

PENN TOWNSHIP
Board of Supervisors
Regular Meeting Minutes –
Finnen Community Room
Wednesday, May 3, 2023
6:00 P.M.

The Penn Township Board of Supervisors held their regular meeting at 6:00 p.m. on Wednesday, May 3, 2023, in the Finnen Community Room, 260 Lewis Road, West Grove, PA 19390.

Present:

Victor Mantegna, Chair
William O'Connell, Vice Chair
Curtis Mason, Sr., Supervisor
Jay Ennis, Supervisor
Laura Sperratore, Supervisor (excused)
Karen Versuk, Director of Operations
Dan Daley, Township Engineer
Scott Steele, Planning Commission
Ralph Churchill, Planning Commission
Larry Waltman, Resident, Historical Commission
Donald May, Resident
Bill Stellar, Phillips Mushrooms
Jim Angelucci, Phillips Mushrooms
John Rush, Phillips Mushrooms
Rick Shaw, Resident
Larry Waltman, Historical Commission
Carlton Snow, Resident
Jim Davidson, Property Owner
David Maicher, Resident and Zoning Hearing Board

Call to Order: Board Chair Victor Mantegna called the meeting to order at 6 p.m.

Public Comment:

- 1) **Approve Meeting Minutes/Approve invoices/Treasurer's report:** Supervisor O'Connell made a motion to approve the meeting minutes from the work session meeting on April 19, 2023. Seconded by Supervisor Ennis. All in favor. Motion passed 4-0. Supervisor O'Connell then made a motion to approve the invoices and the Treasurer's report. Seconded by Supervisor Ennis. All in favor. Motion passed 4-0.
- 2) **Supervisor's Reports:** No report.
- 3) **Engineering Report:**
 - a) **Resolution 2023-08** – Phillips Mushrooms – Consider conditional approval based on Township Engineer Dan Daley's letter dated 4.20.23 and Planning Commission comments of 4.26.23. Supervisor Curtis Mason, Sr. made the motion to approve the amended final land development plan conditioned upon an extension to allow the applicant to satisfy all of the requirements, such as recorded as built plans. Seconded by Supervisor Jay Ennis. Supervisor O'Connell abstained. Motion passed 3-0-1.

- b) **Roseview/Jennersville Farm update:** Dan Daley provided an update regarding the Jennersville Farm subdivision. A walk-through of the development was planned for the following week.
- c) **AGHS – Site punch list and parking?** – After reviewing the punch list items, the Board considered an imposition of a drop dead date on the items pending additional information to be provided by Township Engineer Daley. Township Engineer Daley then brought up the student parking issues he witnessed and complaints received regarding insufficient parking at the high school, walking on public roads, and parking in adjoining public commercial lots such as Penn Brew, the Truist Bank, the orthodontist, Jenner's Commons and the Shoppes at Jenners Village. Township Engineer Daley advised the Board that when they "deem it necessary" per the final plan note C2.02, the Board could require the paving of the additional 96 space student parking lot. Supervisor O'Connell made the motion that the Board of Supervisors "deem it necessary" to require the construction and paving of the 96 space student overflow parking lot by August 15, 2023. The motion was seconded by Supervisor Jay Ennis. Supervisor Curtis Mason, Sr. voted for the motion. Board Chair Victor Mantegna abstained. Motion adopted 3-0-1. Township Engineer Daley was instructed to notify the school district of the decision.
- 4) **Planning Commission Report** – No report.
- 5) **Historical Report:** No report.
- 6) **Parks, Recreation and Trails Committee:**
- 7) **RoadMaster/Facilities Report:**
 - a) Windows amended proposal considered – Supervisor O'Connell made the motion to proceed with the purchase and installation of six windows for the township offices. Seconded by Supervisor Ennis. All in favor. Motion passed 4-0.
- 8) **Operations Report:** No report.
- Public Comments:** None.

The meeting was adjourned at 6:29 p.m.

