

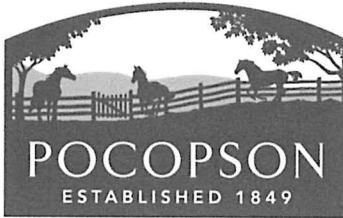
P.O. Box 1, Pocopson PA 19366
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Board of Supervisors Meeting Monday, September 27, 2021, 7:00 p.m.

In-person attendance: Supervisors - Ricki Stumpo, Elaine DiMonte, and Raymond McKay; Kevin Gosselin, Emergency Management Coordinator; Craig Kologie, Zoning Official; Fran McArdle, Building Inspector; Amanda Sundquist, Solicitor. Participating via remote access: Gary Summers, Planning Commission Chairman; Amanda Gattuso, Treasurer Support Staff; Mark Knightly, Public Works; Nate Lehigh, McCormick Taylor Engineering.

Public in attendance: 4

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** Board met in Executive Session on September 3rd and 4th. On September 6th and 10th met with Cabin Club residents and owners of ACE Hardware and Pocopson Veterinary Station regarding damages from Hurricane Ida.
3. **Announcements:** no announcements.
4. **Public Comment on Non-Agenda Items:** Michael Castro, a resident, and Vice President of Longwood Fire Company, asked the Supervisors to consider allowing the fire company to locate a fire engine in the Township to facilitate access for the 4 or 5 residents who serve with the fire company. Castro explained that access to an engine locally will improve response time. Castro explained the requirements for housing an engine which includes but is not limited to securing gear and access to an electrical line. Board asked what is driving the request. Castro indicated that it is to allow responders faster access to the engine. Castro asked if space would be available in the current Township Administration Office after its conversion to a garage. Stumpo noted a conversation with Public Works Director would be appropriate and added that Castro should request space from the County. McKay, formerly associated with Longwood Fire Company, asked if the township responder/residents are qualified drivers. Castro indicated that 2 are qualified. Board thanked Castro for his comments.
5. **Work Sessions:**
 - a. Brief Update on 2022 Budget Process - Stumpo noted the Board met earlier and plan to present a preliminary budget for the October 25th public meeting.
6. **West Chester Public Library ("Library") Presentation:** Victoria Dow, Director and Kiran Rotkar, Township Representative to the Library Board, presented an "Annual Report - 2020". Thanks to digital media and platforms, the Library continued to serve the community during the pandemic. They thanked the Supervisors for their financial support and asked for consideration of an increase in allocation. Dow noted that funding for e-books is qualified under the American Recovery Plan ("ARP") funds. She explained the process for acquiring e-book titles, the lease term, and noted a 30% increase in usage. DiMonte commented that the Township is setting up a separate budget for the ARP funding received to date. She added that the Board is sifting through the regulations trying to identify qualifying budget line items. Dow indicated that the Library receives a discounted price for e-book titles accessible for 24 months. DiMonte asked Dow to

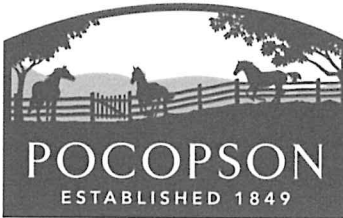


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provide the Township with a proposed budgeted amount for the e-books that may be included in the ARP funding. Stumpo commented that it was also expressed to the Kennett Library that with the construction of the new township administration building, allocations are limited. McKay asked if print circulation had increased. Dow indicated that it is down from the pre-pandemic 13,000 to about 12,000 at the present. Dow clarified that the County Library supplies materials for the aged home as part of overall county services. Board thanked Rotkar for his volunteer service. They thanked Dow and Rotkar for the wonderful job the Library is doing in serving the community. No public comment.

