

**Newlin Township
Board of Supervisors
Meeting Minutes**

**PUBLIC HEARING
November 12, 2018**

Janie Baird opened the Public Hearing for the consideration of adoption of an ordinance affirming the imposition of and enacting an open space tax pursuant to the authority granted by the Open Space Lands Acquisition and Preservation Act, as amended by Act 153 of 1996 and the Referendum approved by the voters of Newlin Township in the November 2016 general election and as authorized by Resolution No 2017.02.

The proposed ordinance was reviewed and approved by Kristin Camp and advertised in the Daily Local News on October 29, 2018.

The proposed Ordinance affirms what is said in the resolution. We are only affirming the Resolution that was adopted in 2017. There are no changes made to the tax.

John O'Neal inquired if there is a budget for the open space tax. Janie Baird replied there has been no payments to date out of the account.

The public hearing was closed.

Call to Order: The monthly Board of Supervisors meeting of Monday, November 12, 2018, convened at 8:00 p.m. at the Lenfest Center, Cannery Road, Coatesville, PA. Present were Chair, Janie Baird, Bill Kelsall, Bob Pearson, Secretary, Gail Abel

Announcement Period: Janie Baird announced our former Solicitor, John Good, had suffered from failing health and passed away at the end of October. The Township sent a card with their condolences.

Janie Baird brought attention the information on the backside of the agenda which is information about the Adult Literacy Program at The Kennett Library.

Comment Period: John O'Neal commented that the Newlin Historical Society, will meet at The Lenfest Center at Cheslen Preserve on Monday, November 19th at 6:00pm, everyone is welcome to attend and they encourage residents to join.

Minutes: The minutes of the Board of Supervisor meeting, held on Monday, October 8, 2018 were read and reviewed. Bill Kelsall made a motion to accept the minutes, seconded by Bob Pearson and the vote was unanimous

Minutes of the Board of Supervisors budget work session meeting held on September 26, 2018 were read and review. Bill Kelsall made a motion to accept the minutes, seconded by Bob Pearson and the vote was unanimous.

Minutes of the Board of Supervisors budget work session meeting held on October 24, 2018 were read and review. Bill Kelsall made a motion to accept the minutes, seconded by Janie Baird and the vote was unanimous.

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

Emergency Services:

West Bradford Fire Company: October report was received, 27 total calls, 1 in Newlin.

Modena Fire Company: October report was not received.

Good Fellowship Ambulance: October report was received showing 0 calls in Newlin.

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

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

Open Space Ordinance 2018-03: Bob Pearson made a motion to adopt Ordinance 2018-03 affirming the imposition of and enacting an Open Space Tax, Bill Kelsall seconded and the vote was unanimous.

Pledge of Allegiance: Ben Barnett provided case law from West Virginia at last month's meeting and suggested that prior to having a formal vote, the Board consult with Solicitor Kristin Camp. Correspondence has been received from Kristin Camp's office. She has reviewed the case law and does not believe that it stands for the proposition that a Board of Supervisors in a second class Township cannot include the Pledge of Allegiance at the beginning of the public meeting. The Board cannot make saying the Pledge of Allegiance mandatory-meaning they cannot demand that everybody in the audience or even all members of the Board of Supervisors stand and salute the flag. However the Board of Supervisors is permitted to establish its own procedures for how the public meetings will be handled and that can include a voluntary salute to the flag by members of the Board and those in attendance. Bob Pearson made a motion that the Board will add a Voluntary Pledge of Allegiance to the beginning of the meeting; the Board will not pass judgement on anyone who wishes to not stand. Bill Kelsall seconded the motion.

Bennett Baird, John Hughes, Barbara Forney, Caroline Haas and Rodney Wynn commented.

Bill Kelsall commented you have Freedom in this Country and the Board will not look down on anyone that does not stand for the Pledge of Allegiance.

Janie Baird stated that several religious faiths that do not take an Oath or Pledge and requested that no one pass judgement on anyone who does not stand or pledge.

With no further discussion, Bob Pearson made a motion that the Board will add a Voluntary Pledge of Allegiance to the beginning of the meeting, Bill Kelsall seconded. The vote was 2 yea and Janie Baird voted nay.

