

**Newlin Township  
Board of Supervisors  
Meeting Minutes  
December 12, 2022**

**Public Hearing:** Township Solicitor Kristin Camp reopened the Public Hearing on proposed Ordinance 2022 – 01 “**AN ORDINANCE...VACATING A PORTION OF LAUREL ROAD (PUBLIC ROAD T-376) FOR A DISTANCE OF APPROXIMATELY 1,584.16 LINEAR FEET**” (continued from its commencement on October 10, 2022, and continued date of November 14, 2022), at 7:30 p.m. on Monday, December 12, 2022 at the Township Garage located at 1751 Embreeville Road.

Ms. Camp noted that at the November meeting some questions had been raised about the effect of the Laurel Road closure on emergency response times. She confirmed that the Supervisors had considered this issue in the past but had not previously reported formally on their findings. She then reviewed key elements of a recently-prepared report (attached hereto as Exhibit A) on response times for Wheatland Drive, which is approximately midway between the proposed-to-be-vacated portion of Laurel Road and Laurel Road’s intersection, further east, with Young Road:

Based on data from Chester County’s 911 Center, the average Newlin Township response time is 11 minutes, 52 seconds for Fire and 14 minutes, 16 seconds for EMS.

The Wheatland Drive response time for Fire is effectively unchanged from before the 2014 washout of a portion of Laurel Road; and although the Wheatland Drive response time for EMS is slower than pre-washout, it remains 1-3 minutes faster than the average EMS response time for Newlin Township.

Erin Finnerty inquired why Po-Mar-Lin Fire Company does not serve Wheatland Drive. Jack Law, Chief of West Bradford Fire Company, noted that Po-Mar-Lin cannot quickly reach Wheatland Drive due to the weight limit on Harveys Bridge, and that the fire companies had long ago established the West Branch of Brandywine Creek as the dividing line for Po-Mar-Lin and West Bradford fire responses.

Todd Bryant, Modena Fire Company’s Assistant Fire Chief, described the EMS crisis within Chester County. Chester County Hospital shows wait times of over 4 hours and ambulances must wait in the parking lot. He assured those present that Fire Companies and EMS providers are committed to the community 24/7, 365 days a year, and that the communities are #1 on the list. He noted that multiple issues affect response times.

John String encouraged the Board not to accept “average”, and suggested that a fire access point should be established in case of flooding or downed trees, since there will be only one way in and out of Wheatland Drive. He also inquired whether the Supervisors had checked with the National Fire Protection Association.

Mr. Pearson said that vacating the road is not the wish of this Board but that fixing the road is unrealistic.

Mr. String asked why the Supervisors were not looking for other options.

Jim Fritsch, the Township Engineer, advised that in since 2014 the Township had exhausted all avenues for reconstruction or a new access road through the old landfill property, and that due to steep slope topography the relocation alternative was not feasible without considerable expense. Mitchell Lush asked if the Township could consider opening Laurel Road just one-way only for emergency services. Mr. Fritsch replied that the road is not safe or stable enough to be opened even for one-way passage, and advised that the road is also not actually safe north of the currently closed portion (noting indications of unstableness underground).

Ms. Camp confirmed that the Board had explored all reconstruction and relocation avenues.

Erica Lee asked if the Board knew what the cost would have been to repair the road if they started in 2014 right after the washout. Mr. Fritsch said the repair estimates originally amounted to \$1,449,000 and, after re-evaluation, grew to \$3,740,000 (not including engineering). Mr. Kelsall stated that even if the estimated reconstruction costs were only \$4 million, the tax that would have to be imposed per resident would not be affordable.

Richard Mitchell said he has seen flooding over 5' high on Laurel Road to the north of where it is closed.

Ed Lewis said he has lived on Harvey's Bridge Road for over 50 years, and he has seen water as high as 15' on one end and a tree on the other end and he could not leave his property.

Mr. Pearson mentioned pending improvements to the culvert on Laurel Road to help mitigate flooding. He added that the Township will be trimming Laurel Road trees very soon and will be working on widening portions of Laurel Road for better passage. Mr. Pearson also said he would explore options for additional emergency access.

Mr. Pearson's motion to adopt Ordinance 2022-01 **AN ORDINANCE...VACATING A PORTION OF LAUREL ROAD (PUBLIC ROAD T-376) FOR A DISTANCE OF APPROXIMATELY 1,584.16 LINEAR FEET** was seconded by Mr. Kelsall and unanimously approved.

