes, etc.) and what alternative volume can be infiltrated.
- D. Only if a minimum infiltration of the first one-half (0.5) inch of runoff volume cannot be physically accomplished on the Site, shall a waiver from Section 306 be considered by the Municipality, in accordance with Section 111.
- E. If Site conditions preclude capture of runoff from portions of the Impervious Surfaces, the infiltration volume for the remaining area shall be increased an equivalent amount to offset the loss.
- F. When a project contains or is divided by multiple watersheds, the infiltration volume shall be separately addressed for each watershed.

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- G. Existing Impervious Surfaces located in areas outside of the Site (i.e., outside of the Regulated Activity) may be excluded from the calculation of the required infiltration volume.
- H. A detailed soils evaluation of the Site shall be conducted by a qualified professional and at a minimum shall address soil permeability, depth to bedrock, and subgrade stability. The general process for designing the infiltration BMP shall be conducted by a qualified Licensed Professional and shall be consistent with the PA BMP Manual (as amended) (or other guidance acceptable to the Municipal Engineer) and in general shall:
 - 1. Analyze hydrologic soil groups as well as natural and man-made features within the Site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of sub-grade stability; infiltration may not be ruled out without conducting these tests.
 - 2. Provide field tests such as double ring infiltrometer or other hydraulic conductivity tests (at the elevation of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Standard septic/sewage percolation tests are not acceptable for design purposes.
 - 3. Design the Infiltration Facility for the required retention (infiltration) volume based on field-determined infiltration capacity (and apply safety factor as per applicable design guidelines) at the elevation of the proposed infiltration surface.
 - 4. On-lot infiltration features are encouraged; however, it shall be demonstrated to the Municipal Engineer that the soils are conducive to infiltration on the identified lots.
- I. Infiltration BMPs shall be selected based on suitability of soils and Site conditions and shall be constructed on soils that have the following characteristics:
 - 1. A minimum depth of twenty-four (24) inches between the bottom of the BMP and the top of the Limiting Zone. Additional depth may be required in areas underlain by karst or carbonate geology (see Subsection 306.M).
 - 2. An infiltration rate sufficient to accept the additional stormwater volume and drain completely as determined by field tests conducted by the Applicant.
 - 3. The Infiltration Facility shall completely drain the retention (infiltration) volume within three (3) days (seventy-two (72) hours) from the end of the design storm.
- J. All infiltration practices shall:

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1. Be selected and designed to meet the criteria of Subsection 304.C that are applicable to infiltration;
 2. Be set back at least 10 feet from all buildings and features with sub-grade elements (e.g., basements, foundation walls, etc.), and 15 feet from property or right-of-way lines, unless otherwise approved by the Municipal Engineer;
 3. For any infiltration practice that collects runoff from shared or multiple features and that is located within 20 feet of a building or feature with sub-grade elements (e.g., basements, foundation walls, etc.), the bottom elevation shall be set below the elevation of the sub-grade element.
- K. Infiltration Facilities shall, to the maximum extent practicable, be located to avoid introducing contaminants to groundwater:
1. When a Hotspot is located in the area draining to a proposed Infiltration Facility, an evaluation of the potential of groundwater contamination from the proposed Infiltration Facility shall be performed, including a hydrogeologic investigation (if necessary) by a qualified Licensed Professional to determine what, if any, pre-treatment, or additional design considerations are needed to protect groundwater quality.
 2. When located within a “well head protection area” of a public water supply well, infiltration practices shall be in conformance with the applicable approved source water protection assessment or source water protection plan.
 3. The Applicant shall provide appropriate safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.
- L. During Site construction, all infiltration practice components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Infiltration areas shall also be protected from sedimentation. Areas that are accidentally compacted or graded shall be remediated to restore soil composition and porosity. Adequate documentation to this effect shall be submitted to the Municipal Engineer for review. All areas designated for infiltration shall not receive runoff until the contributory drainage area has achieved final stabilization.
- M. Consideration of infiltration BMPs for areas underlain by karst or carbonate geology is encouraged, but only where the design, supporting calculations, results of soils or other Site investigations or other documentation are provided to the Municipality demonstrating that the potential or likelihood of subsidence or sinkholes is minimal. Evaluation of Site conditions and infiltration design shall rely on guidance in the PA BMP Manual (as amended) or other guidance acceptable to the Municipal Engineer.

- N. Groundwater quality of the carbonate aquifer shall be protected from infiltration of pollutants. At a minimum, stormwater runoff from Hotspots (i.e., sources of significant pollutant runoff) shall first be discharged through a water quality BMP(s) to remove pollutants prior to infiltration. Where soil characteristics are insufficient to provide removal of pollutants from sources other than Hotspots, stormwater runoff shall first be discharged through a water quality BMP(s) to remove pollutants prior to infiltration.
- O. Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system.
- P. Where roof drains are designed to discharge to infiltration practices, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include but are not limited to leaf traps, gutter guards, and cleanouts.
- Q. All infiltration practices shall have appropriate positive overflow controls.
- R. No sand, salt or other particulate matter may be applied to a porous surface material for winter ice conditions.
- S. The following procedures and materials shall be required during the construction of all subsurface facilities:
 - 1. Excavation for the Infiltration Facility shall be performed with equipment that will not compact the bottom of the seepage bed/trench or like facility.
 - 2. The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate.
 - 3. Only clean aggregate with documented porosity, free of fines, shall be allowed.
 - 4. The tops, bottoms and sides of all seepage beds, trenches, or like facilities shall be covered with drainage fabric. Fabric shall be non-woven fabric acceptable to the Municipal Engineer.
 - 5. Stormwater shall be distributed throughout the entire seepage bed/trench or like facility and provisions for the collection of debris shall be provided in all facilities.

Section 307. Stream Channel Protection Requirements

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For Regulated Activities involving New Development with one (1) or more acres of Earth Disturbance, the Applicant shall comply with the following stream channel protection requirements to minimize stream channel erosion and associated water quality impacts to the receiving waters:

- A. The peak flow rate of the Post-construction two (2)-year, twenty-four (24)-hour design storm shall be reduced to the Predevelopment peak flow rate of the one (1)-year, twenty-four (24)-hour duration precipitation, using the SCS Type II distribution.
- B. To the maximum extent practicable, and unless otherwise approved by the Municipal Engineer, the Post-construction one (1)-year, twenty-four (24)-hour storm flow shall be detained for a minimum of twenty-four (24) hours and a maximum not to exceed seventy-two (72) hours from a point in time when the maximum volume of water from the one (1)-year, twenty-four (24)-hour storm is stored in a proposed BMP (i.e., when the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the orifice is at the invert of the proposed BMP).
- C. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- D. The minimum orifice size in the outlet structure to the BMP shall be three (3) inches in diameter unless otherwise approved by the Municipal Engineer, and a trash rack shall be installed to prevent clogging. For Sites with small drainage areas contributing to the BMP that do not provide enough runoff volume to allow a twenty-four (24) hour attenuation with the three (3)-inch orifice, the calculations shall be submitted showing this condition.
- E. When the calculated orifice size is below three (3) inches, gravel filters (or other methods) are recommended to discharge low-flow rates subject to the Municipal Engineer's satisfaction. When filters are utilized, maintenance provisions shall be provided to ensure filters meet the design function.
- F. All proposed Stormwater Management Facilities shall make use of measures to extend the flow path and increase the travel time of flows in the facility.
- G. When a Regulated Activity contains or is divided by multiple drainage areas, the peak flow rate control shall be separately addressed for each drainage area.

Section 308. Stormwater Peak Rate Control Requirements

The Applicant shall comply with the following peak flow rate control requirements for all Regulated Activities including those that involve New Development and Redevelopment.

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- A. Post-construction peak flow rates from any Regulated Activity shall not exceed the Predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1.

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TABLE 308.1
Peak Rate Control Standards

**(Peak Flow Rate of the Post-construction Design Storm
Shall be Reduced to the Peak Flow Rate of the Corresponding Predevelopment
Design Storm Shown in the Table)**

POST-CONSTRUCTION DESIGN STORM FREQUENCY (24-Hour Duration)	PREDEVELOPMENT DESIGN STORM	
	New Development Regulated Activities	Redevelopment Regulated Activities
2-Year	1-Year	2-Year
5-Year	2-Year	5-Year
10-Year	2-Year	10-Year
25-Year	25-Year	25-Year
50-Year	50-Year	50-Year
100-Year	100-Year	100-Year

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- B. For modeling purposes, the Predevelopment ground cover conditions shall be determined using the corresponding ground cover assumptions presented in Subsection 309.D of this Ordinance.
- C. For Regulated Activities involving only Redevelopment, no peak flow rate controls are required when and **only if** the total Regulated Impervious Surface area is at least twenty percent (20%) less than the total existing Impervious Surface area to be disturbed by the Regulated Activity. In all cases where this requirement is not met, the Redevelopment Regulated Activity shall achieve the peak flow rate controls presented in Table 308.1, using the Redevelopment Ground Cover Assumptions presented in Subsection 309.D. This design criterion for Redevelopment is only permitted with approval of Municipal Engineer. It shall result in no impact on downstream properties.
- D. Only the area of the proposed Regulated Activity shall be subject to the peak flow rate control standards of this Ordinance. Undisturbed areas for which the discharge point has not changed are not subject to the peak flow rate control standards.
- E. Areas located outside of the Site (i.e., areas outside of the Regulated Activity) that drain through a proposed Site are not subject to peak flow rate control requirements. Drainage facilities located on the Site shall be designed to safely convey flows from outside of the Site through the Site.
- F. When a Regulated Activity contains or is divided by multiple drainage areas, the peak flow rate controls shall be separately addressed for each drainage area.
- G. The effect of structural and non-structural stormwater management practices implemented as part of the overall Site design may be taken into consideration when calculating total storage volume and peak flow rates.

Section 309. Calculation Methodology

- A. Stormwater runoff from all Regulated Activity Sites with a drainage area of greater than five (5) acres shall be calculated using a generally accepted calculation technique(s) that is based on the NRCS Soil Cover Complex Method. Table 309.1 summarizes acceptable computation methods. The method selected for use shall be based on the individual limitations and suitability of each method for a particular Site. The use of the Rational Method to estimate peak discharges for drainage areas greater than five (5) acres shall be permitted only upon approval by the Municipal Engineer.

TABLE 309.1

**ACCEPTABLE COMPUTATION METHODOLOGIES FOR
SWM SITE PLAN**

METHOD	DEVELOPED BY	APPLICABILITY
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans where limitations described in TR-55 are met.
HEC-1/ HEC-HMS	US Army Corps of Engineers	Applicable where use of a full hydrologic computer model is desirable or necessary.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For Storm Drain Design only
Other Methods	Varies	Other computation methodologies approved by the Municipality.

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- B. All calculations using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms consistent with this Ordinance. Rainfall depths used shall be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (NOAA Atlas 14) values consistent with a partial duration series. When stormwater calculations are performed for routing procedures or infiltration, water quality and runoff volume functions, the duration of rainfall shall be twenty-four (24) hours.
- C. The Rational Method will be accepted for storm sewer design only, and shall not be used in calculation of runoff rate or volume discharged from the site, or in design/routing of rate and/or volume control facilities. Rational Method calculations shall use rainfall intensities consistent with appropriate times-of-concentration (duration) and storm events with rainfall intensities obtained from NOAA Atlas 14 partial duration series estimates, or the latest version of the PennDOT Drainage Manual (PDM Publication 584). Times-of-concentration shall be calculated based on the methodology recommended in the respective model used. Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- D. The Applicant shall utilize the following ground cover assumptions for all Predevelopment water quality and runoff volume, infiltration volume and peak flow rate calculations:
 - 1. For Regulated Activities involving New Development, the following ground cover assumptions shall be used:
 - a. For areas that are Woods (as defined in Article II of this Ordinance), Predevelopment calculations shall assume ground cover of "Woods in good condition".
 - b. For all other areas (including all Impervious Surfaces), Predevelopment calculations shall assume ground cover of "meadow".
 - 2. For Regulated Activities involving Redevelopment, the following ground cover assumptions shall be used:
 - a. For areas that are Woods (as defined in Article II of this Ordinance), Predevelopment calculations shall assume ground cover of "Woods in good condition".
 - b. For areas that are not Woods or not Impervious Surfaces, Predevelopment calculations shall assume ground cover of "meadow".
 - c. For areas that are Impervious Surfaces, Predevelopment calculations shall assume at least twenty percent (20%) of the existing Impervious Surface area

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to be disturbed as “meadow” ground cover.

3. The Applicant shall determine which stormwater standards apply to the proposed Regulated Activity as follows:
 - a. Stormwater standards for New Development shall apply to all proposed Regulated Activities that involve only New Development activities as defined in this Ordinance.
 - b. Stormwater standards for Redevelopment shall apply to all proposed Regulated Activities that involve only Redevelopment activities as defined in this Ordinance.
 - c. At the discretion of the Municipal Engineer, Regulated Activities that involve a combination of both New Development and Redevelopment activities, as defined in this Ordinance, may either:
 - i. Apply the stormwater standards (Redevelopment or New Development) that are associated with the activity that involves the greatest amount of land area; or
 - ii. Apply the Redevelopment and New Development stormwater standards to the corresponding Redevelopment and New Development portions of the proposed Regulated Activity.
- E. Runoff curve numbers (CN) for both Predevelopment and proposed (Post-construction) conditions to be used in the Soil Cover Complex Method shall be obtained from Table C-1 in Appendix C of this Ordinance.
- F. Runoff coefficients (C) for both Predevelopment and proposed (Post-construction) conditions for use in the Rational Method shall be obtained from Table C-2 in Appendix C of this Ordinance.
- G. Weighted averaging of runoff coefficients shall not be used for manual computations or input data for water quality and runoff volume calculations.
- H. Hydraulic computations to determine the capacity of pipes, culverts, and storm sewers shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Design Series Number 5 (Publication No. FHWA-NHI-01-020 HDS No. 5, as amended). Hydraulic computations to determine the capacity of open channels shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Engineering Circular Number 15 (Publication No. FHWA-NHI-05-114 HEC 15, as amended). Values for Manning’s roughness coefficient (n) shall be consistent with Table C-3 in Appendix C of the Ordinance.

I. Runoff calculations shall include the following assumptions:

1. Average antecedent moisture conditions (for the Soil Cover Complex Method only for example, TR-55, TR-20).
2. A type II distribution storm (for the Soil Cover Complex Method only for example, TR-55, TR-20).

Section 310. Other Requirements

- A. Any BMP intended to hold standing water for four (4) days or longer shall be designed to incorporate biologic controls consistent with the West Nile Guidance found in Appendix D, PADEP document 363-0300-001 “Design Criteria – Wetlands Replacement/Monitoring” (as amended), (or contact the Pennsylvania State Cooperative Wetland Center or the Penn State Cooperative Extension Office for design information.)
- B. Any stormwater basin required or regulated by this Ordinance designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to safely convey flow up to and including the one hundred (100)-year proposed inflow. The height of embankment shall provide a minimum 1.0 of Freeboard above the maximum pool elevation computed when the facility functions for the one hundred (100)-year proposed conditions inflow. Should any BMP require a dam safety permit under PA Chapter 105 regulations, the facility shall be designed in accordance with and meet the regulations of PA Chapter 105 concerning dam safety. PA Chapter 105 may require the safe conveyance of storms larger than one hundred (100)-year event.
- C. Any drainage Conveyance facility and/or channel not governed by PA Chapter 105 regulations shall be designed to convey, without damage to the drainage facility or roadway, runoff from the twenty-five (25)-year storm event. Larger storm events (fifty (50)-year and one hundred (100)-year storms) shall also be safely conveyed in the direction of natural flow without creating additional damage to any drainage facilities, nearby structures, or roadways.
- D. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from the facility.
- E. Roadway crossings or structures located within designated floodplain areas shall be able to convey runoff from a 100-year design storm consistent with Federal Emergency Management Agency National Flood Insurance Program – Floodplain Management Requirements.

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- F. Any Stormwater Management Facility located within a PennDOT right-of-way shall comply with PennDOT minimum design standards and permit submission and approval requirements.
- G. Adequate erosion protection and energy dissipation shall be provided along all open channels and at all points of discharge. Design methods shall be consistent with the Federal Highway Administration Hydraulic Engineering Circular Number 11 (Publication No. FHWA-IP-89-016, as amended) and the PADEP Erosion and Sediment Pollution Control Program Manual (Publication No. 363-2134-008, as amended), or other design guidance acceptable to the Municipal Engineer.

Section 311. Other Conveyance and System Design Standards

- A. Construction of Detention or Retention Basins
 - 1. Basins shall be installed prior to any earth-moving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
 - 2. Soil requirements: Basins shall be located only on soils acceptable for such use as designated in Appendix 5, Soil Use Guide. Soils used for the construction of basins should be stable soils.
 - 3. Detention basins designed to hold the excess volume of runoff from a two-year storm should be located on soils with a high percolation rate in order to encourage rapid recharge and reduce potential for stagnant water conditions. Where soils with high percolation rates are found at higher elevations of a site, such detention facilities may require incorporation into building lot layout.
 - 4. Drainage easements and deed restrictions against the alteration of such detention areas shall be provided in compliance with Article VII of this ordinance.
 - 5. Energy dissipaters and/or level spreaders shall be installed at points where pipes, channels, or outlet structures discharge to or from basins.
 - 6. The following slope restrictions shall be applied to basins:
 - a. Exterior slopes of compacted soil shall not exceed one (1) foot vertical for 2.5 feet horizontal and may be further reduced if the soil has unstable characteristics as noted in the Soil Use Guide.
 - b. Interior slopes of the basin shall not exceed one (1) foot vertical in three (3) feet horizontal except:
 - i. Where maximum water depth will not exceed three (3) feet; and
 - ii. When a two-inch rainfall in one hour will not fill the basin in one hour.
 - c. Where interior slopes are proposed to be steeper than 1 to 3, the basin shall be surrounded by a permanent wire fence 42 inches in height and

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an access road of durable non-slip materials for access into the basin shall be constructed.

7. Outlet structures within basins which will control peak discharge flows and distribute the flows by pipes to discharge areas shall be constructed of concrete, steel, or aluminum and shall have child-proof, con-clogging trash racks over all design openings exceeding 12" in diameter except those openings designed to carry perennial stream flows.
8. Where spillways will be used to control peak discharges in excess of the 10 year storm, the control weirs shall be constructed of concrete of sufficient mass and structural stability to withstand the pressures of impounded waters and outlet velocities.
9. All points of discharge shall be protected with appropriate permanent erosion protection.
10. Inlet and outlet structures shall be located at maximum distances from one another. The Township Engineer may require a rock filter berm or rock-filled gabions between inlet and outlet areas when the distance is deemed insufficient for sediment trapping. All inlets shall either be located above the bottom of the basin or shall discharge to areas of the basin which slope downward to lower elevations of the basin.
11. Emergency spillways shall be provided, and shall be designed to be resistant to erosion when passing the design 100-year basin inflow. Concrete lattice blocks, rip rap aprons, turf reinforcement matting, or other measures may be required to provide an erosion resistant spillway. The path of discharge from spillway to receiving stream shall be provided with appropriate erosion protection.
12. The Township shall be granted a 25' wide drainage easement for the distance from the right-of-way of any dedicated road to all detention and retention basins, to provide unobstructed access to Township personnel for purposes of maintenance and repair.
13. Basin discharge piping shall consist of gasketed reinforced concrete pipe.
14. Anti-seep collars shall be cast in place around the reinforced concrete discharge piping.
15. Any stormwater facility incorporating a permanent pool of water shall include an eight (8) foot wide safety bench, sloped at no more than 2% six (6) inches below permanent pool elevation, around the perimeter of the basin.

B. Storm sewers, drainage swales and perennial streams

1. Storm sewer systems for conveyance of storm water shall be designed to accommodate a 10, 25, or 50-year storm depending on the severity of slopes of their catchment areas (0-8%, 8-15%, 15-25%, respectively), overflows from the grade of the path inlets, and the judgment of the Township Engineer.
2. In the absence of any County, State or Federal Regulations, all perennial stream crossings will require 100-year design for culverts and/or bridges.

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3. Open ditches per se shall be avoided, but vegetated swales or channels, designed in accordance with the Best Management Practice Manual as amended, shall be permitted in lieu of storm sewers in residential areas and, where approved by the Township Engineer, in commercial and industrial areas.
4. All storm sewers or drainage swales shall discharge to all detention or retention basins for the control of peak runoff flows, except as otherwise provided in the plan.
5. Specific Design Criteria for Storm Sewers
 - a. Storm sewers, as required, shall be placed under or immediately in front of the curb, when parallel to a public street and within the right-of-way. When located in undedicated land, they shall be placed within an easement not less than twenty (20) feet wide as approved by the Township Engineer.
 - b. Storm sewers shall have a minimum diameter of fifteen (15) inches, and shall be gasketed reinforced concrete pipe or gasketed smooth lined corrugated high density polyethylene pipe. Minimum grade shall be one half percent (0.5%). Changes in alignment shall be by straight sections connected by inlets or manholes.
 - c. Rainfall intensity curves and other hydrologic design data, from the latest version of NOAA Atlas 14 shall be used for design purposes.
 - d. Manholes shall be not more than three hundred (300) feet apart for pipe diameters up to twenty-four (24) inches, and not more than four hundred and fifty (450) feet apart for greater diameters. Inlets may be substituted for manholes upon approval by the Township Engineer.
 - e. Inlets, manholes, covers, and frames shall conform to Pennsylvania Department of Transportation specifications, and shall have the phrase "No dumping, drains to streams" cast into them.
 - f. Inlets shall be placed in the tangent and not in the curved portion of the curbing when located at street intersections.
 - g. Inlets shall be spaced as required to ensure that gutter spread is limited to less than one half of the travel lane in the 10-year storm.
 - h. Inlets shall not be located within areas of tapered or depressed curb for driveways or curb ramps.
 - i. Inlet boxes shall be sized and oriented such that all pipe penetrations provide a minimum of two inches between the edge of the penetration and the interior corner of the inlet box. No corner penetrations will be permitted. Plans shall include an inlet box schedule designating the dimensions of each inlet box.
 - j. Final grate elevation adjustments shall be accomplished with pre-cast concrete interlocking adjustment risers. No brick or block adjustment rings will be permitted.

