

**LONDON GROVE TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
May 10, 2023 – 7:00 P.M.  
Monthly Meeting**

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**MEMBERS PRESENT:**

Stephen Zurl  
Dave Connors  
Christina Fanning

**STAFF PRESENT:**

Ken Battin, Township Manager  
Robert Weer, Twp. Assistant Manager  
Kristin Camp, Twp. Solicitor  
Shane Kinsey, Director of Public Works  
20 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 June 14, 2023 at 7:00 p.m., the meeting agenda deadline is June 7, 2023 at noon.

**I. PUBLIC COMMENT**

Mr. Zurl called for Public Comment on agenda items. Mr. DiFrancesco asked about the procedure on the hearing for AP Zoning. He stated that he was promised a copy of the final document before it went to hearing and has not received it. Mr. Battin stated that the final copy he received is the final draft that is being held for hearing this evening. Mr. DiFrancesco asked if he could make a statement during the hearing. Ms. Camp stated yes.

**II. CORRECTION/APPROVAL OF MINUTES**

The Board reviewed the meeting minutes of April 8, 2023. Public Works needs to mention the structure that is being demolished. Eric Felker section should state “overall money” versus “temporary surcharge due to the Jennersville Hospital shutdown is now lumped in to the overall budget, creating a new higher baseline.” Mrs. Fanning made a motion to approve the meeting minutes of April 8, 2023 with the two corrections above, seconded by Mr. Connors and approved by a vote of 3-0.

**V. REPORTS FOR APRIL 2023**

**Inniscrone Golf Course**

Mr. Zurl reviewed the April report for Inniscrone Golf Course. 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.

**Finance Department**

Mr. Zurl reviewed the Financial Report for April 2023, prepared by Mrs. Kellett. Mrs. Fanning made a motion to approve the April 2023 report as presented, seconded by Mr. Connors and approved by a vote of 3-0.

### **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.

### **Mr. Guy Swift- Avondale Fire Company Discussion**

Mr. Guy Swift, Avondale Fire Department, he reviewed the calls that they had in the Township in the first quarter. He reviewed some of the things that have been happening around the fire house. ServePro and WSFS put on a shredding event and the fire department ending up collecting over \$2,100 in donations that day. The EMS has switched billing companies, to a more efficient one. He reviewed that they received a couple of grants so far this year, for upgrades and changes at the fire house.

### **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. There were no questions from the Board.

### **Boards and Commissions**

#### **Goddard Memorial Update- Dave Connors**

Mr. Connors stated that he and Mr. Kinsey met with the Parks and Recreation Committee and they discussed the different phases on the project. In the next week of two we will come up with a schedule and construction event. We will put a timeline together and cost associated with it and put a plan together for the Board to review. Mr. Zurl asked is the design and location finalized? Mr. Connors stated yes, the location is the original location. There are a couple of little tweaks with the design. Mr. Kinsey did a great job getting some memorabilia from the Goddard Property. So hopefully in the next couple weeks we will have something more substantial for you.

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

Inniscrone Golf Course Advisory Committee (5), Township Auditors (3), Environmental Advisory Board (3), Tree Committee (4), Historical Commission (2), Agricultural Security Area (2), Uniform Construction Code Board of Appeals (3), Uniform Construction Code Board of Appeals Alternate (2), Planning Commission (1)

## **VI. HEARINGS**

### **AP Zoning Ordinance No. 224**

Mr. Zurl opened the hearing 7:30 p.m. Ms. Kristin Camp, Township Solicitor explained that the Pennsylvania Municipal Planning Code requires a hearing. The hearing was advertised in the Chester County Press on April 26, 2023 and May 3, 2023. The Township does have the proof of publication the minutes should reflect this as Board Exhibit 1. A full copy of the ordinance was sent to the Law Library as well as the newspaper for public inspection on April 12, 2023 through email this should be referred to as Board Exhibit 2. This ordinance was reviewed by the Chester County Planning Commission on three separate occasions, the most recent being April 24, 2023 that should be referred to as Board Exhibit 3. The Township Planning Commission also reviewed

and made a recommendation at the March 29, 2023 meeting, those meeting minutes are referred to as Board Exhibit 4.