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**Call to Order:** The Board of Supervisors' monthly meeting convened at (same date and location). Present were Supervisors Bill Kelsall (Chair), Bob Pearson, and Secretary/Treasurer Gail Abel. Jim Cornell (Vice-Chair) participated via Zoom.

**Announcements:** Mr. Kelsall announced that the Embreeville Bridge completion has been extended to January 30<sup>th</sup>, without imposition of contractor penalties, due to the unanticipated necessity of removing a 30 - foot retaining wall. Jim Tupitza inquired whether the Township could arrange to have Harveys Bridge inspected. Mr. Kelsall replied that the County has recently inspected the bridge and that it will be replaced but that replacement will not occur for several years.

**Comments:** Erin Finnerty said that Youngs Road is deteriorating (due to increased traffic resulting from the Embreeville Bridge closure) and need repairs. Mr. Pearson advised that the Township will work on the Youngs Road potholes. Erica Lee commented that Joe Cornelius, the Township's new road employee, has been doing a great job.

**Minutes for Approval:** Ms. Abel presented the minutes of the October 10, 2022 Board Meeting. Mr. Pearson's motion to approve those minutes was seconded by Mr. Cornell and unanimously approved. She next presented the minutes of the Supervisors' October 26, 2022 budget work session. Mr. Pearson's motion to approve those minutes was seconded by Mr. Cornell and unanimously approved. Finally, she presented the minutes of the Supervisors' November 14, 2022 Board Meeting. Mr. Pearson's motion to approve those minutes was seconded by Mr. Cornell and unanimously approved.

**Financial Report:** Ms. Abel presented the monthly Financial Report: As of November 30, 2022, the Township had \$1,004,953.65 on deposit, including \$632,946.06 in general and unrestricted funds. Overall, this represents a net decrease of \$118,143.63 since October 31, 2022. Mr. Pearson's motion to accept the Financial Report was seconded by Mr. Cornell and unanimously approved.

**Bill Payment Authorization:** Ms. Abel presented a list of pending bills, invoices and other recurring/routine payments totaling \$35,011.55; from the General and requested payment authorization. Mr. Pearson's motion to approve the requested payments was seconded by Mr. Cornell and unanimously approved. Mr. Pearson asked the Secretary to investigate paying A.J. Blosenski Trash removal yearly to see if we could gain a discount.

**Stormwater Ordinance Review:** Township Solicitor Kristin Camp advised that Pennsylvania's Department of Environmental Protection had recently approved Chester County's updated Model Stormwater Ordinance (the "Updated Model"), and that the Township was therefore required to adopt conforming amendments to its 2013 Stormwater Ordinance. She confirmed that since it has obtained a waiver from Pennsylvania's Municipal Separate Storm Sewer System requirements, the Township has until May 2023 to adopt those changes.

Jim Fritsch, the Township Engineer, raised several issues for the Board's consideration:

Mr. Fritsch first advised that the Board needs to decide whether to retain or modify its current "Simplified Approach" (which applies to projects or regulated activities involving 1,000-2,000 square feet of impervious surface and 5,000-10,000 square feet of disturbance). The Updated Model suggests (but does not require) a Simplified Approach that would seek to manage 2-Year storm runoff volume. He recommended that the Township's Simplified Approach remain "as is".

The second question is whether to retain the Township's current New Development Peak Rate Control Standards for 5-Year and 10-Year storms (which require no reduction in runoff rate) or to amend those standards to require the runoff rate from 5-Year/10-Year storms to be reduced to pre-development 2-Year storm levels.

The third question is whether the required riparian buffer should be increased to 100 feet - as suggested (but not required) in the Updated Model - or continued at 50 feet. Ms. Camp confirmed that she would be comfortable leaving the current 50-foot buffer "as is".

The fourth question is which option to choose regarding ongoing inspections and maintenance of completed stormwater management facilities under Section 706 of the Updated Model. Under Option 1, the municipality conducts the inspections and requires payments from the owners (or other responsible persons) in order to cover inspection costs and any maintenance the municipality undertakes. Option 2 (as currently in place in Newlin Township) places inspection

responsibility on the facility owner or responsible person. The Updated Model requires both Option 1 and Option 2 to include specified inspection frequencies. Municipalities may tinker with either option, but must include the inspection frequencies and reporting requirements set forth in the Updated Model.