Submitted by Caitlin A. Ianni, Township Secretary

**PENN TOWNSHIP
Board of Supervisors
Special Meeting Minutes –
Finnen Community Room
Wednesday, May 17, 2023
6:00 P.M.**

The Penn Township Board of Supervisors held an advertised special meeting at 6:00 p.m. on Wednesday, May 17, 2023, in the Finnen Community Room, 260 Lewis Road, West Grove, PA 19390.

NOTICE OF SPECIAL MEETING ADVERTISED IN THE DAILY LOCAL NEWS on May 16, 2023.

The Board of Supervisors of Penn Township, Chester County, Pennsylvania will hold a special meeting on Wednesday, May 17, 2023 at 6:00 P.M. in the Township Building located at 260 Lewis Road, West Grove, Pennsylvania 19390. The purpose of this meeting is for deliberation and or official action for the following township business to be considered at the meeting: Whether the township deems it necessary for the reserve parking area to be constructed in accordance with the plan note on page C2.02 of the Overall Land Development Plan for Avon Grove High School for the Avon Grove School District' and whether the parking of Avon Grove High School students in neighboring commercial lots constitutes a public safety issue and such other matters as may come before the Board.

Present:

Victor Mantegna, Chair
William O'Connell, Vice Chair
Curtis Mason, Sr., Supervisor
Jay Ennis, Supervisor
Laura Sperratore, Supervisor
Karen Versuk, Director of Operations
Winifred Sebastian, Solicitor
Ralph Churchill, Planning Commission Vice Chair
Karen Ambrose, Avon Grove School District
Carlton Snow, Resident

Call to Order: Board Chair Victor Mantegna called the meeting to order at 6 p.m.

Public Comment: None.

Items of Business:

1. **Whether the Township deems it necessary for the reserve parking area to be constructed in accordance with the plan note on page C2.02 of the Overall Land Development Plan for Avon Grove High School for the Avon Grove School District and whether the parking of Avon Grove High School students in neighboring commercial lots constitutes a public safety issue.**

Solicitor Sebastian provided the history regarding this special meeting which was held following the receipt of a letter (Exhibit A) from AGSD Solicitor Andy Rau in response to a Board motion made at the Penn Supervisors May 3, 2023 public meeting. Solicitor Sebastian

read aloud from Rau's letter which she stated challenged the motion made by the Board of Supervisors made on May 3, 2023. She stated his challenge was "without merit". In an abundance of caution, she advised the Board to publicly advertise a special meeting to reaffirm the May 3 motion.

Presented by Solicitor Sebastian in addition to Exhibit A, was Exhibit B, the advertisement/posting for the special meeting, and Exhibit C, a letter from Township Engineer Dan Daley regarding the advertised Item of Business.

Vice Chairman William "Radar" O'Connell made a motion to find that Penn Township deems it necessary for the reserve parking area of 96 spaces to be completely constructed for student parking by September 1, 2023. The motion was seconded by Supervisor Curtis Mason, Sr. Supervisors Jay Ennis and Laura Sperratore voted in favor of the motion. Chairman Victor Mantegna abstained. Motion adopted 4-0-1.

Supervisor Laura Sperratore made a motion that the Penn Township Board of Supervisors finds that Avon Grove High School students parking in commercial lots and crossing public roads walking to public parking lots is a public safety issue. Seconded by Board Vice Chairman William "Radar" O'Connell. Supervisors Jay Ennis and Curtis Mason, Sr. voted in favor of the motion. Chairman Victor Mantegna abstained. Motion adopted 4-0-1.

In a final statement before requesting public comment, Board Chairman Victor Mantegna stated, "Our charge as a Board is to preserve the health, safety and welfare of all in our community."

Public Comments: None.

The meeting was adjourned at 7:01 p.m.