C. Specific Design Criteria for Drainage Swales and Perennial Streams

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1. Where drainage swales are used in lieu of or in addition to storm sewers, they shall be designed to carry the required discharge without excessive erosion, and also to increase the time-of-concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil.
2. Deed restrictions shall be required on property(ies) containing drainage swales and/or perennial streams. These deed restrictions shall specify that no property owner may obstruct or alter any drainage swale or perennial stream identified in the storm water management plan if such action would alter the rational course of runoff and/or negatively impact abutting landowners.

ARTICLE IV – STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

Section 401. General Requirements

For any Regulated Activity, unless exempt per the provisions of Section 106:

- A. Preparation and implementation of an approved SWM Site Plan is required.
- B. No Regulated Activity shall commence until the Municipality issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance and, if required, a letter of adequacy has been issued by the Conservation District for an Erosion and Sediment Control Plan.
- C. The preliminary or final approval of subdivision and/or land development plans, and the issuance of any building or occupancy permit shall not proceed until the Applicant has received written approval of a SWM Site Plan from the Municipality.
- D. The SWM Site Plan approved by the Municipality shall be on Site throughout the duration of the Regulated Activity.

Section 402. SWM Site Plan Contents

The SWM Site Plan shall consist of a general description of the project including items described in Section 304, calculations, maps, and plans. A note on the maps shall refer to the associated computations and Erosion and Sediment Control Plan by title and date. The cover sheet of the computations and Erosion and Sediment Control Plan shall refer to the associated maps by title and date. All SWM Site Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the SWM Site Plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the SWM Site Plan:

A. General

- 1. A general description of the proposed project;
- 2. A listing of all regulatory approvals required for the proposed project and the status of the review and approval process for each. Final approval or adequacy letters must be submitted to the Municipality prior to (or as a condition of) the

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Municipality's issuing final approval of the SWM Site Plan. Proof of application or documentation of required permit(s) or approvals for the programs listed below shall be part of the SWM Site Plan, if applicable:

- a. NPDES Permit for Stormwater Discharges associated with Construction Activities;
 - b. PADEP permits as needed:
 - i. PADEP Joint Permit Application,
 - ii. Chapter 105 (Dam Safety and Waterway Management),
 - iii. Chapter 106 (Floodplain Management);
 - c. PennDOT Highway Occupancy Permit;
 - d. Erosion and Sediment Control Plan letter of adequacy; and
 - e. Any other permit under applicable State or Federal regulations.
3. A statement, signed by the Applicant, acknowledging that any revision to the approved SWM Site Plan shall be submitted to and approved by the Municipality, and that a revised Erosion and Sediment Control Plan shall be submitted to, and approved by, the Conservation District or Municipality (as applicable) for a determination of adequacy prior to construction of the revised features.
 4. The following signature block signed and sealed by the qualified Licensed Professional responsible for the preparation of the SWM Site Plan:

“I (name), on this date (date of signature), hereby certify to the best of my knowledge that the SWM Site Plan meets all design standards and criteria of the East Marlborough Township Ordinance No. _____, ***[followed by title of Ordinance]***.” *[Note: include signature, name, discipline of professional license, and license stamp or seal here]*

5. The following signature block for the Municipality:

“On behalf of East Marlborough Township, _____ on this date _____, has reviewed and hereby certifies to the best of my knowledge that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. [number assigned to ordinance].”

B. Maps or Plan Sheets

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Map(s) or plan sheets of the Site shall be submitted on minimum twenty-four (24)-inch by thirty-six (36)-inch sheets and shall be prepared in a form that meets the requirements for recording at the Chester County Office of the Recorder of Deeds and the requirements of the Operation and Maintenance (O&M) Plan and O&M Agreement (Article VII). If the SALDO has additional or more stringent criteria than this Ordinance, then the SALDO criteria shall also apply. Unless otherwise approved by the Municipal Engineer, the contents of the maps or plan sheets shall include, but not be limited to:

1. A location map, with a scale of one (1) inch equals two thousand (2,000) feet or greater, showing the Site location relative to highways, municipal boundaries, or other identifiable landmarks.
2. The name of the project, tax parcel number(s), and the names, addresses and phone numbers of the owner of the property, the Applicant, and firm preparing the plan.
3. Signature and seal of the qualified Licensed Professional(s) responsible for preparation of the maps and plan sheets.
4. The date of SWM Site Plan submission and revision dates, as applicable.
5. A graphic and written scale of one (1) inch equals no more than fifty (50) feet.
6. A north arrow.
7. Legal property boundaries, including:
 - a. The total project property boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
 - b. Boundaries, size, and description of purpose of all existing easements and deed-restricted areas of the project property, with distances marked to the nearest foot and bearings to the nearest degree.
8. Existing natural resources and natural or man-made hydrologic features that are located within the Site or receiving discharge from, or that may otherwise be impacted by, the proposed Regulated Activity, including but not limited to:
 - a. All existing natural resources, hydrologic features and drainage patterns including natural waterways, water bodies, wetlands, streams (intermittent and perennial), ponds, lakes, vernal pools, etc., natural infiltration areas and patterns, areas of significant natural evapotranspiration, and other water features and aquatic resources.

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- b. Any existing man-made drainage features, BMPs, Conveyances, facilities, open channels, swales, drainage patterns, or other flood, stormwater, or drainage control features.
- c. For the Site, discharge points and locations of concentrated flows and their drainage areas.
- d. For named waters, show names and their watershed boundaries within the Site.
- e. Special management areas (as per Subsection 301.Q).
- f. For the water bodies, streams and wetlands identified in Subsection 402.B.8.a, label or otherwise show the following attributes, if applicable:
 - i. The Designated Use as determined by PADEP (25 PA Code Chapter 93);
 - ii. Impairments listed on the PADEP “Integrated List” (as updated) and the listed source and cause of impairment;
 - iii. Name, date, and target pollutant(s) for any approved Total Maximum Daily Load (TMDL); and
 - iv. Drainages to water supply reservoirs.
- g. Areas that are part of the Pennsylvania Natural Diversity Inventory (PNDI) and a list of potential impacts and clearances received (for Regulated Activities involving one (1) acre or more proposed Earth Disturbance).
- h. Woods, vegetated riparian buffers and other areas of natural vegetation.
- i. Topography using contours (with elevations based on established benchmarks) at intervals of two (2) feet. In areas of slopes greater than **15** percent five (5)-foot contour intervals may be used. The datum used and the location, elevation and datum of any benchmarks used shall be shown.
- j. Areas classified by the Municipality as steep slopes.
- k. Soil names and boundaries, general type of soils with Hydrologic Soil Group noted, and in particular note areas most conducive to infiltration BMPs, such as groups A and B, etc., estimated permeabilities in inches per hour, and location and other results of all soil tests and borings.
- l. If present, areas with underlying carbonate geologic units, existing sinkholes, subsidence or other karst features, and any associated groundwater recharge areas with increased vulnerability to contamination.

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- m. Any contaminated surface or subsurface areas of the Site.
 - n. Water supply wells –
 - i. Location of existing well(s) on the project property and delineation of the(ir) recharge area(s) (if known), or a fifty (50) foot diameter assumed recharge area;
 - ii. Location of existing well(s) within fifty (50) feet beyond the boundary of the project property boundary (if public water supply is proposed for the Regulated Activity); and
 - o. Current FEMA one hundred (100)-year floodplain boundaries, elevations, and Floodway boundaries for any Special Flood Hazard Areas on or within one hundred (100) feet of the property.
 - p. Boundaries of riparian buffer(s) as required by the Zoning Ordinance
9. Location of the proposed Regulated Activity, limits of Earth Disturbance (Disturbed Area), and BMPs and Conveyances relative to the location of existing natural resources and hydrologic features and special management areas resulting from the Site design process of Section 304.
10. Description of existing and proposed ground cover and land use including the type and total area.
11. Existing and proposed man-made features including roads, paved areas, buildings, and other Impervious and Pervious Surfaces on the project property (or an appropriate portion of the property as determined in consultation with the Municipal Engineer) and within the proposed Disturbed Area, and including the type and total area of the following:
- a. Existing Impervious Surfaces, differentiating between Existing Impervious Surfaces installed before, and after December 2, 2013.
 - b. Existing Impervious Surfaces proposed to be replaced;
 - c. Existing Impervious Surfaces to be permanently removed and replaced with pervious ground cover;
 - d. New or additional Impervious Surfaces; and

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- e. Percent of the Site covered by Impervious Surfaces for both the existing and proposed Post-construction conditions.
- 12. The total extent of the upstream area draining through the Site.
- 13. All BMPs, Conveyances and other stormwater management facilities shall be located on the plan sheets, including design drawings, profile drawings, construction details, materials to be used, description of function, etc.
- 14. Complete delineation of the flow paths used for calculating the time of concentration for the Predevelopment and Post-construction conditions shall be included.
- 15. The locations of all existing and proposed utilities, sanitary sewers, on-lot wastewater facilities (including subsurface tanks and leach fields), and water supply lines within the Site and within fifty (50) feet beyond the proposed limits of Earth Disturbance.
- 16. A grading plan, including all areas of proposed Earth Disturbance and the proposed Regulated Activity and delineating the boundary or limits of Earth Disturbance of the Site. The total Disturbed Area of the Site shall be noted in square feet and acres.
- 17. Proposed final grade elevations and contours at intervals of two (2) feet. In areas of steep slopes (greater than **15 percent**, five (5)-foot contour intervals may be used.
- 18. For each proposed BMP and Conveyance included in the SWM Site Plan (including any to be located on any property other than the property being developed by the Applicant), the following shall be included on the SWM Site Plan map or plan sheets:
 - a. Identification of the person responsible for ongoing inspections, operation, repair, and maintenance of the BMP or Conveyance after completion of construction.
 - b. Delineation of the land area, structures, Impervious Surfaces, and Conveyances draining to and from the BMP or Conveyance.
 - c. Easements, as per the requirements of Article VII, that shall include:
 - i. Boundaries labeled with distances shown in feet and bearings to the nearest degree;
 - ii. Notes or other documentation, as needed, to grant the Municipality the right of access to all BMPs and Conveyances for the purposes of

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inspection and enforcement of the requirements of this Ordinance, and any applicable O&M Plans and O&M Agreements;

- iii. Notes or other documentation, as needed, to grant the Municipality the right of access to all roadways necessary to access all BMPs and Conveyances, where roadways are not to be dedicated to the Municipality;
 - iv. Notes or other documentation as needed to grant the owner of any BMP or Conveyance the right of access for the purpose of inspection, operation, maintenance, and repair of the BMP or Conveyance that is to be owned, operated, and maintained by a person other than the Municipality, and other than the owner of the property on which the BMP or Conveyance is located;
 - v. A minimum 20 foot wide perimeter (or other width as determined in consultation with the Municipal Engineer) around all BMPs and Conveyances;
 - vi. Sufficient vehicular ingress to and egress from a public right-of-way or roadway, as determined in consultation with the Municipal Engineer; and
 - vii. Accompanying notes or other documentation as needed, and in accordance with Article VII describing the type, purpose, and total area of easements, who the easement is granted to, and the rights, duties, and obligations of the parties with respect to every BMP or Conveyance.
- d. Boundaries of land areas (if any) for which deed restrictions are required for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance, indicating the area to which the restriction applies with distances shown in feet and bearings to the nearest degree, and a written description of the type, purpose, and nature of the restriction.
 - e. Other items that may be needed to comply with all other requirements of Article VII.
- C. A written description of the following information shall be included in the SWM Site Plan:
- 1. Existing features, conditions, natural resources, hydrologic features, and special management areas (as listed in Subsection 402.B.8);
 - 2. How the Site design achieves the requirements of Section 304, and if applicable, where they could not be achieved and why;

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3. The overall stormwater management design concept for the project and how the Site design achieves the requirements of Sections 301 through 311 of Article III;
 4. Proposed features and conditions, proposed erosion, and sediment control features, proposed BMPs, Conveyances, and any other stormwater facilities;
 5. A description of the effect of the project (in terms of flow alteration and runoff volumes, water quality and peak flows, etc.) on existing natural resources, hydrologic features and special management areas, adjacent and downgradient properties, and any existing municipal or other stormwater Conveyance system(s), that may be affected by or receive runoff from the Regulated Activity (whether located within or outside of the area of the Regulated Activity), and specifics of how erosion, water quality and flow impacts will be avoided or otherwise mitigated;
 6. Proposed nonpoint source pollution controls and justification and confirmation that the proposed project will not result in any increased pollutant loadings to any existing stream or stream impairment identified by PADEP, or to any receiving water body;
 7. Expected project time schedule; and
 8. Description of construction stages or project phases, if so proposed.
- D. A detailed Site evaluation conducted by a qualified Licensed Professional for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as contaminated sites and brownfields, as described in Subsections 301.O and 301.R of this Ordinance.
- E. Stormwater runoff design computations and documentation, such as hydrologic, hydraulic, and structural computations, assumptions, BMP loading ratios, etc., consistent with the guidelines and criteria presented in the PA BMP Manual (as amended) or other guidance acceptable to the Municipal Engineer, and used in the design of the BMPs, Conveyances and other features proposed to be utilized for stormwater management, or as otherwise necessary to demonstrate that the requirements of this Ordinance have been met, specifically including the requirements in Sections 301 and 304 through 309.
- F. Inspections, Operation and Maintenance Requirements

The following documents shall be prepared and submitted to the Municipality for review and approval as part of the SWM Site Plan, in accordance with the requirements of Article VII, for each BMP and Conveyance included in the SWM Site Plan (including any to be located on any property other than the property being developed by the Applicant):

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1. An O&M Plan;
 2. An O&M Agreement;
 3. Any easement agreements that are needed to ensure access, inspection, maintenance, operation, repair and permanent protection of any permanent BMP(s) and Conveyances associated with the Regulated Activity;
 4. Any written deed, deed amendment or equivalent document (if needed) to be recorded against a subject property, as shown on the SWM Site Plan maps or plan sheets, or recorded plan sheets for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance; and
 5. Written approval, easement agreements, or other documentation for discharges to adjacent or downgradient properties when required to comply with Subsection 301.G and Article VII of this Ordinance.
- G. An Erosion and Sediment Control Plan, where applicable, as prepared for and submitted to the Conservation District and/or Municipality. A letter of adequacy from the Conservation District, if applicable, must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan.
- H. A Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) District Office must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan when utilization of a PennDOT storm drainage system is proposed.

Section 403. SWM Site Plan Submission

A complete SWM Site Plan that complies with all applicable provisions of Section 402 shall be submitted to the Municipality for review and approval, as follows:

- A. The SWM Site Plan shall be coordinated with the applicable State and Federal permit process and the Municipal SALDO review process. All permit approvals or letters of adequacy not yet received by the Applicant at the time of submittal of the SWM Site Plan to the Municipality must be submitted to the Municipality prior to (or as a condition of) the Municipality's final approval of the SWM Site Plan.
- B. For projects that require SALDO approval, the SWM Site Plan shall be submitted by the Applicant as part of the preliminary plan submission where applicable for the Regulated Activity.
- C. For Regulated Activities that do not require SALDO approval, the SWM Site Plan shall be submitted by the Applicant for review with the Land Disturbance Permit Application.

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- D. Three (3) copies of the SWM Site Plan to be submitted by the Applicant for review shall be in accordance with instructions from the Municipality.
- E. The corresponding review fee shall be submitted to the Municipality simultaneously with the SWM Site Plan, per the Municipality's fee schedule.
- F. Any submissions to the Municipality that are found to be incomplete shall not be accepted for review and shall be returned to the Applicant within **20 calendar days** with a notification in writing of the specific manner in which the submission is incomplete.
- G. Financial security, per the requirements of Section 110, shall be submitted to the Municipality prior to approval of the SWM Site Plan, or as part of the financial security which is required pursuant to the SALDO.

Section 404. SWM Site Plan Review

- A. The SWM Site Plan shall be submitted to the Municipality for review by the Municipal Engineer for consistency with this Ordinance and the respective PA Act 167 Stormwater Management Plan(s). The Municipal Engineer will review the SWM Site Plan for any subdivision or land development for compliance with this Ordinance and the Municipal SALDO provisions not otherwise superseded by this Ordinance.
- B. If applicable, the Applicant shall have received a "letter of adequacy" from the Conservation District or other PADEP approval for the proposed Regulated Activity prior to (or as a condition of) final approval by the Municipality.
- C. The Municipal Engineer will notify the Applicant and the Municipality in writing, within **45** calendar days, whether the SWM Site Plan is consistent with the requirements of this Ordinance. If the SWM Site Plan involves a subdivision and land development Plan, the notification shall occur within the time period allowed by the MPC (as amended). If a longer notification period is provided by other statute, regulation, or ordinance, the Applicant will be so notified by the Municipality.
 - 1. If the Municipal Engineer determines that the SWM Site Plan is consistent with this Ordinance, the Municipal Engineer shall forward a letter of consistency to the Municipality, who shall then forward a copy to the Applicant.
 - 2. The Municipality may approve the SWM Site Plan with conditions reasonably defined to make the SWM Site Plan compliant with the terms of this Ordinance, and, if so, shall provide the conditions for approval in writing.
 - 3. If the Municipal Engineer determines that the SWM Site Plan is inconsistent or noncompliant with this Ordinance, the Municipal Engineer will forward a letter to

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- the Municipality, with a copy to the Applicant citing the reason(s) and specific Ordinance sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with this Ordinance. Any SWM Site Plans that are inconsistent or noncompliant may be revised by the Applicant and resubmitted in accordance with Section 406 when consistent with this Ordinance. Resubmission will commence a new municipal review and notification time period.
- D. The Municipality will not grant final approval to any proposed subdivision, land development, or Regulated Activity specified in this Ordinance if the SWM Site Plan has been found to be inconsistent with this Ordinance.
 - E. All required permits from PADEP shall be obtained and submitted to the Municipality prior to (or as a condition of) final approval of any proposed subdivision, land development, or other Regulated Activity by the Municipality.
 - F. No building permits for any Regulated Activity will be approved by the Municipality if the SWM Site Plan has been found to be inconsistent with this Ordinance, as determined by the Municipal Engineer. All required permits from PADEP shall be obtained prior to issuance of a building permit.
 - G. The Municipality's approval of a SWM Site Plan shall be valid for a period not to exceed 5 years commencing on the date that the Municipality approved the SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if constructed, As-Built Plans of these facilities have not been approved within this 5 year time period, then the Applicant may seek reinstatement of approval of the expired SWM Site Plan. If the Municipality determines that the expired SWM Site Plan is consistent and compliant with current regulations and requirements, then the expired SWM Site Plan will be reinstated; otherwise, it will be rejected. The Applicant will be prohibited from conducting any Regulated Activity until a reinstated or newly approved SWM Site Plan is obtained in accordance with Section 406 of this Ordinance.
 - H. All or portions of the final approved SWM Site Plan shall be recorded (as "recorded plans") per the instructions of the Municipality.
 - I. Upon completion of construction, the Applicant shall be responsible for completing final As-Built Plans of all BMPs, Conveyances, or other stormwater management facilities included in the approved SWM Site Plan as per the requirements of Section 502 of this Ordinance.

Section 405. Revision of SWM Site Plans

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A. A submitted SWM Site Plan under review by the Municipality shall be revised and resubmitted for any of the following reasons:

1. A change in stormwater management BMPs, Conveyances, facilities, or techniques;
2. Relocation or redesign of stormwater management BMPs, Conveyances, or facilities; or
3. Soil or other Site conditions are not as stated on the SWM Site Plan as determined by the Municipal Engineer, and the new conditions necessitate design changes.

The revised SWM Site Plan shall be resubmitted in accordance with Section 403 and subject to review as specified in Section 404 of this Ordinance.

B. A revision to an approved SWM Site Plan shall be submitted to the Municipality, accompanied by the applicable municipal review fee.

Section 406. Resubmission of Inconsistent or Noncompliant SWM Site Plans

Any SWM Site Plan deemed inconsistent or noncompliant may be revised and resubmitted with the revisions addressing the Municipal Engineer's concerns documented in writing. The submission shall be addressed to the Municipality in accordance with Section 403 of this Ordinance, distributed accordingly, and be subject to review as specified in Section 404 of this Ordinance. The applicable municipal review fee shall accompany a resubmission of a SWM Site Plan previously determined to be inconsistent or noncompliant.

ARTICLE V – PERFORMANCE AND INSPECTION OF REGULATED ACTIVITIES, AND FINAL AS-BUILT PLANS

Section 501. Performance and Inspection of Regulated Activities

- A. All Regulated Activities shall be conducted, operated, and maintained in accordance with the requirements set forth in Articles III, VII, and VIII of this Ordinance. When a SWM Site Plan is required by this Ordinance, all Regulated Activities shall be performed in accordance with the requirements of the final approved SWM Site Plan.
- B. The Municipal Engineer or other municipal designee shall be provided access to the Site to inspect all phases of the erosion and sediment control measures and installation of the permanent BMPs and Conveyances at such times as deemed appropriate by the Municipal Engineer or other municipal designee.
- C. Periodic inspections may be made by the Municipal Engineer or other designee during construction. A set of design plans approved by the Municipality shall be on file and available for viewing at the Site throughout the duration of the construction activity.
- D. Inspections, including but not limited to a final inspection, of all constructed BMPs, Conveyances, or other stormwater facilities, and related improvements may be conducted by the Municipal Engineer or other designee to confirm compliance with this Ordinance and with the final approved SWM Site Plan prior to the issuance of any occupancy permit, use permit, or other form of final approval of the project by the Municipality.
- E. If an NPDES Permit for Stormwater Discharges Associated with Construction Activities was required for the Regulated Activity, a Notice of Termination (NOT) approval must be obtained upon completion of construction prior to final approval of the project by the Municipality.
- F. Upon completion of construction, every permanent stormwater BMP, Conveyance, or other Stormwater Management Facility constructed or used as part of the Regulated Activity shall be operated, maintained, and inspected by the Landowner, or other designated person, in accordance with the O&M Plan and O&M Agreement approved by the Municipality.
- G. The Municipality or its designee may periodically inspect any permanent stormwater BMP, Conveyance or Stormwater Management Facility for compliance with this Ordinance, an approved O&M Plan, or an approved O&M Agreement, per the provisions of Article IX. The Municipality may inspect at any time it has reason to believe a violation exists. The Municipality may pursue enforcement for violations consistent with the provisions of Article IX.

