

**LONDON GROVE TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
November 9, 2022 – 7:00 P.M.
Monthly Meeting**

MEMBERS PRESENT:

Stephen Zurl
David Connors
Lee Irwin
Kevin Runey

STAFF PRESENT:

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

CALL TO ORDER:

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

ANNOUNCEMENTS/PRESS RELEASES/FUTURE MEETINGS

Mr. Zurl announced the next regularly scheduled meeting will take place on December 14, 2022 at 7:00 p.m., the meeting agenda deadline is December 7, 2022 at noon.

I. PUBLIC COMMENT

Mr. Zurl called for Public Comment on agenda items.

II. CORRECTION/APPROVAL OF MINUTES

The Board reviewed the regular meeting minutes of October 12, 2022. Mr. Runey made a motion to approve the meeting minutes of October 12, 2022, seconded by Mr. Connors and approved by a vote of 4-0.

The Board reviewed the special meeting minutes of November 1, 2022. Mr. Connors made a motion to approve the meeting minutes of November 1, 2022, seconded by Mr. Irwin and approved by a vote of 4-0.

V. REPORTS FOR OCTOBER 2022

Inniscrone Golf Course

Mr. Battin reviewed the Inniscrone Report. There were no questions from the Board.

Code Department

Mr. Zurl reviewed the Codes Department report, prepared by Mr. White. There were no questions from the Board.

Public Works

Mr. Kinsey presented the Public Works Department report. There were no questions from the Board. Mr. Connors asked Mr. Kinsey what the holdup is with the bridge permits. Mr. Kinsey replied that the Woodview Road Bridge permit is under National Park Review. As soon as Federal comes in the National Parks also comes in to review. The Glen Willow Bridge is still under review with the DEP. There is a backup that is taking approximately a year and a half on permit reviews.

Finance Department

Mr. Zurl reviewed the Financial Report for October 2022, prepared by Mrs. Kellett. There were no questions from the Board. Mr. Connors made a motion to approve the October 2022 report, seconded by Mr. Runey, and approved by a vote of 4-0.

Pennsylvania State Police Report

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

Monthly Emergency Services Report

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

Southern Chester County EMS Report

Mr. Zurl reviewed the Southern Chester County EMS Report. There were no questions from the Board.

Monthly Right-to-Know Report

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

DEP Odor Report

Mr. Zurl reviewed the DEP Odor Report for the month of October. There were no questions from the Board.

Boards and Commissions

Mr. Zurl announced that Ms. Heidi Harper has volunteered to fill the vacancy on the Parks and Recreation Board. Ms. Harper stated that she has been the garden liaison for the past year and enjoys working with the Parks and Recreation Board. Mr. Connors made a motion to appoint Ms. Heidi Harper to fill the unexpired term on the Parks and Recreation Board, seconded by Mr. Runey and approved by a vote of 4-0.

Mr. Zurl reviewed the vacancies on several Boards and Commissions.

VI. HEARINGS

Earned Income and Net Profit Tax Ordinance 221

Mr. Zurl opened the hearing at 7:13 p.m. Mr. Zurl turned the hearing over to Ms. Kristin Camp, Buckley Brion McGuire & Morris, LLP. Ms. Camp submitted three exhibits. T-1 Ordinance, T-2 Proof of Publication, T-3 the published ad. Mr. Zurl asked if there were any questions. There were none. Mr. Zurl closed the hearing at 7:15 p.m.

VII. FIRST BUSINESS

Earned Income and Net Profit Tax Ordinance 221

Mr. Connors made a motion to approve Ordinance 221, Earned Income and Net Profit Tax, seconded by Mr. Irwin and approved by a vote of 4-0.

Resolution 799 Act 57 Taxpayers May Seek Waiver of Late Payment Penalties

Mr. Irwin made a motion to approve Resolution 799, Act 57 Taxpayers May Seek Waiver of Late Payment Penalties, seconded by Mr. Runey and approved by a vote of 4-0.

VIII. OLD BUSINESS

2023 Budget Final Approval

Mr. Connors made a motion to approve the 2023 Final Budget, seconded by Mr. Runey and approved by a vote of 4-0.