Submitted by Caitlin A. Ianni, Township Secretary

EXHIBIT “A”

May 12, 2023

Via E-mail: kversuk@penntownship.us
& First Class Mail

Penn Township Board of Supervisors
260 Lewis Road
West Grove, PA 19390

RE: Avon Grove High School / Parking Lot Matters

To the Board of Supervisors:

I am writing in my capacity as Solicitor to the Avon Grove School District, and in response to the E.B Walsh & Associates letter dated May 10, 2023 (Exhibit "A"), in which the Penn Township Engineer purports to require the District to install expensive new parking infrastructure at the Avon Grove High School ("New High School"), on the basis of an alleged "vote" by the Penn Township Supervisors.

The New High School is one of the most significant and positive educational projects benefitting Penn Township and all of Southern Chester County in a generation. Both of our governmental bodies serve many of the same constituents. For this reason alone, it is troubling that the Township's Board would attempt such a sudden and improper act without any notice to the District, without any formal dialogue, and without an attempt to comport with any indicia of due process, or an opportunity for the District to be heard.

The issues at hand are that 1) Penn Township's alleged "vote" on this issue is void *ab initio* and is in clear violation of the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716; 2) the Township's attempted action contradicts prior understandings and agreements among the District, the Township, and all consultants as to the nature of, and the potential triggers for, any additional parking improvements; and 3) had the District been consulted in any meaningful way, we could have shared with you the ongoing site management and pilot programs that are able to greatly improve efficient parking availability and use at the New High School.

1. **Sunshine Act Violation.**

As to the Township's self-referenced public meeting or "work session" of May 3, 2023, the Township Engineer's letter states that "the Board reviewed the situation and voted to require the Avon Grove School District to construct the reserved parking area prior to the start of school on August 28, 2023 in order to provide additional parking spaces for the students." (emphasis added).¹

The pertinent part of the published Township Agenda (Exhibit "B") for the May 3 meeting indicates only a vague reference, under "Reports," to the "Engineer's Report" with a sub-item reading: "AGHS – Site punch list and parking?" There is no written indication on the Agenda of any intended public action on this item. In fact, the section entitled "Items of Business," where certain municipal actions might actually take place, is blank as to content, other than a notation that reads, "Other?"

The 2021 Sunshine Act Amendments explicitly prohibit *sub rosa* actions by a public body to "sneak in" action not on a public agenda. In short, an agency may not take official action, if the matter was not clearly included in the public agenda posted 24 hours in advance, except in limited circumstances, none of which are applicable here. Among the Township's infirmities under the law:

A. De minimis Matters.

These fall under two categories:

- Agency business arising within 24 hours before meeting. An agency may still take official action on other items, not listed on the previously posted meeting agenda, where:
 - "The matter arises or is brought to the attention of the agency within the 24-hour period prior to the meeting"-- and
 - "The matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency."
- Agency Business arising during the course of the meeting, raised by residents / taxpayers. If the meeting is in session, and "a resident or taxpayer" raises an item of agency business not on the agenda, the agency may:
 - "Take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting" -- or
 - "If the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter."

¹ See also "Penn Township officials decide to require additional parking at high school," Chester County Press, May 10, 2023, p.2A (stating that "the Penn Township Board of Supervisors voted to require additional parking spaces at the new Avon Grove High School" at its May 3, 2023 meeting).

The attempted action by the Board on May 3, and not indicated for action on the Board's Agenda, does not meet any of the above criteria. The Township Engineer's letter states that "Penn Township has observed parking issues and received complaints from the surrounding businesses in the community **following the opening of the high school.**" (emphasis added). The New High School opened approximately nine months ago. This is not an issue suddenly arising in the 24 hours prior to the meeting.

Further, the matter is hardly de minimus. The action of the Township Board attempts to impose a financial imposition to AGSD in the amount of an estimated \$500,000 or more. In addition, even if the Township actions met any proper legal requirements, a three month design-bidding-award-project installation time frame for any such project is not rational, or achievable. The District has already completed its 2023-2024 budget process without any indication from Penn Township that this matter was poised for attempted action by the Township. And, as Penn Township well knows, current procurement and supply chain issues make this kind of attempted unilateral requirement even more unreasonable.