The County Planning Commission summarizes what the ordinance does the bulk of this ordinance was to amend the provisions in the Township AP District 27-301 through 27-303. Mr. Battin and Ms. Camp have been working on a parallel path Ms. Venzie took the lead on the AP amendments and Ms. Camp was working with Mr. Battin on some miscellaneous, such as special events, animal regulations and limited winery those have been merged in since they are all dealing with zoning and being reviewed at the same time. Ms. Camp reviewed the ordinance at this time.

#### **Apartments Ordinance No. 225**

Ms. Camp explained that this ordinance came in as a request from Pettinaro. Mr. Battin took the lead on drafting an amendment to apartment buildings and apartment complexes. Because this is an amendment to our Zoning Ordinance Ms. Camp went through the exhibits for the minutes to reflect. Proof of Publication, was advertised in the Chester County Press on April 26, 2023 and May 3, 2023 that should be recognized as Board Exhibit 1. A full copy of the ordinance was sent to the Law Library and the newspaper through email on April 12, 2023 that should be recognized as Board Exhibit 2. Chester County Planning Commission reviewed with a letter dated April 11, 2023 as Board Exhibit 3, and the Township Planning Commission reviewed and made a recommendation at their March 29, 2023 meeting, those minutes are referred to as Board Exhibit 4. Ms. Camp reviewed the ordinance.

Mr. Zurl closed the hearings at 7:35 p.m.

### **VII. FIRST BUSINESS**

#### **Approval of AP Zoning Ordinance No. 224**

Mrs. Fanning made a motion to approve the AP Zoning Ordinance No. 224 as presented, seconded by Mr. Connors and approve by a vote of 3-0.

#### **Approval of Apartments Ordinance No. 225**

Mrs. Fanning made a motion to approve the Apartments Ordinance No. 225 as presented, seconded by Mr. Connors and approved by a vote of 3-0.

### **VIII. OLD BUSINESS**

#### **VPP Route 41 Grant Status**

Mr. Battin reviewed that the kick off meeting for the grant has taken place, this is a multi-municipal grant for Route 41. It's a transportation study, corridor study. One thing the county brought up, is this travels through 5 or 6 different types of zoning. We are going to look at the 30,000 foot level. One key point from that meeting is the project is slated to end on July of 2024. McMahon is our Engineer for the project and is leading the project. They are going through existing conditions now so they are getting a lot of the background information. At this point very little work was done from the committee. These are going to mainly virtual meetings. The municipalities are to bring feedback from the municipal level. We will keep this as an agenda item at our monthly meetings.

#### **Clay Creek MOU Update**

Mr. Battin reviewed that the Township entered into the agreement last month, why the engineer was doing some work, we needed additional stream in order to meet our needs for MS4. We are looking to extend the creek from Avondale Road up to the Golf Course to the 10<sup>th</sup> fairway. This has very little impact on us. It will be accessed through the entrance to the lagoon.

Mrs. Fanning made a motion to authorize the manager to approve or execute the addendum or the Chairman, provided that it has the added areas that were discussed in the meeting with the organization for the Clay Creek MOU, seconded by Mr. Connors and approved

by a vote of 3-0.

## **IX. NEW BUSINESS**

### **Chatham Zoning Discussion**

Mr. Battin reviewed that there was an interest in one of the properties, the Chatham Diner, for a project there. That is in the AP Zoning District its outside of the Chatham Overlay District, it probably was a miss on our part as we did some remapping, because that property as well as several other properties heading back into Chatham are commercial properties. Which meets the requirements for the Chatham Overlay District.

Mr. Zurl stated I think it has been narrowed down to a couple different options. Mr. Battin stated that I think the Chatham Overlay District would be the simplest one instead of modifying the AP Zoning District again. Mr. Connors asked what would be the timeline if we did the map overlay change. Ms. Camp stated this is a zoning map amendment so this would probably be 90 days from beginning to end. You do have to notify the property owners whose property is going to be rezoned, with a letter 30 days prior to hearing. It also has to go to the County Planning Commission 30 days prior to a hearing and the Township Planning Commission 30 days prior to the hearing and post the properties 7 days prior to the hearing. Mr. Connors stated I can't imagine that it would be perceived as any negative impacts as these businesses truly are businesses. Ms. Camp stated I would think the property owners would be the ones who would want it. If anyone is going to complain about a zoning map change it is typically the property owners, here though it is all a benefit to them.