Section 502. Final As-Built Plans

- A. The Applicant shall provide to the Municipality final As-Built Plans (signed and sealed by a qualified Licensed Professional) of all BMPs, Conveyances, other stormwater facilities, and related improvements shown in the final approved SWM Site Plan.
- B. The final As-Built Plans shall include the following for all BMPs, Conveyances, other stormwater facilities and related improvements:
 - 1. The location, elevations, dimensions, and as-built conditions of all BMPs, Conveyances, other stormwater facilities, and related improvements including topographic contours and all typical details for storm drainage and conveyance systems, stormwater management facilities and Impervious Surfaces (existing, proposed, or constructed) included in the approved SWM Site Plan. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted at the central location of the BMPs; and
 - 2. Explanation of any discrepancies or variations from the final approved SWM Site Plan, other related approved construction plans, calculations, and specifications (and approved revisions thereto).
- C. The final As-Built Plans shall include a certification of completion signed and sealed by a qualified Licensed Professional verifying that all permanent BMPs and Conveyances have been constructed according to the final approved SWM Site Plan and related approved construction plans, calculations, and specifications.
- D. All areas of the Regulated Activity draining to BMPs must be stabilized prior to submittal of the As-Built Plans.
- E. After receipt of the As-Built Plans by the Municipality, the Municipality or its designee may review the As-Built Plans for consistency with this Ordinance, the final approved SWM Site Plan, other related approved construction plans, and subsequent approved revisions thereto, as well as actual conditions at the Site, and the Municipality may conduct a final inspection, as per Subsection 501.D.
- F. The As-Built Plans must be received, reviewed, and determined to be acceptable by the Municipality prior to:

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1. Close out of the Land Disturbance permit or other close out of the project by the Municipality;
 2. Release of the financial security or other performance guarantee; and
 3. Dedication of the stormwater facilities to the Municipality, or conveyance to a homeowners association, or other person responsible for operation, maintenance, and repair.
- G. Final occupancy permit(s) or Use Permit or other final approval to use or operate the constructed improvement may not be issued by the Municipality until the final As-Built Plans have been accepted.
- H. Upon final acceptance of the final As-Built Plans by the Municipality, the Applicant shall review and, if required by the Municipality, revise and re-record the O&M Plan and the O&M Agreement to reflect the final as-built conditions and information for each permanent BMP or Conveyance, in accordance with the requirements of Article VII.
- I. All or portions of the final As-Built Plans shall be recorded if required by the Municipality.

ARTICLE VI – FEES AND EXPENSES

Section 601. Municipality SWM Site Plan Review and Inspection Fees

Application fees for Subdivisions, Land Developments, and building permits were established by Resolution 2011-08 and 2007-06, and cover the Township's administrative costs for processing the applications. Detailed technical review of the SWM Site plan for conformance with the requirements of this Ordinance is performed by Municipal Consultants. In addition the application fees established by Resolution, the applicant is responsible to reimburse the Township for Municipal Consultant fees associated with reviewing the SWM Site Plan, including, but not limited to, the items listed in Section 602.A below.

Section 602. Municipal Consultant Fees

- A. East Marlborough Township will bill the applicant for the following services performed by the Township Engineer and/or other municipal consultants:
1. The review of the SWM Site Plan by the Municipality, the Municipal Engineer and other municipal consultants;
 2. Coordination and meetings with the Applicant;
 3. The inspection of erosion and sediment control measures, BMPs, Conveyances and other related improvements during construction;
 4. Review of project communications, reports, and additional supporting information;
 5. Other Site inspections;
 6. The final inspection upon completion of the BMPs, Conveyances, and other stormwater management facilities and related improvements presented in the SWM Site Plan; and
 7. Review of final As-Built Plan submission and revised calculations, and inspections as needed.
- B. The Applicant shall also reimburse all expenses incurred by the Municipality for any additional work or municipal consultant fees required to enforce any permit provisions regulated by this Ordinance, correct violations, and ensure proper completion of remedial actions.

ARTICLE VII – OPERATION AND MAINTENANCE (O&M) RESPONSIBILITIES AND EASEMENTS

Section 701. General Requirements for Protection, Operation and Maintenance of Stormwater BMPs and Conveyances

The following shall apply to all Regulated Activities in accordance with the requirements of the subsequent sections of this Article VII.

- A. Continuing operations and maintenance responsibilities of all permanent BMPs, Conveyances, or other stormwater management facilities shall be reviewed and approved by the Municipality along with the SWM Site Plan. The Municipality may require an offer of a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Municipality will accept the facilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any portion of or all of the BMPs, Conveyances or other stormwater controls and facilities.
- B. An Operation and Maintenance (O&M) Plan shall be submitted to the Municipality for review and approval for all existing and proposed permanent BMPs and man-made Conveyances or other stormwater facilities identified in the SWM Site Plan. Multiple BMPs or Conveyances may be addressed by a combined O&M Plan where all such facilities are similar in O&M requirements and ownership.
- C. The O&M Plan(s) and O&M Agreement(s) shall name the person identified in the SWM Site Plan who shall be the owner of and be responsible for ongoing inspections, operation, repair, and maintenance of each BMP or Conveyance following completion of construction.
- D. For any BMP or man-made Conveyance (including any to be located on any property other than the property being developed by the Applicant) to be owned by a person other than the Municipality:
 - 1. An O&M Agreement shall be submitted to the Municipality for review and approval; and
 - 2. The O&M Plan shall be attached to, incorporated within, and recorded as a public record along with a fully executed O&M Agreement, all of which shall be recorded as a restrictive covenant that runs with the land and shall be binding upon the Landowner and any heirs, administrators, successors in interest or assigns of the Landowner.

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- E. The following shall be provided for all BMPs and Conveyances (including any to be located on any property other than the property being developed by the Applicant) by an O&M or other agreement or by otherwise establishing covenants, easements, deed restrictions, or by dedication to the Municipality:
 - 1. Permanent protection of the BMP or Conveyance from disturbance or alteration;
 - 2. Right of entry and access for the Municipality for inspection and enforcement of this Ordinance (including Subsection 903.G) and any applicable O&M Plan or O&M Agreement; and
 - 3. Right of entry and access for the person owning the BMP or Conveyance and responsible for fulfilling the O&M requirements when that person is not the Municipality and is different from the owner of the property on which the BMP or Conveyance is located (such as may be applicable for Subsection 301.G of this Ordinance).
- F. All O&M and other agreements, covenants, easements, and deed restrictions shall:
 - 1. Be submitted to the Municipality for review and approval;
 - 2. Be recorded as a public record, upon approval, against each parcel(s) which is part of the SWM Site Plan or otherwise contains any BMP or Conveyance comprising part of the Regulated Activity which is the subject of an O&M Agreement; and
 - 3. Run with the land and be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns.
- G. The materials, documents and content required by this Article VII may be prepared in conjunction with and incorporated with similar materials, documents and content required for other permit or approval applications, such as those required by PADEP for the Post Construction Stormwater Management Plan.

Section 702. Operation and Maintenance Plans

The following items shall be included in the O&M Plan, unless otherwise approved by the Municipal Engineer:

- A. A plan sheet(s) or map(s) showing each BMP and man-made Conveyance and which shall include, but not be limited to:

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1. Property(ies) identification (owner name and address; and property address and/or lot and/or tax parcel number, etc.), property boundaries and tax parcel number of the land parcel on which the BMP or Conveyance is located.
2. Name, address, phone number, date prepared, signature and seal of the Licensed Professional responsible for preparation of the plan sheet or map.
3. Clear identification of the location, dimensions, and function of each BMP or Conveyance covered by the O&M Plan.
4. The location of each BMP and Conveyance relative to roadways, property boundaries, or other identifiable landmarks and existing natural drainage features such as streams, lakes, ponds, or other bodies of water within the immediate vicinity of, or receiving discharge from, the BMP or Conveyance.
5. Delineation of the land area, structures, Impervious Surfaces and Conveyances draining to and from the BMP.
6. Representative elevations and/or topographic contours at intervals of two (2) feet, or other as acceptable to the Municipal Engineer.
7. Other features including FEMA floodplain and floodway boundaries, sinkholes, etc. located within the immediate proximity of each BMP and Conveyance.
8. Locations of areas of vegetation to be managed or preserved that function as a BMP or Conveyance.
9. The locations of all surface and subsurface utilities, on-lot wastewater facilities, sanitary sewers, and water lines within twenty (20) feet of each BMP or Conveyance.
10. The following as it pertains to any easements, covenants and deed restrictions established for each applicable BMP or Conveyance:
 - a. Boundaries delineated with bearings and distances shown that encompass the BMP or Conveyance and that includes a **20** foot perimeter area surrounding these features and sufficient vehicular ingress to and egress from a public right-of-way and roadway;
 - b. Labels specifying the type and purpose of the easement, covenant, or deed restriction and who it benefits; and
 - c. Labels with reference to any corresponding easement agreement, covenant, deed restriction or other document to be recorded.

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11. The plan sheet or map shall be prepared at sufficient scale for municipal review, and ultimately for the use by the person responsible for operation and maintenance, and shall also be prepared at a legible scale that meets the requirements for recordation along with (and as an attachment to) the O&M Agreement and O&M Plan at the Chester County Office of the Recorder of Deeds.
- B. The following information shall be included in the O&M Plan and written in a manner consistent with the knowledge and understanding of the person who will be responsible for the maintenance activities:
 1. The name and address of the following:
 - a. Property(ies) on which each BMP or Conveyance is located;
 - b. Owner of the property;
 - c. Owner of each stormwater BMP or Conveyance who is responsible for implementation of the O&M Plan;
 - d. Person responsible for maintaining adequate liability insurance and payment of taxes; and
 - e. Person preparing the O&M Plan.
 2. A description of each BMP and Conveyance and how the BMPs and Conveyances are intended to function.
 3. A description of actions necessary to operate, inspect, and maintain each BMP or Conveyance, including but not limited to:
 - a. Lawn care, vegetation maintenance, landscaping, and planting;
 - b. Clean out of accumulated debris and sediment (including from grates, trash racks, inlets, etc.); and
 - c. Other anticipated periodic maintenance and repair.
 4. The following statement shall be included:

“The Landowner acknowledges that, per the provisions of the Municipality’s Stormwater Management Ordinance, it is unlawful to modify, remove, fill, landscape, alter or impair the effectiveness of, or place any structure, other vegetation, yard waste, brush cuttings, or other waste or debris into any permanent stormwater management BMP or Conveyance described in this O&M Plan or

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to allow the BMP or Conveyance to exist in a condition which does not conform to this O&M Plan, without written approval from the Municipality.”

5. Inspection and maintenance schedules.
6. Explanation of the purpose and limitations of any easements, covenants, or deed restrictions associated with any BMP or Conveyance that are to be recorded against the property.
- C. A statement that no BMP or man-made Conveyance may be used by the owner or others for any purpose other than its intended stormwater control function, or, if approved by the Municipal Engineer, a statement of specific allowable uses of the BMP (i.e., recreational benefits that maybe associated with certain BMPs owned by a homeowners association, or allowable uses by an individual residential Landowner).
- D. A statement that establishes a reasonable time frame for remedy of deficiencies found by the owner during their inspections.
- E. Language needed to fulfill the requirements of Subsections 705.B, 705.C, and 705.D of this Ordinance.

Section 703. Operation and Maintenance Agreements

- A. An O&M Agreement shall be required for any BMP or man-made Conveyance to be owned by a person other than the Municipality, and the Agreement shall:
 1. Be between the owner of the BMP or Conveyance and the Municipality, and shall be substantially the same as the O&M Agreement in **Appendix E**;
 2. Incorporate the approved O&M Plan(s) for all BMPs or Conveyances to be covered by the O&M Agreement;
 3. Set forth the rights, duties, and obligations of the owner of the BMP or Conveyance and the Municipality, and be consistent with the approved O&M Plan(s);
 4. Be recorded as a deed restriction or restrictive covenant that runs with the land and shall be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns;
 5. Be submitted to the Municipality for review prior to approval of the SWM Site Plan;

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6. Upon approval by the Municipality, be signed by the designated owner of the BMP or Conveyance and submitted for signature by the Municipality; and
 7. When fully executed, be recorded by the Landowner at the Chester County Office of the Recorder of Deeds following municipal approval of the O&M Plan and prior to the start of construction.
- B. Other items or conditions may be required by the Municipality to be included in the O&M Agreement where determined necessary by the Municipality to guarantee the satisfactory operation and maintenance of all permanent BMPs and Conveyances.
- C. After approval of the final As-Built Plans per the requirements of **Article V**, the Applicant shall review and, if necessary and if required by the Municipality, revise and re-record the O&M Plan and O&M Agreement to reflect the final as-built conditions of each BMP and Conveyance if different from the information included in the original recorded documents.

Section 704. Easements and Deed Restrictions

- A. Easements shall be established in connection with any Regulated Activity for all permanent BMPs and Conveyances that will not be dedicated to or otherwise owned by the Municipality, (including any to be located on any property other than the property being developed by the Applicant), and shall:
1. Include all land area occupied by each BMP or Conveyance;
 2. Include a (20) -foot wide perimeter (or other width as determined in consultation with the Municipal Engineer) surrounding the feature(s);
 3. Provide sufficient vehicular ingress and egress from a public right-of-way and roadway;
 4. Permanently protect every BMP and Conveyance from disturbance or alteration where not otherwise protected by a recorded O&M Agreement, covenant, deed restriction or other means;
 5. Grant the Municipality the right, but not the duty, to access every BMP and Conveyance from a public right-of-way or public roadway to conduct periodic inspections and to undertake other actions that may be necessary to enforce the requirements of this Ordinance, or of any applicable O&M Plan or O&M Agreement; where roadways will not be dedicated to the Municipality, the Municipality shall be granted access to the private roadways as necessary to access every BMP and Conveyance;

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6. Grant the owner of each BMP and Conveyance the right to access, inspect, operate, maintain, and repair the BMP or Conveyance when the feature is to be owned, operated, and maintained by a person other than the Municipality and other than the owner of the parcel on which it is located;
 7. Be shown, with bearings and distances noted, on the SWM Site Plan map/plan sheets, O&M Plan map/plan sheets, final As-Built Plans, and be signed and sealed by a qualified Licensed Professional;
 8. Include language legally sufficient to ensure that the easement shall run with the land and bind the Landowner granting the easement, its heirs, administrators, successors in interest and assigns, into perpetuity; and
 9. Be recorded at the Chester County Office of the Recorder of Deeds following municipal approval and prior to the start of construction.
- B. For any BMP or Conveyance to be owned by a person other than the Municipality or the Landowner owning the parcel upon which a BMP or Conveyance is located, an easement agreement shall be prepared and executed between the Landowner and the owner of the BMP or Conveyance which shall:
1. Describe the ownership interests of all parties to the easement agreement, including the ownership of the BMP or Conveyance;
 2. Include a written legal (metes and bounds) description of the easement area, with reference to a recorded plan sheet showing the legal boundaries of the easement area (or an accompanying plan sheet/map), signed, and sealed by a qualified Licensed Professional;
 3. Grant an easement from the Landowner to the owner of each BMP and Conveyance, establishing the right and obligation to occupy, access, inspect, operate, maintain, and repair the BMP or Conveyance;
 4. Include a description of the purpose of the easement and the responsibilities of the parties involved;
 5. Incorporate by reference or be recorded with, the corresponding O&M Plan and O&M Agreement;
 6. Restrict the Landowner's use of the easement area of the parcel on which the BMP or Conveyance is located, consistent with the rights granted to the owner of the BMP or Conveyance;
 7. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;

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8. Upon approval by the Municipality, be signed by the owner of the BMP(s) or Conveyance(s) and the Landowner and submitted for signature by the Municipality;
 9. Include language legally sufficient to ensure that the easement will run with the land affected by the easement and that the easement agreement is binding upon the parties to the easement agreement, their heirs, administrators, successors in interest and assigns, into perpetuity;
 10. Contain additional provisions or information as required by the Municipality; and
 11. When fully executed, be recorded by the Landowner at the Chester County Office of the Recorder of Deeds against all parcels affected by the terms of the easement agreement, within **5** days of the Municipality's approval of the corresponding O&M Plan.
- C. For any BMP or Conveyance which is designed to receive runoff from another parcel or parcels and which is owned by the Landowner of the parcel upon which the BMP or Conveyance is located, in addition to any easement or easement agreement required pursuant to Subsection 704 A. or B., an easement agreement shall be prepared and executed between the Landowner of the parcel or parcels draining to the BMP or Conveyance and the owner of the BMP or Conveyance. This easement agreement shall:
1. Describe the ownership interests of all parties to the easement agreement, including the ownership of all affected parcels and of the BMP or Conveyance;
 2. Provide for the grant of a drainage easement from the owner of the BMP or Conveyance to the Landowner of the parcel(s) draining to the BMP, which shall extend from the shared parcel boundary(ies) to the receiving BMP and shall include the connecting flow path(s) or Conveyance;
 3. Include a written legal (metes and bounds) description of the easement area, with reference to a recorded plan sheet showing the legal boundaries of the easement area (or an accompanying plan sheet/map), signed, and sealed by a Licensed Professional.
 4. Incorporate by reference or be recorded with the corresponding O&M Plan and O&M Agreement;
 5. State that the purpose of the easement agreement is to ensure the continuous right of the discharging parcel to discharge onto the parcel containing the BMP and into the BMP or Conveyance;

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6. Restrict the BMP or Conveyance owner's use of the easement area of the parcel upon which the BMP or Conveyance is located, consistent with the purpose of the easement granted;
 7. Establish the duty and responsibility of the Landowner of the parcel or parcels draining to the BMP or Conveyance to maintain the existing drainages on the discharging parcel or parcels as designed and constructed to discharge to the receiving BMP;
 8. Include language legally sufficient to ensure that the easement will run with the land and will bind all parties to the easement agreement, their heirs, administrators, successors in interest and assigns, into perpetuity;
 9. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;
 10. Contain all additional provisions or information as the Municipality may require upon review; and
 11. Be executed by the parties to the easement agreement and recorded at the Chester County Recorder of Deeds Office against the draining parcel(s) and the parcel upon which the BMP or Conveyance is located within 5 days of the Municipality's approval of the corresponding O&M Plan.
- D. For any area(s) shown on the SWM Site Plan maps/plan sheets or As-Built Plan sheets as requiring, or area(s) that is otherwise determined to require, deed restriction(s) for the purpose of protecting and prohibiting disturbance to a BMP or Conveyance, such deed restrictions will be incorporated into a written deed, restrictive covenant, or equivalent document. The deed or other document shall:
1. Include a clear and understandable description of the purpose, terms and conditions of the restricted use;
 2. Include the written legal description (metes and bounds description) of the area to which the restrictions apply that is consistent with the boundary shown on the O&M plan sheets and SWM Site Plan maps/plan sheets;
 3. Make reference to any corresponding O&M Plan(s) and O&M Agreement(s);
 4. Include language legally sufficient to ensure that the terms of the restriction run with the land and shall be binding upon the Landowner, its heirs, administrators, successors in interest, and assigns;
 5. Be submitted to the Municipality for review and approval prior to approval of the SWM Site Plan;

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6. Upon approval by the Municipality, be signed by the Landowner and owner of the BMP or Conveyance and submitted to the Municipality; and
7. Be fully executed and recorded at the Chester County Office of the Recorder of Deeds within 5 days of the Municipality's approval of the O&M Plan.

Section 705. Other Post-construction Responsibilities

- A. The provisions of Section 804 of this Ordinance shall apply to any permanent BMP or Conveyance that is constructed as part of an approved SWM Site Plan or covered by an approved O&M Plan.
- B. The person responsible for the operation and maintenance of a BMP or Conveyance shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least **10** years. These records shall be submitted to the Municipality.
- C. Upon final inspection, the Municipality shall inform the person responsible for the operation and maintenance whether the submission of periodic (annual or other frequency) inspection and maintenance reports will be required.
- D. The owner of each BMP and Conveyance shall keep on file with the Municipality the name, address, and telephone number of the person responsible for maintenance activities and implementation of the O&M Plan. In the event of a change, new information shall be submitted by the BMP or Conveyance owner to the Municipality within **30** working days of the change.

Section 706. Inspection and BMP Operation and Maintenance Requirements

The landowner or the owner's designee shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance according to the following frequencies, at a minimum, to ensure the BMPs, facilities and /or structures continue to function as intended:

1. Annually for the first 5 years.
2. Once every 3 years thereafter.
3. During or immediately after the cessation of a 10-year or greater storm, as determined by the Municipal Engineer. Inspection reports for inspections during or after the cessation of a 10-year or greater storm event are only required to be submitted if requested by the Municipality or Municipal Engineer.

Inspections should be conducted during or immediately following precipitation events or in dry weather conditions if the BMP design parameters include dewatering within a specified period of time. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the

individual(s) who completed the inspection, the location of the BMP, Stormwater Management Facility, or structure inspection, observations on performance, and recommendations for improving performance, if applicable. Inspection reports for annual and triennial inspections shall be submitted to the Municipality within 30 days following completion of the inspection.

ARTICLE VIII – PROHIBITIONS

Section 801. Prohibited Discharges

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Municipality's separate storm sewer system, Riparian Buffers, wetlands, or other Waters of the Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into the Municipality's separate storm sewer system or the Waters of the Commonwealth that are not composed entirely of stormwater, except:
 - 1. As provided in Subsection 801.C below; and
 - 2. Discharges allowed under a State or Federal permit.
- C. The following discharges are authorized unless they are determined by the Municipality to be significant contributors to pollution to the Municipality's separate storm sewer system or to the Waters of the Commonwealth:
 - 1. Discharges from fire fighting activities;
 - 2. Potable water sources including water line and fire hydrant flushings, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC);
 - 3. Non-contaminated irrigation drainage water;
 - 4. Non-contaminated HVAC condensation and water from geothermal systems
 - 5. Springs;
 - 6. Water from crawl space pumps;

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7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
 8. Diverted stream flows;
 9. Flows from riparian habitats and wetlands;
 10. Uncontaminated water from foundations or from footing drains;
 11. Lawn watering;
 12. Uncontaminated groundwater;
 13. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized
 14. Routine external building washdown (which does not use detergents or other compounds); and
 15. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
- D. In the event that the Municipality determines that any of the discharges identified in Section 801.C significantly contribute pollutants to the Municipality's separate storm sewer system or to the Waters of the Commonwealth, or is notified of such significant contribution of pollution by PADEP, the Municipality will notify the responsible person to cease the discharge.
- E. Upon notice provided by the Municipality under Section 801.D, the discharger shall, within a reasonable time period, as determined by the Municipality consistent with the degree of pollution caused by the discharge, cease the discharge.
- F. Nothing in this section shall affect a discharger's responsibilities under State law.

