

**Newlin Township
Board of Supervisors
Meeting Minutes**

December 10, 2018

Call to Order: The monthly Board of Supervisors meeting of Monday, December 10, 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

Pledge of Allegiance

Announcement Period: Janie Baird announced the Board had an Executive Session with the Solicitor and John Goodall from the Brandywine Conservancy on a land issue.

Janie Baird announced the Township is in receipt of email correspondence from the U.S. Board of Geographic Names stating that at its November 8, 2018 meeting, approval was given to the proposal to make official the name Unionville Barrens for an area of the serpentine barrens in the Township at Natural Lands Preserve.

Comment Period: No Comments

Minutes: The minutes of the Board of Supervisors meeting, held on Monday, November 12, 2018 were read and reviewed. Bill Kelsall made a motion to accept the minutes, seconded by Bob Pearson and the vote was unanimous

Financial Report: Read by Gail Abel. Janie Baird said we need to get the general fund under \$250,000 to meet the FDIC limit and made a motion to move \$25,000 from the general fund at BBT Bank to the Land Acquisition Account at TD Bank as a permanent deposit. Janie Baird made a motion to approve the financial report and the money move, seconded by Bob Pearson and the vote was unanimous.

Janie Baird also noted that the Fire & EMS Tax Account will not have sufficient funds to make the Q42018 to West Bradford, Longwood, Modena and Good Fellowship and Q12019 to the Regional Fire, she made a motion to move enough money to satisfy the tax payments, seconded by Bob Pearson and the vote was unanimous.

Emergency Services:

West Bradford Fire Company: November report was received, 34 total calls, 1 in Newlin.

Modena Fire Company: November report was not received

Good Fellowship Ambulance: November report was received showing 3 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.

Sub Division Land Development Ordinance Revision Review County Letter: Janie Baird commented that the Newlin Planning Commission has been working most of this year on Policies and Procedures as well as a Subdivision and Land Development Ordinance (SDLD) amendment.

The following amendments are suggested:

Revised the wording of Section 403.F.1 to extend the time period (from 7 days to 14 days) that an applicant must submit a Sketch Plan to the Township Secretary prior to the Planning Commission meeting.

Adding a subsection to Section 404 Submission of Preliminary Plan Documents that requires notification of adjoining landowners by the applicant advising them of the filing of a plan.

Because this is a zoning change, the application needed be sent to the Chester County Planning Commission (CCPC). The CCPC reviewed the proposed SDLD amendment in the review letter dated November 26, 2018. They stated that the notification of adjoining property owners is not supported by the Pa Municipalities Planning Code. Kristin Camp, Township Solicitor said this is a Board's decision. Bob Pearson made a motion that the ordinance amendment will include the notification to adjoining property owners; he said it serves both parties. Bill Kelsall seconded and the vote was unanimous.

The proposed Ordinance amendment will be advertised on December 31, 2018 and January 7, 2019 for possible adoption on January 14, 2019.

Resolution Emergency Service Providers 2018-09: The County requests each year that the Township provide a resolution naming the emergency services agencies that provide public safety to the Township. Janie Baird said a copy of the Resolution and maps will be on the website after adoption. Bill Kelsall made a motion to adopt Resolution 2018-09, seconded by Bob Pearson and the vote was unanimous.

Emergency Operation Plan and Resource Manual Resolution 2018-11: With the changes in the Emergency Services Resolution, the Township reviewed the Emergency Operation Plan (EOP) made very small changes in the resource manual. With no further discussion, Bill Kelsall made a motion to adopt Resolution 2018-11, seconded by Bob Pearson and the vote was unanimous.

Resolution 2018-10 Expanding Membership of Western Chester County Regional Uniform Commercial Code Board of Appeals to Include City of Coatesville: Janie Baird announced Newlin Township is part of Western Chester County Regional U.C.C. Appeals Board (WCCRUCAB). This was adopted in 2009. The WCCRUCAB is asking that the City of Coatesville be added to the region. With no further discussion, Janie Baird made a motion to adopt Resolution 2018-10 expanding the membership of the WCCRUCAB of appeals to include the City of Coatesville, seconded by Bill Kelsall and the vote was unanimous.

