

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

July 11, 2022
7:00 P.M.

1. CALL TO ORDER

Present:

Chairman McKinstry
Vice-Chair Vannote (Remote)
Supervisor Sarro
Supervisor Monahan (Remote)
Supervisor Matuszak

Township Staff & Consultants:

Ryan Jennings, Township Solicitor
Neil Lovekin, Township Manager
Mickey Bailey, Recording Secretary
Jeff Simpson, Public Works Director
Robert Clarke, Police Chief

2. ANNOUNCEMENTS

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

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

Township manager, Neil Lovekin, presented accounts and answered questions from the Board. Neil mentioned that newly appointed Treasurer, Peter Barsz was not in attendance due to illness. Supervisor Sarro motioned to approve the Treasurer's Report and to pay the monthly bills, Supervisor Matuszak seconded. Motion carried 5-0

<u>Fund</u>	<u>Expenditure</u>
General	\$203,521.45
Payroll	\$102,308.91
Sewer	\$68,590.42

4. LONGWOOD GARDENS, INC – PRELIMINARY/FINAL PLANS FOR SANITARY SEWER IMPROVEMENTS

Denise Yarnoff, Attorney for Longwood Gardens, presented the sewer expansion plans for Longwood Gardens as part of the Longwood Reimagined program. This proposal will construct a second sewage lagoon, slightly south of the existing lagoon on 311 and 338 Longwood Road as well as a new equipment building and new access driveways. The Zoning Hearing Board, scheduled for July 20th planned to address the removal of 4 specimen trees necessary for the project's completion, to be replaced by 24 four-inch caliber trees.

BOARD OF SUPERVISORS

A secondary discussion revisited the subject of adding sidewalks along Longwood Road. Ms. Yarnoff explained that at this time Longwood would not be in favor of adding these sidewalks because it would require the removal of too many trees. She further explained that walking trails were currently being constructed as part of the Kennett/Longwood Trail system.

Supervisor Sarro made the motion to accept Longwood's expansion plan. Supervisor Matuszak seconded. Motion carried 5-0.

5. LONGWOOD GARDENS, INC. – WATER TOWER – HISTORIC RESOURCES NO. 130 CLASS 1 - TOWNSHIP HISTORIC COMMISSION RECOMMENDATION REGARDING BUFFER REQUIREMENT.

Subject introduced by Township Manager Neil Lovekin. Chairman McKinstry agreed that the subject was on the agenda for administrative purposes. No action required from Board of Supervisors.

6. CONTINUING BUSINESS

a. Lisa Donlon of Vandemark and Lynch, spoke on the Glenelg Farm – Tree Replacement Project. They have reviewed the installation of the field and recommended release of the \$900 that the township had been holding as security. Supervisor Sarro made the motion to release the fund being held and Vice-Chair Vannotte seconded. Motion carried 5-0.

b. Lisa Donlon presented two requests for escrow releases for The Villages at Northridge.

- i. Phase 1a/b – Escrow Release #27. Project has been reviewed and is found to be 86% complete. Recommends release of \$13,169.51
- ii. Phase 3: Escrow Release #7. Site work has been inspected and the following details were reported:
 - Erosion & Sediment control (\$1,200.00, 94% complete)
 - Sitework (\$10,000.00, 82% complete)
 1. Sanitary Sewer (\$2,500.00 94% complete)
 2. Storm Sewer (\$37,977.35 100% complete)
 3. Water (\$81,525.75 100% complete)
 4. Curb (\$26,725.96, 100% complete)
 5. Survey (\$3,500.00, 78% complete)

Motion to release escrow funding made by Supervisor Sarro and seconded by Supervisor Monahan. Carried 5-0.

7. NEW BUSINESS

- a. Discussion to authorize the County-Wide Act 167 Model Ordinance update for a public hearing and possible adoption. Supervisor Monahan moved to approve the advertising of Act 167, Supervisor Vannote seconded, motion carried 5-0.
- b. Kennett Library's Capital Campaign Update: Presentation by Chris Manna gave an operations update explaining the 5 Literacies, (Basic Literacy, Information Literacy, Civic & Social Literacy, Health Literacy, and Financial Literacy). Kennett Library has achieved all five of these. Jeff Yetter from the Board of Trustees of Kennett Library was a second presenter. His briefing covered monies received and allocated to the following facilities: 110 seat auditorium, tutor rooms, 2 maker space rooms, 4 meeting rooms, and 50 parking spaces. As of June 11, they had raised more than half of their goal of \$21.7 million. No action was required from the Board.
- c. Discussion and Possible Authorization for the Township Manager to Accept the Terms of the Agreement, Dated July 6, 2022, as Submitted by Herbert, Howland and Grubic, Inc. to Update the Township's Act 537 Plan: Act 537, the Official Sewage Plan, was last updated in 2007. Jeff Simpson, Director of Public Works presented plans for Phase 2. Vice Chair Vannote motioned to authorize the contract for Phase 2, Supervisor Sarro seconded, carried 5-0.
- d. Discussion and Possible Approval of a Certificate of Appropriateness for 809 Wollaston Rd, (Fenstermacher Residence): Unionville HARB Case No: 2022-01b; Lewis Kinter, Chair Unionville HARB, presented the recommendation for renovations to the residence and construction of a new garage and driveway access. Supervisor Matuszak motioned to approve, Supervisor Sarro seconded, carried 5-0.
- e. Discussion and Possible Approval of the 2022 Mushroom Cap Half Marathon-November 5, 2022. Sara Nurry, Co-Founder of Run2Shine presented plans for their 7th annual ½ marathon/5-mile event.
 - i. Discussion and Possible Approval of Temporary Township Road Closures Associated with the Event: Chief Clark responded that there is no issue with the police.