Section 802. Prohibited Connections

The following connections are prohibited, except as provided in Section 801.C above:

- A. Any drain or Conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter a separate storm sewer system, and any connections to the separate storm sewer system from indoor drains and sinks. Any drain or Conveyance that delivers non-

stormwater discharges directly into wetlands, Riparian Buffers, or other Waters of the Commonwealth is prohibited.

- B. Any drain or Conveyance connected from a commercial or industrial land use to a separate storm sewer system, which has not been documented in plans, maps, or equivalent records and approved by the Municipality.

Section 803. Roof Drains and Sump Pumps

- A. Roof drains and sump pump discharges shall not be connected to sanitary sewers.
- B. Roof drain, sump pump, foundation, and footing drain discharges:
 - 1. To the maximum extent practicable, shall discharge to infiltration or vegetative BMPs, or to vegetated or other areas with adequate capacity;
 - 2. May be connected to streets, storm sewers, or roadside ditches only if determined necessary or acceptable by the Municipal Engineer; and
 - 3. Shall be considered in stormwater management calculations to demonstrate that Conveyance and receiving facilities have adequate capacity.

Section 804. Alteration of BMPs

- A. No person shall modify, remove, fill, landscape, alter, or impair the effectiveness of any stormwater BMPs, Conveyances, Stormwater Management Facilities, areas or structures unless the activity is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping, additional vegetation, yard waste, brush cuttings, or other waste or debris into a BMP or Conveyance, or within a stormwater easement, that would limit or alter the functioning of the stormwater BMP or Conveyance, without the written approval of the Municipality.

ARTICLE IX – ENFORCEMENT AND PENALTIES

Section 901. Public Nuisance

- A. Any Regulated Activity conducted in the violation of any provision of this Ordinance is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.
- C. A separate violation will be found to exist for each section of this Ordinance found to have been violated.
- D. To the extent that the Municipality does not enforce any provision of this Ordinance, such action or inaction shall not constitute a waiver by the Municipality of its rights of future enforcement hereunder.

Section 902. Right of Entry

- A. Upon presentation of proper credentials, duly authorized officers or agents of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of all erosion and sediment controls and permanent stormwater BMPs, Conveyances, or other Stormwater Management Facilities both during and after completion of a Regulated Activity, or for compliance with any requirement of this Ordinance.
- B. Persons working on behalf of the Municipality shall have the right to temporarily locate on or in any BMP, Conveyance, or other Stormwater Management Facility in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP or Conveyance, or other stormwater facilities.
- C. Failure of the Landowner or representative to grant access to the Municipality within **48** hours of notification, verbal or written, is a violation of this Ordinance.

Section 903. Enforcement

- A. The Municipal Engineer or other designee is hereby authorized and directed to enforce all the provisions of this Ordinance. The Municipal Governing Body may delegate enforcement duties, including the initial determination of Ordinance violation and service of notice, if notice is given, to such other officers or agents as the Municipality shall deem qualified for that purpose.

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- B. It shall be the responsibility of the Landowner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred to comply with the applicable terms and conditions of this Ordinance.
- C. All municipal inspections for compliance with the approved SWM Site Plan shall be the responsibility of the Municipality or its designee.
- D. During any stage of the work of any Regulated Activity, if the Municipal Engineer or other designee determines that the erosion and sediment control measures, permanent BMPs, Conveyances or other stormwater facilities are not being installed or maintained in accordance with the approved SWM Site Plan, the Municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected or until a revised SWM Site Plan is submitted and approved, if and as determined to be necessary by the Municipal Engineer or other designee.
- E. In the event that the Municipal Engineer or other designee finds that a person has violated a provision of this Ordinance, or fails to conform to the requirements of any permit or approval issued by the Municipality, or any O&M Plan or O&M Agreement approved by the Municipality, the Municipality may order compliance by written notice of the violation to the Landowner.
- F. Such notice may, without limitation, require the following remedies:
 - 1. Performance of monitoring, analyses, and reporting;
 - 2. Elimination of prohibited connections or discharges;
 - 3. Cessation of any violating discharges, practices, or operations;
 - 4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 5. Payment of a fine to cover administrative and remediation costs and/or forfeiture of financial security;
 - 6. Implementation of stormwater controls, BMPs, and Conveyances; and
 - 7. Operation, maintenance or repair of BMPs, Conveyances or other stormwater facilities.
- G. Such notice shall set forth the nature of the violation(s), citing the specific sections of this Ordinance which have not been met, and establish a time limit for commencement of correction and completion of correction of the violations(s). The notice shall provide for a right of the Landowner's appeal to the Municipal Governing Body in accordance with Section 906 of this Ordinance. Said notice shall further advise that, if applicable, should the violator fail to take the required action within the

established deadline, possible sanctions, clearly described, may be imposed, or the work may be done by the Municipality or designee, and the expense thereof shall be charged to the violator.

- H. Failure to comply within the time specified in such notice shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

Section 904. Suspension and Revocation of Permits and Approvals

- A. Any building, land development, or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
1. Noncompliance with or failure to implement any provision of the permit or approved SWM Site Plan or O&M Agreement;
 2. A violation of any provision of this Ordinance or any other law or regulation applicable to the Regulated Activity;
 3. The creation of any condition or the commission of any act during the Regulated Activity that constitutes or creates a hazard or nuisance, or endangers the life, health, safety, or property of others; or
 4. Failure to correct a violation within the allowed time period allowed per notice given by the Municipality.
- B. Prior to revocation or suspension of a permit, unless there is immediate danger or threat of such danger to life, public health or property, at the request of the Applicant, the Municipality's Governing Body shall schedule a hearing on the violation and proposed revocation or suspension, pursuant to public notice. The expense of a hearing shall be the Applicant's responsibility.
- C. A suspended permit or approval may be reinstated by the Municipality when:
1. The Municipal Engineer or other designee has inspected and approved the corrections to the BMPs, Conveyances or other Stormwater Management Facilities, or the elimination of the hazard or nuisance; and
 2. The Municipality is satisfied that the violation has been corrected.
- D. A permit or approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new permit or approval in accordance with this Ordinance.

Section 905. Penalties

- A. Any person violating or permitting the violation of the provisions of this Ordinance shall be subject to a fine of not more than **\$1,000.00** for each violation, recoverable with costs. The establishment of a violation for purposes of setting fines or penalties for such violation shall be in accordance with a citation to a magisterial district judge with jurisdiction and venue over the location of the violation and such an action will be subject to the procedures provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof a violation is found to exist and may be determined for each section of this Ordinance which is found to have been violated.
- B. In addition, the Municipality may, through its solicitor, institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other legal or equitable forms of remedy or relief. Such relief may include costs, fees, and charges, including the Municipality's attorney's fees (charged at the hourly rate approved by the Governing Body of the Municipality) and costs, as may be permitted by law.
- C. Notwithstanding any other provision of this Ordinance, the Municipality shall have the right at any or all times deemed necessary by the Municipal Engineer or designee to enter upon any property within the Municipality to inspect and, upon determination of a violation of this Ordinance, to correct the violation, with all expenses associated with correcting the violation to be charged to the property owner responsible for the violation.

Section 906. Appeals

- A. Any person aggrieved by any action of the Municipal Engineer or other designee relative to the provisions of this Ordinance may appeal to the Municipality's Governing Body within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Municipality's Governing Body relative to the provisions of this Ordinance may appeal to the County Court of Common Pleas

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in the County where the activity has taken place within thirty (30) days of the Municipality's decision.

Section 907. Effective Date

This Ordinance shall take effect on _____.

July 6, 2022

Return to Agenda

Mr. Neil Lovekin, Township Manager
East Marlborough Township
721 Unionville Road
Kennett Square, Pennsylvania 19348

Re: East Marlborough Township
Act 537 Plan Update
Proposal for Professional Engineering Services

Dear Mr. Lovekin,

Herbert, Rowland & Grubic, Inc. (HRG) is pleased to submit the following AGREEMENT to provide professional engineering services for the preparation of an Act 537 Plan Update (Plan) for East Marlborough Township (Township).

GENERAL PROJECT DESCRIPTION

The Township initiated the process of preparing an Act 537 Plan Update in April 2020 in response to the planning requirements for the Willowdale Lane Development and in order to evaluate alternatives relative to improvements to sanitary sewerage facilities in existing sewerage needs areas, potential sewerage needs areas, and growth areas within the Township's service area.

A preliminary Draft of "Phase 1" (Chapters/Tasks 2 through 5) of the Plan was prepared by AECOM in 2021. Phase 1, as defined by AECOM, included the identification and summarization of prior wastewater planning, an analysis of the physical and demographic aspects of the Township, evaluation of land development and future growth relevant to sewage needs in the Township, and review of existing sewage needs based on Chester County Health Department (CCHD) data relative to existing OLDS in the Township.

The CCHD data is presumed to be sufficient for the needs analysis assuming that there are no extensions that will be proposed by the Township outside of those needed for future land development and assuming that OLDS will be managed through a new OLDS Management Ordinance. The remaining steps to complete the Act 537 Plan Update, as further identified in our Scope of Work (Exhibit 1), generally include the following:

1. Updates and additions to the Plan:

- Review and development of Improved Sewage Disposal Facilities Alternatives - including, but not limited to:
 - Public Sewage Alternatives
 - Extensions
 - Repair or upgrades to facilities
 - Sewage Management Program (OLDS Ordinance)

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- Evaluation of Alternatives in terms of technical and financial feasibility
- Institutional Evaluation – identification and selection (as necessary) for the management of each selected Alternative
- Selection of Alternative(s) and development of Implementation Schedule

2. Comment Periods once Draft is approved by Township:

- 30-day public comment period
- 60-day County and Township Planning Commission comment period

3. Public Hearing for review of Plan with Township residents

4. Finalization of Plan addressing all comments received from public and planning commissions

5. Adoption of Plan by Township

6. Submission of Plan to PADEP

7. Implementation of Plan pending PADEP approval

SCOPE OF SERVICES - Refer to Exhibit 1

COMPENSATION

We propose to complete this work, identified in Exhibit 1, on an Hourly plus reimbursable expenses Basis with an estimated fee of:

\$78,600.00

This work will be subject to the attached General Conditions, Exhibit 2, and our current Fee Schedule, Exhibit 4 and Billable Expense Schedule, Exhibit 5. Our policy is to render invoices monthly based on the time and expenses incurred. When the cumulative compensation reaches 75% of the estimated compensation, HRG will notify the CLIENT of any adjustments to the estimated total.

COMPLETION

The CLIENT and HRG agree that they will endeavor to complete the outlined services within upon receipt of your execution of this AGREEMENT.

AUTHORIZATION

We have developed this AGREEMENT specifically with your project needs in mind. To execute this AGREEMENT and indicate your acceptance of these terms, and authorize the work to begin, please sign the CLIENT acceptance below and return a copy to our office.

This AGREEMENT and all attachments constitute an offer to enter into a contract with you. By having an authorized individual execute this AGREEMENT, you agree that you have read and

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understand this proposed AGREEMENT and all of its attached Exhibits and that you agree to all of the terms.

This AGREEMENT shall remain open and may be accepted by the CLIENT for thirty (30) days from the above date. Acceptance of the AGREEMENT after the end of the 30-day period shall be valid only if HRG elects, in writing, to reaffirm the AGREEMENT and waive its right to reevaluate and resubmit the AGREEMENT.

If you have any questions concerning our AGREEMENT, including the attached exhibits, please feel free to contact me to discuss them in greater detail. We appreciate the opportunity to provide you with professional services in this capacity and look forward to working with you on this project.

Very truly yours,

HERBERT, ROWLAND & GRUBIC, INC.



Cory J. Salmon PE, PMP
Group Manager | Water & Wastewater

CJS/jh
9080.0428
P:\0090\009080_0428\Admin\Control\Proposal\2022.07.03 EMT Act 537 Plan Update.docx
Enclosures

ACCEPTED BY:

CLIENT

TITLE

DATE

Proprietary Notice

This AGREEMENT contains proprietary information regarding Herbert, Rowland & Grubic, Inc. and is a work product containing business sensitive materials. This AGREEMENT was prepared in response to your request for your specific project and no portion of this AGREEMENT may be shared with any other party.

EXHIBIT 1 SCOPE OF SERVICES

In order to meet your needs as outlined in the above paragraph, HRG proposes the following scope of services:

1. Review Draft Plan and documents prepared by AECOM (Task Completed)
2. Preliminary Planning Meeting with PADEP to generally discuss Scope and Schedule of Plan (Task Completed).
3. Update and submit Task/Activity Report (TAR) and Act 537 Plan Content and Environmental Assessment Checklist to PADEP for approval.
4. Review and utilize existing data relative to proposed planning areas including:
 - a. Problems, malfunctions, and rehabilitation work within existing sewer facilities as reported by residents, County SEO, and Township Staff
 - b. Existing WWTP operational data
 - c. Existing collection and conveyance facilities information and model
 - d. Existing planning information
 - e. Water usage records, where served by public water
5. Review up-to-date County OLDS records to ensure there are no significant updates compared to the data provided by AECOM.
6. Develop and evaluate structural alternatives providing sanitary sewer service for the potential needs areas:
 - a. Complete a hydraulic analysis utilizing the existing system model to evaluate any potential upgrades to the existing collection and conveyance facilities that may be required from the proposed upgrades to the proposed and/or existing points of connection to the WWTP.
 - b. Develop conceptual exhibits for proposed sanitary sewer extensions and/or improvements
 - c. Evaluate the capacities and Permit limits at the existing WWTP
 - d. Evaluate expansion alternatives that may be necessary if the current WWTP does not have the required capacity for the projected flow
 - e. Prepare a conceptual cost estimate for each alternative
 - f. Prepare a preliminary financial analysis for potential project financing alternatives
7. Prepare Draft Plan including a Draft Uniform Environmental Report (UER) in accordance with PADEP requirements.
8. Prepare and submit one (1) hard copy and one (1) electronic copy of the Draft Plan to the Township for review.
9. Review Draft Plan with the Township and incorporate any comments into the Draft Plan
10. Prepare and submit one (1) hard copy and one (1) electronic copy of the Pre-Final Plan to the Township for the Public Review period.
11. Submit Pre-Final Plan to the Township and County Planning Agencies.
12. Coordinate with PADEP and submit Pre-Final Plan to PADEP for review (if they confirm their ability to review it).

13. Prepare advertisement for 30-day public comment period, 60-day County and Municipal Planning Commission comment period, and public hearing (to be conducted after public comment period).
14. Attend one (1) public hearing with the Township to present the Pre-Final Plan.
15. Incorporate comments from Planning Agencies and public comments into Final Plan.
16. Prepare a Resolution for the Township's adoption of the Final Plan.
17. Prepare and submit the Final Plan to PADEP (up to three (3) hard copies and one (1) electronic copy) after the original copy of the adopted and signed Resolution is obtained.
18. Submit the required information to remain eligible for potential future reimbursement grants from PADEP following approval of the Plan.
19. Submit two (2) hard copies and one (1) electronic copy of the Updated Final Plan to Township.
20. Attend meeting with the Township and neighboring municipalities. One (1) meeting is assumed.
21. Attend and administer one (1) meeting with relevant stakeholders, as necessary, that may impact the Plan (developers, large commercial users, etc.).

Assumption/Exclusions:

1. AECOM's Draft Plan will be utilized for the Final Plan and no revisions will be required other than the Executive Summary.
2. AECOM's approved TAR will be utilized for the updated submission to PADEP and only the schedule and fees are assumed to be updated.
3. All advertising and applicable fees will be coordinated and paid directly by the Township.
4. All necessary information is available to complete the Plan and no PADEP file review will be required.
5. County data will be sufficient for the needs analysis of this Plan and no door-to-door surveys will be required.
6. A maximum of three (3) structural alternatives will be developed (with associated exhibit and cost estimate) for each planning area, as applicable.
7. This Plan is solely East Marlborough Township's Plan and will not be a regional effort.
8. Township will provide and coordinate a Stenographer for the public hearing.
9. No anti-degradation studies or requirements are relevant or needed for this Plan.

Additional Services:

1. Door-to-door inspections - \$160.00 each
 - a. Assumes Township will coordinate send/deliver mailers as applicable
2. Well sampling - \$200.00 each
 - a. Includes lab analysis fee.
3. Additional in-person meetings - \$200.00 each
4. Additional structural alternatives – fee will be provided as necessary in accordance with the necessary scope and time associated with alternative.

EXHIBIT 2

GENERAL CONDITIONS

1. INTENT. These General Conditions set forth the terms and conditions of the contract to which they are attached. These conditions are applicable to that contract and control absent language to the contrary in the contract.
2. LEGAL EFFECT. The terms of this AGREEMENT are legally binding and have legal consequences. Both HRG and CLIENT have had legal counsel review this AGREEMENT or understand that they have the right to have legal counsel review this AGREEMENT and have chosen not to do so. This AGREEMENT is fully integrated and no promises, representations or other statements made by either Party prior to the date of this AGREEMENT are binding upon either party or may be used for any purpose whatsoever.
3. PERFORMANCE OF PROFESSIONAL SERVICES. The services that HRG will provide on this Project are Professional Services subject to the ordinary Standard of Care applicable to Professionals practicing in the project area at the time these services are provided. There are no warranties or guarantees in any respect. CLIENT recognizes that HRG's Professional Services may be provided in part by Sub-consultants of HRG's choice for whose Professional Services HRG assumes the same responsibility as if those services were performed by HRG. CLIENT recognizes that HRG may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and published technical standards.
4. NO DUTY TO SUPERVISE OR CONTROL CONSTRUCTION. If this AGREEMENT involves construction of a Project, the construction of the Project shall be under the sole direction, supervision and control of the Prime Contractor(s) and HRG shall have no duty or authority to assume direction, supervision or control of the work of any contractor. HRG shall have no responsibility or liability for acts, omissions or errors of any Contractor, Subcontractor or Supplier.
5. ASSIGNMENT. Neither HRG nor CLIENT shall assign their respective duties nor responsibilities under this AGREEMENT except by written supplement to this AGREEMENT or as either may be required to do so as a matter of law. Nothing in this Article contradicts the provisions of Article 3 permitting subcontracting of services by HRG as is appropriate.
6. TIME OF PERFORMANCE. HRG will perform its services in a reasonably timely manner unless there is a specific time for performance set forth in the AGREEMENT or Exhibit 1. If Construction Phase services are included in the scope, Construction Administration Services begin on the date a Notice to Proceed to the contractor (or date of award, depending on whether pre-construction services are included) is issued and terminates after the number of Contract Days identified as the contract term in the Construction Contract. If the Construction Contract is a multiple prime contract project, the time for HRG's performance shall be the number of contract days in the General Contract for Construction (alternately set forth the number of days). The compensation for HRG's services have been agreed to in anticipation of the orderly and continuous progression of the work. If the time of performance is exceeded through no fault of HRG, the compensation shall be subject to equitable adjustment.
7. CLIENT RESPONSIBILITIES. CLIENT agrees to cooperate with HRG in providing timely information and documentation as requested; access to the work site as necessary and prompt, complete and reasonable review of design or other documents requiring review and approval. Any required approvals shall not be unreasonably delayed or withheld.
8. DELAYS. CLIENT and HRG agree that delays in the performance of HRG's work which are caused by circumstances beyond the control of HRG shall operate to extend the time for HRG's performance. Unless CLIENT specifies, and HRG agrees in writing, to a specific time for performance, CLIENT waives any claim against HRG for damages caused or allegedly caused by delays in performance of this AGREEMENT by HRG.
9. PAPER DOCUMENTS. If the scope of services includes production of paper document deliverables, HRG will produce paper document deliverables in printed form at each stage of CLIENT's review solely for review and comment by CLIENT. Final paper document deliverables in a number specified in the AGREEMENT will be produced by HRG.
10. INSTRUMENTS OF SERVICE. All documents (hard copy or electronic) produced by HRG, at any stage of HRG's work under this AGREEMENT, are instruments of service and HRG retains the exclusive ownership of and copyright on them. During bidding, construction, and commissioning and testing of the Project, CLIENT and CLIENT's contractors will have a limited license to use the Construction Documents to complete the Project. Upon completion of the Project, CLIENT will retain a further license as necessary for the maintenance and repair of the Project.

CLIENT shall have no license at any time to use the Instruments of Service created for this Project for use on another Project or for any purpose other than use in routine maintenance of the final Project. In the event that CLIENT wishes to change, modify or add to the Project, HRG will grant in writing a limited license to CLIENT to use the Drawings created for this Project for reference purposes only in the design of the changes, modifications or additions. That

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limited license shall be subject to terms appropriate to protect HRG's ownership and to protect and indemnify HRG against any legal liability for the design and construction of any changes, modifications or additions.

Any use of HRG's Instruments of Service that is not authorized pursuant to this AGREEMENT or any addition or modification to this AGREEMENT or any other unauthorized use, shall subject the CLIENT to liquidated damages in an amount equal to the fee for design as set forth herein.