Mr. Connors made a motion to proceed with the Chatham Overlay Map Change, seconded by Mrs. Fanning and approved by a vote of 3-0.

### **Paving and Surface Treatment Award- Shane Kinsey**

Mr. Kinsey reviewed his memo dated 5/1/2023 in regards to the Paving and Surface Bid. He is recommending approval to the low bidder of Longs Asphalt as specified in his memo and Asphalt Industries as specified in his memo.

Mrs. Fanning made a motion to approve the low bid as outlined in Mr. Kinsey's memo dated 5/1/2023 to Longs Asphalt and Asphalt Industries, seconded by Mr. Connors and approved by a vote of 3-0.

### **Kennett Fire Company License Agreement for Use of Twp. Property**

Mrs. Fanning made a motion to approve the Kennett Fire Company License Agreement for the Use of Township Property as presented, seconded by Mr. Connors and approved by a vote of 3-0.

### **ARPA Funds Expense**

Mr. Connors made a motion to approve the ARPA Funds Expenditure as outlined in Mr. Battin's memo dated 5/3/2023 and Mr. Kinsey's memo dated 5/2/2023, seconded by Mrs. Fanning and approved by a vote of 3-0.

## **X. LAND DEVELOPMENT**

### **PLANS:**

#### **Avon Grove Charter School 5 Waiver Request**

Mr. Mike Shiring, Land Use Attorney, introduced his team. He then reviewed the project for the Charter School. Explained they have been at this since November. Most of the funding for this project is coming from the USDA, and they threw us a curve ball. In order for the Charter School to stay on track for their project, not only do they have to have approval but they also need signed plans to them by the end of May.

Mr. Shiring reviewed the waivers.

Waiver 1: 20-313.2.B- Requiring a 25-foot buffer area along wetlands boundary.

Waiver 2: 22-610.15 and 22-610-15C- Requiring that no earth disturbance occur between October

15 and February 15.

Waiver 3: 22-614.6A(4)- Requiring that the following outdoor recreational facilities shall not be illuminated if located within any residential district or sited on a nonresidential property located within 1,200 feet of a residential use.

Mr. Zurl commented I think this should be brought up separate. This is a hot spot. Mr. Connors stated I have some questions. It is a ballfield, correct? Does it have to be lit? Mr. Shiring stated my understanding is it doesn't absolutely have to be lit. The Planning Commission did pass it for recommendation to you by a 4-2 vote. If it seems it is going to be an issue we will pull the waiver and squash the lights for now. Mr. Connors commented, I do have some experience with this on past projects and I wouldn't want to ever think about passing this without some sort of community feedback from the neighbors. Mr. Shiring stated that was suggested by the Township Solicitor. We would like to table this request at this point, with the opportunity to maybe one day, if we did want to come back that would give us time to do some sort of community outreach to see in the future. Ms. Camp stated so that request is withdrawn? Mr. Shiring responded yes. Ms. Camp stated if you come back in the future to request lighting we are going to hold you to the standards of the SALDO you will have to get the Boards approval to vary from that. Mr. Shiring stated that is fair.

Waiver 4: 20-311.1.A (12)(A)- now referred to as waiver 3: requiring that the minimum pipe diameter for storm sewers is 15".

Waiver 5: 22-613.8A-E now referred to as waiver 4- requiring concrete sidewalks along all streets.