Cuyler Walker commented that Wollaston Rd is used frequently to transport horses to and from the area and may perhaps cross the area where the event roads will be closed. Supervisor Sarro motioned to approve the permit subject to proof of insurance prior to race, Supervisor Matuszak seconded, carried 5-0.

- f. Discussion and Possible Approval for the 2022 Chester County Balloon Festival to Operate on October 8-9, 2022, Ordinance Provisions to Follow. Debbie Harding requesting permit approval for temporary outdoor activity application. No changes to the 2021 plan. Security, traffic and trash issues have all been addressed. Fire and police officials (in audience) approve of application. Supervisor Matuszak motioned to approve permit pending final paperwork completion (police and fire approval in writing), Supervisor Sarro seconded, carried 5-0.
- g. Discussion and Possible Authorization to Advertise the Sale of Equipment Through MUNICIPALITY. Jeff Simpson, Director of Public Works presented the items he proposed to sell on MUNICIPALITY. Vice Chair Vannote made the motion to approve the sale of equipment, Supervisor Monahan seconded, carried 5-0.
- h. Discussion of Possible Funding Increase for the Kennett Fire and EMS Regional Commission: Cuyler Walker presented information to the board telling them to expect a funding increase request of 30% per year for the Kennett Fire and EMS Regional Commission to be used primarily for equipment replacement and payroll. Fire Chief, A.J. McCarthy, also in attendance, was able to elaborate on the state of the Longwood, Kennett and PoMarLin fire companies. There was no action required of the board at this time

8. ZONING HEARING BOARD APPLICATIONS

- a. Discussion Regarding Application for 2061 Lenape-Unionville RD (Royer Residence): Variance Requested to permit construction of a swimming pool, patio, fire pit and equipment structure which will exceed the maximum lot coverage permitted. The BOS took no position, will leave this decision to the Zoning Hearing Board.
- b. Discussion Regarding Application for 817 East Baltimore PK (Kennett Subs, LLC): Variance Requested to permit the installation of a business sign (Jerry Mike's) on the facade of the existing structure that will exceed the maximum square footage permitted. The board has no objection to the sign (will take no position) as long as it is the same size as the next tenant's (Super Cuts) sign.

9. TOWNSHIP DEPARTMENTS – MONTHLY REPORTS

- a. Public Works: Jeff Simpson presented that the East Locust Lane bridge project has all the approvals. Bids are due mid to end of August. Mill Road bridge replacement is ongoing, and he continues to seek qualified candidates for the public works open position.
- b. Police: Chief Robert Clarke briefed that in June 189 police incidents were reported, 124 of them handled by the state police.

- i. Training: All officers: Firearms qualification, Taser, Use of Force/Control, Legal Updates
 - ii. Brian Sheller has retired from his full-time job and is now joining East Marlborough part time.
- c. Township Manager, Neil Lovekin advised that Mickey Bailey will be taking the notary exam on Wednesday July 13th. He is also applying for a warranty extension on all administrative computers.

10. PUBLIC COMMENT

Nancy Gifford from Longwood Preserve asked about the QR code she is seeing on some township street signs. Township Manager Neil Lovekin advised that the new codes were public notices.

11. APPROVAL OF MINUTES

Supervisor Sarro motioned to approve the June minutes as presented Supervisor Matuszak seconded; motion carried 5-0.

12. ADJOURNMENT

Supervisor Sarro motioned to adjourn the meeting; Supervisor Matuszak seconded; motion carried 5-0.

Respectfully submitted,

Mickey Bailey
Recording Secretary

(Statement from Supervisor Monahan)

Supervisor Monahan objected to the approval of Resolution 2022-26: Appointment of HR&G to provide Wastewater and Transportation Engineering Services.

Supervisor Monahan stated that she was disappointed that Public Comment had been limited to matters not on the Agenda particularly since the Resolution replacing the township's current engineers was placed last on the agenda under New Business.

She stated that last Fall she ran for re-election with Supervisor Vannote on a platform of transparency; that the resolution had no transparency because the residents of EMT had no opportunity to participate in the decision-making process.

She stated that she and Supervisor Vannote had committed to keeping the community informed and to providing a meaningful opportunity for their participation; that changes as significant as replacing the Township Engineers, each of whom have been providing services to the township for decades, required, out of respect for them and the township residents, that the matter be subject to public debate and discussion.

FOR THE RECORD, she stated her specific reasons for opposing the Resolution as follows:

There was no reason why the township's current wastewater and traffic engineers should be replaced nor why the current Township Engineer should be demoted to General Engineer; that none of the township's current engineers, who have been providing services to the township for decades, had been made aware of any service issues much less had the opportunity to address any concerns; that there was nothing to support that replacing the current engineers will result in better service; that the loss of the experience and knowledge of our current engineers could have negative consequences that had not been considered nor assessed; that no transition plan had been established to facilitate a change in the current engineers.

For these reasons, Supervisor Monahan stated that in her opinion the Resolution was without merit, and she made a motion to table the Resolution so that the public could be better informed and have the opportunity to express their views.

The Motion to Table was not seconded and therefore failed.