11. ELECTRONIC DOCUMENTS. Electronic Documents include correspondence, computer program files (i.e. Word, Excel, computer aided design and drafting CADD, etc.), documents, text data, drawings, information, graphics, or any other item in electronic media or digital format. HRG will not provide copies of Electronic Documents to CLIENT or to another entity except upon the written request of CLIENT and subject to the following conditions:

- a. CLIENT and HRG may transmit, and shall accept, Project-related Electronic Documents in electronic media or digital format, directly, or through access to a secure Project website. If the scope of services does not establish an Electronic Documents Protocol for Electronic transmittal, then CLIENT and HRG shall jointly develop such protocols.
- b. CLIENT agrees the Electronic Documents are not certified documents. HRG, by delivering the Electronic Documents to CLIENT, makes no express or implied guarantees or warranties as to the files' accuracy, title, non-infringement, and completeness, or merchantability and fitness for any purpose.
- c. When transmitting items in Electronic Documents, the transmitting party makes no representations as to long-term compatibility, usability, or readability of the items resulting from the recipient's use of software application packages, operating systems, or computer hardware differing from that used in the drafting or transmittal of the items, or from these established in applicable transmittal protocols.
- d. CLIENT shall waive all claims against the design professional arising from unauthorized changes to or use of the Electronic Documents.
- e. CLIENT acknowledges that differences may exist between the Electronic Documents and the signed and sealed documents, and where such conflicts exist, the signed and sealed hard-copy control.
- f. CLIENT and/or any other party to which CLIENT requests Electronic Documents be supplied agree to release HRG from any liability for errors in the electronic documents or difference between the electronic documents and the published and sealed printed Documents.
- g. CLIENT and/or any other party to which CLIENT requests Electronic Documents be supplied agree to indemnify, defend and hold HRG harmless from and against any claims by third parties against HRG based on or allegedly based on (1) reliance on the electronic documents, or (2) arising from changes made to the CAD files by anyone other than the design professional, or (3) the transfer or reuse of the CAD files by anyone without the prior written consent of HRG.
- h. CLIENT and/or any other party to which CLIENT requests Electronic Documents be supplied agree to remove any signatures, seals and other identification of HRG or any employee, servant or agent of HRG from any paper documents or electronic reproductions produced from the supplied electronic documents.
- i. CLIENT and/or any other party to which CLIENT requests Electronic Documents be supplied stipulate that any and all bids, takeoffs, estimates or other decisions made in the process of bidding, proposing and construction of the process were made in reliance on the signed and sealed Construction Drawings and not in reliance on any electronic documents.

12. INDEMNIFICATION. Each party agrees to indemnify the other, its agents, servants, employees, insurers, officers, directors and any affiliated entities to the full extent allowed by law against any liability, loss, award, verdict or other imposition of financial responsibility, including statutory interest which is incurred as the result of the others negligence or intentional act, but only to the extent and in the percentage of liability determined by a legally constituted finder of fact and embodied in a final judgment entered against the Indemnitor.

If either party is found to have liability to a third party to which the provisions of this clause may apply; then upon written request by that party, the parties agree to mediation to determine whether and to what extent the other party is responsible to indemnify it under this clause.

13. ADDITIONAL SERVICES. HRG shall be entitled to additional compensation if:

- a. CLIENT requests that HRG perform additional services;

- b. The Contract time is extended for any reason beyond the control of HRG;
- c. HRG is required to perform additional services for any reason other than its own negligent act or omission; or
- d. The services are necessary to prevent delay to the Project, damage to the Project or other property or to prevent death or injury to any persons.

The amount of such fee shall be as agreed to by the parties and pursuant to the fee schedule (Exhibit 4). If no such agreement can be reached, HRG shall provide services and payment therefor shall be determined pursuant to the Dispute Resolution terms set forth herein.

14. **CONSTRUCTION COST AND OPINIONS OF COST.** The construction cost of the entire Project (herein referred to as "Construction Cost") means the total cost to CLIENT of those portions of the entire Project designed and specified by HRG, but it will not include HRG's compensation and expenses, the cost of land, rights-of-way, or compensation for or damages to, properties unless this AGREEMENT so specifies, nor will it include CLIENT's legal, accounting, insurance counseling or auditing services, or interest and financing charges incurred in connection with the Project or the cost of other services to be provided by others to CLIENT. Construction Cost is one of the items comprising Total Project Costs.

Since HRG has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, HRG's opinions of probable Total Project Costs and Construction Cost represent HRG's best judgment as an experienced and qualified professional and familiarity with the construction industry. HRG cannot and does not guarantee that proposals, bids or actual Total Project or Construction Costs will not vary from opinions of probable cost prepared by HRG. If prior to the Bidding or Negotiating Phase CLIENT wishes greater assurance as to Total Project or Construction Costs, CLIENT shall employ an independent cost estimator.

15. **PAYMENTS.** Invoices will be submitted by HRG on a monthly basis as the work proceeds. Payments will be due and payable in full on receipt of an invoice by CLIENT without retainage, payment will not be contingent upon receipt of funds from third parties or should not be held as an offset to any alleged dispute. If fees are not paid in full within 60 days of the date of the invoice, HRG reserves the right to pursue all remedies, including withdrawing certifications, stopping work on three (3) days' prior written notice, to withhold submission (to CLIENT or any third party, municipality, or agency) of any plans or other documents and retaining all documents without recourse. If at any time an invoice remains unpaid for a period in excess of 60 days, interest of the rate of 1.5% per month will be charged on past-due accounts. CLIENT agrees to indemnify and hold harmless HRG from and against any and all reasonable fees, expenses and costs incurred by HRG including, but not limited to, court costs, arbitrators and attorneys' fees and other claim related expenses incurred in the collection process.

All invoicing will be substantiated by HRG cost record sheets and work order system, all of which shall be made available to CLIENT upon request and during regular working hours for inspection and audit. Time spent in additional detailing of invoices is considered extra effort on the Project and will be invoiced as additional work along with any related cost of making copies and reproductions. Any increase in HRG's cost after the effective date of the AGREEMENT resulting from state or federal legislation shall be reimbursed by the CLIENT.

Timely payment of invoices is a condition of this AGREEMENT. Failure to make payments in full within the time limits stated above will be considered substantial noncompliance with the terms of this AGREEMENT and will be cause for termination of the AGREEMENT if HRG so chooses.

16. **CONTROLLING LAW AND VENUE.** Any dispute arising out of this AGREEMENT shall be subject to interpretation under the laws per the state of HRG's office issuing this AGREEMENT and the venue shall be the county of HRG's office issuing this AGREEMENT unless otherwise set forth in the AGREEMENT.
17. **INSURANCE.** HRG shall provide insurance of the type and in the amount set forth in Exhibit 3 to this AGREEMENT. Each party waives the right to subrogation against the other and its agents, servants, employees, insurers, officers, directors and any affiliated entities to the full extent allowed by law, to the extent that such waiver neither defeats nor diminishes the available coverage or agreement to provide a defense.
18. **TERMINATION.** Either party may terminate this AGREEMENT for cause if the other has substantially breached the terms of the AGREEMENT. Termination for cause shall only be effected by giving written notice of the nature of the cause to the other party. Such notice shall be of sufficient specificity for the other party to have notice of the nature, cause and cure of such alleged breach. The party in breach shall have 7 days, unless a greater time is agreed to by the parties, to cure the default. If no cure has been effected within the 7 day period, (or any extension thereof agreed to) the party not in breach may terminate the AGREEMENT for cause.

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If CLIENT terminates this AGREEMENT for cause, HRG shall be entitled to payment in full for all work performed up to and including the day on which HRG was notified of the termination. If HRG terminates for cause, CLIENT is entitled to no further performance by HRG.

CLIENT may terminate this AGREEMENT for convenience upon fifteen (15) days written notice to HRG. In the event of termination for convenience by CLIENT, HRG shall be entitled to payment in full for all work performed up to and including the day on which HRG was notified of the termination plus any remaining unearned profit on the Project as calculated in accordance with commonly accepted Accounting Standards.

19. **SUSPENSION.** If the CLIENT suspends the Project for any reason, HRG shall be entitled to payment for all fees and costs billable as of the date of suspension and any other reasonable fees and costs necessary to protect CLIENT's interests related to the suspension. If the Project is reinstated, the terms of this AGREEMENT shall remain in effect with the exception of the agreed upon fee to complete the work set forth herein. The parties agree to negotiate a new fee for the completion of suspended work in accordance with HRG's then applicable fee schedule.
20. **THIRD PARTY BENEFICIARIES.** The parties do not intend to create any third party beneficiaries to this AGREEMENT. No individual or entity other than the parties is entitled to claim rights or privileges under this AGREEMENT nor to cite or use this AGREEMENT or the terms thereof as evidence of rights, privileges or entitlement to damages or redress in any forum. Both parties agree to cooperate with each other to defeat any such claim and to oppose any attempt by a third party to seek third party beneficiary status under this AGREEMENT or to make any claim under it.
21. **LIMITATION OF LIABILITY.** HRG's liability to CLIENT shall be limited to direct damages only in the form of services and the reasonable cost of repair or replacement of those portions of the Project in question made necessary by a negligent act or failure to act of HRG.

HRG shall not be liable or responsible to CLIENT for special, consequential, incidental or other damages, attorney's fees or expert fees, loss of profit, loss of revenue, cost of rented or leased equipment or services, regulatory fines or costs.

Under no circumstances shall HRG's liability to CLIENT exceed either the total fee received by HRG for basic and additional services on the Project or the amount of available Professional Liability Insurance at the time of the claim, whichever is less.

22. HRG is not required to provide and does not have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements.
23. HRG's services do not include providing legal advice or representation.
24. HRG's services do not include (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission, or (2) advising CLIENT, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances.
25. If HRG encounters an undisclosed Constituent of Concern, then HRG shall notify CLIENT; and HRG may notify appropriate governmental officials if HRG reasonably concludes that doing so is required by applicable Laws or Regulations. If HRG or any other party encounters an undisclosed Constituent of Concern, or if investigative or remedial action, or other professional services, are necessary with respect to disclosed or undisclosed Constituents of Concern, then HRG may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until the CLIENT: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Constituents of Concern; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations. CLIENT and HRG acknowledge that HRG is performing professional services for CLIENT, and that HRG is not or shall not be required to become an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with any of HRG's or HRG's activities or services under this AGREEMENT. A Constituent of Concern is any substance, product, waste, or other material of any nature whatsoever (including, but not limited to, Asbestos, Petroleum, Radioactive Material, and PCBs) which is or becomes listed, regulated, or addressed pursuant to (a) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq. ("CERCLA"); (b) the Hazardous Materials Transportation Act, 49 U.S.C. §§1801 et seq.; (c) the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq. ("RCRA"); (d) the Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; (e) the Clean Water Act, 33 U.S.C. §§1251 et seq.; (f) the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; and (g) any other federal, state, or local statute, law, rule, regulation, ordinance, resolution, code, order, or

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decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

26. MISCELLANEOUS

- a. ENTIRE AGREEMENT. This AGREEMENT and any exhibits attached hereto constitute the entire AGREEMENT between the parties on the Project. No prior or subsequent negotiations, discussions, verbal agreements or representations are binding upon the parties making them unless hereafter reduced to writing and agreed to by both parties in writing.
- b. SEVERABILITY. Each portion of this AGREEMENT is severable. If any portion is found to be illegal or otherwise unenforceable, that finding shall not affect any other portion of the AGREEMENT and the remainder of the AGREEMENT shall be binding and enforceable in its entirety.
- c. OTHER WORK. Nothing in this AGREEMENT is intended to nor shall limit HRG in any way from accepting and performing services for any other entity. Unless agreed to in writing, any additional services on this Project or on any other Project for which CLIENT contracts with HRG shall be subject to these same terms and conditions.
- d. MARKETING/ADVERTISING. CLIENT grants HRG license to erect signage at the construction site with its name and logo and language identifying it as the Engineer on the Project subject to any municipal or other legal limitations on size and construction. In addition, CLIENT grants HRG an unlimited license to utilize photos, drawings or other renderings and/or descriptions of the Project in HRG's advertising or marketing.
- e. AUTHORITY. The parties agree that the person or person's executing and verifying or attesting those signatures are authorized to execute this AGREEMENT and shall, upon request by the other party, provide proof of such authorization. The parties waive their right to contest the execution of this AGREEMENT on their respective parts, if such contest not raised within 10 days of the date of execution.

27. GOOD FAITH AND FAIR DEALING. The parties agree to cooperate and provide timely information and responses as requested by the other in fulfillment of the intent of this AGREEMENT. In the event of a dispute between the parties, the parties agree to make reasonable attempts to resolve any such dispute prior to entering into litigation.

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EXHIBIT 3 INSURANCE

The insurance(s) as per General Conditions Paragraph 17 of this AGREEMENT are as follows:

ACORD®		CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 05/09/2022		
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.						
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).						
PRODUCER James B Murdoch Insurance Group Inc 4300 Carlisle Pike Camp Hill PA 17011		CONTACT NAME: Melissa J Strous PHONE (A/C, No. Ext.): (717)737-9900 FAX (A/C, No.): (717)737-9852 E-MAIL: melissa@jbminsurance.com ADDRESS: melissa@jbminsurance.com				
INSURED Herbert Rowland & Grubic Inc. 369 E Park Dr Harrisburg PA 17111-2730		INSURER(S) AFFORDING COVERAGE		NAIC #		
		INSURER A: ERIE INS EXCH		26271		
		INSURER B: ERIE INS CO of NY		26271		
		INSURER C: CNA (Schinnerer)		20443		
		INSURER D:				
		INSURER E:				
		INSURER F:				
COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:						
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSUR LTR	TYPE OF INSURANCE	ADD. SUBR INSD. WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOG OTHER:		Q61-0097009	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1000000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP-OP AGG \$ 2000000 OTHER:
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> THIRD OWNED AUTOS ONLY		Q05-1502279	5/15/2022	5/15/2023	COVERED SINGLE LIMIT (Ea account) \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per account) \$ PROPERTY DAMAGE (Per account) \$ OTHER:
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE E.D. <input checked="" type="checkbox"/> RETENTION \$		Q29-0170004	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 10000000 AGGREGATE \$ 10000000 OTHER:
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	Q89-5101392	5/1/2022	5/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100000 E.L. DISEASE - EA EMPLOYEE \$ 100000 E.L. DISEASE - POLICY LIMIT \$ 500000 Per Claim \$5,000,000 Per Aggregate \$5,000,000
C	Professional Liability		AEH 00-822-00-56	6/9/2021	6/9/2022	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)						
CERTIFICATE HOLDER						
CANCELLATION						
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.						
AUTHORIZED REPRESENTATIVE Melissa Strous						
Fax: ACORD 25 (2016/03) Email: © 1988-2015 ACORD CORPORATION. All rights reserved. The ACORD name and logo are registered marks of ACORD						

EXHIBIT 4

FEE SCHEDULE FOR HOURLY COMPENSATION METHODS OR IF ADDITIONAL SERVICES ARE REQUIRED

2022 HRG RATES	
BILLING CATEGORIES	RANGE
Administration I	\$55 - \$70
Administration II	\$70 - \$85
Environmental Scientist I	\$85 - \$110
Environmental Scientist II	\$110 - \$135
Senior Environmental Scientist	\$135 - \$145
Planner I	\$85 - \$105
Planner II	\$105 - \$130
Senior Planner	\$130 - \$145
Landscape Architect I	\$85 - \$110
Landscape Architect II	\$110 - \$130
Senior Landscape Architect	\$130 - \$145
Surveyor I	\$70 - \$95
Surveyor II	\$95 - \$125
Senior Surveyor	\$125 - \$145
GIS Professional I	\$85 - \$115
GIS Professional II	\$115 - \$135
Senior GIS Professional	\$135 - \$155
Resident Project Representative I	\$70 - \$105
Resident Project Representative II	\$105 - \$125
Senior Resident Project Representative	\$125 - \$145
Junior Technician	\$60 - \$70
Technician I	\$85 - \$110
Technician II	\$110 - \$135
Senior Technician	\$135 - \$150
Financial Services Professional I	\$105 - \$130
Financial Services Professional II	\$130 - \$140
Senior Financial Services Professional	\$140 - \$155
Engineering Professional I	\$110 - \$130
Engineering Professional II	\$130 - \$150
Project Engineer	\$150 - \$160
Senior Project Engineer	\$160 - \$175
Assistant Project Manager	\$125 - \$150
Project Manager	\$150 - \$165
Senior Project Manager	\$165 - \$175
Operations Manager/Senior Technical Leader	\$160 - \$190
Principal	\$175 - \$190

All non-exempt employees have overtime rates of 1.5 times their normal billing rate.

PLEASE NOTE: HRG adjusts the rate schedule annually to reflect the cost of doing business for the coming year. This rate schedule is effective January 1, 2022 through December 31, 2022.

EXHIBIT 5 CURRENT BILLABLE EXPENSES

2022 CURRENT BILLABLE EXPENSES	
Absorbent Sock – Small Size/Large Size	\$3.50/\$5.00/Each
All Terrain Vehicle	\$100.00/Day
Bailers	\$8.50/Each
Copies/Prints	
Color Copies - 11" x 17"	\$.60/Copy
Color Copies - 8½" x 14"	\$.48/Copy
Color Copies - 8½" x 11"	\$.40/Copy
Photocopies	\$.15/Copy
Wide Format Printing/Copying	\$.50/Square Foot
Concrete Monuments	\$30.00/Each
Hydrographic System	\$100.00/Day
Instrumentation/Meters	
Mini-Monsoon Sampling System	\$60.00/Day
Oil/Water Interface Probe	\$60.00/Day
Photoionization Detector	\$100.00/Day, \$250.00/Weekly
Water Level Indicator – Solinst	\$28.00/Day, \$14.00/Half Day
Water Level Indicator 200' – Heron	\$30.00/Day
Lodging	At Cost
Maps, Permits, Licenses	At Cost
Meals	At Cost
Mileage	IRS Allowable
Miscellaneous Charges	At Cost
Pocket Colorimeter	\$50.00/Day
Postage	As Weighed
Pumps	
Peristaltic Pump	\$40.00/Day
Whale Pump	\$30.00/Day
Rotary Hammer Drill Kit	\$100.00/Day, \$50.00/Half Day
Slam Bar/Bucket Auger	\$10.00/Day
Sub-Surface Inspection Pole Camera	\$75.00/Day
Technology Equipment Charge	\$100.00/Day
Traffic Counters	\$25.00/Day
Tubing	
1/4" Tubing	\$.13/Foot
1/2" Tubing	\$.25/Foot
3/16" x 3/8" Silicone Tubing	\$1.85/Foot

All expenses are subject to a 10% markup, including, but not limited to travel, printing, postage, survey supplies, etc.

PLEASE NOTE: HRG adjusts the current billable expenses annually to reflect the cost of doing business for the coming year. These expenses are effective January 1, 2022 through December 31, 2022.

East Marlborough Township

VILLAGE OF UNIONVILLE
HISTORIC & ARCHITECTURAL REVIEW BOARD (UHARB)
Chester County, Pennsylvania

[Return to Agenda](#)

Recommendation for Certificate of Appropriateness

Date: 23-June 2022

Unionville HARB Case No.: 2022-01a

Tax Parcel No.: 61-2-98

Address: 809 Wollaston Rd, Kennett Sq, PA 19348

Owner(s): Chad and Dawn Fenstermacher

Request: Demolitions of Existing Garage and Driveway Access

Unionville HARB Reviewers:

Jake Elks, Susan Elks, Nina Ginty, Marcy Fenza, Lewis Kinter, John Rosecrans,
Charlie Shock.

Recommendation for Approval: **Yes**

East Marlborough Township Board of Supervisors Notification Date: 28-June 2022

Comments:

(See Minutes of 23-June 2022 Unionville HARB Meeting)

Signed on Behalf of Unionville HARB:

Lewis B. Kinter – Chair Unionville HARB

Jake Elks – Acting Chair Unionville HARB for Case 2022-01

East Marlborough Township
VILLAGE OF UNIONVILLE
HISTORIC & ARCHITECTURAL REVIEW BOARD (UHARB)
Chester County, Pennsylvania

Recommendation for Certificate of Appropriateness

Date: 23-June 2022

Unionville HARB Case No.: 2022-01b

Tax Parcel No.: 61-2-98

Address: 809 Wollaston Rd, Kennett Sq, PA 19348

Owner(s): Chad and Dawn Fenstermacher

Request: Renovations to Residence, Constructions of New Garage and Driveway Access

Unionville HARB Reviewers:

Jake Elks, Susan Elks, Nina Ginty, Marcy Fenza, Lewis Kinter, John Rosecrans, Charlie Shock.

Recommendation for Approval: **Yes**

East Marlborough Township Board of Supervisors Notification Date: 28-June 2022

Comments:

(See Minutes of 23-June 2022 Unionville HARB Meeting)

Signed on Behalf of Unionville HARB:

Lewis B. Kinter – Chair Unionville HARB

Jake Elks – Acting Chair Unionville HARB for Case 2022-01

TEMPORARY OUTDOOR ACTIVITY PERMIT APPLICATION

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EAST MARLBOROUGH TOWNSHIP

721 UNIONVILLE ROAD

KENNETT SQUARE, PA 19348

Phone: 610-444-0725

Fax: 610-444-1380

Applicant/Sponsor's Name Karin DiMascolo

Address 105 E. Sickle St., Kennett Square PA 19348

Telephone: (Daytime) [REDACTED] 7. [REDACTED] 9 Fax: _____

Property Owner (if different from Applicant/Sponsor) _____

Group for which the Activity is planned: Runners - 1/2 Marathon / 5 miler

Property Location where event will be held: Genesis Lot & Course

Date of Event: Nov. 5, 2022 Time of Event: 8AM race start

Provisions for Trash Collection and Disposal: Republic

Provisions for Parking Vehicles including handicapped parking: N/A (Borough of KSA)

Number of vehicles expected: _____

Provisions for Traffic Control and Direction: Course marshals at required locations

Provisions for Emergency Vehicles: per Kennett/Longwood Fire Co.

Provisions for Medical Services: Kennett/Longwood

Provisions for adequate restroom facilities (including handicapped facilities) N/A

If alcoholic beverages are to be served, describe the provision for the control of the consumption of alcohol to prevent public intoxication and/or Nuisance Conditions. _____

Please use additional page, if needed.

Application must be accompanied by the following:

- Non-refundable application fee of \$100.00
- Copy of contract with qualified entity for traffic control
- Detailed parking plans
- Certification of liability insurance policy of \$2,000,000.00 minimum naming the Township as co-insured

- will forward closer to date of event

Applicant agrees that the Temporary Outdoor Activity will be held in conformance with the East Marlborough Township Zoning Ordinance.

