

**Newlin Township  
Board of Supervisors  
Meeting Minutes  
March 13, 2023**

**Call to Order:** The Board of Supervisors' monthly meeting convened at 7:30 p.m. on Monday, March 13, 2023, at the Township Garage located at 1751 Embreeville Road. Present were Supervisors Bill Kelsall (Chair), Jim Cornell (Vice-Chair) and Bob Pearson, and Secretary/Treasurer Gail Abel.

**Announcements:** No announcements.

**Comments:** No comments.

**Minutes for Approval:** Ms. Abel presented the minutes of the February 13, 2023, Board Meeting. Mr. Pearson's motion to approve those minutes was seconded by Mr. Cornell and unanimously approved. Mr. Kelsall abstained due to his absence from that meeting.

**Financial Report:** Ms. Abel presented the monthly Financial Report: As of February 28, 2023, the Township had \$861,063.72 on deposit, including \$552,188.30 in general and unrestricted funds. Overall, this represents a net decrease of \$79,118.99 since January 31, 2023. 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 \$28,659.19 (all from the general fund) and requested payment authorization. Mr. Pearson's motion to approve the requested payments was seconded by Mr. Cornell and unanimously approved.

**Public Hearing to Consider Adoption of Ordinance No. 23-01 (2022 County Model Stormwater Ordinance):** Kristin Camp, the Township Solicitor, first advised that as required by law, this public hearing had been advertised and the draft Ordinance had made available for public inspection; then she and the Supervisors addressed several changes included in the new Ordinance:

- **Mandatory inspections.** The Model Ordinance provides for mandatory inspections of stormwater facilities. The Supervisors concluded that the Township should conduct those inspections at the landowners' expense.
- **Simplified method for small projects.** The Supervisors modified the existing Ordinance so that the "simplified method" will be available even if the proposed land disturbance (otherwise small enough to qualify) exceeds 10% of lot area.
- **Peak rate reduction.** The Supervisors opted not to adopt the more stringent peak rate reduction requirements that had been presented as an option in the Model Ordinance

Mr. Pearson's motion to adopt Ordinance No 2023-01 was seconded by Mr. Cornell and unanimously approved.

**Aqua Pennsylvania, Inc. –Embreeville Wells Stormwater Management:** Jim Fritsch, the Township Engineer, noted that in connection with its Embreeville Wells project (located at 1750 Embreeville Road), Aqua Pennsylvania, Inc. (“Aqua”) was requesting waivers from the following Sections of the Township’s Stormwater Management Ordinance:

- Section 170-17 (which requires stormwater management for disturbance of more than 5,000 square feet),
- Section 170-26.B(12) (which, inter alia, requires documentation of the drainage area upstream from the project),
- Section 170-26.F(2) (which requires an Operation and Maintenance (“O&M) Agreement and Plan),
- Section 170-36.B(4) and (5) (which provide for inspection and maintenance schedules to be included in the O&M Plan),
- Section 170-36.D (which requires the O&M Plan to include a time frame for the remedy of deficiencies found during such inspections); and
- Section 170-36.E (which requires certain notations in the O&M Plan relating to post-construction responsibilities).

Mr. Pearson pointed out that the Commonwealth owns the all of Pennsylvania’s aquifers and therefore the Commonwealth – not Newlin Township - gets to decide whether water can be withdrawn from local aquifers for use in other townships.

Mr. Fritsch advised that since the proposed disturbance would be only transitory, he did not see a compelling need for ongoing stormwater management, that an O&M Plan and Agreement should therefore not be necessary, and that the specific O&M Plan and Agreement requirements referenced in the foregoing Ordinance sections would therefore be inapplicable.

Mr. Pearson noted that the project involves water lines running near the Township’s tenant house (which has a sewer line), and asked for a pre-construction meeting prior to the commencement of the project, attended by himself, Mr. Kelsall and Mr. Fritsch. Fred Gerloff, P.E., from Aqua, confirmed that that meeting would be arranged. Mr. Pearson also requested that Aqua perform daily restoration as the project progressed, in order to minimize erosion. Mr. Gerloff confirmed that whenever rain is expected, the contractors will add straw as needed. Mr. Gerloff estimated that it would take about a year to complete the project.

