

**Newlin Township  
Board of Supervisors  
Meeting Minutes**

**January 14, 2019  
PUBLIC HEARING**

Janie Baird opened the Public Hearing on an Ordinance amending the Sub Division and Land Development Ordinance of 1999, as amended, to amend Section 403.F to revise the timeline for submission of a sketch plan, and to amend Section 404 to add a new subparagraph C to require an applicant to notify adjoining landowners that a preliminary subdivision or land development plan has been filed.

**Exhibits:**

B-1: Proof of Publication in the Daily Local News on December 31, 2018, and January 7, 2019. The hearing was also advertised on the Newlin Township Website.

B-2: Email dated December 11, 2018, from Mattie Merlino to the Chester County Law Library providing a proposed amendment for public inspection.

B-3: Email dated December 11, 2018, from Mattie Merlino to the Daily Local News providing a proposed amendment for public inspection.

**Section 1. Section 403.F.1 shall be amended as follows:**

403.F.1 The sketch plan, meeting the requirements set forth in Section 301B of this Ordinance, should be submitted to the Township Secretary during business hours for distribution to the Board of Supervisors, the Planning Commission, and the Engineer at least 14 days prior to the Planning Commission meeting at which the sketch plan is to be discussed. The sketch plan illustrates initial thought about a conceptual layout for Greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The sketch plan should also be designed in accordance with the four-step design process described in Section 602, and with the design review standards listed in the Ordinance.

**Section 2. Section 404 is amended to include a new subsection C which shall state as follows:**

C. The applicant shall be responsible to notify all adjoining landowners in writing that the application has been filed and provide the date, time and location of the next regularly scheduled meeting of the Planning Commission when the application will be considered. Adjoining land is defined as property contiguous to the subject property including if separated by roadway, right-of-way or water body. The notice shall be sent by regular mail and certified mail, return receipt requested to each adjoining landowner and mailed at least ten (10) days prior to the Planning Commission meeting when the application will be considered. The names and addresses of the adjoining property owners shall be obtained from the records of the Chester County Tax Assessment Office. At the Planning Commission meeting, the applicant shall provide a copy of each notification letter sent and certified green cards, if available. Review of the application shall not proceed unless such copies are provided.

Copies of the proposed Ordinance were made available to those in attendance.

There were no public questions or comments. Janie Baird closed the public hearing.

**Call to Order:** The monthly Board of Supervisors meeting on Monday, January 14, 2019, convened at 8:00 p.m. at the Lenfest Center, Cannery Road, Coatesville, PA. Present were Chair, Janie Baird; Bill Kelsall; Bob Pearson; and Secretary, Gail Abel

### **Pledge of Allegiance**

**Announcement Period:** Janie Baird announced the Board had the annual re-organizational meeting on Monday, January 7, 2019. A new committee list for 2019 is available on the website along with the meeting dates for 2019.

**Comment Period:** No public comments.

**Minutes:** The minutes of the Board of Supervisors meeting, held on Monday, December 10, 2018, were read and reviewed. Bill Kelsall made a motion to accept the minutes, seconded by Bob Pearson and the vote was unanimous

The minutes of the Board of Supervisors annual re-organizational meeting held on Monday, January 7, 2019, were read and reviewed. Bob Pearson made a motion to accept the minutes, seconded by Bill Kelsall and the vote was unanimous.

**Financial Report:** Read by Gail Abel. Bill Kelsall made a motion to approve the financial report, seconded by Bob Pearson and the vote was unanimous.

Secretary announced that there was a Liquid Fuel Audit for the 2017 year by the Department of The Auditor General. There were no financial findings, and all expenses and income were in order. A copy of the report is available upon request.

### **Emergency Services:**

West Bradford Fire Company: December report was received, 36 total calls, 0 in Newlin. The report included the total calls for 2018 which were 21 total calls.

Modena Fire Company: December report was received, 98 total calls, 0 in Newlin. The report included the total calls for 2018 which were 11 total calls.