Signature of Applicant: Karin DiMascolo Date: 6/28/22

Approved: _____ Date: _____

- Course map attached
- road closure times attached

13.1 Course	Notes	Closure Times
Race Start	Broad Street Between South & Birch Streets	5:30AM-12:30PM
Race Start S. Broad Street	Between Birch & Juniper Streets	8:00-11:45AM
Birch Street		8:00-8:20AM
S. Walnut Street		8:00-8:20AM
E. South Street		8:00-8:20AM
Crossing at E. South & S. Broad Streets	*requesting extended closure for pedestrian crossing	8:00-8:20AM, 10AM-1PM
Union Street to Cedar Croft		8:00-8:50AM
Cedar Croft		8:00-11:35AM
N Mill Road		8:00-11:30
S Mill Road		8:30-11:45
W. Locust Lane to Fairthorne Drive		8:00-9:55AM
Fairthorne Drive		8:00-9:55AM
Dean Street		8:00-9:45AM
W. Locust Lane to Mill Road		8:00-9:55AM
Wollaston Road		8:00-10:25AM
PA 926	*Intermittent closings as runners cross	8:00AM-10:50AM*
Poplar Road		8:00-10:35AM
W. Mullberry Street		8:00-11:35AM
Cross 926	*Intermittent closings as runners cross	9:00-11:35AM*
E. Mullberry -S. Broad Street		8:00-11:45AM
S. Broad Street	Between Birch & Juniper Streets	8:00-11:45AM
FINISH	*Roads may open sooner if last runner and race clean up crew pass before the 16.5 mile cutoff	

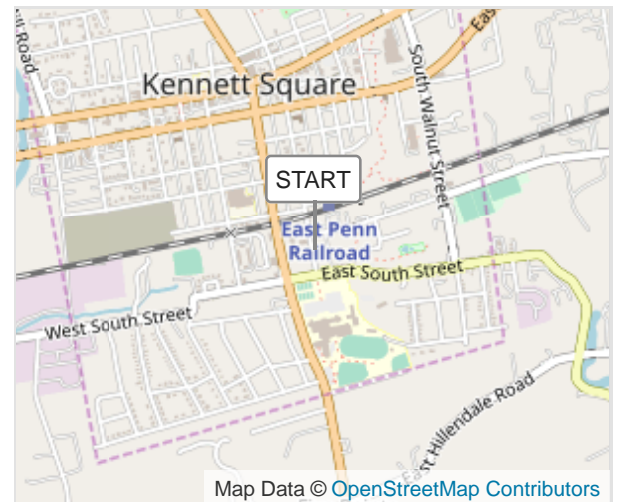


MCHM 13.1

ROUTE INFORMATION

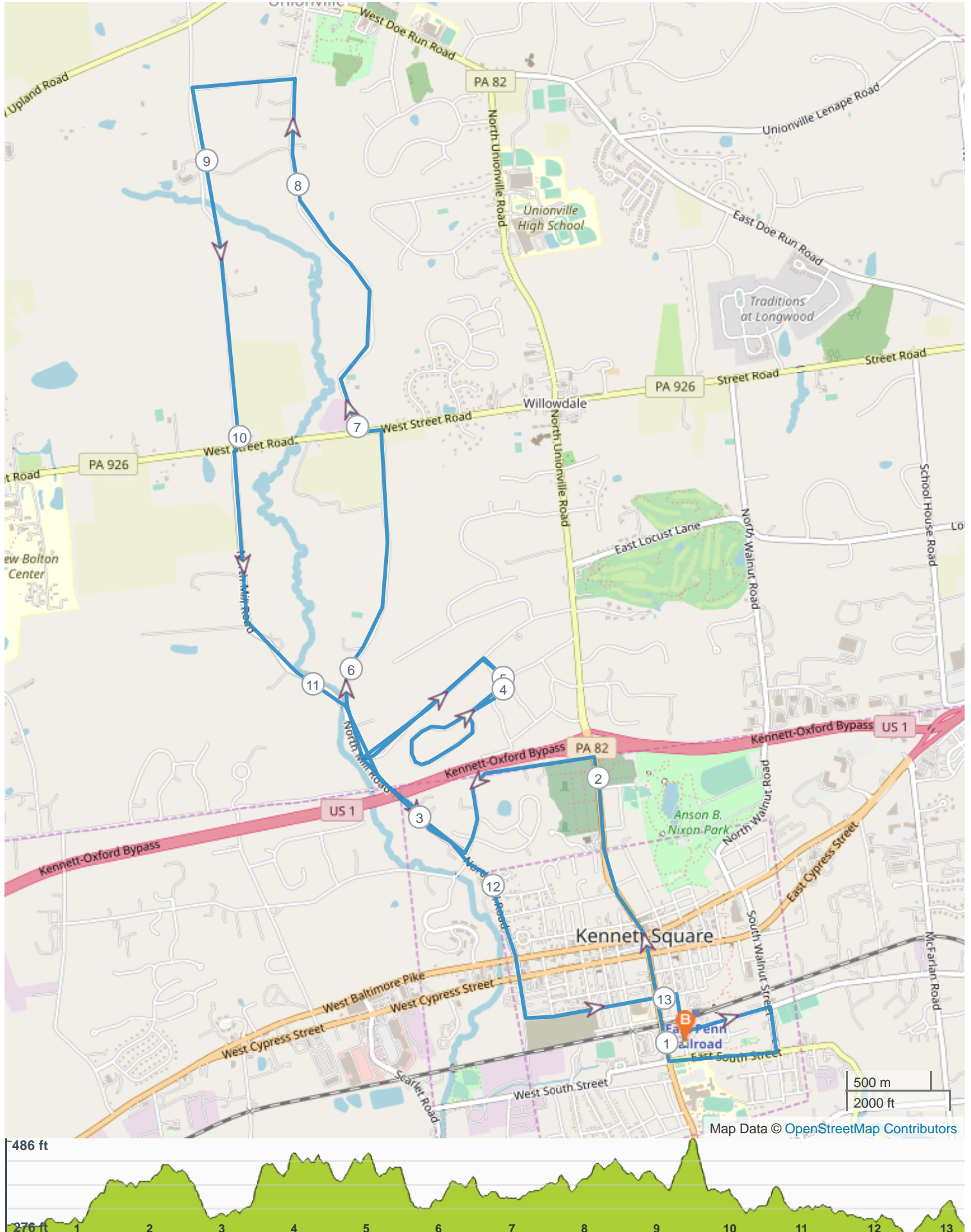


ROUTE LENGTH	13.244 miles
ASCENT	974 ft
DESCENT	971 ft
HILLS	⬆ 45.3% ⬇ 40.7% ➡ 14.0%
TERRAIN	Mixed
START	LAT: 39.840952, LNG: -75.708933



NOTES

MCHM 13.1



ROUTE DIRECTIONS

No	Miles	Turn	Directions
1	0.000		Race Start
2	0.049	➔	Turn Right On Birch Street
3	0.373	➔	Turn Right On Walnut Street
4	0.538	➔	Turn Right On South Street
5	0.927	➔	Turn Right On Union Street, PA 82
6	2.068	⬅	Turn Left On Cedar Croft
7	2.781	➔	Turn Right On North Mill Road
8	3.285	➔	Turn Right On West Locust Lane
9	3.845	➔	Turn Right On Fairthorne Drive
10	3.964	➔	Turn Right On Dean Street
11	4.051	↗	Stay Right On Dean Street
12	4.751	↖	Turn Right On Dean Street
13	4.970	⬅	Turn Left On Fairthorne Drive
14	5.091	⬅	Turn Left On West Locust Lane
15	5.668	↗	Turn Right On Mill Road
16	5.864		Stay to the Right-Wollaston Road
17	6.886	⬅	Turn Left On PA 926
18	6.969	➔	Turn Right On Wollaston Road
19	8.373	⬅	Turn Left On Poplar Road
20	8.741	⬅	Turn Left On Mill Road
21	10.050	↖	Turn Right On PA 926
22	10.070	↖	Turn Left On Mill Road
23	11.150	↗	Stay Right Onto Mill Road
24	12.502	⬇	Turn Left On West Mullberry Street
25	13.053	➔	Turn Right On South Broad Street
26	13.244		Race Finish!

TEMPORARY OUTDOOR ACTIVITY PERMIT APPLICATION

[Return to Agenda](#)

EAST MARLBOROUGH TOWNSHIP
721 UNIONVILLE ROAD
KENNETT SQUARE, PA 19348

Phone: 610-444-0725

Fax: 610-444-1380

Applicant/Sponsor' Name Chester County Balloon Festival

Address 47 Paoli Plaza, Unit 711, Paoli PA 19301

Telephone: (Daytime) [REDACTED] Fax: [REDACTED]

Property Owner (if different from Applicant/Sponsor) Willowdale Steeplechase

Group for which the Activity is planned: local & tri, state area families

Property Location where event will be held: 101 E Street Rd Kennett Square, PA 19348

Date of Event: Oct 8th & 9th 2026 Time of Event: 12 pm - 8 pm both days

Provisions for Trash Collection and Disposal: Dumpsters / Trash Tech / CC Landfill

Provisions for Parking Vehicles including handicapped parking: on site, handicapped near entrances

Number of vehicles expected: 2,500 over the wkend

Provisions for Traffic Control and Direction: Longwood Fire Police, East Marlborough Police

Provisions for Emergency Vehicles: Longwood Fire / EMS

Provisions for Medical Services: Longwood Fire / EMS

Provisions for adequate restroom facilities (including handicapped facilities) McGovern

If alcoholic beverages are to be served, describe the provision for the control of the consumption of alcohol to prevent public intoxication and/or Nuisance Conditions. carded entrance to beer garden with Limit of 2 beers at purchase, no coolers permitted (allowing for outside source of alcohol)

Please use additional page, if needed.

Application must be accompanied by the following:

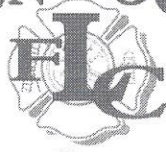
- Non-refundable application fee of \$100.00 - sent Asst. Clerk Matt Eick
- Copy of contract with qualified entity for traffic control
- Detailed parking plans - same as last year
- Certification of liability insurance policy of \$2,000,000.00 minimum naming the Township as co-insured Shannon Luchs

Applicant agrees that the Temporary Outdoor Activity will be held in conformance with the East Marlborough Township Zoning Ordinance.

Signature of Applicant: Matthews Hardy Date: 7/6/22

Approved: _____ Date: _____

LONGWOOD



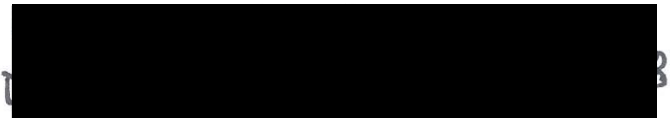
FIRE COMPANY

1001 E. Baltimore Pike
Kennett Square, PA 19348

Emergency Number: 9-1-1
Info Number: (610) 388-6880
Ambulance Info: (610) 388-0515
FAX (610) 388-7121

SPECIAL EVENT REQUEST FOR EMS SERVICES

Event Name:	Chester County Balloon Fest				
Event Address:	Willowdale & Steple Chase Kennett Square RT 926 to Rt 82				
Event Date	Start time	End Time	Rain Date	Start time	End Time
10-8-22	12:00	8:00	—	—	—
10-9-22	12:00	8:00	—	—	—
Event Contact	R. Schimpf		Cell Phone	610-460-1616	
Billing Contact	PO Box 711		Phone	Same	
Address	PAOLI PA.				
Email:	[REDACTED]				
Preferred Contact (Circle)	US Mail (Billing)	Email (Billing)	Phone (Event Day)	Text (Event Day)	



* Please include/attach any event related documentation including but not limited to, Contact Information lists, Race Maps, Medical Plans, Emergency Plans, Location information, Special consideration requests.

Staffing/Units Requested					
Check	Staff	Unit	Price	Event Hours	Price per Unit
	EMT-Basic	Squad or Utility	\$ 60.00		
	Paramedic	Squad or Utility	\$ 105.00		
	EMT-Basic (2)	BLS Ambulance	\$140.00		
1	Paramedic(2)	ALS Ambulance	\$ 175.00	16	
1	EMT (2)	4x4 ATV Polaris w/Medical Bed	\$ 125.00	16	
#	EMT	Additional Provider	\$ 45.00		

#	Paramedic	Additional Provider	\$ 55.00		
	Traffic Unit	Traffic and 1 Fire Police Officer	\$ 50.00		
Total Cost:					
Special Notes:					

Please contact the office and ask to speak to an EMS Officer regarding questions on level of service or coverage needed. We are willing to work with you to ensure you have sufficient coverage to meet your needs at an affordable price.

TERMS OF AGREEMENT

Please initial next to each item to acknowledge comprehension

- 50% Payment must be made at time of request. Events scheduled less than 30 days prior must be paid 100% in advance. * _____
- Cancellations must be confirmed verbally with an EMS officer. It is the event contact's responsibility to contact Longwood in the event of a cancellation. Cancellations within 24 hours of the event start will receive a refund at the discretion of Longwood Fire Co. * _____
- All prices indicated above are subject to review annually. * _____
- Please note that all rates include contracted coverage and any BLS "on-scene" treatment(s) used during the event. Longwood Fire Company reserves the right to bill any patient(s) and/or their insurance for any level of treatment/transport needed during the event. * _____

*Please initial and date.

SPECIAL EVENTS CONTRACT

For the purpose of this agreement, the term "Longwood" shall mean the Longwood Fire Company and its employees. The term "Event" shall mean the primary entity(s); whether it is corporate or otherwise, with whom the Longwood Fire Company has contracted for services as outlined in this agreement.

The Longwood Fire Company reserves the right to bill any individual and/or their private insurance carrier(s), who for any reason require transport by Longwood from this event. Longwood reserves the right to bill for care at the advanced level for the following; intravenous fluids, or medication(s) dispensed by the Longwood Fire Company unless agreed upon in writing between the event management and the Longwood Fire Company.

It will be the responsibility of the event management to assign/designate a liaison between Longwood and the event management and staff personnel. The event management will provide a means of direct communication on the day of the event between ambulance personnel and event management and staff. For purposes of coordination and emergency contact, such designee will have the ability to be in contact with the ambulance personnel at all times during the event. The Longwood Fire Company will not stop, delay, and/or enter into/upon any course or field of play to render aid to an event participant without first determining that it is safe to do so, and authorization has been given by the liaison or event official. If medical personnel of the Longwood Fire Company determines that a condition exists that may be life threatening in nature, contact will be made with the liaison or event official, indicating the condition and recommended course of action. Such action may include, but is not limited to stopping, delaying the event, or entering into/upon the course or field of play.

It is to be understood by the event management that when emergency medical care is needed and/or ask for whether it is by event staff, participants, or patrons the ambulance crew by law has a duty to respond and act. If the Longwood Fire Company has determined that an emergency medical, fire, rescue condition/situation exists, the Longwood Fire Company will assume any and all control of the condition/situation or scene and will secure any area whether it is on or off course or field of play to properly treat or control any emergency. It is to be understood that the Longwood Fire Company operates under Federal, State, and Local laws and protocols that dictate when and how emergency pre-hospital care is delivered.

Be it known that the Longwood Fire Company cannot and will not take orders or direction by any "on scene" emergency medical technicians, paramedics, nurses, doctors, or any other medical staff even if they are affiliated and/or contracted by or for the event. If such person does administer care to the extent, that such care is outside the scope of practice, and/or the laws and protocols that govern the Longwood Fire Company prior to patient contact by this entity, Longwood reserves the right to have said person remain with that patient(s) up to and including transport to the hospital.

It will be understood that Longwood Fire Company reserves the right to transport from this event any person(s) for medical reasons to area hospitals determined by Longwood at the request of any person(s) requiring medical

attention. A reasonable attempt will be made to relocate another unit to the event grounds prior to transport. Longwood will not be held responsible for delays, interruptions, or stoppage/cancellation of the event due to transporting person(s) off event grounds for medical reasons. Other relocated units will not be committed to the event and must remain available for emergencies outside of the event area.

Longwood Fire Company cannot be held responsible in any way for delays, interruptions, or the stopping/cancellation of any event due to circumstances beyond the control of the Longwood Fire Company. Such circumstances include, but are not limited to; commitments to pre-existing emergencies prior to the start of an event, "larger scale" or catastrophic emergencies requiring equipment and/or personnel from event, or life threatening situations/emergencies that may be in "close proximity" of events geographical location. It is the primary function of the Longwood Fire Company to provide emergency 911 services to our communities. The Longwood Fire Company will do everything within reason to prevent delays, interruptions, or stoppage/cancellation of any event and ensure that the event is covered adequately per contracted agreements.

Longwood has and will maintain, at its own expense, professional insurance and workers compensation insurance for any member/employee of the Longwood Fire Company in accordance with Pennsylvania law, for any claims arising out of the provision of professional services by ambulance personnel and pursuant to this agreement. Longwood will, upon written request provide certificate of liability insurance to event management.

The event hereby releases the Longwood Fire Company from liability, and agrees to indemnify, defend, and hold harmless Longwood, from any claims of injury or damage to any person(s) or property on or in the premises, no matter from what cause, unless the injury or damage was directly caused by or results from the negligence of Longwood. The event also agrees to release the Longwood Fire Company from liability, and agrees to indemnify, defend, and hold harmless Longwood, from any claims of injury or damage arising from the use or misuse of the premises or by and on account of any physical condition which may exist upon the premises at any time, or upon the driveway and parking area adjacent thereto, no matter from what cause, unless such injury, damage, use, or misuse is caused by or results from the negligence of Longwood.

The Longwood Fire Company hereby releases from liability, and agrees to indemnify, defend, and hold harmless the event, from any claims of injury or damage to any person(s) or property on or in the premises, no matter from what cause, unless the injury or damage was directly caused by or results from the negligence of the event. Longwood also agrees to release the event from liability, and agrees to indemnify, defend, and hold harmless the event, from any claims of injury or damage arising from the use or misuse of the premises or by and on account of any physical condition which may exist upon the premises at any time, or upon the driveway and parking area adjacent thereto, no matter from what cause, unless such injury, damage, use, or misuse is caused by or results from the negligence of the event.

EVENT AUTHORIZATION

Debbie Haver
Signature
Ex Director
Title
7/6/22
Date

FIRE COMPANY AUTHORIZATION

Signature

Title

For Office Use Only:

Received on: _____ By: _____
Called Event Contact on: _____ By: _____
Special Instructions/ Questions: _____

Event on Schedule: _____ By: _____
First Payment Due: _____ Billed: _____ Received: _____
Final Payment Due: _____ Billed: _____ Received: _____
Recurring/Annual Event: Y / N _____
Notes: _____

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MUNICIBID Sale Items

July 2022



15 kW Kohler Generator



Transfer Switch



1 of 6 signal heads



Traffic Signal

Date: 6/2/2022[Return to Agenda](#)**East Marlborough Township
Zoning Hearing Board Application**

Application must be accompanied by:

- ☒ Narrative answering every question on page 2 of this application
- ☒ Site plan (with zoning table) on 11"x17" paper
- ☒ Building elevations or architectural renderings (as appropriate)
- ☒ Other related materials (as appropriate)

Type of Application:

Check one: ☐ Commercial ☐ Institutional ☒ Residential
Check all: ☒ Variance ☐ Special Exception _____ (Other)

I (we), the undersigned, hereby make application for a Special Exception or Variance from the terms of the Zoning Ordinance, Section 503, Paragraph C.

Location of Property: 2061 Lenape Unionville Road, Kennett Square (East Marlborough)Zoning Classification: R-B Residential Tax Parcel # 61-2-134.1Property Owner/Applicant(s): Steven & Brooke Royer

Address (if different from location): _____

Phone Number: Cell: Email: Dimensions and area of parcel: 5.47 acres / 238,338.23 sq. ft.Dimensions of proposed construction: 3,061.21 sq. ft.

Distance to each boundary:

Before construction North _____ South _____ East _____ West _____

After construction North _____ South _____ East _____ West _____

Type of construction: inground swimming pool, patio, and associated shed

I (we) have attached a sketch or a plot plan of the parcel to be affected, indicating the size of the lot and location of improvements now erected and proposed to be erected.

RECEIVED

JUN 7 2022

(ngl)

Date: 6/2/2022

Owner (s)

Brooke M Royer

ATL

6/2/2021

Zoning Relief Requested
Please address all of the following items:

1. Briefly describe the property (e.g. size of lot, dimensions, etc.) and the location (e.g. nearby intersections, landmarks, etc.) involved in application.

Property is situated in the R-B Residential District. Improved with a single-family residence including attached garage. The Property is situated along Lenape Unionville Road between Wyndham Hill Dr. and Honeysuckle Lane. The area is primarily residential and agricultural in nature.

2. Describe the present use of the property (e.g. residential, retail, office, etc.), including existing improvements (e.g. house, garage, and shed; or office and parking lot)

Property is improved with a single-family, detached home with an attached garage.

3. Describe the proposed improvements, additions, or change(s) of use. For physical changes to the lot or structures, indicate the size of proposed improvements, materials to be used, and general construction to be carried out. Attach a plan or sketch for illustration.

See attached addendum and exhibits.

4. State the specific variance, special exception, or other relief requested and cite the appropriate sections(s) of the Zoning Ordinance.

Dimensional variance for impervious coverage for installation of inground pool and patio from the lot coverage requirement of no more than 10% in Sec. 503(C) of the zoning ordinance.

See attached addendum and exhibits for full explanation of requested relief.

5. Will the proposed change impact traffic or parking in the surrounding area? Explain.

No. Proposed change is simply for Property owners' use and enjoyment. There will be no impact on traffic or parking from this requested variance.

Date: 6/2/2022

Fee: Payable to East Marlborough Township (non-refundable)

Residential: \$750, initial hearing
\$125/ hour, continuation

Non-residential: \$1,000, initial hearing
\$125/ hour, continuation

Zoning Hearing of Validity Challenges:
\$3,000, initial hearing
\$ 300, continuance fee, per hour, after first hearing

Submit application to: East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348

ADDENDUM TO APPLICATION FOR VARIANCE
TO THE ZONING HEARING BOARD OF
EAST MARLBOROUGH TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

Applicants: Steven & Brooke Royer

Property: 2061 Lenape Unionville Road, Kennett Square, PA 19348
UPI: 61-2-134.1
Lot size: 5.47 Acres
Present Use: Residential
Zoned: R – B Residential
Improvements on land since Zoning initiated: Improved with single-family home

I. Background Information:

Steven & Brooke Royer (the “Royers” and/or the “Applicants”) own 2061 Lenape Unionville Road in East Marlborough Township (the “Property”). See **Exhibit A-1**, Deed. The Property is zoned R-B Residential and consists of 5.47 acres situated between Honeysuckle Lane and Wyndham Hill Drive on Lenape Unionville Road. See **Exhibit A-2**, ChescoViews printout of Property. The Property is improved with a single-family dwelling with attached garage and rectangular patio to the rear of the dwelling.