B. Emergency Matters.

This exception is clearly not applicable, and would involve only official action on items "relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was given for the meeting." What is happening here does not involve a state of emergency situation; it is instead an attempt by Penn Township to skirt all legal and procedural requirements and continue with its unreasonable demands.

C. Required Procedures.

If the Township asserts that it decided to take action because it suddenly seemed like a good idea, and somehow created a legal foundation for doing so, the Township still fails to meet the key legal procedural requirements of the Sunshine Act:

- Changes to the agenda authorized by a board majority during the course of the meeting. If otherwise authorized by law, a body may potentially add an action item matter to the agenda during the course of the public meeting, by "majority vote of the individuals present and voting during the conduct of a meeting," under the following parameters:
 - "The reasons for the changes to the agenda shall be announced at the meeting before any vote is conducted to make the changes to the agenda."
 - The agency then votes on whether to add the matter to the agenda, and if successful, votes on the substantive agenda item itself.
 - **On the next business day after the meeting, "the agency shall post the amended agenda on the agency's publicly accessible internet website... and at the agency's principal office location."** (emphasis added).

Regardless of how the Township may ultimately portray its actions in the official minutes,² as of today, the last agenda posting on the Township website, for the May 3, 2023 meeting, is dated May 2, 2023 at 3:28pm. Penn Township never posted an amended agenda on its website the next business day after its meeting, nor has it done so a full nine days later- a clear facial violation of the Sunshine Act.

D. Work Session Limitations.

If, in the alternative, the Township asserts that this public “work session” is exempt from the Sunshine Act agenda requirements, this could only be where the meeting did not involve any official action. As stated by the Pennsylvania Office of Open records in its public Sunshine Act Guidance, “The agenda requirement applies to all regular and special public meetings, **but does not include work sessions**, conferences and executive sessions **where official action is not permitted.**” Yet, the Township Engineer’s letter, “on behalf of the Penn Township Board of Supervisors,” states in its plain language that the Board “voted” to purportedly impose a significant new, unfunded mandate and burden on the District, and therefore even under a “work session” theory the Township’s actions would still be violative of the Sunshine Act. See <https://www.openrecords.pa.gov/SunshineAct.cfm>.

2. Required Planning Predicate for Additional Parking.

Attached for reference as Exhibit “C” is the August 28, 2019 email in which this office interacted with District and Township traffic consultants and engineers, in order to cooperatively establish the site parking requirements. Three items are critically important to note:

- The entire analysis involving the potential for 96 additional parking spaces, to be held in reserve, was based on the Township Traffic Engineer wanting **additional reserve spaces available for “event parking,”** if it turned out factually that full site parking during large scale District events, such as sporting or cultural programs, was not adequate.
- **The District meets all Township-imposed requirements for regular school day parking numbers in its approved design.** The 96 reserved spaces were offered and agreed to only to the extent there would be a real-world problem with “event parking.”
- The predicate for any discussion or ultimate requirement to build out the 96 spaces of reserve parking **is to be based on “a demonstrated need to build out the reserve.”** The opening-month complaints from last fall, as everyone was working through the initial opening of the New High School, are not sufficient to show demonstrated need, and again, the requirement only applies to issues involving “event parking” in the first instance.

² As of today, the last posted Township minutes relate to a March 1, 2023 public meeting.

3. **Operational Adjustments and Ongoing Analysis by the District.**

As Penn Township knows, in the opening days of the New High School, the District engaged in a concerted effort to inform its students and the school community that parking on private business properties was not authorized, and that improperly parked cars would be fined, booted or towed by those private property owners. Our understanding is that these communications, combined with additional parking opening up on site during the course of the year, greatly alleviated the issues experienced in the early days of the school year.

The District has been engaging in earnest with its transportation and facilities professionals to prepare ongoing site management and pilot programs that will greatly improve efficient parking availability and use at the New High School.

