

**Newlin Township
Board of Supervisors
Meeting Minutes**

August 8, 2016

Call to Order: The monthly Board of Supervisors meeting of Monday, August 8, 2016, convened at 8:00 p.m. at the Lenfest Center, Cannery Road, Coatesville, PA. Present were Chair, Janie Baird, Bob Pearson, and Secretary, Gail Abel.

Announcement Period: Janie Baird announced there is a scheduled advertised joint work session with the Planning Commission and Board of Supervisors on Wednesday, August 24th to discuss Agricultural Zoning.

The Township was severely impacted by the storm and winds of Thursday, July 28. Star-gazer and Youngs Rds, were greatly impacted by damage to trees and electric service. And Embreeville Rd, Brandywine Drive, Beagle Club, Laurel were closed for a period as well. The County didn't warn us of the potential for such a fierce storm only possible thundershowers. At least three homes in the area were hit by trees. PennDot left for the evening without removing trees from Embreeville Rd. making emergency transport through Newlin virtually impossible. Our thanks to PoMarLin and West Bradford Fire Companies for their efforts during the disaster, and Rob Mastrippolito, Robert Sexton and the Township contractor, Harlan's Tree Service. Thanks also to residents who stopped to pick up limbs and debris in the road and some residents cut up logs in the road as well. We all learn from disasters and we are still assessing what should have been done by the County, PennDot and the Township.

Jack Law from West Bradford Fire Co and Jeff Groves from Po Mar Lin Fire Company both were in attendance. Janie Baird thanked them for their time during the storm.

Comment Period: Ben Barnett was in attendance and wanted to have an update on the Hill Top View repairs. Bob commented the contractor that was scheduled is backed up on a job and he has contacted another contractor. He had all intentions of having Hill Top View done by now but it is on the schedule. Bob Pearson commented the work to be completed for the Dirt & Gravel Road grant is due to start after Labor Day.

Minutes: The minutes of the Board of Supervisor's meeting, held on Monday, July 11, 2016 were read and reviewed. Bob Pearson made a motion to accept the minutes, seconded by Janie Baird.

The minutes of a special session held on Wednesday, July 27th at 7:45pm for the purpose of discussing a Multimodal Transportation Fund Grant which was advertised on July 25th were read and reviewed. Janie Baird made a motion to accept the minutes, seconded by Bob Pearson and the vote was unanimous.

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

Emergency Services:

West Bradford Fire Company: July report showed 36 total responses, with 4 responses reported in Newlin.

Modena Fire Company: July report showed 27 total calls, zero in Newlin

Po Mar Lin Fire Company: July report showed 37 calls for the month, 5 in Newlin, 157 YTD.

Good Fellowship Ambulance: Not received.

Longwood Ambulance: Not received.

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

Laurel Road Update: There was a special called meeting of the BOS on Wed., July 27, advertised on July 26, for the purpose of approving a resolution for application for multi-modal grant funding for Laurel Rd. repairs and naming Gail Abel and Janie Baird as representatives for the Township regarding the grant. The Board announced last month that our first application had been denied and we were encouraged to try again from the reviewer of the application. Notification of awards on this round of grants will be in November of this year. The cost of the project is estimated to be \$1,003,810.00 with the grant request of \$702,667.00 and the Township's portion of \$301,143.

The deadline for submission of the application was July 31st, thus the need for a called meeting in order to meet the deadline.

Traffic Circle Detour-Strasburg Road: Janie Baird has been in discussions with representatives of PennDot and Chris Ross' office regarding the upcoming road closures and detours of Romansville to begin August 15 for two months for the construction of a traffic circle at the site of the new 134 residential units in the West Bradford development. Plans for the detour were approved in 2006 with some traffic being routed on Embreeville Rd (Rt. 162) and Brandywine Creek Rd. Janie Baird implored PennDot to look again at the detours though Newlin as truck traffic is banned on Brandywine Creek Rd because of the one-lane section and truck length is 25' on 162 between Stargazer and Cannery Rd. She was told that PennDot will reevaluate the detour routes with these concerns in mind. For your information: the development is on 62 acres with 95 single family dwellings and 39 town homes for a total of 134 units. The 62 acres of fields and woodland across from Bella Rosa restaurant and Shadyside Dr. were completed clear cut in a matter of days and reminds us of the value of protecting open space. No matter what happens with the roundabout, Newlin's traffic when this development is completed, will be significantly increased.

Jack Law commented he believes the August 15th closure has been postponed and pushed back. He will contact Penn Dot tomorrow and let the Secretary know if there are any changes.

Township House Update: Bennett Baird gave an update. Last year the Building Committee recommended, and the Board of Supervisors approved, moving ahead to complete required repairs and maintenance to get the Northeast Unit of the Township House (the "Murray House") ready to rent as a private residence.

Bill Kelsall is Chair of the Building Committee and other members are Bennett Baird, Caroline Haas, Curt Bagnall, and Bob Shippee.