IX. NEW BUSINESS

2023 Southern Chester County EMS Medic-94 Contract

Mr. Irwin made a motion to approve the 2023 Southern Chester County EMS Medic-94 Contract, seconded by Mr. Connors.

Avon Grove Library Lisa Sweet and Sue Geiger

Ms. Lisa Sweet, Acting Director reviewed the 2022 annual report and spoke about some upcoming events that the library will be having. Ms. Sweet asked if the Township would be ok with putting these events on the Township Website and hanging flyers in the park. The Board agreed.

Road Opening Garden Station Road- Shane Kinsey

Mr. Connors made a motion to approve the Road Opening at Garden Station Road for utilities to be run to a new property, seconded by Mr. Runey and approved by a vote of 4-0.

Water/Sewer Adjustment Request 302 Yates Terrace

Mr. Connors made a motion to approve charging this customer for the water used and cutting a break on the sewer portion to an average bill from the last year, seconded by Mr. Runey and approved by a vote of 4-0.

X. LAND DEVELOPMENT

PLANS:

Marks Property Developers Agreement

Mr. Connors made a motion to approve the Marks Property Developers Agreement, seconded by Mr. Runey and approved by a vote of 4-0.

Marks Property Financial Agreement

Mr. Connors made a motion to approve the Marks Property Financial Agreement, seconded by Mr. Runey and approved by a vote of 4-0.

NV Homes Consideration of an amended and restated settlement agreement which relates to a Conditional Use Approval that was appealed and settled through the court system.

Ms. Camp explained this is to amend that agreement. Mr. Jaros, Riley Riper Hollin & Colagreco, representing NV Homes will explain in more detail. Mr. Jaros explained that they are here this evening to seek the Boards approval to a revised and amended settlement agreement. Mr. Jaros explained that they were here back in May to show an unofficial plan of what is being proposed. Mr. Jaros gave a brief history. The property is the Yeatman 76 acre tract just south of the Route 1 bypass and east of Route 41 and west of Glen Willow Road. It is currently zoned RM (Residential Medium) District. Back in 2003/2004. Heritage Buildings proposed to build 374 unit townhome development on the property, which caused the Conditional Use application to go through a number of hearings for them and this Township. In October 2004 after several extensions the Township approved the Conditional Use subject to 51 conditions. 2004 Heritage appealed several of those conditions in the Court of Common Pleas. In 2007 a settlement agreement was reached with the Township were several of those conditions were modified. Mr. Jaros stated his client obtained control of this property in 2017 and shortly thereafter they began meeting with the Township staff to propose an alternate development of the property and amend and revise the original agreements to reflect that alternate development. Instead of the 374 Townhomes his client is proposing 286 units 133 single family homes and 153 townhomes. A reduction of 88 residential units on the property, which is reflected on the plan which is attached to the revised settlement agreement. His client has proposed to amend this settlement agreement in order to permit the approval to this modified development of the property and will ultimately have to proceed through Land Development approval if the Board chooses to approve the modifications to the prior settlement. The property will continue to be serviced by public water and public sewer and we have worked diligently with the abutting property owner Nancy Truitt in order to propose a main entrance to the development off of Route 41 which was not originally proposed. That main entrance would be through Moxley Road. We are here today to advise you

of the status and we can't applaud your township staff enough for working more diligently over the years it's been approximately 5 years.

Mr. Jaros stated there is a request for 4 revisions two are very minor in nature. 1 refers to the current data the concept plan which is attached to the agreement, the other is a typo. The other 2 are a little more substantive in nature having to do with paragraphs 7 and 18 under the agreement. Essentially the request to modify paragraph 7 has to do with the water line for the property. Under the agreement it is proposed to come in through Glen Willow Road. The concern is the way that it is currently worded. That waterline which is requested to be looped which would require additional property outside the right of way that puts us at a disadvantage where someone else is controlling what has to happen with the water lines. We had suggested this alternate language in paragraph 7 for your consideration this evening and would be happy to expand on it.

The second has to do with a similar concern with paragraph 18, that has to do with the Townships desire for a preferred round about at the entrance of the development on Glen Willow Road. We understand the Township sediment there is that their preference would be to see a roundabout and the way this paragraph is currently worded is move forward, go through land development and while doing that conduct a traffic impact study to shed some light on if a roundabout would be preferred.