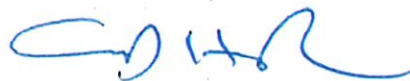
Specifically, the originally busing assumptions involved the entire fleet of District buses all serving the New High School site. Instead, our transportation professionals realized that splitting the fleet between dedicated Middle School routes, and dedicated New High School routes, substantially improved efficiencies, and resulted in the originally-conceived 52 bus fleet on site at the New High School each day, currently being reduced by one-half, meaning only 26 buses on site. This factual situation creates additional parking opportunities in the existing eastern parking areas.

As a result, the District has recently run several days of pilot programming, in which approximately 62 spaces can be utilized in the bus staging lots on the eastern side of the New High School. These spaces being made available for faculty and staff did not interfere, at all, with bus operations. In this regard, the District is now able to add 50+ student spaces for use on the other faculty parking fields, increasing student parking available from approximately 345 to 395 spaces. Also keep in mind that student parking is purely a privilege, and not a right, as we have made clear to students and families in our community.

4. **Cooperative Next Steps.**

Rather than pursue litigation and imposition of penalties against the Township for violations of the Sunshine Act, the District would prefer to discuss with the Township the substantively important issues on parking, and the manner in which AGSD is already addressing them. The District's next planning and construction / facilities meeting is scheduled for September 19, 2023 at the New High School, and Township representatives are invited to attend. But AGSD has no intention of complying with a facially illegal and void action by Penn Township.

Very truly yours,



Andrew D.H. Rau

Penn Township Board of Supervisors
May 12, 2023
Page 6

cc: Karen Versuk, Penn Township Director of Operations
M. Christopher Marchese, Ed.D., AGSD Superintendent
Avon Grove School District Board of School Directors
Daniel Carsley, AGSD Director of Business Administration / Chief Financial Officer
Terry P. DeGroot, PE, Terraform Engineering, LLC
Daniel Daley, PE, E.B. Walsh & Associates, Inc.
Winifred M. Sebastian, Esquire

EXHIBIT “A”



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering Design / Consultation Services
Whitelands Business Park
855 Springdale Drive, Suite 202
Exton, PA 19341

May 10, 2023

Mr. Daniel Carsley,
Director of Business Administration / Chief Financial Officer
Avon Grove School District
375 South Jermersville Road
West Grove, Pennsylvania 19390

Re: Avon Grove High School Reserved Parking Area

Dear Mr. Carsley:

As you are aware, Penn Township has observed parking issues and received complaints from the surrounding businesses within the community following the opening of the high school related to students parking in the community. As part of the land development approval process, the site plans included a design for a 96-space reserved parking area adjacent to the tennis courts. The approved / recorded development plan includes a note that the reserve parking area shall not be constructed until such time that the Township deems it necessary.

On behalf of the Penn Township Board of Supervisors, please accept this letter as your official notice that on May 3rd, the Board reviewed the situation and voted to require the Avon Grove School District to construct the reserved parking area prior to start of school on August 28, 2023 in order to provide additional parking spaces for the students.

Since you have active development permits with Township and PA DEP that depict the parking area, and the stormwater system for the school was designed to accommodate this parking area, it is my understanding that no additional permits would be required to construct this parking area. If you should have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,
EDWARD B. WALSH & ASSOCIATES, INC.
Penn Township Engineers

Daniel H. Daley, P.E.

cc: Karen Versuk, Penn Township / Winifred Sebastian, Esq. Lamb McErlane

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
Pennsylvania, New Jersey, Delaware & Maryland
610-903-0060 FAX 610-903-0080
www.ebwalshinc.com
Established 1985

EXHIBIT “B”

Penn Township

260 Lewis Road • West Grove, Pennsylvania 19390

Email: office@penntownship.us • www.penntownship.us

BOARD OF SUPERVISORS Work Session Meeting – Finnen Community Room

Wednesday, May 3, 2023 • 6:00 p.m.

Victor Mantegna • Wm. “Radar” O’Connell • Jay Ennis • Curtis Mason • Laura Sperratore

Call to Order: Salute to Flag & Pledge of Allegiance.

