

November 6, 2023
7:00 P.M.

BOARD OF SUPERVISORS
721 Unionville Road
Kennett Square, PA 19348

1. **CALL TO ORDER**

Present:

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

Township Staff & Consultants:

Ryan Jennings, Township Solicitor
Neil Lovekin, Township Manager
Mickey Bailey, Recording Secretary
Jeff Simpson, Public Works Director (not present)
Robert Clarke, Police Chief
Peter Barsz, Treasurer

2. **ANNOUNCEMENTS**

Chairman McKinstry announced that there would be an Executive Session immediately tonight's meeting to discuss legal and personnel matters.

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

Township Treasurer, Peter Barsz, gave a brief summary of the township's financial status. Peter detailed that the General Fund is strong and in total we've deposited approximately \$532K in interest which far exceeds our expected budget. Peter also pointed out that we expect to recoup about \$800k for bridge repairs.

Vice Chair Vannote motioned to approve the Treasurer's Report and to authorize payment of the monthly bills. Supervisor Sarro seconded; motion carried 5/0.

4. **CONTINUING BUSINESS**

a. Unionville-Chadds Ford School District – Athletic Fields, Escrow Release No. 10
Discussion and possible approval of escrow release #10 in the amount of \$58,991.98, per the Township Engineer's Review Letter, dated October 31, 2023. Lisa Donlan briefed that the applicant requested a release of the remaining \$61,406.98 in escrow funds, however after reviewing the work in the field, VanDemark and Lynch recommended a release of \$58,991.98 because three required signs have not yet been installed

i. Vice Chair Vannote motioned to approve escrow release #10 in the amount of \$58,991.98, Supervisor Matuszak seconded, carried 5/0.

b. Villages at Northridge – Escrow Releases, Phases 1a/b, 2, & 3

Discussion and possible approval of escrow releases #31 (Phase 1a/b - \$19,912.80), #19 (Phase 2 - \$7,632.00), and #13 (Phase 3 - \$16,349.06) in the total amount of \$43,893.86, per the Township Engineer's Review Letter, dated October 31, 2023.

- i. Lisa Donlan, representing VanDemark and Lynch explained that the applicant, Villages at Northridge, requested release of escrow funds in the amount of \$43,893.84. After reviewing the work, they recommend approving that request.
 - ii. HOA President, Robert Reilly asked about the timeline for dedication. Solicitor Jennings explained that dedication is expected by summer 2024.
 - iii. Supervisor Monahan motioned to approve the escrow released as outlined in VanDemark and Lynch's memorandum dated October 31st, 2023 for the total amount of \$43,893.86. Supervisor Sarro seconded the motion, carried 5/0.
- c. Longwood Preserve – Escrow Release No. 11 for Phase 2
Discussion and possible approval of escrow release #11 in the amount of \$307,525.71, per the Township Engineer's Review Letter, dated November 1, 2023.
- i. VanDemark and Lynch memorandum dated November 1st, 2023, outlined that escrow release #11 requested by Longwood Preserve in the amount of \$229,315.75. After reviewing the work completed VanDemark and Lynch recommended release of \$307,525.71.
 - ii. Supervisor Matuszak motioned to approve the escrow release as recommended by VanDemark and Lynch. Vice Chair Vannotte seconded, carried 5/0.
- d. Longwood Preserve – Closeout Discussion
Discussion of the riparian buffer field visit by the Planning Commission and its outcome.
- i. Planning Commission Chair, Cuyler Walker, addressed the board with details on the vegetation remaining at the Longwood Preserve development. The Commission agreed that the area meets the criteria for a Riparian buffer and the vegetation should not be disturbed.
 - ii. No action is needed from the Board.
- e. East Locust Lane Bridge Replacement Project – Application for Payment #05, for period ending October 11, 2023.
Discussion and possible approval of release for payment in the amount of \$90,963.79 to Richard E. Pierson Construction Co.

\$871,973.60 Original Contract Amount
- \$30,001.15 Change Orders (3)
\$841,972.45 Revised Contract Amount
\$751,008.66 Prior Approved Payments
\$0.00 Contract Remaining, Including Retainage

- i. Traffic Planning and Design, Inc. has reviewed Application for Payment #05 for period ending October 11, 2023. Based on their review they recommend approval of payment to Richard E. Pierson Co. in the amount of \$90,963.79. This will close out the East Locust Lane Bridge project.
- ii. Vice Chair Vannote motioned to approve the release of the last payment of \$90,963.79 to Richard E. Pierson Construction Co. Supervisor Sarro seconded, carried 5/0.