Good Fellowship Ambulance: December report was received showing 1 call in Newlin. The report included the total calls for 2018 which were 17 total calls.

Po Mar Lin, Modena Fire Co & Longwood Ambulance reports are received by the Regional Fire Committee.

**Right to Know Requests:** The Township has had zero right to know requests since the last meeting.

**Sub Division Land Development Ordinance Revision 2019-01:** Janie Baird called for questions or comments regarding proposed Ordinance 2019-01, with no questions or comments she called for the vote. Bob Pearson made a motion to adopt Ordinance 2019-01, seconded by Bill Kelsall and the vote was unanimous.

Muriel George inquired what initiated the change in the Ordinance. Janie Baird said the Planning Commission has been working on this project for about a year and she turned the question over to Bob Shippee, Chairman of the PC. Bob said it is just a procedural change and nothing pre-empted the decision. It is just a few things that should have been part of the Ordinance. Earlier submission helps the Board and Secretary have plenty of time to review

the application before meetings and allows the adjoining property owner notifications which are respectful to others.

**Fee Schedules:**

The Fee Schedules are required to be updated yearly. They have been reviewed by Kim Venzie from Buckley, Brion, McGuire & Morris, and Craig Kologie. There are no changes to the fees, just updated dates.

Resolution 2019-02 Establishing the Consultant Fee Reimbursement Policy & Procedure, and the Consultant Fee Reimbursement Contract. Bill Kelsall made a motion to adopt Resolution 2019-02, seconded by Bob Pearson and the vote was unanimous.

Resolution 2019-03 Fee Schedule. The Flood Plain Section that was adopted separately in 2018 was incorporated into the Fee Schedule for 2019 rather than be a stand-alone. Bob Pearson made a motion to adopt Resolution 2019-03, seconded by Bill Kelsall and the vote was unanimous.

Resolution 2019-04 Right to Know Policy. The official Right to Know Form was changed by the State; the new form is on the Township website on the RTK tab.

Bob Pearson made a motion to adopt Resolution 2019-04, seconded by Bill Kelsall and the vote was unanimous.

Bob Pearson commented that the Flood Plain is a Federal requirement and has nothing to do with the local township.

**Resolution Emergency Service Providers 2019-05:** Janie Baird announced that last month the Township adopted a new updated Emergency Service Resolution using language that the County suggested for adoption. After adoption the local Fire Chiefs felt that the language did not work in favor of Newlin due to some of the road conditions. They requested the Board revert back to the old language. With no further questions or comments, Bill Kelsall made a motion to adopt Resolution 2019-05, seconded by Bob Pearson and the vote was unanimous.

**Aqua Plans for Water Withdrawal:**

Janie Baird announced she received notification from the Delaware River Basin Commission (DRBC) on December 17, 2018, that affects Aqua's withdrawal of water from 2 wells in Embreeville, specifically in ChesLen. One well is across from our maintenance garage, and the other is across the Brandywine.

Currently Aqua is drawing 500,000 gals/day from Embreeville Well No.1. Aqua is proposing drawing another 500,000 gals/day from Embreeville Well No. 2 which is new. This well has not been used and was tested in December 2017. So Aqua is proposing doubling their production in Newlin Township to 1,000,000 gals/day withdrawal to supply the West Bradford area.

Janie reached out to Jan Bowers of the CCWRA to help her understand what was being proposed and if the Township should be concerned. Newlin residents, with the exception of 50 homes in Newlin Greene subdivision, get their water from on-site wells and she was concerned about the amount of water proposed to be drawn from the aquifer that supplies our wells. Jan contacted DRBC and asked some questions about what was being proposed.

Janie cited the case from New Garden Township where Artesian Water Company proposed pulling water from an existing agricultural water supply well and sending the water to its

system in northern Delaware. The concern was the effect on Broad Run and private domestic wells. The DRBC application approval included a monitoring and testing program to gradually allow the pumping to increase as Broad Run and private wells were monitored. There is still an on-going dispute and Artesian has never connected it's well to the water system in Delaware. Jan Bowers suggested that Janie Baird reach out to Vince Pompo, Esquire who represented New Garden in this matter.