Ms. Camp stated Mr. Battin and Mr. Kinsey and herself talked about paragraph 7 and that if the designed water main is to be looped it can be done within the right of way and we can live with that language to be quite honest. They don't believe that it would require condemnation. So the way it's written there only able to... first of all it has to go to the Municipal Authority and they have to approve this. I think that the three of us are comfortable with the proposed edit to paragraph 7.

Ms. Camp states paragraph 18 as I mentioned to Mr. Jaros and Mr. Battin has mentioned to Sebastian and our traffic engineer has had conversations with their traffic engineer were not at a stage... first of all we do not have a traffic impact study and we don't know what the study will say about the traffic at that intersection. I don't disagree in most cases a roundabout might be preferred but your engineer will go through that analysis and guide you accordingly as part of the land development process. I don't want you to give it away yet because you don't know what you are giving away and I don't want you to say you don't have to design it if it requires acquisition or condemnation when we know darn well it does. Their own engineer put together a plan that shows it's going to require a lot of land or again their engineer said this is a high level concept it's not something... they shouldn't have designed a fully engineered round about. It's too early in the process to make any intelligent decision on does it make sense to have it there, how much is it going to cost, who's land does it require. If they go and try to acquire the land and they say no that's the end of that. You then have to agree to condemn the land. If you are sitting here right now know in no uncertain terms that you don't want to condemn the land to put a roundabout there then we can stop this conversation cause then we can accept the language. Condemnation language not the acquisition because the scenario that I said and based on a plan their engineer put together I'm fairly certain it's going to require the acquisition of land, maybe those people are willing to sell their land and maybe it's not going to be that much land that's needed in which case or maybe you can agree to go and negotiate with the land owners and get the land for a small value or you'll agree to pay for it cause you want that roundabout there. It can be all negotiated through land development but we are not there yet. I don't want you to make promises when you don't know what it is you're promising or giving away. Discussion Continues.....

Mr. Runey made a motion to approve the amended and restated settlement agreement with the two revisions proposed in paragraphs 7 and 18 as handed out tonight and then as further revised taking out the words acquisition and or and paragraph 22 missing the dollar sign, seconded by Mr. Connors and approved by a vote of 4-0

Hills of London Grove 18 Month Maintenance Bond Return

Mr. Connors made a motion to approve the release of the 18 month Maintenance Bond for Hills of London Grove, seconded by Mr. Runey and approved by a vote of 4-0.

Yeatman 90-day extension till March 9, 2023

Mr. Runey made a motion to approve the 90-day extension for the Yeatman property, seconded by Mr. Connors and approved by a vote of 4-0.

Stormwater Ordinance Update Ron Ragan

Mr. Ragan reviewed the County’s Stormwater update that was made earlier this year. Mr. Ragan recommends the Township keep theirs as it is at the existing level. He also recommends the Township invest in someone wither on staff or an outside source to have the BMP’s inspected yearly. The discussion continued....

**XI. EXTENSIONS
NO ACTION NEEDED**

| Development | Application | Date Received | 90 Day Expiration | Action Needed |
|-----------------|-------------------|-----------------|-------------------|------------------|
| Barbara Yeatman | Preliminary/Final | October 1, 2018 | December 9, 2022 | No Action Needed |
| Needham Farms | Preliminary | March 15, 2005 | January 28, 2023 | No Action Needed |
| Cliff Anderson | Preliminary | June 30, 2021 | December 21, 2022 | No Action Needed |

| Development | Application | Date Received | 5 Year Expiration | Planning Commission Approved | Board of Supervisors Approved |
|-------------------|----------------|-------------------|-------------------|------------------------------|-------------------------------|
| London Grove West | Approved Final | December 22, 2010 | May 25, 2023 | April 27, 2011 | August 10, 2011 |
| Marks Properties | Approved Final | February 26, 2020 | December 2, 2025 | November 18, 2020 | December 2, 2020 |

XII. PUBLIC COMMENT NON-AGENDA ITEMS

ADJOURNMENT

A motion was made by Mr. Irwin to adjourn the meeting at 8:53 p.m., seconded by Mr. Runey and approved by a vote of 4-0.

Respectfully submitted,

Dawn Maciejczyk
Township Secretary