5. **PROPOSED PRELIMINARY 2024 BUDGET**

- a. Discussion and possible approval of the Preliminary 2024 Budget, and authorization to advertise the Preliminary 2024 Budget, prior to possible adoption at the December 4, 2023, meeting.
- b. Township Manager Neil Lovekin briefed that all three committees met individually to review, comment and edit the proposed 2024 budget. Supervisor Monahan moved to approve the preliminary budget and release it to be advertised. She also wanted to give kudos to Neil and the staff who worked on the budget and to all who prepare the financial reports. Supervisor Matusak seconded the motion, carried 5/0. Shelly Mincer also asked if there would be a tax increase with the new budget. Neil Lovekin responded that there would not be a tax increase. Preliminary budget will be available on the township website and hardcopies are available at the township office for public review prior to approval before December 31.

6. **NEW BUSINESS**

- a. Tree Maintenance in the Right-of-Way: Drafting of an Ordinance: Discussion and possible authorization for the Township Solicitor to draft an ordinance to better ensure the safety of the residents and to prevent the dangers caused by diseased or dangerous trees to the health, safety, and welfare of the public, or the right of the public to the unobstructed use of public roads or property.
 - i. Solicitor Jennings presented this subject for discussion about whether this topic should be a stand alone ordinance or to research and amend an ordinance that already exists. After a brief discussion the board decided the best approach would be to have a stand-alone ordinance.
 - ii. Vice Chair Vannote motioned to approve the drafting of a new ordinance dealing with “Tree Maintenance in the Right of Way”, Supervisor Matuszak seconded, carried 5/0.
- b. Advertisement of Certified Auditors for 2023 Township Audit: Discussion and possible authorization to advertise the proposed appointment of BBD, LLP, Certified Auditors for the 2023 Township Audit in the amount of \$7,300.00, to be resolved on January 2, 2024.
 - i. Township Manager Neil Lovekin presented that BBD, LLP was the company that did our 2021 and 2022 audit. With the approval of the board, we will use them for the 2023 audit with a 4.3% increase in cost. Invoice pricing to be split 50/50 between the General Fund and the Sewer Fund.

- ii. Supervisor Matuszak motioned to authorize the advertisement for BBD, LLP's proposed appointment as township auditor for the 2023 audit. Supervisor Sarro seconded, carried 5/0.
- c. Authorization to Execute the 5-Year Full-Service Agreement with the Brandywine Valley SPCA Discussion and possible authorization for the Township Manager to execute the 5-year contract with the SPCA.
 - i. Solicitor Jennings elaborated on the provisions of this agreement and said that he had some issues and potential edits to propose. Lew Kinter stood and wanted to note that alternatives to not accepting the Brandywine Valley SPCA's contract would not be acceptable.
 - ii. Vice Chair Vannotte motioned to approve the 5 Year Full-Service Agreement with the Brandywine Valley SPCA subject to edits suggested by Solicitor Jennings. Supervisor Sarro seconded, carried 5/0.
- d. Approval of the 2024 Salt Bid Award: Discussion and possible authorization to award the *2024 Salt Bid* to Morton Salt, Inc. of Chicago, IL for 1,000 tons of rock salt, in the amount of \$79,900.00 (\$79.90/ton) as duly solicited and recommended by the Municipal Cooperative of Southern Chester County.
 - i. Chairman McKinstry opened discussion on the 2024 Salt Bid Award.
 - ii. Vice Chair Vannotte motioned to approve 2024 Salt Bid to Mortan Salt, Inc of Chicago, Il., Supervisor Sarro seconded, carried 5/0.
- e. Acceptance of Josh Farkas's Resignation and Authorization to Advertise Vacancy on the Environmental Advisory Council: Discussion of resignation and possible authorization for the Township Manager to advertise the vacancy in the *Daily Local* and on the Township's website.
 - i. Supervisor Sarro moved to accept the resignation of Josh Farkas, and to authorize advertising the vacancy to the Environmental Advisory Council. He added that he did a very good job, and we will all be sad to see him go. Supervisor Matusak seconded the motion, carried 5/0.
 - ii. Andy Jenkins, Environmental Advisory Council Secretary addressed the board requesting that Joe Perse replace Josh as Chairman.
 - iii. Supervisor Matuszak moved to accept Andy Jenkins request and have Joe Perse replace Josh Farkas as Chairman. Chairman McKinstry seconded, Supervisor Monahan abstained, carried 4/0.
- f. Presentation of Draft *Energy Transition Plan* for the Township: Andy Jenkins and Tim Cahill of the Township's Environmental Advisory Council to present the draft *Energy Transition Plan*, whereby the Board of Supervisors (per Resolution 2020-32) have expressed a desire to implement

quantitative goals of transiting to 100% clean, greenhouse-gas (GHG)-free electricity by 2035, and 100% clean, GHG-free energy for heat and transportation by 2040.