Brandywine Creek Road: Janie Baird got a note from Anthony Pannullo, Project Supervisor from Penn Dot's Department of Transportation indicating that Road-Con, Inc was the winning Bidder of the Brandywine Creek Road project. Construction should begin in 2019.

Green Valley Road: Janie Baird commented the Township has received correspondence from the Township Solicitor, Kristin Camp, who spoke with the Penn Dot lawyer and Mr. Genua about Penn Dot's use of Powell Road for the detour for the bridge project on Green Valley Rd. Mr. Genua confirmed that Penn Dot will be responsible repairing any damage done to the road and to the bridge on Powell Road.

Bob Pearson noted the importance of having a pre-construction video which will be coordinated through the Township Engineer, Jim Fritsch.

Laurel Road Update: Janie Baird introduced Jim Fritsch from Register Associates. Jim announced since the October 8th meeting, PrincetonHydro performed a hydraulic analysis dated Monday, November 19, 2018.

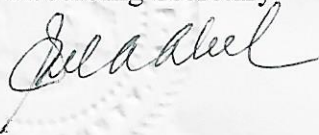
Geo Technology has prepared additional cross section elevation of the retaining wall plans dated December 10, 2018. Jim Fritsch is suggesting he forward the email and all other documents to Al Hoffman of Road-Con Construction. Bob Pearson agreed and requested that Jim ask for a site meeting with Road-Con. He also said he may have an alternative source for the big block. Bob Pearson noted when we receive the amount it is a budget estimate not an actual bid. We have no plans yet, therefore an actual bid cannot be obtained.

Paul Murphy from Brandywine Creek road has a memo he would like to be made part of the minutes. He wants to re-iterate and remind the Township and Township contractors or agents to not enter their property without prior approval. They are willing to try to work together. Janie Baird requested that Mr. Murphy read his memo. Mr. Murphy read the memo and provided the copy to the Township Secretary to be made part of the December 10, 2018 minutes.

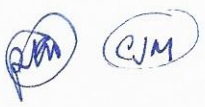
Budget Adoption: The 2019 proposed budget was advertised in the Daily Local News for public inspection on November 15th. Copies were made available to those in attendance. Bob Pearson made a motion to adopt the 2019 budget, Bill Kelsall seconded and the vote was unanimous.

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

Time: 8:39pm
Respectfully Submitted,
Gail Abel
Recording Secretary



**Memo for Record to be Included in the Minutes of the
Newlin Township Supervisors Meeting held on December 10, 2018**

To: Newlin Township Board of Supervisors
From: Paul T. Murphy and Colleen J. Mooney 
Subject: Access to our various properties which lie between Laurel Road
and the West Branch of the Brandywine Creek.

This memo will serve to explicitly re-state the exercise of our private property rights with respect to all land which we own, or may come to own, along Laurel Road in Newlin Township.

We remind the Township that we expect it to respect those property rights and further remind the Township that it is explicitly prohibited from entering upon our land for any purpose, whatsoever, including, but not limited to, survey work, site preparation, geological studies, tree removal, and any other work of any nature whatsoever that may take place as part of the "Laurel Road Project" or any project associated therewith without our explicit permission. A notice of intent is not satisfactory.

We remind the Township that with the specific exception of the statutorily defined Roadway Easement, it has no rights to enter upon our land without our specific authorization; we further remind the Township that this restriction applies to any and all contractors or agents of the Township.

The Township should very clearly understand that while we welcome open dialogue with respect to granting access to our land and will consider granting written requests on a case by case basis, we will take exception to any incursions onto our property by the Township, its Contractors or its Agents which lack our explicit permission and will respond by taking immediate legal action against all parties involved, i.e. , the Township, the Township Supervisors and the Agents or Contractors of the Township who are involved. We will seek both temporary and permanent injunctive relief, as well as, damages from all parties.

The Township can expect more formal communication from our Counsel, Saul Ewing, with respect to this topic.