

**LONDON GROVE TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
October 7, 2020 – 7:00 P.M.**

---

**MEMBERS PRESENT:**

David Connors  
Stephen Zurl  
John Lee Irwin  
Kevin Runey  
Christina Fanning

**STAFF PRESENT:**

Ken Battin, Township Manager  
Shane Kinsey, Director of Public Works  
Dawn Maciejczyk, Township Secretary  
8 Audience Members

**CALL TO ORDER:**

Mr. Connors called the meeting to order at 7:00 p.m.

**ANNOUNCEMENTS/PRESS RELEASES/FUTURE MEETINGS**

Covid-19 Day to Day operations-London Grove Township is open daily In order to enter the building a mask must be worn.

Mr. Connors announced that the Board did have an executive session prior to this meeting on September 15 to discuss legal and personnel matters.

Mr. Connors announced there will be a special meeting between the Board of Supervisors and the London Grove Township Municipal Authority Board on October 26, 2020 at 5:30 p.m. to discuss the lease back agreement.

Mr. Connors announced the next regularly scheduled meeting will take place on November 4, 2020 at 7:00 p.m. and the agenda deadline is October 28, 2020 at noon.

Mr. Connors announced there will be a virtual meeting regarding the Route 41 corridor on October 20, 2020 from 7:00 p.m.-8:30 p.m. information regarding this meeting will be posted on the Township Website as well as the Township Facebook page.

**I. PUBLIC COMMENT**

Mr. Connors called for Public Comment on agenda items. There was none.

**II. CORRECTION/APPROVAL OF MINUTES**

The Board reviewed the meeting minutes of September 2, 2020. Mrs. Fanning made a motion to approve the meeting minutes of September 2, 2020 as presented, seconded by Mr. Irwin and approved by a vote of 5-0.

The Board reviewed the meeting minutes of September 15, 2020 Budget Work Session. Mr. Runey made a motion to approve the meeting minutes September 15, 2020 Budget Work Session as presented, seconded by Mrs. Fanning and approved by a vote of 5-0.

The Board reviewed the meeting minutes of September 15, 2020 Special Meeting. Mr. Irwin made a motion to approve the meeting minutes of September 15, 2020 Special Meeting as presented, seconded by Mrs. Fanning and approved by a vote of 5-0.

**III. REPORTS FOR SEPTEMBER 2020**

**Inniscrone Golf Course**

Mr. Battin reviewed the year to date report. He stated that the golf course had a great month bringing in \$132,000 for the month and is shooting for \$200,000 over last year.

**Code Department**

Mr. Connors reviewed the Codes Department report, prepared by Mrs. Zunino, Mr. White and Mr. Weer. There were no questions from the Board.

### **Public Works**

Mr. Kinsey presented the Public Works Department report. He also announced that they have a new hire that begins Monday. There were no questions from the Board.

### **Finance Department**

Mr. Connors reviewed the Financial Report prepared by Ms. Guenther. Mr. Connors asked, how is the EIT tax? I see it was up, is it traditionally up in October? Mr. Battin explained October, November is where you're going to see this, it spikes a little in September. In October, we are a little lower than anticipated but our hope is it should catch up in November. Mr. Zurl stated, there was an email that I sent to you, Mr. Battin and Mr. Connors that said generally across the state it looked like revenues were up. Mr. Battin explained, revenues were up... Mr. Zurl stated, EIT was too... Mr. Battin stated, their EIT is a little different. If you look a little deeper into that it wasn't truly the EIT. There were other things thrown into that category. We are pretty much in line with where we thought we would be. Mr. Zurl stated, we are still on the lower side and the state is on the higher side. Mr. Battin stated, yes, the state is on the high side because they are lumping in other things besides straight EIT. Mrs. Fanning asked Mr. Battin, last month you had said they were estimating 5-7% in reduction, is that still in line? Mr. Battin answered, yes, we have not had a update, I think they are holding off. Mr. Connors stated the target number we are instituting in our budget is a 8% reduction. Mr. Battin stated, yes, that is correct.

Mrs. Fanning made a motion to approve the Financial Report as presented, seconded by Mr. Runey and approved by a vote of 5-0.