7. Hurricane Ida Storm Update:

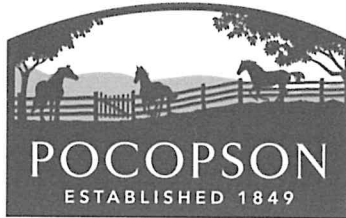
- a. Ratify Resolution 2021-14 - Declaration of Local State of Disaster Emergency - Board reviewed the language of the signed Resolution noting it is in accordance with the PA Emergency Management Service Code to activate the response and recovery aspect of applicable local emergency management plans and to furnish aid and assistance.
- b. Reports -
 - i. Kevin Gosselin, Township Emergency Management Coordinator - reported that his is a volunteer position and as a result of the unprecedented flooding he worked from 50 to 100 hours since the storm to render aid and assistance. Gosselin reported that 5 or 6 homes were destroyed or washed off their foundations. The Cabin Club community was severely impacted, along with businesses on Pocopson Road/Route 926. Gosselin participated in FEMA inspections as well as personal tours by state and county elected officials. He acknowledged the work of the Supervisors and the Public Works Department in quickly responding to the disaster emergency. Gosselin has coordinated the efforts with the American Red Cross to provide assistance for flood victims. PUBLIC COMMENT: Art Sulzer, owner of a Cabin Club property, commented that his cabin was washed from its foundation. Thus far, engineers have determined that the dwelling is structurally sound but the question on the table is how to return it to its foundation. Sulzer thanked the Supervisors for their immediate response in providing dumpsters and for their continued support provided to the residents.
 - ii. Fran McArdle, Keystone Municipal Services, Building Inspector - reported that damaged structures have been posted. He acknowledged speaking with Sulzer on September 8th regarding moving the dwelling. McArdle noted severe damage/major structural damage to 454 and 455 West Creek Road. An electrical permit was issued to 6 Cabin Club to re-energize service. On September 13th he inspected Sklar Industries for damage. He spoke to the owner of 14 Cabin Club regarding the damage caused by movement of 13 Cabin Club. McArdle has spoken with contractors for the hardware store and for the veterinary facility as both will be submitting permits for the work that's underway. The dog grooming business at 2111 West Street Road has applied for an electrical permit to re-energize service. Lenape Forged Products will stay in touch with McArdle as they continue their damage assessment. DiMonte commented that there appears to be a structure washed up on an island and asked how that will be handled.



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McArdle noted that remediation is a learning situation for everyone due to the unprecedented flooding. He added that as the properties are inspected and documented, it will be up to the individual owners to make the decision as to whether or not they want to rebuild. He added that he was aware of only 5 of the Cabin Club properties occupied as full-time residences. PUBLIC COMMENT: Sulzer provided an explanation as to how legal ownership is defined for the Cabin Club Community noting that the land is owned in common, but the dwellings are considered personal property. He offered that if a decision is made not to rebuild, the ownership, in form of shares, will be turned back to the community.

- iii. Craig Kologie, Castle Valley Consultants, Zoning Official - attended a number of meetings with representatives from PEMA and FEMA. He reported that residents will be permitted to rebuild depending on the particulars set forth by FEMA in their evaluation and damage assessment. The Township Flood Ordinance procedures must be followed in order for the Township to remain in the National Flood Insurance Program. In the situation of a rebuild, an owner may be required to bring a property up to current building codes. Kologie reported that the FEMA and PEMA representatives will tour the Township on October 1st. FEMA provided a template for a letter that will be delivered to all flood victims within the 100-year floodplain who sustained damage. Properties with more than 50% substantial damage will need to elevate the properties if they wish to make repairs to the structure. FEMA has provided the forms that are required for township consultants to evaluate damages. DiMonte indicated that the Township is maintaining a list of property owners that will be coordinated with the properties visited on October 1st. McKay inquired as to who is responsible for cleaning up the stream bank. Kologie indicated that the debris must be cleaned up by the landowner. Board discussed the debris that accumulated under the Route 52 bridge in Birmingham and East Bradford Townships. Knightly commented that PennDOT is facilitating the debris clean-up. McKay commented demolition work on the dance hall in Pocopson Township did not commence before the storm. At this point it appears the flooding has demolished the structure and the landowner should be contacted to remove the debris as it represents a danger to downstream properties. Sundquist commented that there will be a set deadline for reporting storm damage to FEMA. Board of Supervisors thanked the consultants for their efforts and commitment to helping the property owners. No further public comment.
- c. Resolution regarding permit fees - Board reviewed Resolution 2021-15 to waive building permit fees for repair of damages to buildings caused by Hurricane Ida. MOTION: DiMonte moved, McKay seconded, to adopt Resolution 2021-15 to waive collection of building permit fees for construction, mechanical, electrical, plumbing, or demolition for structures damaged by Hurricane Ida, with collection waived through December 31, 2021; motion unanimously approved.