Chairman Comments:

Public Comment: Public comments are limited to 5 minutes and should address the agenda items.

Reports:

1. Regular Meeting Minutes/Approve Invoices/Treasurer’s Report – Motion?
2. Supervisors’ Reports:
3. Engineering Report:
 - a. Resolution 2023-08 -- Phillips Mushrooms – Consider conditional approval? Motion?
 - b. AGHS – Site punch list and parking?
4. Planning Commission Report – Scott Steele
5. Historical Report – Scott Steele
6. Parks and Recreation Committee Report – Supervisors Mantegna & Sperratore, Township Engineer Dennis O’Neill, Karen Versuk
7. Road Master/Facilities Report – Karen Versuk
 - a. Water issue
8. Operations Report – Karen Versuk and Staff

Items of Business:

9. Other?

Chairman Comments:

Public Comment: There is a 5 minute limit .

Adjourn.

Upcoming Events:

- Shredding Event, Saturday, May 13, 2023 @ 9 a.m. to noon
- Tuesday, May 16, 2023 – 7 a.m. to 8 p.m. – Primary Election Day – Penn Township Building
- Wednesday, June 7, 2023 @ 6 p.m. – Penn Board of Supervisors Regular Meeting
- Saturday, June 10, 2023 @ 6:30 p.m. – Movie Night – Disney’s Lilo & Stitch – Township Park
- Thursday, June 15, 2023 @ 10 a.m. – First Kids’ Summer Fun Day
- Sunday, June 18, 2023 @ 5 p.m. – Father’s Day Concert – Township Park
- JULY – No Supervisors meetings
- Saturday, July 8, 2023 @ 6 p.m. – Movie Night – Top Gun Maverick – Township Park

**Events are subject to change. Sign up for our email alerts at www.penntownship.us or like our Facebook page at Penn Township, Chester County, PA for the latest news.*

EXHIBIT “C”

From: Andrew Rau
Sent: Wednesday, August 28, 2019 1:41 PM
To: 'Sam McMichael'; Kline, Nicole; DDaley@ebwalshinc.com
Cc: Karen Versuk (kversuk@penntownship.us); Curtis (curtismasons@gmail.com); Carsley Daniel (dcarsley@avongrove.org); Terry DeGroot <tdegroot@TerraformEngineering.com> (tdegroot@TerraformEngineering.com); DiMartino, Guy (gdimartino@trafficpd.com); Guthrie, Ben (bguthrie@trafficpd.com)
Subject: FW: AGHS Revised Parking Sketch [UTBF-WestChester.FID311260]

Sam, Nicole and Dan:

The AGSD project development team has carefully reviewed Nicole's informational support for her parking numbers provided just yesterday (Nicole's email is included below). The AGSD engineering and architectural experts believe that using the "85th percentile parking demand" rate from the ITE manual (560 spaces) increases the high school daytime parking space numbers significantly beyond similar projects across southeastern Pennsylvania. In the same manner, the parking event number chosen by the township consultants (834 spaces) is very high in the team's experience.

Nonetheless, in an effort to move this process quickly forward and satisfy the township concerns, the development team has redesigned parking areas to facilitate and accommodate your consultant viewpoints and their numbers.

The attached document shows the AGSD parking design updates, and we include the new parking numbers below for your convenience. **These parking space tallies show that we will meet or exceed all of your consultant numbers received yesterday.** Our initial submission well exceeded the 2007 ordinance requirements, and the additions shown today go even further, satisfying the township consultant positions and underlying arguments revealed to us yesterday.

