

BOARD OF SUPERVISORS

Regular Meeting

July 10, 2023 – 7:00 P.M.

721 Unionville Road

Kennett Square, PA 19348

1. CALL TO ORDER

Present:

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

Township Staff & Consultants:

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

2. ANNOUNCEMENTS

Chairman McKinstry announced that agenda item 7b 2022 Township Financial Audit would be moved up to follow the Treasurer’s report to accommodate presenter’s schedules.

Chairman McKinstry also announced that after tonight’s meeting there would be an Executive Session to discuss legal and real estate matters.

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

Peter Barsz, Township Treasurer focused attention on the Previous Year Comparison chart which indicates that we are \$460K behind 2022 when looking at our bank fund totals compared to this time last year. Peter went on to explain that in 2023 we have spent over \$1 million in capital expenses (purchase of property on Street Rd) and the recent expenses for bridge repairs. Taking these large one-time expenses into account we are actually about \$1million ahead of 2022.

Of note, Peter explained that our accounts are earning between 4-5% interest, earning a total of \$58k in June 2023 alone. Year to date our interest earnings total \$314,000 considering only \$45,000 was budgeted this is great news.

There were no questions from the Board. Supervisor Sarro moved to approve the Treasurer’s Report and pay the monthly bills. Supervisor Monahan seconded, carried 5-0.

4. DECISION FOR CONDITIONAL USE – CellCo Partnership d/b/a Verizon Wireless (Longwood Gardens, Inc.)

- a. Consideration of approval (with possible conditions) for the Conditional Use Application of Cellco Partnership d/b/a Verizon Wireless, with respect to a parcel owned by Longwood Gardens, Inc., located at 77 Red Lion R-O-W (Tax Parcel I.D. No.: 61-6-57-E), located in the

Township's ESI Zoning District. The Applicant seeks conditional use approval from the Township Board of Supervisors, pursuant to Sections 1818.E. and 2008 of the East Marlborough Township Zoning Ordinance, to permit the installation of a Wireless Telecommunications Facility, to be located upon an existing water tank at the property at a proposed height of 153-feet in height. A public hearing was conducted on June 5, 2023, as advertised in the *Daily Local* newspaper on May 18th and 25th, 2023, published on the Township's website, and posted on the Township's bulletin board.

- b. Township Solicitor Ryan Jennings presented this application. Court Reporter, Eleanor Schwandt recorded the presentation. Her detailed notes can be available upon request.
- c. Supervisor Sarro moved to approve the Conditional Use Application subject to the conditions cited during discussion. Supervisor Matuszak seconded, carried 5/0.

5. **DECISION FOR CONDITIONAL USE APPLICATION – Montchanin Builders, LLC (532 Walnut Road)**

- a. Consideration of approval (with possible conditions) for the Conditional Use Application of Montchanin Builders, LLC, with respect to an approximate 9.0-acre parcel, located at 532 Walnut Road (Tax Parcel I.D. No: 61-5-207.1), located in the Township's Limited Industrial Zoning District. The Applicant seeks conditional use approval from the Township Board of Supervisors, pursuant to Sections 1002.B.3. and 2008 of the East Marlborough Township Zoning Ordinance, to develop multi-family dwellings, consisting of 33 townhomes to be served by central (public) water and sanitary sewer systems. Public hearings were conducted on May 23rd and June 5, 2023, as advertised in the *Daily Local* newspaper on May 18th and 25th, 2023, published on the Township's website, and posted on the Township's bulletin board.
- b. Township Solicitor Ryan Jennings presented this application. Court Reporter, Eleanor Schwandt recorded the presentation. Her detailed notes can be available upon request.
- c. Chairman McKinstry read through the modifications for approval or comment from the board. Additionally, he read through each of the 31 conditions. Number 17 was the only condition that required modification, striking the last sentence.
- d. Supervisor Sarro motioned to approve the application as modified. Supervisor Monahan seconded, carried 5/0.

6. **CONTINUING BUSINESS**

- a. Walnut Walk – Phase 2 Dedication of the Sanitary Sewer Facilities
Discussion and possible acceptance of sanitary sewer facilities, including execution of maintenance agreement and sanitary sewer easement.

- i. Township Solicitor Ryan Jennings presented this agenda item. Supervisor Sarro moved to accept and execute the agreement. Supervisor Monahan seconded, carried 5-0.

b. Longwood Gardens, Inc. – Red Lion Equipment/Storage Building, Escrow Release No. 3

Discussion and possible authorization to release escrow for the above development in the amount of \$49,924.98, as recommended by the Township Engineer’s Review Letter, dated June 13, 2023. Release No. 3 is the final escrow release for the above referenced project as the remaining landscaping has been installed per the approved plan.

- i. Lisa Donlon from Vandemark and Lynch presented this agenda item. Supervisor Monahan moved to authorize the escrow release as recommended. Supervisor Sarro seconded, carried 5-0.

7. **NEW BUSINESS**

a. Safety Evaluation at East Street Road (SR 926) and Schoolhouse Road as prepared by Herbert, Rowland & Grubic, Inc. – Presentation by Eric Stump, PE, PTOE, for HRG, Inc.