Snow Bids 2018-2019: Bids for the 2018-2019 snow season were advertised on October 24th and 31st in the Daily Local News. The Township is in receipt of 1 bid. The secretary provided the 1 unopened seal bid which was received from DT Taylor. Bob Pearson commented Don Taylor has been a good choice, always reliable and we have never gone over the estimated budget since we started contracting out snow removal. With no further comments, he made a motion to award the bid to DT Taylor, seconded by Janie Baird and the vote was unanimous.

Subdivision Land Development Ordinance Revision Review: The Newlin Planning Commission passed to the Board of Supervisors a Policy and Procedural update at the October meeting. They also suggested an Ordinance amendment to amend section 403.F to revise the timeline for submission of a sketch plan and 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. The proposed Ordinance was available for those in attendance. It will be sent onto the Chester County Planning Commission for the 30 day review and comment period. The Ordinance will be considered for adoption at the regular January 14th meeting.

Green Valley Road Penn Dot Repairs/Powell Road Detour: Janie Baird had a phone call and follow up email with Vito Genua, Consultant Project Manager at Penn Dot. Bob Pearson also spoke with Vito. Bob said all contractors have to be bonded and his concern is the bridge repair on Powell Road as it is not posted with a weight limit.

Veto's email reads: "When the project (including the use of Powell Road) was presented to the Board of Supervisors on December 11, 2017, we mentioned that the two (2) Green Valley Road Bridges were part of a Bridge Group M package that included three (3) other bridges. Construction funding has been identified and to now make use of those funds, the Department is moving to complete design and to accept construction bids by January 2019 if not sooner. In order to do that, we should have a resolution of this issue regarding use of Powell Road as part of the construction detour. We have conveyed to the township the Department's commitment (as outlined below) to repair any roadway damages along Powell Road caused by its use as a detour route. Similar commitments have been made and followed in the past for other projects where a local road has been used without the request for posting a bond.

The Commonwealth is not permitted to post a bond and therefore comply with the township's request as a condition to a township approval for using the township owned Powell Road. What has been cited by Mr. Pearson for posting of bonds by trucking companies is not the same situation that we have here. For any further discussion they ask that the Township solicitor contact Penn Dot's legal counsel

We are now at a point that the project must be advanced to address the poor condition of not only the Green Valley Road Bridges, but also the other three (3) bridges, and make use of the available construction funds. Absent township approval to use Powell Road, we are looking at detour options that do not use Powell Road (you mentioned one option using an East Marlborough Township/West Marlborough Township local road), and also possibly removing the Green Valley Road Bridges from the bridge group, allowing the other three (3) bridges to move forward and be replaced. By removing Green Valley Road from Bridge Group M, these two (2) structures would of course not advance now to construction and make use of the currently available funding. They would be placed along with other competing needs on a list for future programming consideration."

Beagle Club Road: Barb Forney provided an update that along with Jim Fritsch, Township Engineer, they completed the engineer specifications and have a verbal agreement from the landowner for an easement to work on their property and provide the proper grading that needs to be done. An Easement Agreement will be drawn up by the Solicitor for signature and recording.

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Laurel Road Update: Bob Pearson and Meghan Lyons from Geo Technology have been trying to schedule a meeting to discuss the general contracting. John Hughes inquired if the report from Princeton Hydro was back yet, the Board replied no.

Proposed Budget: The State Budget and The General Fund budget were reviewed. A few highlights were discussed. A copy of the budget was made available for those in attendance. The 2019 budget will be presented for adoption at the December 10th meeting. John Hughes inquired about the \$10,000 budget line item and anticipated expenditures for the North Side of Laurel Road. Bob Pearson explained they needed to have a line item for expenses because there will be studies and engineering done.

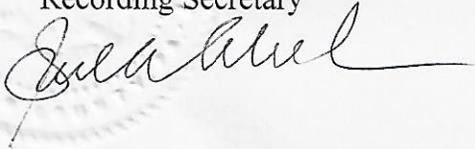
Adjournment: With no further business, Bob Pearson made a motion for adjournment, seconded by Bill Kelsall and the vote was unanimous.

Time: 8:52pm

Respectfully Submitted,

Gail Abel

Recording Secretary

A handwritten signature in cursive script, appearing to read "Gail Abel", written over a faint circular seal.