Here is the numerical comparison, also shown in more detail in the attached document:

Penn Township Consultant Demand

(Parking for typical weekday daytime high school operations): **560 parking spaces**

AGSD Revised Parking Sketch:
by 8 spaces

568 Parking Spaces (exceeding consultant demand

Penn Township Consultant Demand (Parking for high school events):

834 parking spaces

AGSD Revised Parking Sketch:

Initial Installation: 785 Spaces
+ 96 Space Reserve: 881 Spaces

(exceeding consultant demand by 47 spaces)

I spoke with Sam again this morning and understand that having some reserve parking is also considered a reasonable approach by the township. Our attached document, in addition to the added spaces in initial construction, shows 96 spaces in reserve, and we would have a note on the plan referencing a "safety valve" whereby the township could require installation of the reserve parking if the township engineer or zoning officer determines, post-development, that there is a demonstrated need to build out the reserve. The township would then require submission of a permit plan for pave-out of the reserve parking area, and using this safety valve, the permit plan when required also would include design and installation of additional SWM for the reserve parking area.

Also, to put any loose rumors to bed: **AGSD is designing the new high school for 1,750 students.** If the district were to expand the complex to accommodate additional students, that additional expansion would be part of a later development plan, and would have to address any additional parking impacts at that time. There is no such AGSD expansion currently planned, nor is approval of any later expansion before Penn Township as part of the current

submission. Again, a later expansion of the high school, if it were to occur, would require a SLDO plan submission at a later time, and be subject to full township reviews and approvals.

Please confirm that this updated information breaks the logjam in terms of expediting a path to board action. We were given to understand that the two issues holding up the final review process under the 2007 ordinance were 1) the township requirement that AGSD commit to paying a traffic impact fee of \$553,455 (which as Sam knows is committed to, and addressed, per prior settlement communications in July); and 2) accommodating the township consultant input on parking (which is now fully addressed in this email).

As you know, AGSD currently waives the 90 day MPC action deadline, but we do understand that the township is intent on moving this project forward with these matters now resolved. Please confirm.

Andrew D.H. Rau

Unruh Turner Burke & Frees

P.O. Box 515 | West Chester, PA 19381

P: 610.692.1371 | F: 484.653.2208

arau@utbf.com | [vCard](#)

www.utbf.com | [Municipal Blog](#)

From: Kline, Nicole <nkline@mcmahonassociates.com>

Sent: Tuesday, August 27, 2019 11:11 AM

To: Guthrie, Ben <bguthrie@trafficpd.com>

Cc: Terry DeGroot <tdegroot@TerraformEngineering.com>

Subject: RE: Avon Grove HS

Below is the information behind the parking requirements the Township has relayed to Andy Rou. I am available tomorrow morning for a call to answer any questions on the information below as needed. Given the available information, and lack of detailed parking demand data provided for the existing high school, the Township is firm on the requirements below unless very clear and compelling additional information can be provided to justify other parking requirements. The Township is committed to resolve the parking discussions as soon as possible, so let me know if I can answer any questions to help achieve that. Thanks!

Parking for typical weekday daytime high school operations:

Institute of Transportation Engineers publication, *ITE Parking Generation Manual, 5th Edition*

ITE Land Use Code 830 – High School

85th Percentile Parking Demand Rate = 32 spaces per 100 students

1,750 students x 0.32 = **560 parking spaces required**

- Meeting the ITE 50th Percentile Parking Demand Rate is not adequate, as half of the ITE study sites would not have adequate parking to meet the demands.
- It is noted that the ITE data states that the average parking supply ratio (12 study sites) is 38 spaces per 100 students, which would result in 665 parking spaces for the proposed high school.

Parking for high school events:

The high school is proposed to include a 2,000 seat gymnasium, and later add a 2,000 seat stadium. Parking must be adequate to support a full event at one of the 2,000 seat venues.

Based on engineering judgement and limited event data provided by the applicant, it is assumed that half of the attendees are students at a vehicle occupancy rate of 3 persons per vehicle, while half of the attendees are non-students at a vehicle occupancy rate of 2 persons per vehicle.

(1000 seats at 3 persons per vehicle) + (1000 seats at 2 persons per vehicle) = **834 parking spaces required**

- It is noted that parking demand data for high school events (sporting or non-sporting) is not available from the Institute of Transportation Engineers or the Urban Land Institute, the two most common industry sources.
- Parking demand data for Pro Stadium from ULI has no bearing or likeness to high school events. A Pro Stadium is typically surrounded by opportunities for public transit. Since parking at a Pro Stadium is typically offered at a premium cost, there is a significant financial incentive for attendees to take public transit or car pool, resulting in high vehicle occupancy rates.