### **Pennsylvania State Police Report**

Mr. Connors reviewed the Pennsylvania State Police Report. There were no questions from the Board.

### **Monthly Emergency Services Report**

Mr. Connors reviewed the Monthly Emergency Services Report. There were no questions from the Board.

### **Southern Chester County Emergency Medical Services Report**

Mr. Connors reviewed the Southern Chester County Emergency Medical Services Report. There were no questions from the Board.

### **Monthly Right-to-Know Report**

Mr. Connors reviewed the monthly Right-to-Know report. There were no questions from the Board.

### **DEP Odor Report**

Mr. Connors reviewed the monthly Dep Odor report. There were no questions from the Board.

### **Boards and Committees**

The following Boards and Commissions have vacancies: Inniscrone Golf Course Advisory Committee (3); Twp. Auditors (2); Environmental Advisory Council (4); Historical Commission (3); Agricultural Security Area (1); UCC Board of Appeals (4); Tree Committee (3); Zoning Hearing Board Alternate (1).

Mr. Connors announced that Ms. Tina Skinner has resigned from the Open Space Committee, where she served for a little over 4 years. The Board of Supervisors would like to thank her for her service to that committee and this community. Mr. Connors announced that the Open Space Committee is recommending Stephen Rifici be appointed to fill her unexpired term. Mr. Zurl made a motion to appoint Mr. Rifici to the Open Space Committee to fill Ms. Skinner's unexpired term, seconded by Mr. Irwin and approved by a vote of 5-0.

Mr. Connors announced that Mr. Robert Gillespie is resigning as of November 1, 2020 from the Zoning Hearing Board, where he served 6 years. The Board of Supervisors would like to thank him for his service to that committee and this community. Mr. Connors announced that Mr. Jeff Simpson is recommended to move from Alternate to Member. Mr. Zurl made a motion to appoint Mr. Simpson as a Zoning Hearing Board member, seconded by Mr. Irwin and approved by a vote of 5-0.

#### **IV. HEARINGS**

#### **V. FIRST BUSINESS**

##### **Avon Grove Charter School Stormwater Waiver**

Mrs. Fanning made a motion to approve the Avon Grove Charter School Stormwater Waiver, pending Mr. Ron Ragan, Township Engineer's recommendation, seconded by Mr. Runey and approved by a vote of 5-0.

##### **Preliminary Budget Approval and Authorization for Advertisement**

Mr. Battin explained the only thing that was changed in the Preliminary Budget from the September 15 meeting is the EIT. We went in to reconfigure that. It is still a \$3,481,928.00 budget, there has been no changes to that. Mr. Connors stated, one of the things we talked about in the work session was developing a wish list to remember at the end of the year next year if there is a balance left over, we know where to allocate that money. Mr. Battin stated, yes, we will have that on the front memo of the final budget. It will outline where the money goes back into, part was paving capital, equipment replacement fund, and bridges.

Mr. Zurl asked, do we have any comments from the Open Space Committee on what the Board is proposing to do with the EIT Tax? Mr. Battin stated, we do not have them yet. We have been going round with David Sweet, he has been out of town. They are scheduled to meet tentatively tomorrow, if the meeting is not cancelled we should have something in writing then. We've been talking about this for months with them.

Mr. Zurl said, I do want something in writing. I don't care what you call it, it's a shift, but it's a tax increase, because the money that went into Open Space was going into an account or easements or property, which is an asset of the tax payers or people paying the EIT. To say we are taking money from the purchase of assets or from the bank account for what would be to purchase properties or easements and use it to cover expenses is really a tax increase, even though the net is the same. This is why I want their blessing for this. Mr. Connors stated, it's important that the Board continue to emphasize that this is not to be viewed as any sort of shift in policy towards Open Space. In fact, we still continue to believe that the Open Space program is a critical piece of our community. Open Space is a real sincere priority in the Township, this discussion if it happens, doesn't have anything to do with that. This should, and will be, evaluated each year and once it is no longer needed for the General Fund it will be moved back to the Open Space Fund. Mr. Battin stated, yes, we just have to make sure we do that early enough, there are certain limitations on when we have to get it on and off the books. Mr. Zurl stated, that was a valid question put before the voters, do you approve... I don't have the exact question, I hate to modify and I'm saying it to the rest of the Board.