Repairs and overdue maintenance work is being completed this month. The plan is to offer the Northeast Unit for rent in August. The exterior aluminum siding was replaced with insulated vinyl siding and the windows were replaced in both Units. The electric service was brought up to code and separate electric service have two independent meters and panels. For the NE Unit, the interior has been repainted, and new Pergo type engineered flooring has been installed.

There is the need to get the driveway for the NE unit paved.

The Township attorney, John Good, is preparing a rental agreement. The committee expects to rent the unit for \$1800/month. Going forward, this is expected to provide revenue to cover the cost of properly maintaining the house without being a drain on Township tax revenue. The committee requested BOS support for moving ahead with this proposal, including Unit rental and adjusting amount of the monthly rent if necessary to meet prevailing market conditions.

Bob Pearson made a motion to approve moving ahead with the proposal, including unit rental and adjustment amount of the month rent if necessary to meet prevailing market conditions, Janie Baird seconded and the vote was unanimous.

Ordinance Proposal from Planning Commission:

On October 13, 2014, the Board adopted amendments to the Township's Zoning Ordinance in Ordinance 2014-01 to regulate equestrian boarding and commercial equine operations in a manner which the Board was advised by legal counsel was lawful based on the state and federal laws. On November 5, 2015, the Pennsylvania Attorney General wrote a letter to the Township asserting that many of the provisions in the Ordinance violated various provisions in the Pennsylvania Agricultural Code, commonly referred to as "ACRE". Since receiving that letter, the Board of Supervisors has retained Buckley, Brion, McGuire & Morris LLP to research the Attorney General's position and provide advice as to whether the Attorney General's legal opinion was supported by Pennsylvania law. The Solicitor has met with the AG's office as well as representatives from the Chester County Conservation District, DEP and the Penn State Extension to further discuss the Board of Supervisors' concerns and legal position on the Ordinance. The Board also articulated to the AG's Office the history of why it enacted Ordinance 2014-01 in the first place and the planning purposes and goals in enacting what the Board believed were reasonable, lawful restrictions on equestrian uses.

After much research and discussion, the Board felt that certain revisions to the Ordinance were merited and that it was not worth the burden and expense to defend the Board's legal position that certain provisions in the Ordinance were lawful and did not violate ACRE. The Board considered suggestions from the AG's letter, Buckley Brion, the Planning Commission and other consultants and drafted an amendment to the Ordinance which the Board believes will address the legal challenges raised by the Attorney General.

The proposed Ordinance will accomplish the following:

- Add background clauses which explain the legal authority for the Board to enact the Ordinance and the rational planning purpose for the restrictions contained within the Ordinance.
- Define “commercial equine activity” to include activities involving horses or other equines offered to the public and done in exchange for money and services to include boarding, lessons and handling, riding or driving, training of equines and equestrian events.
- Narrows the definition of an “equestrian event” to include equestrian related activities open to the general public. This term will not include private gatherings that involve equestrian related activities, such as a fox hunt or other events that are not open to the general public.
- Amends Section 527 to regulate “small commercial equine activities”, which involve boarding of 20 or fewer horses not owned by the owner or operator; providing lessons to 10 or fewer individuals per week; or providing 5 or fewer group lessons to a group of 6 or fewer individuals. These small equine activities would be permitted by right and would have to demonstrate compliance with state regulations concerning manure management and erosion and sedimentation control. Unlike the initial draft of this Ordinance, the Board is only including the number of horses that are boarded on a property that are not owned by the owner or operator of the farm when determining if a use meets the definition of a small commercial equine activity.
- Require a special exception for commercial equine activities that do not fit within the definition of small commercial equine activity because the use exceeds the number of horses or lessons that are listed in definition of a small commercial equine operation.

The Board believes that the provisions in the Ordinance achieve a balance between promoting and allowing equestrian uses in the Township which adhere to state and federal laws while protecting neighboring property owners from potential adverse impacts of these uses. If enacted, the amendments would be applied to any equestrian uses which exist in the Township which have not already received zoning permits or zoning hearing board approvals or which are lawful nonconforming uses.

The Board would like to send the proposed ordinance to the Chester County Planning Commission for the 30 day review and comments and schedule a hearing for adoption on September 12th.

Janie Baird announced Solicitor, Kristen Camp is in attendance to answer any questions.

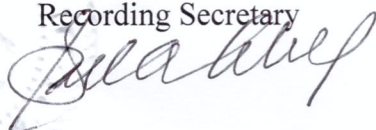
Ben Barnett inquired what happens with people who have already had a zoning hearing and were already approved, do they need to go through the process again. Kristen Camp confirmed they do not but they do get the benefit of the proposed ordinance if adopted.

With no further questions or comments, Bob Pearson made a motion to send the proposed ordinance to Chester County Planning Commission for the 30 day review and advertise for hearing for September 12th, Janie Baird seconded and the vote was unanimous.

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Adjournment: With no further business, Bob Pearson made a motion for adjournment, seconded by Janie Baird and the vote was unanimous.

Time: 8:36pm
Respectfully Submitted,
Gail Abel
Recording Secretary

A handwritten signature in cursive script, appearing to read "Gail Abel", is written over the typed name and title.