Mr. Shiring stated this isn't necessarily a waiver anymore. When in front of the Planning Commission we were requesting a waiver from in front of the school, we also met with the Parks and Recreation. There was an intent of continuing a pedestrian thoroughway along State Road that instead of placing a sidewalk in front of the school we could provide a fee in lieu to the Township that could be used to complete the asphalt trail across the street. We thought that would be favorable and the Planning Commission supported that. The reason we were asking not to put the sidewalk in front of the school is because there are 5 very large pin oak trees that it would destroy their root system, stormwater would be needed and some grading. What we have learned since the Planning Commission meeting is that our landscape architect has determined that the 5 large pin oak trees are structurally deficient from so many years of PECO trimming, so they have to come out anyway., combined with the school not sure their Board would be comfortable with maintaining a small section of asphalt trail across the street. We are not asking for the sidewalk waiver and are in the process of finalizing the design. The Township Engineer is suggesting that it be a concrete sidewalk as requested by the Township ordinance, it be near the parking area and it would connect into the asphalt driveways in the school. We are unable to put it in the right-of-way because there is very little right-of-way there so technically it would be on the school property as a public sidewalk.

Mr. Zurl asked how does that work with it being on school property. Ms. Camp stated the plans would have to show an easement being granted to the Township and the public right to use it. Ms. Camp asked Mr. Meier if they feel comfortable that they will be able to work up a design in the time they need to get the plans signed. Mr. Meier replied, yes, the Township Engineer and himself have been on the phone and emailing to get this done. Ms. Camp stated you still need a waiver from section 22-613 to not put the sidewalk in the right-of-way. Mr. Shiring stated that is correct, that is the design aspect of it. Ms. Camp stated you might want to ask the Board that any other aspects in 22-613 that the Township Engineer is comfortable with to design the sidewalk, to give the discretion to our engineer to make sure it is appropriate even if it doesn't meet 100% of everything in section 613. Mr. Connors stated I like what has been laid out. Thank you.

Ms. Camp summarized the Board is willing to make a motion for the Avon Grove Charter School Land Development plan on waiver 20-313.2.B requiring a 25-foot buffer area along wetlands boundary. Willing to grant a waiver from section 22-610.15 and 22-610-15C to allow earth disturbance to occur between October 15 and February 15 provided that the Township reserves the right to require the applicant to implement additional erosion and sedimentation

controls depending on bad weather forecasted. The Township is willing to grant a waiver from section 20-311.1.A (12) (A) allowing a storm sewer of 12” instead of 15”. The Township is willing to grant a waiver from section 22-613.8A-E the plan will be required to have a sidewalk in the private property of the school. The plan will have to be revised to show public easement for that sidewalk, which are willing to allow potential other waivers from specific design criteria provided that the Township Engineer is satisfied with the ultimate design that is provided by the two engineers.

Mrs. Fanning made a motion to approve the waivers as summarized by Ms. Camp above, seconded by Mr. Connors and approved by a vote of 3-0.

**Avon Grove Charter School Preliminary/Final Land Development Plan**

Mr. Shiring stated now given that the four waivers were modified and granted, and the Township Engineers April 25, 2023 letter we would like the Board to consider Preliminary/Final Land Development approval subject to those conditions in the Township Engineers letter and the waivers as stated above. Ms. Camp asked is the last plan dated November 9, 2022 last revised April 17, 2023 but it will then also be revised to add the sidewalk. Mr. Shiring stated yes. Ms. Camp stated your motion should be subject to compliance with Mr. Ragan’s letter of April 25, 2023. The Land Development review letter from the Code Department dated November 9, 2022 is there any open issues on that letter. The Board stated no all concerns have been met. Ms. Camp stated ok so it’s really just Mr. Ragan’s letter that would be the only condition I can think of.

Mr. Connors made the motion conditioned on Mr. Ragan’s letter dated April 25, 2023 to approve the Preliminary/Final Land Development Plan, seconded by Mrs. Fanning and approved by a vote of 3-0.

**London Grove West 1 Year Extension till May 25, 2024**

Mrs. Fanning made a motion to approve the one year extension for London Grove West till May 25, 2024, seconded by Mr. Connors and approved by a vote of 3-0.

**Yeatman 90 Day Extension till September 5, 2023**

Mr. Connors made a motion to approve the 90 day extension for the Yeatman Subdivision till September 5, 2023, seconded by Mrs. Fanning and approved by a vote of 3-0.