The Royers plan to install an inground private swimming pool, expanded patio, fire pit, and equipment shed in the rear yard of the Property as an accessory use pursuant to Section 502.D.2 of the East Marlborough Zoning Ordinance (“Zoning Ordinance”). See **Exhibit A-3**, Plot plan showing proposed swimming pool and other improvements. Pursuant to Section 503.C of the Zoning Ordinance, Lot Coverage within the R-B District shall not exceed ten percent (10%) of the Lot Area. The proposed pool and accompanying patio and other improvements bring the Lot Coverage of the Property to approximately 12.1%, hence this Variance Application (the “Application”).

II. Provisions of Zoning Ordinance at Issue:

§202 Definitions:

ADJUSTED ACREAGE, ADJUSTED ACRE OR ADJUSTED LOT AREA

An area equal to the total area within the lot lines of a Lot, less (i) any portion of a Lot encumbered by an existing Road Right-of-Way, utility easement, or stormwater easement...

GREEN AREA

Land shown on a development plan, comprehensive plan, or official map or conservation, preservation, recreation, landscaping, or a park in vegetative cover. For purposes of calculations, Green Area shall also include a body of water or watercourse.

IMPERVIOUS COVER

Materials which are impenetrable and thus unable to absorb liquid, such as buildings, Structures or paved areas.

LOT AREA

The total area within the lot lines of a Lot, excluding any portion fo the Lot encumbered by an existing Road Right-of-Way.

LOT COVERAGE

The percentage of the Lot Area or Adjusted Acreage of a Lot, as applicable, which is not Green Area and is occupied by Structures (including Mobile Home units), sidewalks, paved portions of parking areas, driveways, internal roads, and any other Impervious Cover. To the extent that any portion of a Lot encumbered by an existing Road Right-of-Way is excluded from the total Lot Area or Adjusted Acreage of a Lot, such portion of the Lot shall not be included in the area of the Lot for purposes of calculating of Lot Coverage.

STRUCTURE

Except as provided below, an assembly of material having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including among other things, Buildings, Signs, fences, walls over four (4) feet in height, ariels and antennae, porches, platforms, piers, pipelines, tennis courts, paddle tennis courts, shelters, Swimming Pools, tents, towers, trestles, tanks and utility poles. Driveways, walkways, and sidewalks are excluded from this definition for regulatory purposes, except for purposes of Impervious Coverage.

WATER BODY or BODY OF WATER

Any natural or manmade Wetland, Watercourse, pond, lake, or impoundment. A Water Body shall not include (1) a swimming pool or (2) any pond or facility designed, permitted and constructed solely for temporary storage in connection with a stormwater management or sanitary sewage treatment system.

§503.C Residential District – B (R-B) – Area and Bulk Regulations

- ...
- C. Lot Coverage
- The maximum Lot Coverage of any Lot shall be ten percent (10%) of the Lot Area. The remaining area shall be Green Area.

III. Specific Variance Being Sought:

The Royers are seeking a dimensional variance from the Lot Coverage requirement of Section 503 of the Zoning Ordinance. The Royers plan to install a private swimming pool and expanded patio and other amenities in the rear yard of the Property, a permitted accessory use within the R-B District. See Section 502.D.

The Property is 5.47 acres. The Lot Area, as defined in the Zoning Ordinance (total lot size less the right of way area), is 221,028.28 square feet. The existing impervious coverage, or “Lot Coverage” as defined in the Zoning Ordinance, is 23,726.84 square feet and the proposed additional Lot Coverage is 3,061.20 square feet, which would make the total Lot Coverage 26,788.04 square feet, or 12.1% of the Lot Area. See Exhibit A-3.

Lot Area:	221,028.28 sq ft
Calculations:	
Existing Impervious Coverage:	23,726.84 sq ft
Proposed Addt'l Imp Coverage:	+ 3,061.20 sq ft
Total Lot Coverage:	= 26,788.04 sq ft (12.1% of 221,028.28 sq ft)

Therefore, the Royers are seeking a dimensional variance from the requirement that the maximum Lot Coverage of any Lot shall be ten percent (10%) of the Lot Area (Sec. 503.C).

IV. Variance Criteria:

The Royers are seeking the proposed variance in order to enjoy a permitted use on the Property (a swimming pool and patio) that many of their neighbors within the Township are able to install and enjoy. The variance being sought is essentially de

minimus, as the Property is approximately 5.47 acres in size, and the total amount of the variance being sought is just over 2% of the Lot Area.

The requested variance is necessary to enable the Royers the reasonable use of their Property, a use that is permitted within the zoning district. Granting the Royers the requested relief will not alter the character of the neighborhood or zoning district, as the installation of a private swimming pool is already a permitted use within the District and is a common use within residential neighborhoods. Nor will the granting of the requested relief be detrimental to surrounding properties, as again, a pool is a permitted use and the Royers are able to meet the setback requirements for the pool from the neighboring property lines. Additionally, the Royers plan to install the required fence around the pool in conformance with the Zoning Ordinance.

The variances requested will be the minimum variances necessary to afford the Royers relief. The Royers are also amenable to working with the Township and Zoning Hearing Board ("ZHB") regarding this proposal.

Wherefore, based upon the foregoing, the Applicants respectfully request that the East Marlborough Township Zoning Hearing Board grant this application for a variance from the Lot Coverage requirement under the Zoning Ordinance and such other zoning relief as may be needed and allow the Royers the ability to install the proposed pool and accompanying patio and other improvements.

Respectfully submitted,

BELLWOAR KELLY, LLP



Jonathan Long
126 W. Miner St. #1
West Chester, PA 19382

*Attorneys for Applicants
Steven and Brooke Royer*

EXHIBIT A - 1
DEED

11891832 B: 10760 P: 1430 DEE
12/13/2021 09:53:20 AM Page 1 of 4
Rec Fees: \$89.75 Local: \$25,950.00 State: \$25,950.00
Chris Pielli Recorder of Deeds, Chester County, PA

Prepared By: Chesco Settlement Services, LLC
ATTN: Sue Tapper
300 Willowbrook Ln, Suite 310
West Chester, PA 19382
Phone: 484-266-7638

Return To: Chesco Settlement Services, LLC
ATTN: Sue Tapper
300 Willowbrook Ln, Suite 310
West Chester, PA 19382
Phone: 484-266-7638

2061 Lenape Unionville Rd, Kennett
Square, PA 19348
File No. 143-003421

UPI No. : 61-2-134.1
Consideration: \$2,595,000.00
Municipal Tax: \$25,950.00
State Tax: \$25,950.00



Fee Simple Deed

This Deed, made on November 24, 2021, between,

Duane L Miller and Anne S Miller

hereinafter called the Grantors of the one part, and

Steven Royer and Brooke Royer

hereinafter called the Grantees of the other part,

Witnesseth, that in consideration of **Two Million Five Hundred Ninety Five Thousand and 00/100 Dollars, (\$2,595,000.00)** in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, his/her/their heirs and assigns, tenants by the entirety

TRACT NO. 1:

ALL THAT CERTAIN tract of ground, situate in East Marlborough Township, Chester County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin set in line of lands of George M. Cloud said iron pin marking the Southwesterly corner of this and the Northwesterly corner of lands of John M. Ash, IV, said iron pin of beginning being North 04 degrees 57 minutes 20 seconds East, 569.81 feet from an iron pin set in the title line in the bed of a public road, being Legislative Route No. 15084, said road leading in a Westerly direction to Unionville and Kennett Square and in a Northeasterly direction to Lenape and West Chester; thence leaving said point of beginning and by lands of the said George M. Cloud, North 04 degrees 57 minutes 20 seconds East, 508.2 feet to an iron pin marking a corner of this and other lands of William B. Cloud, et al, of which this was a part; thence by other lands of the said William B. Cloud, et al, of which this was a part and being Tract No. 2 on plan of a part of property owned by the said William B. Cloud, et al, South 85 degrees 02 minutes 40 seconds East, 300 feet to an iron pin; thence still by lands of the said William B. Cloud, et al, of which this was a part, South 04 degrees 57 minutes 20 seconds West, 508.2 feet to an iron pin set in line of lands of the first mentioned John M. Ash, IV; thence by lands of said Ash, North 85 degrees 02 minutes 40 seconds West, 300 feet to the first mentioned point and place of beginning.

TRACT NO. 2

ALL THAT CERTAIN tract of land, with the improvements thereon erected, situate in the Township of East Marlborough, Chester County, Pennsylvania, which according to a survey made 7/14/1950 by Thomas G. Colesworthy, is bounded and described as follows:

BEGINNING at an iron pin set in a line of land belonging to now or late Pusey Cloud, in the middle of the public road leading from Unionville to Lenape; thence extending along land of Pusey Cloud, North 05 degrees 31 minutes East, 569.81 feet to an iron pin, passing over a stone set 295.8 feet from the point of beginning; thence extending along other land of William B. Cloud, the following 2 courses and distances, to wit: (1) South 84 degrees 29 minutes East, 429.85 feet to an iron pin; thence (2) South 05 degrees 31 minutes West, 443.57 feet to an iron pin set in the middle of the public road, aforesaid; thence extending along the middle of said road, South 79 degrees 09 minutes West, 448 feet to the first mentioned point and place of beginning.

Less and excepting all that certain tract, piece or parcel of land conveyed in Deed Book S49, Page 318.

UPI NO. 61-2-134.1

BEING the same premises which Karen D. Halstead, by Deed dated 07/24/2014 and recorded 08/08/2014 in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 8967, Page 595, granted and conveyed unto Duane L. Miller and Anne S. Miller, husband and wife, as tenants by the entirety.

And the said Grantors do hereby covenant to and with the said Grantees that he/she/they, the said Grantors, his/her/their heirs and assigns, SHALL and WILL, warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantees, his/her/their heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him/her/them or any of them.

In witness whereof, the said Grantors has caused these presents to be duly executed the day and year first above written.

Scaled and delivered in the presence of:

Witness _____

Duane L Miller

Print Witness Name:

Witness _____

Anne S Miller

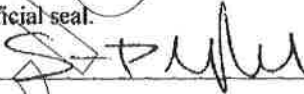
Print: _____

State/Commonwealth of Pa

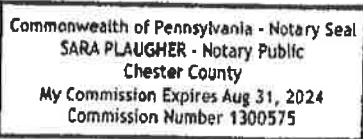
County of Chester

On this Nov. 24 2021, before me, the undersigned officer, personally appeared **Duane L Miller and Anne S Miller**, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public



DEED

File No. 143-003421

Grantor: Duane L Miller and Anne S Miller

Grantee: Steven Royer and Brooke Royer

I certify the address of the Grantee to be, and mail tax bill to:

2061 Lenape Unionville Rd, Kennett Square, PA 19348

Certified by: STAN

Premises: 2061 Lenape Unionville Rd, Kennett Square, East Marlborough Township, Chester County,
Commonwealth of Pennsylvania

Unofficial Copy

EXHIBIT A - 2
CHESCOVIEWS OF PROPERTY



Find UPI Information

PARID: 6102 013 401 00
UPI: 61-2-134-1
Owner1: ROYER STEVEN
Owner2: ROYER BROOKE
Mail Address 1: 2061 LENAPE
UNIONVILLE RD
Mail Address 2: KENNETT SQUARE PA
Mail Address 3:
ZIP Code: 19348
Deed Book: 10760
Deed Page: 1430
Deed Recorded Date: 12/13/2021 12:00:00
AM
Legal Desc 1: NS OF LENAPE
UNIONVILLE RD
Legal Desc 2: 6 AC & DWG
Acres: 6
LUC: R-10
Lot Assessment: 879.70
Property Assessment: 602.020
Total Assessment: 689.990
Assessment Date: 12/15/2021 7:48:09 AM
Property Address: 2061 LENAPE
UNIONVILLE RD
Municipality: EAST MARLBOROUGH
School District: Unionville-Chadds Ford

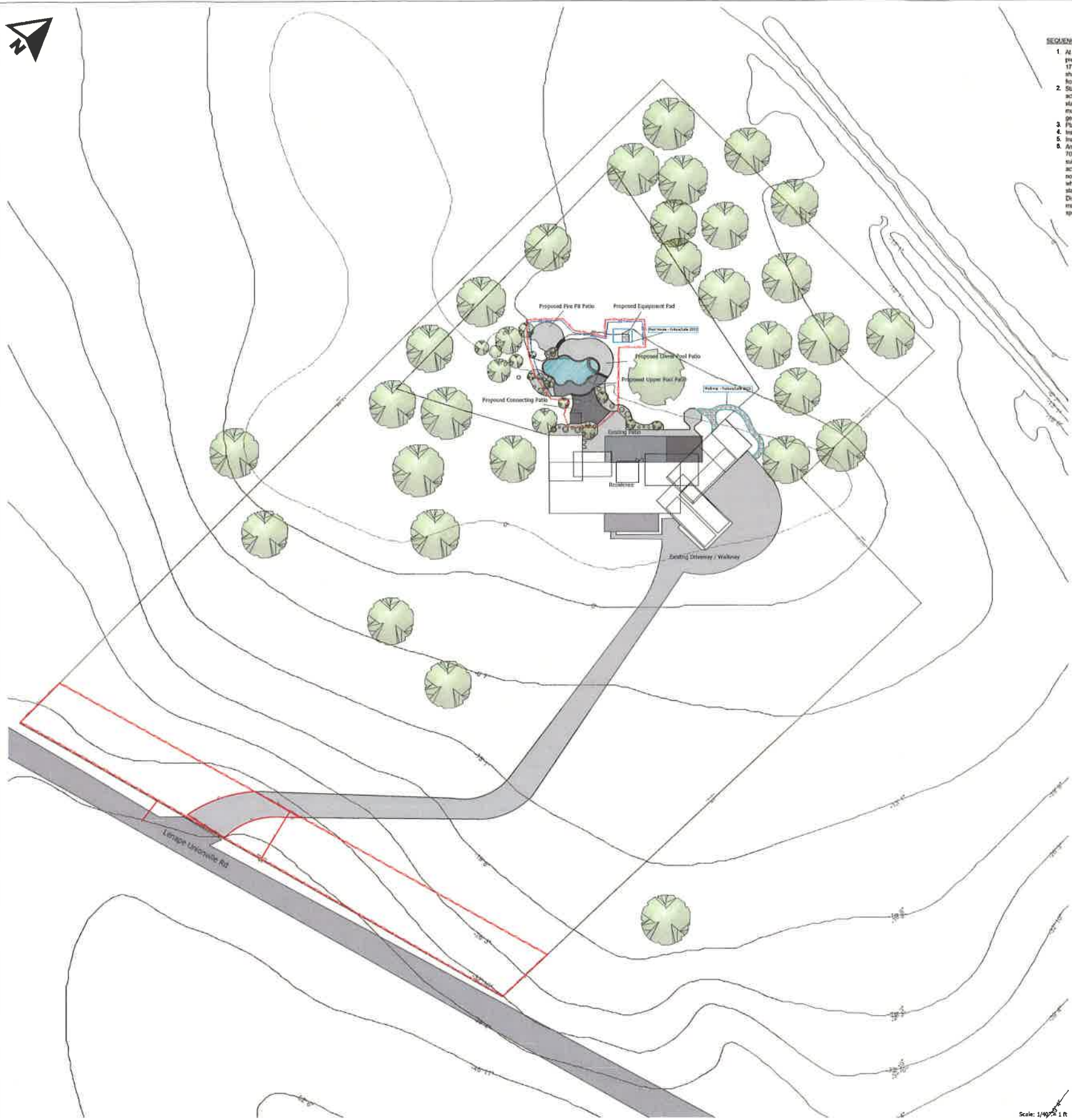
Map Created:
Monday, May 23, 2022

County of Chester



Limitations of Liability and Use:
County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranty of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

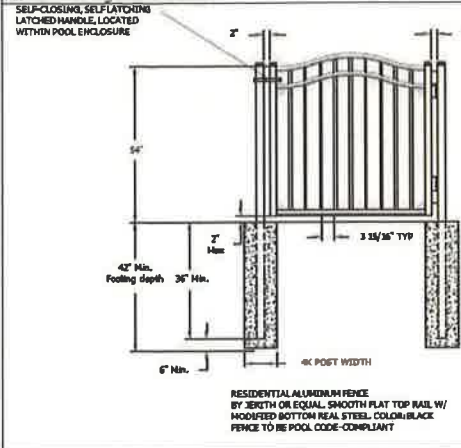
EXHIBIT A - 3
PLOT PLAN



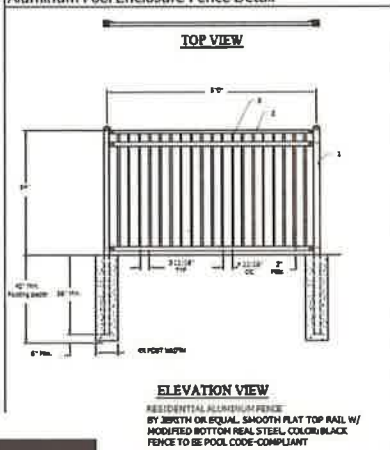
SEQUENCE OF CONSTRUCTION

1. At least 3 days prior to starting any earth disturbance activities, or expanding into an area previously unmarked, the Pennsylvania One Call system shall be notified at 1-800-342-1776 for the location of the existing underground utilities. All earth disturbance activities shall proceed in accordance with the sequence provided on the plan drawings. Deviation from that sequence must be approved by the Township.
2. Stabilization Note: upon completion or temporary cessation of the earth disturbance activity that will exceed 4 days, or any date thereof, the project site shall be immediately stabilized with the appropriate temporary or permanent stabilization. Hay or straw mulch must be applied at 3.0 tons per acre. Hydroseed is not considered stabilization until it germinates.
3. Place Silt Fence as shown on the plan.
4. Install pipe and utility trenching.
5. Install subsurface infiltration bed, see subsurface infiltration bed construction notes.
6. An area shall be considered to achieve final stabilization when it has a minimum uniform 70% potential vegetative cover or other permanent non-vegetative cover with a density sufficient to resist sliding and other movements. Immediately after earth disturbance activities cease, the operator shall stabilize any areas disturbed by the activities during non-permaning periods, mulch must be applied at the specified rates, disturbed areas which are not yet at finished grade and which will be re-disturbed within 1 year must be stabilized in accordance with the temporary vegetative stabilization specifications. Disturbed areas which are at finished grade or which will not be re-disturbed within 1 year must be stabilized in accordance with the permanent vegetative stabilization specifications.

Aluminum Single Gate Detail



Aluminum Pool Enclosure Fence Detail



Existing Impervious Coverage

Residence
Area: 10400 ft²
Existing Driveway / Walkway
Area: 12484.76 ft²
Area: 1333.26ft² to be subtracted from total area of Driveway
Total Area: 11151.50 ft²
Existing Patio
Area: 2175.34 ft²
Total Area: 23726.84 ft²

Proposed Impervious Coverage

Proposed Connecting Patio
Area: 496.26 ft²
Proposed Upper Pool Patio
Area: 309.14 ft²
Proposed Lower Pool Patio
Area: 654.07 ft²
Proposed Fire Pit Patio
Area: 387.11 ft²
Proposed Pool
Area: 610.93 ft²
Coping Area: 110.64 ft²
Proposed Walkway
Total Area: 353.04 ft²
Proposed Pool House
Area: 140 ft²

Total Proposed Impervious Coverage: 3061.2ft²

Other

Property Line
Area: 238338.23 ft²
ROW: 17309.95 ft²
Total Area: 221028.28 ft²
LOD
Area: 4664.78 ft²
Proposed Fence
Linear Ft: 581' 4"
Silt Fence
Linear Ft: 177' 4"
Proposed Equipment Pad
Area: 29.96 ft²



287 Marias Corner Road, Coatesville, PA 19320
610.380.1119
TurpinLandscapeDesign.com

DATE

DESCRIPTION

Revisions

Construction Improvements Plan

2061 Lenape Unionville Rd.

East Marlborough Twp, Kennett Square, PA

2-17-2022

CALL BEFORE YOU DIG!
TOWN OF LENAPE HAS REQUIRED
1 WORKING DAYS NOTICE FOR
CONSTRUCTION PHASE AND 10 WORKING
DAYS IN DESIGN / STAGE / STOP CALL
Pottsville One Call System, Inc.
1-800-242-1776

Return to Agenda**East Marlborough Township
Zoning Hearing Board Application**

Application must be accompanied by:

- ☒ Narrative answering every question on page 2 of this application
- ☒ Site plan (with zoning table) on 11"x17" paper
- ☒ Building elevations or architectural renderings (as appropriate)
- ☐ Other related materials (as appropriate)

Type of Application:

Check one: ☐ Commercial ☐ Institutional ☐ Residential
 Check all: ☒ Variance ☐ Special Exception _____ (Other)

I (we), the undersigned, hereby make application for a Special Exception or Variance from the terms of the Zoning Ordinance, Section 1704, Paragraph C.1.a.

Location of Property: 817 East Baltimore PikeZoning Classification: MU Multiple Use Tax Parcel #61-6-79Property Owner/Applicant(s): Kennett Subs LLC (Tenant)

Address (if different from location): c/o Buckley Brion McGuire & Morris LLP
attn: Aristidis W. Christakis, Esquire

Phone Number: [REDACTED] Direct [REDACTED]Email: [REDACTED]Dimensions and area of parcel: 4.6 Acres (parcel)Dimensions of proposed construction: 1,434 Square Feet (storefront premises)

Distance to each boundary:

Before construction Not Applicable.

After construction North 485 Feet South 214 feet East 185 Feet West 85 Feet

Type of construction: Existing strip center. No material exterior alterations, except sign.

I (we) have attached a sketch or a plot plan of the signage proposed to be erected.

Owner (s) [Signature]

Zoning Relief Requested

Please address all of the following items:

1. Briefly describe the property (e.g. size of lot, dimensions, etc.) and the location (e.g. nearby intersections, landmarks, etc.) involved in application.

The Property (Parcel No. 61-6-79, the "Property") consists of 4.6 Acres at the intersection of East Baltimore Pike and Onix Drive, in East Marlborough Township's (the "Township") MU – Multiple Use ("MU") zoning district. The Property has an approximate depth (measured from East Baltimore Pike) of 715 feet, and an approximate width (at the building line) of 275 feet. The Property is contiguous to, and *situate* between, the shopping centers known as the "Shoppes at Longwood Village" (Parcel No. 61-6-89) and "Schoolhouse Crossing" (Parcel No. 61-6-79.1).