- i. Chairman McKinstry explained the subject matter for this Draft Energy Transition Plan. Andy Jenkins and Tim Cahill, Members of the EAC did a slide show presentation on the Energy Transition Plan and Goals. Plan explanation included Green House Emissions. Fossil fuel emissions, tax incentives and recommendations.
 - ii. Joe DiConstanza asked if the plan was just for the township or could residents participate.
 - iii. Robert Reilly asked if the goal was 100% green by 2025 (carbon neutral) and how would this be paid for? Tax increase?
 - iv. Decision was to put the plan on the website for comment and to turn it over to the Planning Commission for further recommendations.
- g. Draft *Resident Survey on Single-Use Plastic Bags*: Discussion and possible approval of the draft survey to be posted on the Township’s website with a link to the survey.
- i. Supervisor Matuszak presented his draft of a resident survey created through Survey Monkey. Edits were suggested by Board members and audience. Plan will be edited and posted on the township website.
- h. Presentation of *Certified Local Government Evaluation* – PA State Historic Preservation Office: The evaluation and accompanying recommendations intended to bring the Township’s historic preservation program into compliance with CLG program standards, update policies and processes to align with best practices, and improve the Township’s ability to administer its program.
- i. John Rosecrans, Chair of the Historic Committee presented this topic. He and Lew Kinter, Chair of the HARB, are working together to preserve historic resources throughout the township.
 - ii. Chairman McKinstry suggested that the Historical Committee and the HARB should work with the Planning Commission to come up with recommendations to prioritize and implement their plans.

7. **ZONING HEARING BOARD APPLICATION**

- a. 741 Meadowbank Road – Variances to Construct New In-Ground Pool & Patio
Discussion of whether to take a position on the Application that seeks variances for allowable lot coverage (i.e., 31.78% as opposed to 25% allowed) and setbacks (i.e., 15 ft. as opposed to 25 ft. allowed). The hearing date is scheduled for Wednesday, November 15, 2023, at 7:00 p.m.
 - i. Board takes no position. Leaves resolution to the ZHB
- b. 532 Walnut Road – Variances Related to Proposed Townhome Community

Discussion of whether to take a position on the Application that seeks variances to 1) Permit the secondary emergency access width to have a right-of-way width less than 40 feet and a minimum all-weather surface cartway width less than 20 feet, and 2) Permission to remove 5 specimen trees of the 28 identified within the area of disturbance. The hearing date is to be determined.

- i. Board takes no position. Leaves resolution to the ZHB

8. **TOWNSHIP DEPARTMENTS – MONTHLY REPORTS**

- a. Chief Clarke updated the board on EMTPD activities for the month of October.
 - i. 242 total incidents, 105 of which were handled by EMT
 - ii. EMPD provided traffic and police support for the following events, Centennial Parade, Unionville Community Fair and township Trick or Treating.
- b. Township Manager, Neil Lovekin, gave the monthly report in the absence of Public Works Director, Jeff Simpson.
 - i. The Public Works Department still has a vacant position.
 - ii. Final payment requested for the E. Locust bridge project.
 - iii. Mill Road bridge project still waiting to finish guiderails.
 - iv. 2023 Peterbilt truck has been ordered. May receive in early 2024.
 - v. 1995 dump truck refurbishment is scheduled to start 11/13/2023
 - vi. Removal of building at Post Office site completed and Post Office exterior painted
 - vii. Repaired a collapsed storm drain on Soltner Dr.
 - viii. Regular park maintenance and sewer operations
 - ix. Began annual servicing of the vehicles and getting winter equipment ready.
- c. Township Manager, Neil Lovekin, gave the board highlights of the Administrative Department.
 - i. Transferring phone service from Comcast to AF Daniels. Cost savings of \$118 per month. All phone numbers will remain the same.
 - ii. Hometown Press to publish and Map and Guide in early spring 2024

9. **TOWNSHIP ADVISORY COMMITTEES' UPDATES**

- a. Committees all met in October to review draft 2024 Budget.

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

- a. Shelly Mincer addressed the board asking what the plan is to improve access to the Post Office, in particular handicap access and parking. Township Manager, Neil Lovekin, will take the action to look at the plan and talk to Public Works Director, Jeff Simpson.

11. **APPROVAL OF MEETING MINUTES**

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

12. **ADJOURNMENT**

Executive session to follow.

*Respectfully submitted,
Mickey Bailey, Recording Secretary*