**XI. EXTENSIONS  
NO ACTION NEEDED**

Development	Application	Date Received	90 Day Expiration	Planning Commission Approved
Barbara Yeatman	Preliminary/Final	October 1, 2018	June 7, 2023	90 day request above
Needham Farms	Preliminary	March 15, 2005	July 27, 2023	
Cliff Anderson	Preliminary	June 30, 2021	June 19, 2023	
Avon Grove Charter School	Preliminary/Final	November 30, 2022	June 27, 2023	

Development	Application	Date Received	5 Year Expiration	Planning Commission Approved	Board of Supervisors Approved
London Grove West	Approved Final	December 22, 2010	May 25, 2024	April 27, 2011	August 10, 2011
Kaolin Mushrooms	Approved Final Plan	December 11, 2018	April 4, 2026	February 28, 2018	April 4, 2018
Marks Properties	Approved	February 26,	December 2,	November 18,	December 2,

	Final	2020	2025	2020	2020
Sycamore	Approved Preliminary /Final	May 25, 2022	July 13, 2027	June 29, 2022	July 13, 2022

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

Mr. Zurl asked for public comment on non-agenda items. Mr. Kaplan stated this is actually an agenda item, but I had asked the Board to be appointed to the VPP Task Force as a non-voting member. Was that request denied? Mr. Zurl stated it was not denied by the London Grove Township Board of Supervisors. If you look at the April minutes it states “Mr. Zurl stated that Mr. Kaplan would like to be appointed as a non-voting member of the Route 41 Task Force”, and it goes on, but the Task Force met... Mr. Battin stated, the Task Force met and as a group the group decided to leave it as municipal folks on the Task Force, they wanted to keep it limited. They felt smaller was better that is why they came up with the idea of each municipality keeping it at their public meeting and having public comment that way and then it would be brought up to the group.

Mr. Zurl stated one other thing, I got a letter from Steve Fellin, on Route 841 and Route 41, the AA Report is back in review process with central office, did you know that Mr. Kaplan. Mr. Kaplan stated well, Penn DOT District 6 completed the work on that report in October of 2022. My understanding is that it was approved and then there were questions from central office. I think it has been sitting there for at least a month. This is an area were perhaps reaching out to Representative Lawrence again to ask Penn DOT what the holdup is at the central office regarding the report on the alternatives. This is just dragging on and on. Mr. Zurl stated it is bouncing back and forth. This week a new speed study will be taken at the approaches so you will see our cameras out there on today or tomorrow. Mr. Zurl stated this came to me on May 8, 2023. Mr. Zurl continued reading the letter, they executed an engineering agreement consultant, so we are ready to continue with the design once approved. Hoping for concurrence in the next two weeks. Mr. Kaplan asked and what was the date of that. Mr. Zurl stated this was Monday, May 8<sup>th</sup>. Mr. Kaplan stated I would ask the Board if no concurrence within two weeks, to ask Representative Lawrence for assistance with this. Mr. Zurl stated it is bouncing all over, just like what we are going through with the bridges. We are there, we have the finances planned, we have in-house labor, we have everything we need accept the piece of paper. Mr. Kaplan stated this is all in the preview of Penn DOT. Mr. Zurl stated that is the update that I have. Mr. Kaplan stated I appreciate you staying on top of that.

A resident stated that he residents at the Links of Inniscrone which is adjacent to the Inniscrone Golf Course. Mr. Zurl asked if he could state his name for the minutes. He stated Mark Schwadron, President of the HOA, 124 Tulsk Road. Last week, he had Mr. Battin and Mr. Ward come out, there have been concerns with golf balls from the driving range hitting a group of homes. I’m here to inquire if there has been any update as in a type of change that would alleviate this from happening. Mr. Battin stated I was there again today, and walked back there. Some of the things we are looking at are different manufactured balls, they should not be going that far. We are in the process of eliminating the use of woods as a trial period to see what that does. At budget time we will be coming to the Board to talk about extending the netting to another section and going higher. Mr. Zurl stated I’m not understanding what is happening? Mr. Battin stated this is on the driving range, where people are practicing. It’s not everyone that can hit that far, I certainly cannot, but clearly there are some people who can. Mr. Schwadron stated when the balls strike the house it is actually damaging the siding and fixing that is at the owner’s expense and the Township is telling us that it is not the Golf Course that is responsible but the golfers. Mr. Battin state that is right. Mr. Schwadron, asked if they received the latest email from the project manager, over the weekend a house was struck and the owners were home they went out and took their photos and the people that were hitting the balls were using drivers. Mr. Battin stated one of the things you should realize as the President is that she went out and came onto our property and approached these people and took pictures of potentially juveniles. Mr. Schwadron, stated I don’t