The Supervisors also discussed the need to review the stormwater management fee schedule rates.

No formal decisions were reached regarding revisions of the Township's Stormwater Ordinance. The Board determined to review all suggestions and discuss at another meeting.

**Zoning Hearing Application Lee and Amy Trainer 1662 Embreeville Road:** Ms. Abel advised that the Township is in receipt of a Zoning Hearing Application from Lee and Amy Trainers, the owners of the property located at 1656 Embreeville Road. They propose to merge Parcels 49-2-63 and 49-2-62, with (a) continued use of the converted scale house as a residence; and (b) restoration of a historic former warehouse as a barn-style detached garage for storage of vehicles and equipment and as a personal shop. The Trainers request variances, if and to the extent necessary. Mr. Pearson's motion to request that the Township Engineer review the Zoning Hearing Application was seconded by Mr. Cornell and unanimously approved.

**Road Master Update:** Mr. Pearson advised that the Indian Hannah Road project is still ongoing, and noted that the installation of new culvert pipe on Laurel Road would commence in the near future. He complimented the Township's new road employee, Joe Cornelius, for doing a good job.

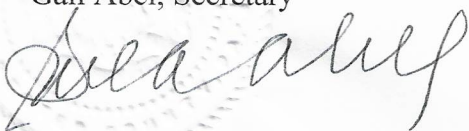
**Scott Road Dirt & Gravel Road Grant Application:** Mr. Pearson advised that the northern portion of Scott Road is a good candidate for the Chester County Conversation District's Dirt & Gravel Road program. The total project cost would be \$148,765, and work would need to be completed before May 2023. Mr. Pearson's motion to authorize a Dirt & Gravel Road Grant Application for Scott Road in the amount of \$148,765 was seconded by Mr. Cornell and unanimously approved.

**Equipment Purchase:** Mr. Pearson's motion to approve the purchase of a Turbine Cyclone KB6 blower with a DOT-approved trailer for a total of \$11,071.30 was seconded by Mr. Cornell and unanimously approved.

**Proposed 2023 Budget:** Mr. Kelsall noted that there had been no changes in the proposed 2023 Budget adopted by the Supervisors in November. Mr. Pearson's motion to approve the 2023 Budget was seconded by Mr. Cornell and unanimously approved.

**Adjournment:** Upon Mr. Pearson's motion, seconded by Mr. Cornell, the meeting was adjourned.

Time: 8:50 p.m.  
Respectfully Submitted,  
Gail Abel, Secretary



## EXHIBIT A

### Wheatland Drive Response Times

Based on data from Chester County's 911 Center<sup>1</sup>, the average Newlin Township response time is 11 minutes, 52 seconds for Fire and 14 minutes, 16 seconds for EMS.

The Chiefs of Modena Fire Company (which provides both Fire and EMS services), West Bradford Fire Company and Good Fellowship Ambulance & EMS Training Institute have recently confirmed the following response times from their respective stations to the middle of Wheatland Drive:

	Pre-2014	Post-2014
<u>Company</u>	<u>Washout</u>	<u>Washout</u>
Modena Fire	11-13 Min.	15-17 Min.
W. Bradford Fire	11-13 Min.	11-13 Min.
Modena EMS	7-9 Min.	11-13 Min.
Good Fellowship EMS	11-13 Min.	11-13 Min.

Pursuant to Mutual Aid arrangements, both the Modena and West Bradford Fire Companies respond to Wheatland Drive fires; both Modena and Good Fellowship Ambulance & EMS Training Institute provide Advanced Life Support ("ALS") responses. Modena is the sole Basic Life Support ("BLS") responder for Wheatland Drive.

In light of these arrangements, the Wheatland Drive response time for Fire is effectively unchanged from before the 2014 washout of a portion of Laurel Road; and although the Wheatland Drive response time for EMS is slower, it remains faster than the average EMS response time for Newlin Township.

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<sup>1</sup> Compiled by Volunteer Firemen's Insurance Services ("VFIS") as part of a 2016 Kennett Area Conceptual EMS/Fire Delivery Model prepared in connection with the formation of the Kennett Fire and EMS Regional Commission.