The Applicant's leased Premises (the "Premises") consists of approximately 1,434 square feet of storefront space located to the west of the existing SuperCuts. The Premises has a frontage facing East Baltimore Pike of not less than 13.9 feet.

2. Describe the present use of the property (e.g. residential, retail, office, etc.), including existing improvements (e.g. house, garage, and shed; or office and parking lot)

The Property is currently, or was most-recently, occupied by other commercial tenants (Pet Supplies Plus, Dollar Tree, SuperCuts, and Children's Hospital of Philadelphia. Applicant intends to occupy the remaining portion of the structure for use as a Jersey Mike's quick service sandwich shop.

3. Describe the proposed improvements, additions, or change(s) of use. For physical changes to the lot or structures, indicate the size of proposed improvements, materials to be used, and general construction to be carried out. Attach a plan or sketch for illustration.

Except for the signage described herein, no physical changes are proposed to the existing exterior layout of, or the existing structures on, the Property. Interior renovations to the Premises, customary for the construction of a Jersey Mike's store, are intended.

Applicant proposes to install signage, in accordance with Jersey Mike's brand standards, on the south façade of the existing structure, in a similar fashion to the other commercial tenants who occupy the Property.

4. State the specific variance, special exception, or other relief requested and cite the appropriate sections(s) of the Zoning Ordinance.

Applicant respectfully requests a variance from Section 1704.C.1.a. in order to install a building-mounted façade sign having an area not to exceed 40 square feet, where 13.9 square feet is permitted.

5. Will the proposed change impact traffic or parking in the surrounding area? Explain.

The requested signage relief for will have no impact on traffic or parking in the surrounding area.

Date: 6/6/88

Fee: Payable to East Marlborough Township (non-refundable)

Residential: \$750, initial hearing
\$125/ hour, continuation

Non-residential: \$1,000, initial hearing
\$125/ hour, continuation

Zoning Hearing of Validity Challenges:
\$3,000, initial hearing
\$ 300, continuance fee, per hour, after first hearing

Submit application to: East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348




STOREFRONT SIGN Option 1

3'-6" HIGH X 11'-3-3/8" WIDE
ILLUMINATED SIGN

39.484 SQUARE FEET.

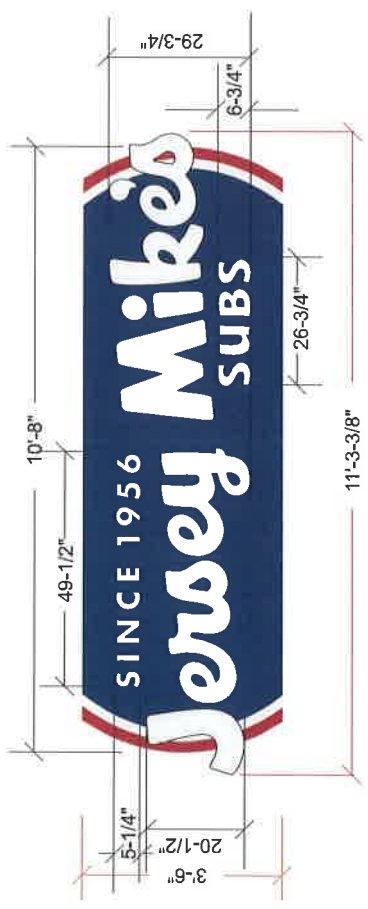
FINAL DIMENSIONS TO
BE VERIFIED IN FIELD

 245 East Inman Ave. Rahway, NJ 07065 PH: 732-659-7540		Salesperson	RD	Issue Date:	2-12-2022	Customer Approval Date:	Client: SINCE 1956 Jersey Mike's SUBS 817 E. Baltimore Pike Kennett Square, PA 19348
		Designer:	RR	Revision Date(s):		Landlord Approval Date:	
Drawing#		1 of 4				Production Approval Date:	File Name: JMS - Kennett Square, PA

**Illuminated Half Oval Cabinet
W/ Channel Letters**

**3'-6" HIGH X 11'-3-3/8" WIDE
ILLUMINATED SIGN**

39.484 SQUARE FEET



FRONT ELEVATION SIGN

39.484 SQUARE FEET

Primary Building Signage

Scale: 1/2" = 1' - 0"

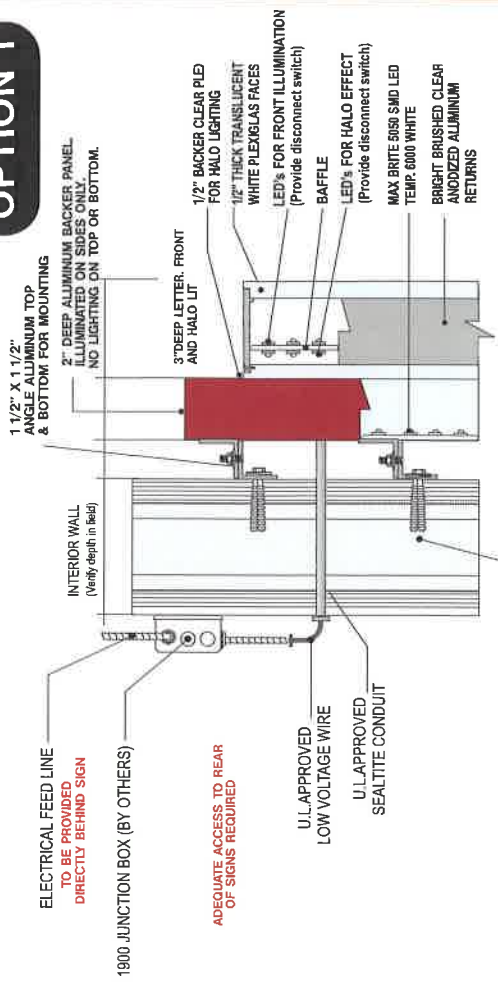
- Oval backer:**
- 2" deep aluminum backer
 - Face & returns to be painted or applied vinyl stickers
 - Halo-lit outer edges (sides only, not top & bottom)
 - Pin-mounted 1 1/2" for halo effects
- Wordmark & secondary wording:**
- Face-lit & halo-lit LED channel letters
 - White acrylic faces and 3" bright brushed clear anodized aluminum returns

UL

ELECTRICAL NOTES
120 Volts - 5 Amps

LED TEMPERATURE
KIND:

OPTION 1



**REAR ACCESS TO ALL SECONDARY CONNECTIONS
BE PROVIDED BY GENERAL CONTRACTOR**

**METHOD OF ATTACHMENT TO BE
DETERMINED BY FIELD CONDITIONS
CLIENT TO PROVIDE
ADEQUATE BLOCKING**

ELECTRICAL NOTES
120 Volts - 5 Amps

PARTIAL SECTION THRU LETTERS, RACEWAY & EXTERIOR WALL - Scale: 3" = 1'-0"

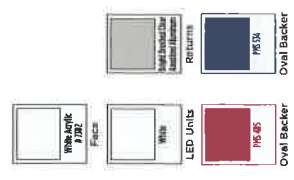
Side Profile

Scale: NTS



NOTE:

**PROVIDE DISCONNECT SWITCHES FOR BOTH
ROWS OF L.E.D.'S (Front-Lit and Halo-Lit)**



INSTALLATION NOTICE
This sign is to be installed in accordance with the drawings provided. No modifications or alterations are to be made without the written approval of SpeedPro. Unless approved by SpeedPro in writing.

☐ INDOOR SIGN

☒ OUTDOOR SIGN

SpeedPro 245 East 17th Ave. Fairway, NJ 07065 PH. 732-688-7540	Salesperson	RD	Issue Date:	2-12-2022	Customer Approval Date	Client:	817 E. Baltimore Pike Kennett Square, PA 19348
	Designer:	RR	Revision Date(s):		Landlord Approval Date:		
	Drawing#	2 of 4			Production Approval Date:	File Name:	JMS - Kennett Square, PA

[Return to Agenda](#)

East Marlborough Township

Public Works Department

(06/01/2022 – 07/06/2022)

PROJECTS AND ACTIVITIES

- Stormwater pipe issues on Fox Hollow Dr. The actual pipe location is different than the subdivision plans, and the bottom is corroded away. \$35,000 00 proposal for slip lining in place. This is a widespread issue throughout the township. Waiting on an updated proposal from a second contractor, scheduled for 7/7/2022 site visit.
- Failed stormwater pipe collapsed on Pratt Lane and the same contractors are working on proposals to line the pipe. The project will be cheaper to line it, rather than dig up and replace due to the proximity of the curb and pavement restoration costs.
- E Locust bridge project: Received all of the ROW documents and should be advertised for bids later this month.
- Mill Road bridge replacement project GP-11 permit application was submitted. The estimated cost is \$250,000.00. We will be applying for a grant after the permit is issued. **ON GOING.**
- I am still seeking qualified candidates for the new public works position. **ON GOING**
- Seeking proposals for final demolition of the firehouse.
- The new dump truck order has been cancelled by Ford; however, we can order a 2023 model for the same price when the window opens later this year.
- Repaired several sink holes around numerous inlets.
- Dan Hoover passed general certification exam for pesticide applicator. He is scheduled for July 14 to test for ROW and Parks applicator.
- Removed two park benches for restoration at Kinloch.
- Crack seal and base repair on Onix Drive in preparation of paving it later this summer.
- Completed seal coat surface treatment to Spottswood, Winding, Nathaniel, and Schilling.
- Crack sealed numerous roads.
- Seeking approval to sell a generator on Municibid auction site.

MEETINGS

- 6/6/22 Supervisors meeting.
- 6/23/22 AECOM meeting to discuss Longwood Preserve sewer dedication request.
- 6/23/22 Willowdale Crossing HOA to discuss stormwater pipe repairs.
- 6/29/22 DEP & HRG meeting to discuss Act 537 planning requirements.

TRAINING

- 6/21/22 Delchester Public Works meeting and DOT training, everyone attended.

OVERTIME

- 6/5/22 6 hrs Broken check valve on discharge pipe, W Doe Run Rd.
 - 6/24/22 8 hrs Sewer leak, Schoolhouse Rd.
 - 6/24/22 2 hrs High level alarm Willowdale South Pump Station
 - 6/25/22 2 hrs Float failure Willowdale South Pump Station
- 36 hrs Replacing grinder pumps

FUNCTIONS

- Empty trash cans at the park daily, and after pavilion rentals.
- Daily sewer operations at the treatment plant and pump stations.
- Mowing the sewer plants, Park, Round-About, and Township building.
- Maintenance and repair of equipment and vehicles.
- Road sign maintenance.
- Clearing of debris/ leaves from storm drains.
- Pothole/crack repairs as needed.
- Stormwater inlet repairs as needed.
- Maintain gravel roads.
- Cleaning and maintaining garage and facilities.
- Assisting with sewer operations as needed.
- PA One Call utility locates/markings.
- Weekend and Holiday daily sewer operations.
- Roadside vegetation management for sight distance and vehicle clearances.
- Posting properties for zoning and conditional use hearings.
- Removing advertisement signs along the roads.
- Changing locations of the battery-operated speed board in Unionville.

Respectfully submitted,

Jeffrey D. Simpson
Director of Public Works

SEWER REPORT

June 2022

July 6, 2022

Total Monthly Flow:	7,618,055 Gallons	Total gallons received 2022: 46,098,520
Average Daily Flow:	253,935 Gallons	
Maximum Daily Flow:	297,963 Gallons	
Rainfall Measured:	5.51"	
Storage Capacity:	45 days	
Gallons sprayed:	9,637,004 Gallons	Total gallons sprayed 2022: 41,400,672
PA 1 Call Notifications:	83 (10 Emergency)	
Grinder Pump Repairs:	10	

Collection System Repairs:

- La Reserve generator transfer switch replaced.
- Willowdale North Generator & Switch replaced.
- All other pump stations are operating normally.

Items of interest:

- The treatment ponds continue to operate normally.
- The storage level is normal for this time of year, spraying at every opportunity.
- The sludge continues to dewater in the GEOTUBES.
- The La Reserve pump station struggles to keep up with high flows during heavy rain events due to increased flows and pressure in the force main. The new data logger and real time flow recordings will assist in determining a corrective action. **ON GOING**
- We are seeing an increase in grinder pumps being replaced from the original 1996 installations. The new pumps are \$2,640.00. An analysis of the grinder pump expenses for the last 5 years to be sure we have the correct budget amount for repairs, is part of the 537-planning update. **ON GOING**
- Michael Hicks and Joe Nash passed the certification exam for Lagoons; however, they need to retest for the General Knowledge and Collection System exams scheduled July 14.
- Repaired sewer leak at 573 Schoolhouse Rd.
- Replaced failed check valve at 1647 W Doe Run Rd.
- Spray fields have been mowed and baled.
- Met with DEP to discuss the Act 537 plan update process.

Return to Agenda

REGULAR MEETING
BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP
721 Unionville Road
Kennett Square, PA 19348

June 6, 2022
7:00 P.M.

1. CALL TO ORDER

Supervisors:

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/Bookkeeper
Jeff Simpson, Public Works Director
Lisa Donlon, Township Engineer
Robert Clarke, Police Chief

2. ANNOUNCEMENTS

Chairman McKinstry announced that an executive session would held immediately after tonight's meeting to discuss legal and personnel matters.

3. PUBLIC HEARING

Solicitor Jennings opened a public hearing to consider adopting zoning ordinance 02-2022 which amends the zoning ordinance of 2019. The following sections of the ordinance contained amendments for consideration.

Section 202: Definition of Terms

Section 401: Agricultural Preservation District (AP)

Section 402: AP District Use Regulations

Section 502: Residential District (RB) Use Regulations

Section 702: Village Commercial District (C1) Use Regulations

Section 804: Highway Commercial District (C-2) Design Standards

Section 953: Limited Multiple Use District (LMU) Area and Bulk Regulations

Section 1102: Educational, Scientific, and Institutional District (ESI) Use Regulations

Section 1812: General Regulations – Design Standards

Section 1821: Forestry and Timber Harvesting

Section 1822: General Regulations – Conservation of Trees and Natural Resources

Section 1823: General Regulations – Fence and Wall Regulations

Section 1824: Alternative Energy System Regulations

Section 1903: Non-Conforming Uses, Structures, Lots, and Signs – Non-Conforming Lots

Section 2008: Administration – Conditional Uses

BOARD OF SUPERVISORS
REGULAR MEETING
June 6, 2022
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Solicitor Jennings closed the public hearing. Vice Chair Vannote made a motion to approve the edits to the 2019 Zoning Ordinance, Supervisor Matuszak seconded, Supervisor Sarro abstained; motion carried 4-0-1.

4. ORDINANCE 02-2022

Solicitor Jennings closed the public hearing. Vice Chair Vannote made a motion to approve the edits to the 2019 Zoning Ordinance, Supervisor Matuszak seconded, Supervisor Sarro abstained; motion carried 4-0-1.

5. PUBLIC HEARING

Chairman McKinstry introduced the proposed Ordinance 03-2022 Authorizing the execution of a cable franchise agreement between East Marlborough Township and Verizon cable company.

6. ORDINANCE NO. 03-2022

Solicitor Jennings explained the details of Ordinance 03-2020. Initial franchise, effective April, 15, 2006 was to install, maintain, extend, and operate a Cable System in the Township for a term of 15 years. Verizon seeks to renew this agreement. Solicitor Jennings discussed fees, and standards then called for questions. Resident Joe DiCostanza, of Larkspur Dr., asked if we'd talked to Comcast. Supervisor Sarro made a motion to approve Ordinance 03-2022 and Supervisor Monahan seconded, motion carried 5-0.

7. APPOINTMENT OF TOWNSHIP TREASURER AND FIXING TREASURER'S BOND

a. RESOLUTION NO. 2022-33

With the retiring of our current Treasurer, Hannah Christopher, this resolution seeks to appoint Peter Barsz or Barsz, Gowie, Amon and Fultz as Treasurer. A second part of Resolution No.2022-33 was a discussion to determine the amount of bond which should be set. The East Marlborough Board of Supervisors had previously determined the bond to be in the amount of \$5,000,000.00. After some discussion it was determined to retain that amount.

Supervisor Monahan made a motion to approve Peter Barsz as Treasurer, with a bond of \$5,000,000.00. Supervisor Vannote seconded; Supervisor Sarro abstained; motion carried 4-0-1.

8. RESOLUTION NO. 2022-34

This resolution designates depositories and signatories for East Marlborough Township funds. Township depositories continue to be Truist Bank, PLGIT and US Bank. After some discussion

BOARD OF SUPERVISORS

REGULAR MEETING

June 6, 2022

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it was decided to modify the signatory paragraph of Resolution 2022-344. In addition to the Township Manager and Township Treasurer, each of the 5 Township Supervisors would be designated signatories on any or all of the bank accounts. Township checks in the amount of \$50,000 or under can be signed by only one signatory. Amounts over \$50,000 will need two signatures. Supervisor Monahan moved to approve Resolution No. 2022-34, Supervisor Sarro seconded; motion carried 5-0.

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

Township manager, Neil Lovekin, presented accounts and answered questions from the Board. Specific questions centered around the purchase of the mobile office being used by our Police department vice continuing to pay a monthly rental fee. It was decided to use the Operating Reserve Fund for the purchase. Supervisor Vannote motioned to approve the Treasurer's Report and to pay the monthly bills, Supervisor Monahan seconded. Motion carried 5-0.

<u>Fund</u>	<u>Expenditure</u>
General	\$401,509.20
Payroll	\$97,570.73
Sewer	\$53,030.25

10. CONTINUING BUSINESS

RESOLUTION 2022-35

- a. Lisa Donlon of Vandemark and Lynch, spoke on the Longwood Preserve project stating that an estimate to complete Phase 2 would be \$1,122,464.86. This resolution seeks a reduction in the letter of credit for Longwood Preserve in the amount of \$48,331.98. Line of Credit #21-06, Current amount \$1,170,796.84, Reduced to: \$1,122,464.86. Supervisor Monahan motioned to approved Resolution 2022-35, Supervisor Sarro seconded, carried 5-0.
- b. Marlborough Springs – Escrow Release #13 Request from the developer, Bentley Homes, to release the remaining landscape escrow in the amount of \$4,100 (\$3,600 for Erosion and Sediment Control and \$500 for inspection completion). Glackin Thomas Panzak reviewed the work and recommended the escrow release. Supervisor Vannote made a motion to approve the funds release, Supervisor Matuszak seconded, motion carried 5-0.
- c. Northridge Phase 2 – Escrow Release #16 and Phase 3 Release 6: In a letter dated May 31st 2022, Vandemark and Lynch recommended the release the amount of \$111,826.11.

Lisa Donlon explained that Phase 2 is 80% complete and Phase 3 is 35% complete. Supervisor Vannote made of motion to accept the request to release the escrow funding, Supervisor Matuszak seconded, motion carried 5-0.

11. RESOLUTION NO. 2022-36: CAPITALIZATION POLICY

This resolution seeks to adopt a policy to identify and define capital purchases and projects, to establish asset and project life cycles and to identify associated performance standards. Supervisor Monahan made a motion to accept Resolution 2022-36, Supervisor Matuszak seconded, motion carried 5-0

12. RESOLUTION NO. 2022-37: DESIGNATION AND APPOINTMENT OF OPEN RESORDS OFFICER

Resolution No. 2022-37 seeks to appoint the Township Manager as the Open Records Officer repealing previous resolutions that named individuals by name or other titles. Supervisor Monahan made the motion to accept Resolution 2022-37 as written, Supervisor Vannote seconded, motion carried 5-0

13. NEW BUSINESS

a. Jeff Simpson presented three bid awards:

Paving in Placed: Long's Asphalt Inc. (\$112,500.00)

Oil and Chips: Asphalt Industries, Inc (\$93,700.00)

Ultra Thin: Asphalt Maintenance Solutions, LLC (\$149,570.96)

Supervisor Vannote made the motion to accept the bids, Supervisor Sarro seconded, motion carried 5-0

b. Jeff Simpson presented a request to purchase a new utility truck to replace the 2012 GMC with a 2023 Chevrolet Silverado 3500 HD. Purchase to be made through COSTARS vendor and is included in the adopted 2022 budget. Supervisor Monahan made the motion to accept and purchase the new vehicle, Supervisor Sarro seconded. Motion carried 5-0

14. ZONING HEARING BOARD APPLICATIONS

Application for Longwood Gardens – Sanitary Improvements Project, Variance Requested to remove specimen trees to allow construction improvements associated with the sanitary wastewater project. This is part of the Longwood Reimagined project, land development and adding a new lagoon. A total number of 4 specimen trees are requested to be removed. Longwood

will plant 24 new trees as part of the Longwood Conservatory. This application goes before the Zoning Hearing board on June 23rd. The Board of Supervisors opted to take no position on this application but to leave it to the Zoning Hearing Board to rule on the application.

15. TOWNSHIP DEPARTMENT – MONTHLY REPORTS

Solicitor Jennings reported on the East Locust Bridge project. Details are being hashed out and have finally received approval from the Kennett Country Club.

Jeff Simpson reported that he has received 2 applications to fill the vacancy on crew, also reported that the Rt 82 and 1 Project is completed.

16. TOWNSHIP-WIDE ADVISORY COMMITTEES’ UPDATES

- a. Community Development Committee – Supervisors Matuszak and Vannote
 - i. HRG, Inc. submitted grant applications on behalf of the Township for County American Rescue Funds
- b. Health and Safety Committee – Supervisors McKinstry and Sarro
 - i. Discussed various matters on Tuesday, May 24th
- c. Organizational Sustainability Committee – Supervisors Monahan and Vannote
 - i. Discussed and finalized a draft Capitalization Policy, begun discussions of a “Fund Balance” Policy

17. PUBLIC COMMENT

There was no public comment on non-agenda items.

18. APPROVAL OF MAY MEETING MINUTES

Correction to Motion submission on item Number 8

19. ADJOURNMENT

All business having been discussed, a motion was made by Chairman McKinstry, seconded by Vice-Chairman Sarro, and carried by a vote of 4-0 to adjourn the meeting at 9:49 p.m.

Respectfully submitted,

Mickey Bailey
Recording Secretary/Bookkeeper