

**Newlin Township
Board of Supervisors
Meeting Minutes**

**June 12, 2017
PUBLIC HEARING**

Janie Baird opened the Public Hearing at 8:00 p.m. on the Burning Ordinance. The Hearing was advertised on June 1, 2017. This ordinance did not need to go to the Chester County Planning Commission because it is a stand-alone ordinance and not an addition or amendment to the Zoning or Sub Division Land Development.

A copy of the Burning Ordinance was made available to those in attendance. There were no public comments.

Public Hearing was closed.

Call to Order: The monthly Board of Supervisors' meeting of Monday, June 12, 2017, convened at the Lenfest Center, Cannery Road, Coatesville, PA. Present were Chair, Janie Baird, Bill Kelsall, Bob Pearson, and Secretary, Gail Abel

Announcement Period: Janie Baird announced that following the meeting there will be an executive session on personnel issues. The Township's road employee resigned last Monday.

There is a public hearing scheduled for July 10th at 8:00 p.m. for the Floodplain Ordinance. The revised ordinance is a requirement of FEMA.

Comment Period: There were no public comments.

Minutes: The minutes of the Board of Supervisors' meeting, held on Monday, May 8, 2017 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. Bob Pearson made a motion to approve the financial report, seconded by Bill Kelsall and the vote was unanimous.

State Fund/Liquid Fuel Audit 2015: Secretary announced the Township is in receipt of the Liquid Fuel Audit from the Auditor General for period January – December 2015. The Township was cited for \$36,996.91 for the purchase of rock salt that was not properly advertised. This amount needs to be transferred from the general fund to the state fund. Janie Baird made a motion for the Secretary to transfer this amount to the state liquid fuel fund, Bill Kelsall seconded and the vote was unanimous.

Emergency Services:

West Bradford Fire Company: May report was received, 19 total calls, 2 in Newlin,

Modena Fire Company: May report was received, 83 total calls, 0 in Newlin.

Po Mar Lin Fire Company: May report not received

Good Fellowship Ambulance: May report was received showing 2 calls in Newlin.

Longwood Ambulance: report not received

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

Burning Ordinance 2017-02: Opportunity for discussion was made available for the proposed Burning Ordinance 2017-02. With no further discussion, Bill Kelsall made a motion to approve Burning Ordinance 2017-02, Janie Baird seconded and the vote was unanimous.

112 Galvin Circle-Baichi Stormwater Simplified Approach: An application for Stormwater Management Simplified Approach was received from Matt Baichi, 112 Galvin Circle. Cedarville Engineering provided a review letter dated June 6, 2017 recommending approval of the plan. Bob Pearson made a motion to approve the Stormwater Agreement, Bill Kelsall seconded and the vote was unanimous.

Kennett Area Community Vision Planning Project: Correspondence was received from Kennett Township stating that they are accepting the draft study of the Kennett Area Community Facility Visioning Study and asked that the supporting townships state that the draft study has been accepted. A letter needs to be sent to Chester County Planning Commission to that affect along with a copy of these minutes. Bob Pearson made a motion to send a letter stating that the draft study has been accepted, Bill Kelsall seconded and the vote was unanimous.

Laurel Road: Newlin has entered a contract with Clauser Environmental to prepare a grant application for a CCCD Low Volume Rd. grant for the Laurel Rd. Streambank Stabilization project. If the grant is awarded, Clauser will be hired to provide professional services for design, permitting and construction oversight for the project to stabilize the stream bank.

Our application to DCED for the multi-modal grant is progressing and Cedarville has scheduled a sight visit with the Director of PADCED on June 15, 2017 at 3:00 p.m. Janie Baird plans on being present for the meeting. Bob and/or Bill are unable to be present but Barbara Forney agreed to participate.

Cedarville has prepared an updated estimate of the costs to repair Laurel Rd. The previous costs of \$1,003,810 did not include the further deterioration of the road. The new cost estimate is \$1,449,843, or rounded off, \$1,500,000 which would make the Township's 30% match \$434,953. This will be our 3rd attempt at this grant and we are hopefully with Senator Killion's and Rep. Roe's support, we will be awarded the grant.

Barb Forney said she is working with the conservation district and has a meeting tomorrow.

Embreeville Update: The Township received a letter from Cawley Environmental Services, Inc. dated April 17, 2017 pursuant to Act 14-Notification of Municipality and County, which amended the Commonwealth's Administrative Code. The correspondence was Newlin's notification of Cawley's application to PA-DEP for the issuance of a renewed NPDES permit for the Embreeville Complex to discharge treated sewage from the Embreeville facility located in Newlin Township. Cedarville Engineering provided comments:

- Stephanie Rittenhouse stated that planning section of DEP has not received any planning submissions for this plant or any proposed connections to the plant.
- She referred me to Pravin Patel, Section Chief in charge of Part 1 (discharge) permits. He has not received the renewal application yet.