Nicole R. Kline-Elsier, P.E., PTOE
McMahon Associates, Inc.
O: 610.594.9995 x 5107
D: 484.872.2277
www.mcmahonassociates.com

This message and the attachment(s), if any are confidential and intended only for the person to whom this is addressed. If you are not the intended recipient or have received this message in error, please delete and destroy this message and any attachments immediately and notify us at the above address or phone number. Attorneys and law firms which have inadvertently received this message are subject to the provisions of RPC 4.4(b). Thank you.

This communication is not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service under United States federal tax laws.

EXHIBIT “B”

PENN TOWNSHIP, Chester County, PA

NOTICE OF SPECIAL MEETING

The Board of Supervisors of Penn Township, Chester County, Pennsylvania will hold a special meeting on Wednesday, May 17, 2023 at 6:00 P.M. in the Township Building located at 260 Lewis Road, West Grove, Pennsylvania 19390. The purpose of this meeting is for deliberation and or official action for the following township business to be considered at the meeting: Whether the township deems it necessary for the reserve parking area to be constructed in accordance with the plan note on page C2.02 of the Overall Land Development Plan for Avon Grove High School for the Avon Grove School District' and whether the parking of Avon Grove High School students in neighboring commercial lots constitutes a public safety issue and such other matters as may come before the Board.

If you are a person with a disability and wish to attend the meeting identified above and require an auxiliary aide, service or other accommodation to participate in the proceedings, please contact Penn Township at 610 869-9620, to discuss how Penn Township may best accommodate your needs.

EXHIBIT “C”



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering Design / Consultation Services
Whiteland Business Park
855 Springdale Drive, Suite 202
Exton, PA 19341

May 17, 2023

Penn Township
Ms. Karen Versuk, MBA, PhD
260 Lewis Road
West Grove, PA 19390

Re: Avon Grove High School
Parking Concerns
EBWA Project No. 4350-8

Dear Ms. Versuk:

In accordance with Penn Township's request, E. B. Walsh & Associates, Inc. has reviewed the parking information for the Avon Grove School District (AGSD) High School property. Please note the following:

- As advised by the Township Staff, the Township has received many concerns from the surrounding business about students parking offsite within the surrounding parking lots.
- EBWA has been onsite and observed a large number of students walking offsite at the end of the school day (presumably to the offsite parked vehicles).
- As reviewed with the school district representatives, there were approximately 50-students on a waitlist to obtain an onsite parking space from the AGSD. This does not include additional parking needs for students that have recently obtained a license partway through the school year.

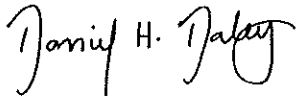
Based upon this information, it is my opinion that there is insufficient onsite parking to accommodate the daily operation of student parking. The approved development plans depict a 96-space reserved parking area adjacent to the tennis courts that has not been constructed at this time. The notes on the plan indicate the reserve parking area shall not be constructed until such time that the Township deems it necessary. It is my opinion that the AGSD should be responsible to address this parking issue so as not to impact the surrounding businesses by providing additional onsite parking. Based upon the above noted information, I believe the 96-space reserved parking area would be sufficient to address the issue.

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
Pennsylvania, New Jersey, Delaware & Maryland
610-903-0060 FAX 610-903-0080
www.ebwalshinc.com
Established 1985

May 17, 2023
Penn Township
Ms. Karen Versuk, MBA, PhD
Re: Avon Grove High School
Parking Concerns
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If you should have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,
EDWARD B. WALSH & ASSOCIATES, INC.
Penn Township Engineers

A handwritten signature in black ink, appearing to read "Daniel H. Daley". The signature is fluid and cursive, with the first name "Daniel" being more prominent.

Daniel H. Daley, P.E.