know I don't have details. Mr. Battin stated I don't either. Mr. Connors stated there are low flight balls, and they shouldn't go more than 150 yards even with a driver. Mr. Connors stated as a golfer you just want to warm up and get the spin and see what it's doing. Mr. Battin stated that's where we are at this point. Mr. Zurl stated so it is being addressed. Mr. Battin stated yes, and we are in the process of stopping the drivers from being used as a trial period to see if that stops it.

Mr. Battin stated we have other areas of concern where people from the area will just walk on to the driving range or the golf course and will just hit the balls that are out in there. That has created some problems. We are hiring an additional ranger to go out and keep an eye on those types of things. Mr. Schwadron stated the biggest issue is woods. I don't think anyone is going to hit their three iron from the driving range 200 yards over the net into a home but with a driver there is certainly a better chance of that. Mrs. Fanning stated and we are limiting the use of drivers. Mr. Schwadron stated why don't we just eliminate the woods tomorrow until we have a better idea to what is going to correct this problem. Mr. Battin stated we are working on that. Mr. Schwadron stated what is to work on. Mr. Battin stated we have to get signage. We can certainly tell you don't hit woods, and you go out and hit woods how are we going to police it. Mr. Schwadron stated yea, but if you have a ranger can't that be enforced. Mr. Battin stated that is what we are trying to do to hire a starter/ranger. That we have an additional person out there to watch what is happening and that we have an additional person in the club house, because if we don't have a second person we cannot leave the club house unattended and go out. We just can't make that happen right away. Mr. Schwadron stated so just tell them they can't use woods, that can happen tomorrow. Mr. Battin said absolutely, but I can't guarantee that it is going to happen tomorrow. Mr. Schwadron stated I understand, but you telling me that there is an effort in place as opposed to we are working on it. Meanwhile I have homeowners coming to me stating that there houses are being damaged from the range balls.

Mrs. Fanning stated we hear your concerns, and Mr. Battin has come out quickly, we are working to address... Mr. Schwadron stated Mr. Battin was out a week ago. Mr. Battin stated and I was out again today. Mrs. Fanning stated we understand that you are upset, and we are taking this seriously, we can't snap our fingers and make something happen. Mr. Schwadron stated I'm not saying that you are not taking it serious but it's been a week and there has been no change. Mr. Connors stated what are your thought on the neighboring residents coming onto the golf course and hitting balls and stuff? Are you aware of that issue? Mr. Schwadron stated we have not seen anyone out there. Mr. Battin stated you told me you were one of those people at one point until you were told not to. You said you would take a club up there and hit range balls. Mr. Schwadron stated when I first moved there I was on the other side of the net, yes and would hit the balls up towards the clubhouse. I wasn't hitting it towards the houses. Mrs. Fanning stated, we do hear you and I think we are acting in an expeditious manner. Doing it overnight is not a realistic expectation. Mr. Schwadron stated I'm not expecting overnight but it has been over a week. Mrs. Fanning stated but you did kind of just say that. What we are committing to is addressing the issue, we do not want damage to the houses and we appreciate you coming out and we will work on it as a Township to address it. Mr. Schwadron stated when will I hear from someone? There is a point of contact, when would I expect to hear from someone. Mr. Battin stated what do you want to hear? Mr. Schwadron stated an update. Mrs. Fanning stated what I would recommend is check the golf course website and we will go ahead and address it. This will be in the meeting minutes. Mr. Battin stated we will reach out and give you a time line and everything we are doing especially with the netting. Mrs. Fanning stated to be clear, the netting cannot be addressed in a month, he stated in budget time and we start the budget in the fall.