Mr. Irwin stated, we are just reallocating our expenditures, I don't agree with it being a tax increase. People are taking home the same amount of revenue that they took home before. Mr. Zurl stated, they are losing assets to pay expenses. Mr. Connors stated, you are taking it from your IRA and putting it in your checking account. Mr. Irwin stated, yes, you are reallocating your expenditures. Mr. Connors stated right. Mr. Zurl stated, voters approved an income tax for the purchase of Open Space and we are taking that money and using it for expenses. Mr. Irwin stated, that is not the same as a tax increase. Mr. Zurl stated, it is when you are taking money from assets and using it to cover expenses. Mr. Zurl stated, I'm not arguing, I'm just saying this should be taken seriously, it's not up for a vote tonight.

Mrs. Fanning stated, I think the most important thing is that we are intending to reallocate

it back next year, so it's only a short term thing, We are not losing our commitment to Open Space. Mr. Connors stated, I view it as a good sign that we can do this. It would be a completely different discussion if there were no money in the Open Space Fund. Mr. Zurl said, that's why I want the blessing of the Open Space Committee. Mr. Connors said, I have been talking with the Open Space Committee for about 6 years about this concept. I know they are okay with it, but it's good to see in writing.

Mr. Irwin made a motion to approve the Preliminary Budget and authorize it for Advertisement, seconded by Mr. Runey and approved by a vote of 5-0.

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**Goddard Park Red Devil 5K Markings**

Mrs. Fanning made a motion to approve the Goddard Park Red Devil 5K Markings of ribbons as presented, seconded by Mr. Runey and approved by a vote of 5-0.

**Brandywine SPCA 5 Year Agreement**

Mr. Zurl made a motion to approve the Brandywine SPCA 5 Year Agreement as presented, seconded by Mr. Runey and approved by a vote of 5-0.

**Salt Bid Award- Shane Kinsey**

Mr. Kinsey presented a memo recommending a motion to award the 2020/2021 Salt Contract as bid through the Southern Chester County Municipal Cooperative to Eastern Salt Company Inc. at the unit price of \$51.80 for PennDOT Spec "Rock Salt" & "Solar Salt."

Mr. Zurl made a motion to approve the recommended bid to Eastern Salt Company Inc. as outlined in Mr. Kinsey's memo dated September 30, 2020, seconded by Mrs. Fanning and approved by a vote of 5-0.

**Resolution No 748 State Road Sidewalk**

Mr. Irwin made a motion to approve Resolution No. 748 State Road Sidewalk Project as presented, seconded by Mr. Runey and approved by a vote of 5-0.

**VI. LAND DEVELOPMENT**

**PLANS:**

**VII. EXTENSIONS**

**ACTION NEEDED**

**NO ACTION NEEDED**

| Development      | Application       | Date Received     | 90 Day Expiration | Planning Commission Approved |
|------------------|-------------------|-------------------|-------------------|------------------------------|
| Barbara Yeatman  | Preliminary/Final | October 1, 2018   | December 19, 2020 |                              |
| Needham Farms    | Preliminary       | March 15, 2005    | November 10, 2020 |                              |
| Marks Properties | Preliminary/Final | February 26, 2020 | November 23, 2020 |                              |

| Development       | Application    | Date Received     | 5 Year Expiration | Planning Commission Approved | Board of Supervisors Approved |
|-------------------|----------------|-------------------|-------------------|------------------------------|-------------------------------|
| London Grove West | Approved Final | December 22, 2010 | May 25, 2021      | April 27, 2011               | August 10, 2011               |

**VIII. PUBLIC COMMENT NON-AGENDA ITEMS**

Mr. Connors called for Public Comment on non-agenda items. There were none.

**ADJOURNMENT**

A motion was made by Mrs. Fanning to adjourn the meeting at 7:40 p.m., seconded by Mr. Zurl and approved by a vote of 5-0.

Respectfully submitted,

Dawn Maciejczyk  
Township Secretary