After further discussion, Mr. Kelsall’s motion to grant all of the requested waivers, subject to the preceding paragraph, was seconded by Mr. Cornell and unanimously approved.

**Deed Consolidation Request: Philip Trainer & Amy Trainer:** Ms. Able advised that Philip (Lee) and Amy Trainer, owners of 1660 and 1662 Embreeville Road, have requested permission from the Board of Supervisors to file a Plan of Lot Consolidation (in essence, a “reverse subdivision”) with the Chester County Office for the Recording of Deeds without the need to process a subdivision plan application, notwithstanding the Township’s Subdivision and Land Development Ordinance, and to evidence such permission by countersigning a letter (which she presented to the Supervisors). The consolidation is in connection with their construction of an accessory structure on the property (for which they have already received zoning relief from the Zoning Hearing Board). Ms. Camp advised that she considered the request a reasonable one.

Mr. Pearson’s motion to grant the requested permission and to direct Ms. Abel to countersign the presented letter was seconded by Mr. Cornell and unanimously approved.

**Newlin Township Historical Society Update:** RoseLynn Malarek, Chair of the Newlin Historical Society, advised that the Society has recently and reluctantly changed from active status to inactive status due to a lack of personnel needed to carry out its work. She stressed the importance of preserving the work that the Society has accomplished over the past 4-½ years and said that the Society hopes to work with the Board to determine how best to proceed. She suggested that the Township might choose to establish a Township Historical Archive, which would be accessible to Newlin residents and which that could house not only the Society's material, but also past research in the public domain as well as any future research. The Board agreed to take these matters under advisement.

Ms. Malarek thanked the Society's members and donors and shared that it has been a privilege to serve on the Newlin Township Historical Society. Mr. Cornell conveyed the Board's gratitude for Ms. Malarek's efforts on the Society's behalf.

**Road Master Update:** Mr. Pearson requested that Ms. Abel advise Reilly Sweeping, LLC that their sweeping services will not be required for the balance of the season due to a mild winter.

He advised that the Township has not yet received a proposal for Harveys Bridge Road repairs. He confirmed that any acceptable proposal will be reviewed with Beth McIlvaine (the owner of 638 Harveys Bridge Road) and that the resulting roadwork will be in the Township's right of way. He stressed the importance of pursuing external funding (if available) for these repairs.

Mr. Pearson's motion to authorize payment of a fee of up to \$100 for an application for grant funding for Harveys Bridge Road repairs was seconded by Mr. Cornell and unanimously approved.

Mr. Pearson noted that the Scott Road Dirt and Gravel Road project must be completed by April 15<sup>th</sup> in order to qualify for grant funding. This will create a slight delay for Indian Hannah Road project. He added that the Marlboro Springs Road project will probably not get done in 2023 due to the funding requirements of the more immediate Harvey's Bridge Road problem. Mr. Cornell inquired about the Brandywine Battlefield Sign and parking (which will be adjacent to Marlboro Springs Road). Mr. Pearson confirmed that the sign will be installed soon, though the parking area will be delayed along with the rest of the Marlboro Springs Road project.

**Transportation Improvements Inventory:** Mr. Kelsall advised that the Township must respond to Chester County's bi-annual Transportation Improvements Inventory (TII), which presents a record of known transportation needs within the County and is an important planning resource for the County's coordination with PennDOT. The Supervisors updated the presented TII list by (a) removing Laurel Road Repair (which is no longer needed, since the Township vacated the damaged portion of Laurel Road in December 2022, and PennDOT's Green Valley Road/Culvert Replacement project (which was completed in 2022) and (b) adding a project near 162 Green Valley Road (due to recent stream erosion).

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

Time: 8:31 p.m.

Respectfully Submitted,  
Gail Abel, Secretary