- i. HRG used ATR (Automatic Traffic Recorder), TMC data (Turning movement counts), and conducted a field view at the intersection. They also received PennDOT crash history along East Street Rd from Unionville Rd to Conservatory Road and crash data from the East Marlborough Police department. The HRG Safety Evaluation details are available upon request. However, the summary of the briefing concluded that there was not enough traffic on Street Rd to warrant a traffic light at this intersection, sight distances were acceptable, and their only recommendation was a possible Stop Bar at the School House Rd stop sign.
- ii. Resident John Olsen addressed the board to voice his concerns about the intersection. Chief Clarke commented that there were other factors that contributed to this accident besides the intersection and the traffic.
- iii. The topic then became an open discussion. Supervisor Monahan injected that the township needed to explore more options before rendering any decisions towards a long-range plan. Cuyler Walker pointed out that the decision was not ours to make because Street Rd was a state Road and PennDOT would be making the decision.

b. 2022 Township Financial Audit – Presentation by Carl Hogan, CPA, Audit Partner for BBD, LLP

- i. Mr. Hogan presented the 2022 Audit results and recommendations to the board. There were no issues sighted, and he was complementary saying that this year’s audit went very smoothly.
- ii. No action for the board.

- c. Purchase of Agricultural Conservation Easement for Miller/Colman Farm, 334 West Street Road Discussion and possible approval to execute the agreement between the County and Township, with Elliot Liam Miller and Tim Colman. The Township’s cost share of the Easement Purchase Price is \$50,000 to be expended from the Open Space Fund, as allocated in the Adopted 2023 Budget.
 - i. Cuyler Walker provided additional details about these 30 acres at Street and Mill Rd. Supervisor Sarro motioned to approve the easement purchase. Supervisor Matuszak seconded, carried 5-0.
- d. Affirming support for the Brandywine Red Clay Alliance’s NFWF grant application for *Stream Restoration on E. Branch Red Clay Creek Headwaters*. The Township would pledge a \$50,000 contribution to the project in its 2024 Budget.
 - i. Township Manager Neil Lovekin gave the board details for this effort. Supervisor Matuszak moved to affirm support for the project pledge, Supervisor Sarro seconded, carried 5-0.

8. RESOLUTION NO. 2023–21: APPOINTMENT TO THE ZONING HEARING BOARD

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

- a. Chairman McKinstry informed the board and audience that through a weighted ranking Richard Abbot has been appointed to the Zoning Hearing Board.
- b. Supervisor Monahan moved to accept the appointment of Richard Abbot to the Zoning Hearing Board, Chairman McKinstry seconded. Resolution 2023-21 approved 5-0.
- c. Shelly Minser advised the board that they should advertise for another alternate member. The board decided to remain with two alternates instead of advertising for a third.

9. ZONING HEARING BOARD APPLICATION

- a. 120 Deer Creek Crossing – Variances to Construct New Single-Family Dwelling
 - i. Discussion whether to take a position on the Application that seeks relief to construct a new residence and related improvements. The hearing date is scheduled for Wednesday, July 12, 2023.
 - ii. The Board decided to take no position on this application.

10. TOWNSHIP DEPARTMENTS – MONTHLY REPORTS

- a. Jeff Simpson, Director Public works gave the following highlights for the month
 - i. Locust Bridge reopened June 27th. Construction complete.

- ii. Guiderail plans have been signed and installation is scheduled for the end of July on the Mill Road bridge project.
 - iii. New 2023 F-600 dump truck expected to be delivered July 11
 - iv. New vacancy in PWD
 - v. Act 437 draft to be presented at Aug meeting
- b. Chief Robert Clarke gave the highlights for June for the EMT police report
- i. There was a total of 223 incidents in EMT 69 of which were handled by EMPD.
 - ii. All officers have been recertified on firearms
 - iii. Chief Clarke was in an auto accident which totaled the Ford Expedition. Due to the loss of the Expedition the board did an emergency authorization to purchase a new vehicle, not to exceed 60K. Chief proposes to purchase a 2023 Chevy Tahoe. Chairman McKinstry moved to authorize this emergency expenditure, Supervisor Monahan seconded, carried 5-0.
 - iv. Chief Clarke explained to the board that he's been researching and there are no electric police vehicles available for purchase.
- c. Township Manager Neil Lovekin briefed the board on the Admin Department.
- i. A new park bench engraving for Robert Weer, Sr. and a second one for Mrs. John B. Hannum.
 - ii. Opened 6 new PLGIT Prime accounts transferring monies from Regular class accounts for a higher interest rate. (5% interest)

11. TOWNSHIP ADVISORY COMMITTEES' UPDATES

- a. Committees to meet regarding the draft Capital Improvement Plan Worksheet for future budget years.
- b. There were no reports from Committee members.

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

There were no comments.

13. APPROVAL OF MEETING MINUTES

Supervisor Monahan moved to approve the minutes from the June meeting. Supervisor Sarro seconded, carried 5-0.

14. ADJOURNMENT

Executive session to discuss legal and personnel matters.

*Respectfully submitted,
Mickey Bailey, Recording Secretary*