- Pravin said if an application comes in to renew the discharge permit, it will likely be issued. DEP has no problems with permittees wanting to maintain an existing permit even if they are not currently using it.
- He said he can notify us when they receive a submission so we can review it and he can also notify us when a draft permit renewal is ready so we can review it and provide comments. DEP will do what they can to have the applicant address Newlin's comments.
- We discussed responding in writing to the Act 14 notice to DEP and the applicant, to notify them of Newlin's concerns and to request to be copied on or allowed to review all submissions to provide comment. This will hopefully make sure DEP does contact Newlin when they receive a submission.
- It is important to note that if a permit renewal is issued for the plant, that does not allow them to connect new flows that were not previously approved through planning, even if it is only a change in type of flow, not volume. Therefore, if this was originally approved for a correctional facility, they could not connect new homes or a different type of flow to it without new sewage facilities planning approval.
- As the discharge is in Newlin Township, any future changes to the sewage facilities planning for the plant, would have to be approved by Newlin Township through the planning module process. This would be Newlin Township's chance to deny approval.
- A letter should be submitted ASAP in response to the Act 14 notice to document Newlin's expectation to DEP that they be made a party to all changes/renewal requests as the discharge is located in Newlin Township. CEDARVILLE should be prepared to go to DEP (once they notify us of the receipt of the submission) to review the renewal submission and provide comment. You may want to involve an attorney to provide the letter.

Cedarville provided the contact information for a few attorneys that they have worked with in the past and would recommend contacting to move forward with the Township's letter to PADEP. There is a potential conflict of interest with Kristin Camp and she cannot represent the Newlin. A few of the lawyers are John Jaros, Patrick McKenna, Guy Donatelli and Vince Pompo. Bob Pearson made a motion to appoint Vince Pompo as he has worked with the Township in the past, Bill Kelsall seconded and the vote was unanimous.

Janet Sidewater of Brandywine Creek Road shared her concerns. Her understanding is they did not notify DEP by the required date of June 1st which was the 180 day deadline.

Martin Tully commented that no services for that plant would serve Newlin Township well. It provides tremendous exposure for Newlin. All buildings are connected underground with lead piping. He wants to make sure everything is within zoning requirements.

FEMA Floodplain Ordinance: Janie Baird announced another unfunded mandate from FEMA for the Township to adopt a new Floodplain Ordinance. Although the Newlin has a floodplain section in our ordinance it is not sufficient according to FEMA. New floodplain maps were updated in the last 6 months. The Floodplain Ordinance will be advertised on June 19th and 26th for a hearing and possible adoption on Monday, July 10, 2017 in order to stay in compliance with FEMA.

James & Harriett Tupitza ASA Proposal:

We are in receipt of a proposal for the creation of an agricultural security area addition for:

James & Harriett Tupitza ASA Proposal:

We are in receipt of a proposal for the creation of an agricultural security area addition for: James S & Harriett Young Tupitza for the following Parcels:

Parcel 49-1-18.2C 97.23 acres

Parcel 49-1-18.2 14.77 acres

Parcel 49-1-18.2A 38.05 acres

Total acreage 150.05

According to the ASA guidelines: “The governing body shall act to adopt or reject the proposal, or any modification, no later than 180 days from the date the proposal was originally submitted. Failure by the governing body to act within this 180-day period shall be deemed adoption of the proposal without modification. An addition to an agricultural security area shall become effective upon the adoption of the proposal or its modification by the governing body or upon expiration of the 180-days.”

The Township will wait 180-days to act. After the 180-days are completed a resolution will be created adopting the parcels into the program. The proposed date for adoption is at the November 13th meeting. The resolution will get recorded and added into the 7 year review in the next round. Notifications will be sent to Chester County Planning Commission and the Newlin’s planning commission indicating the parcel numbers that have been added to the ASA.

Resolution of Redistricting Presented by Pamela Reischauer & Lucy Oblonsky: After a presentation by Lucy Oblonsky and Pamela Reischauer, Janie Baird made a motion to approve the proposed resolution in support of a citizen’s commission for senatorial and representative redistricting. There was not a second of the motion as neither Bob Pearson nor Bill Kelsall supported the motion. Therefore there was no vote on the resolution.

Residents had a chance to provide comments. Janie Baird thanked the presenters.

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

Time: 9:01pm

Respectfully Submitted,

Gail Abel

Recording Secretary