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8. **Ordinance Hearing:** at 7:58 p.m., Stumpo moved, McKay seconded to close the public meeting and open an ordinance hearing for new legislation and an amendment to the Nuisance Ordinance; motion carried.
- a. All-Terrain Vehicles and Dirt Bikes/Ordinance No. 1 of 2021 - Sundquist reviewed the list of legal exhibits which included legal advertising and notices, as well as previous meeting minutes from the Planning Commission. The legislation creates a new code chapter defining and regulating the operation of the vehicles, including operating vehicles with permission of adjacent property owners. Key to the operation is the noise and time limitations. The proposed ordinance has been available since September 17, 2021. Board called for discussion and public comment. McKay commented that the Township has received concerns regarding the operation of such vehicles and offered that the ordinance should provide guidance in addressing those concerns. He acknowledged the work of the Planning Commission to balance a right to enjoyment with concerns for safety issues. No public comment on the proposed ordinance.
 - b. Amendment to the Nuisance Chapter/Ordinance No. 2 of 2021 - Sundquist reviewed the list of legal exhibits and noted that the proposed amendment updates the existing Nuisance Chapter. The Amendment was before the Board previously and was returned to the Planning Commission with no substantive changes but with a public comment submitted by a resident. On December 15, 2020, the Planning Commission recommended adoption of the amendment as submitted. Board called for discussion and public comment. No public comment on the amendment.

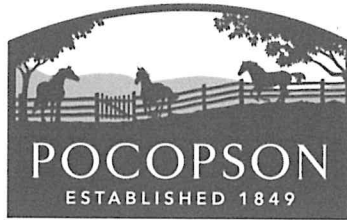
With no further discussion or public comment, Stumpo moved and DiMonte seconded to close the ordinance hearing at 8:10 p.m. and reopen the public meeting.

MOTION: Stumpo moved, McKay seconded, to adopt Ordinance No. 1 of 2021 creating a new chapter "All-Terrain Vehicles and Dirt Bikes"; motion unanimously approved.

MOTION: Stumpo moved, DiMonte seconded, to adopt Ordinance No. 2 of 2021 amending Chapter 129, Nuisance Chapter; motion unanimously approved.

Upon motion made and approve, the Board agreed to rearrange the order of the agenda and called for Old Business, Item 9.a to allow the presentation by the Solicitor.

9. **Old Business:**
- a. Discussion/Motion for timeline to proceed with proposed zoning chapter and map amendment - Sundquist summarized a number of changes to the text as discussed with the Board and the Solicitor for the Planning Commission. The text for a shooting range includes but is not limited to the following: requires a zoning permit not a building permit; conditional use if accessory to the principal use of a property; striking the NRA certified range officer requirement unless discussed as part of a request for conditional use; overhead baffle systems are an appropriate condition for certain types of ranges. The zoning map is in the drafting stage. Notice regarding the changes to the zoning map/zoning districts will be required for the school district and property owners. The text will be submitted to the Chester County Planning Commission for comment and review. She suggested that the Board revisit the matter



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during the October public meeting in order to set a hearing date for December. PUBLIC COMMENT: Matt Murphy, a member of the Planning Commission, commented that he understood the text would be turned back to the Planning Commission for the October meeting but voiced concern that the edits may be limiting the rights of a landowner to maintain a private shooting range. Sundquist pointed out that it does not limit the landowner for such use if it is not the principal use of the property.

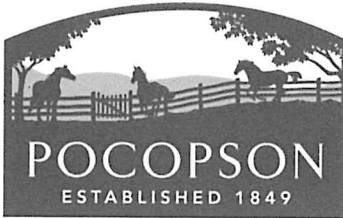
At 8:25 p.m. Board granted the request of the consultants to be excused.