Vince felt that the DRBC would be receptive to local concerns about impacts on the aquifer and wells as a result of the pumping. Vince suggested that Newlin should obtain the DRBC application and have the technical data and pumping tests reviewed by a hydrogeologist who could consult as to whether there is sufficient concern that the matter should be pursued before the DRBC.

Bill Kelsall made a motion to follow Vince Pompo suggestion and have the application and tests reviewed by a hydrogeologist, seconded by Bob Pearson, and the vote was unanimous.

Jim Cornell inquired do we know if the anticipated demand is what is needed for current or future needs?

Bob Pearson commented the water belongs to the Commonwealth, not the municipality to regulate or control. He commented it is prudent to make certain the draw is not an over-draw.

**Brandywine Creek Road:** Bob Pearson said that Road Con is the contractor that has been awarded the contract with Penn Dot for the reconstruction of Brandywine Creek Road. He commented the contractor has come up with an alternative plan and they have suggested this to Penn Dot. We should know if Penn Dot will consider the change in a few weeks. Once a decision arrives on the construction will begin.

**Laurel Road Update:** Jim Fritsch from Register Associates, the Township's Engineer, provided an update. He said since the last meeting in December he had a meeting with Al Hoffman of Road Con on December 21<sup>st</sup>. On December 28<sup>th</sup> Al provided a budget projection, all based on assumptions of items and estimated quantities. Total estimate came in at \$3,753,304. Jim suggested the Supervisors and Residents should discuss the quote and consider an alternative solution. This is only for the South Side and does not include the North Side. The original quote from Cedarville was \$1.4 Million in 2017 and was included as a part of the Multi-Modal Grant Application the South Side.

It was mentioned that Road Con is the same company that is awarded the bid for Brandywine Creek Road Re-Construction.

Janie Baird was concerned about where the Township would get the funding.

Bob Pearson commented that he originally mentioned an alternative solution which is steel sheets. They would be 80% below the water and 6-8' above the water. Some may object to this due to the appearance of the steel sheets. But designs can be incorporated that would blend in with the river.

Bob commented that we need an estimated 18,000 sq ft @\$70/foot which would equal approximately \$1.3M which is where the Township needs to be.

Bob commented that we need an estimated 18,000 sq ft @\$70/foot which would equal approximately \$1.3M which is where the Township needs to be.

Bob Pearson said the Township needed to explore options and gave Jim Fritsch the authority to go back to Al Hoffman, utilize Megan Lester at Geo Tech about the driving depth and anything else needed to arrive at an alternative plan and price.

Jim will contact Meghan and inquire if Geo-Tech is too busy for the project and if so, he will seek another consultant.

**Beagle Club Road:** Bob Pearson announced the Township received a quote from Terre Hill Concrete for the project on Beagle Club Road to replace the culvert. The amount exceeds the bidding threshold and must be advertised for bids. A bid advertisement will be prepared, and the language will include that the contractor and products must be a Penn Dot approved and certified.

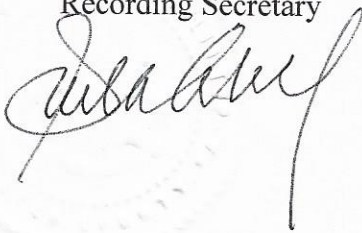
**Adjournment:** With no further business, Janie Baird called for the motion to adjourn, Bob Pearson made the motion to adjourn, seconded by Bill Kelsall and the vote was unanimous.

Time: 8:52pm

Respectfully Submitted,

Gail Abel

Recording Secretary

A handwritten signature in cursive script, appearing to read "Gail Abel", is written over a faint circular stamp. The signature is written in dark ink and is the primary focus of the lower-left section of the page.