Mr. John McGrath, resident in Rose Hollow, I don't know the most appropriate venue to address the issues that I have. I have gone to the Township and spoken with Mr. Battin and Mr. Weer, and a number of folks here over the years, on some of the challenges we have been dealing with the development of the land and cul de sac of Rose Hollow. Last year the street was dedicated and for the dedication of the road moving forward there was a suspense for the bank and the developer to make sure everything was completed and wrapped up and move on with their life and turn over an HOA to the community. We as a community of 9 homes have pled our



case multiple times here at the Township to try to get intervention and ask for support in holding the bank and the builder accountable to actually follow through with the plans that are on file here at the Township. My wife and I moved in 2017 and since we have moved here we have had problems ever since. There is a deed problem with the grounds, we had to fight through that. We had builder issues with the home and had to put a \$100,000 into the home. The rock face had to come off and be replaced, they had to remove the stairs from the first floor to the second floor because they were not installed and inspected correctly. I can go down a laundry list of problems I spoke with Ms. Maciejczyk through email the other day, I don't know if you received that letter. I brought a copy of it. The letter goes through a number of things that we have tried to address over the years. These may seem like trivial issues, but I can't tell you how many times sitting through your meeting tonight for the first time that I have heard, stormwater management, riparian buffer zone, infiltration zone and the importance of those things. We have had huge problems with those systems not being built to standard and not holding Wilkinson or S&T Bank accountable to ensure that the project was finished completely. I'm coming in front of you today to find out what the right venue is and talk about this more in depth and seek your help in a resolution to have our community be what we bought and paid for. Ms. Camp stated this is not unusual were homeowner associations have issues and expect the Township to come in and intervene. I just want to make it clear that I got the letter yesterday and I read it very carefully. My suggestion was that I sit with Mr. Battin and Mr. Ragan and go through the letter to what are truly Township issues and respond accordingly. Not all issues are Township issues. You mentioned your house, Township has nothing to do with whether they faced the house right or built the stairs right that is a private contract issue you have with your builder. There are public improvements that the developer was required to build once they are built the Township Engineer goes out and does an inspection, if they were built per plan the escrow money is released. If it's not a dedicated improvement and once it is inspected by the engineer there is no guarantee that 2, 3 or 4 years down the road it is going to work as planned. Sometimes it's a maintenance issue, I'm not saying that for all the issues, it was just a very lengthy letter. I think these warrants a conversation with myself, Mr. Battin and the Engineer to go over and give you a response with what and if any the Township is able to assist with. Mr. McGrath stated I would like to have a conversation because a lot can get lost in translation and I would like to sit down and have a conversation about what truly are the issues. I think it's clear from your letter what the issues are I think it's to the extent we don't understand, from your letter you did a very good job of explaining what the issues are. You need to give the Township the opportunity to respond back and what issues the Township can truly assist with. Mr. McGrath yes, but these are issues we've had over the past 6 years. Ms. Camp stated I understand that, but I just got involved and my recommendation would be to do what I just said. Mr. Zurl stated I totally agree with you, first step is for Ms. Camp, Mr. Battin and Mr. Ragan to meet and go through things to see what should or should not have been approved. Mr. McGrath stated I appreciate your time, I do have pictures going back to 2017, the street light has been out for two years and no one is helping with that. Ms. Camp asked who owns the street light. Is it an HOA owned street light? Mr. McGrath stated I asked and I have not got an answer. Ms. Camp asked has the period of declarant control ended and has the homeowners association been turned over. Mr. McGrath stated my understanding is that it ends in May but Mr. Weer probably knows better. Ms. Camp stated that is not something the Township gets involved in. You have your own process where the HOA has its own transition process that has nothing to do with the Township. Mr. McGrath stated I think we are talking about two different things. Ms. Camp stated yes, and that is something that has become this industry so to speak. Most homeowners associations go and hire their own engineer and put together a punch list and the engineer and the HOA then go to the developer and say we are not accepting transition. There is a whole process under the uniform plan community act that the homeowners association has standing to go against the declarant. That has nothing to do with the Township. Mr. McGrath stated that's where I would ask for your assistance. Ms. Camp stated we cannot be your advocate in that but we can guide you to the process.

**ADJOURNMENT**

A motion was made by Mrs. Fanning to adjourn the meeting at 8:53 p.m., seconded by Mr. Connors and approved by a vote of 3-0.

Respectfully submitted,

Dawn Maciejczyk  
Township Secretary