10. **MS4-TMDL Reporting/McCormick Taylor:** Nate Lehigh reported that he met with McKay and Terry Gallagher, McCormick Taylor, at the Lenape-Unionville Road site for the proposed Pocopson Creek Restoration Project. Designs for the short-term reduction of the total existing sediment load of 12,580.29 lbs./year will cost approximately \$100,000.00 with approximately \$200,000.00 for construction. He submitted a brief outline of the 14 tasks required for the project. DiMonte noted that this is an agency mandate and that ARP funds can be applied for its completion. McKay noted that the project will have a positive impact on the township park, Red Bridge Farms, and other communities downstream. No public comment.
11. **Public Works Report:** Knightly reported that the department is nearly caught up with Hurricane Ida storm damage. Board thanked Knightly and Public Works personnel for their work in response to the storm.
 - a. Motion to amend expenditure for 477 Locust Grove Road Park Gate - during the December 14, 2020 public meeting, the Board moved to approve the purchase of an automated gate for the Pocopson Park entrance at 477 Locust Grove Road at a cost not to exceed \$7,800.00. The final costs for the gate have exceeded the approved amount. MOTION: Stumpo moved, DiMonte seconded, to amend the December 2020 motion to cover the costs for electrical connectivity as well as the actual amount for installation in accordance with the invoice dated 9/2/2021 in the amount of \$9,020.88; motion unanimously approved.
 - b. Resolution for installation of Stop Sign - Board acknowledged receipt of the August 19, 2021 All-Way Stop Analysis prepared by Gilmore & Associates, Inc., for Haines Mill and Locust Grove Roads. Solicitor clarified that the stop sign appears to be warranted based on the analysis. MOTION: Stumpo moved, McKay seconded, to approve the installation of a stop sign on Locust Grove Road at Haines Mill intersection in accordance with the August 19, 2021 analysis; motion unanimously approved.

No public comment on the Public Works Report.

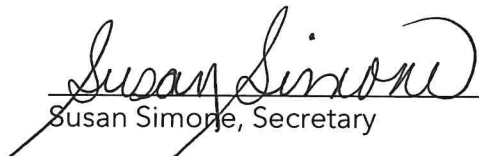
12. Facilities:

- a. New Township Administration Building
 - i. Update - DiMonte reported that the General Contractor has scheduled weekly construction meetings. The project will be under roof by October. McArdle asked for the name of the onsite supervisor to contact with regard to inspections. Sealed reports have been submitted to Keystone Municipal Services with regard to the footer inspections.



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- ii. Review & Approval Applications for Payment - MOTION: DiMonte moved, McKay seconded, to approve General Contractor request for payment of \$185,719.50 as reviewed and verified by Township consultants; motion unanimously approved.
- 13. **Kennett Area EMS Commission Report:** Resident Representative Al Davis was not able to attend the meeting due to a death in the family. McKay attended the EMS meeting. He reported that overall, the fire companies are functioning well together. The fiscal year may end with a deficit, but they are otherwise in good financial shape. The meeting included discussion on the recent flooding. An equipment study for all the companies is underway and should be finished by the October meeting. Commission continues to discuss particulars for tax relief for volunteers as well as stipends as a means to retain and recruit volunteers. There is a possibility of an ask of an increase of approximately 15% from each participating municipality to fund paid staff for daylight hours, Monday through Friday. Stumpo noted that this is not entirely unexpected given the reduction in volunteers. PUBLIC COMMENT: Michael Castro asked the Board to consider constructing a building on Township property to house a fire engine as previously discussed at the start of the meeting. DiMonte noted the request and acknowledged a number of factors would be taken into consideration.
- 14. **New Business:**
 - a. Minimum Municipal Obligation (MMO Pension) - Board reviewed the MMO Worksheet for Plan Year 2022 submitted by the Treasurer showing the Pension Plan's expected financial obligation
 - b. Resolution adopting petty cash policy - MOTION: DiMonte moved, McKay seconded, to adopt Resolution 2021-16 adopting a written policy for Petty Cash Procedures; motion unanimously approved.
- 15. **Correspondence:** no correspondence
- 16. **Treasurer's Warrants:** MOTION: Stumpo moved, McKay seconded, to approve the Bill Payment Lists for the period August 24, 2021 to September 27, 2021 recommended for payment by the Treasurer: General Fund: 50 bills totaling \$74,479.29; 19 debit card/ACH transactions totaling \$5,113.69; Highway Aid Fund: 5 bills totaling \$203,443.53; Township Facilities Fund: 5 bills totaling \$39,96.15; Parks, Recreation & Trails Fund: 2 bills for \$9,214.68; motion unanimously approved.
- 17. **Approval of August 23, 2021 Meeting Minutes:** MOTION: Stumpo moved, McKay seconded, to approve the Meeting Minutes as submitted; motion carried.
- 18. **Adjournment:** at 9:05 p.m. Stumpo moved DiMonte seconded, to adjourn the meeting; motion carried.


Susan Simone, Secretary


Ricki Stumpo, Chairwoman