

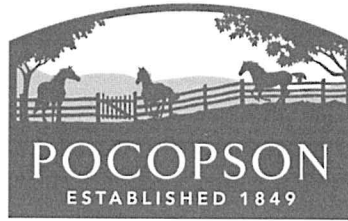
P.O. Box 1, Pocopson PA 19366  
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## Board of Supervisors Meeting Monday, December 13, 2021, 7:00 p.m.

In-person attendance: Supervisors - Ricki Stumpo, Elaine DiMonte, and Raymond McKay; Don McKay, Chair, Historical Committee; Mark Knightly, Public Works Director. Participating via remote access: Amanda Gattuso, Treasurer Support Staff.

Public in attendance: 15

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** DiMonte and McKay met on December 4<sup>th</sup> regarding furniture for the new building.
3. **Announcements:** Board acknowledged that Gattuso will be leaving the accounting firm Barsz Gowie Amon and Fultz to take a permanent township position. DiMonte thanked Gattuso for the tremendous work she has done in taking over the treasurer tasks including implementation of best practices. McKay echoed those comments and noted that it has been a pleasure working with her. Board wished her all the best on her new opportunity. On behalf of the Board, Stumpo wished everyone a Merry Christmas and a wonderful New Year's Holiday and all the best for 2022.
4. **Public Comment on Non-Agenda Items:** none.
5. **December 8<sup>th</sup> Work Session:** the December 8<sup>th</sup> Work Session was cancelled.
6. **Kennett Area EMS Commission:** McKay indicated that the meeting is tomorrow night so there is nothing to report this evening.
7. **Preliminary/Final Subdivision Plan Robson Industries, Inc., 914 and 918 Pocopson Road, Tax Parcels 63-4-143 and 63-4-143.1:** Alex Farlow, D.L. Howell and Associates, appeared as representative for Robson Industries, Inc. Stumpo acknowledged that the Board is in receipt of Comment and Review Letters submitted by Township Consultants. McKay provided a brief background of the project located on Pocopson Road. He shared that there are 2 parcels with a structure built on a lot line. The subdivision application was submitted to amend the lot line so that the parcels are independent of each other. No public comment. MOTION: DiMonte moved, Stumpo seconded, to approve the plan titled "Preliminary/Final Subdivision Plan of Robson Industries" prepared by D.L. Howell, dated October 5, 2021, and last revised November 15, 2021, consisting of five (5) sheets subject to the following conditions: (1) The Applicant shall address all outstanding review comments in the Review Letter dated November 30, 2021 by Robert L. Johnston, P.E. Gilmore & Associates, Inc.; (2) The Applicant shall execute and record in the Chester County Recorder of Deeds, simultaneously with the recording of the Plans, a shared access and maintenance easement for Tax Parcel Nos. 63-4-143 and 63-4-143.1 for any shared facilities, including but not limited to on-lot water, on-lot sewer, stormwater management features and other utilities. Such easement should address allocation of costs and repairs in the event one of the parcels changes ownership; (3) The Applicant shall reimburse the Township for all outstanding Township expenditures, including consultant fees paid, for this project; (4) All stated conditions shall be completed and



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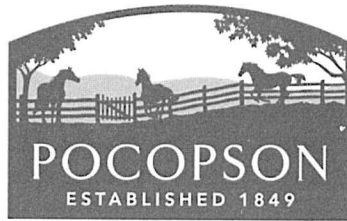
satisfied prior to the release of any plans for recording, unless otherwise indicated, and as a requirement of the Approval therein; motion unanimously approved.

**8. Hurricane Ida Storm Update:**

FEMA/PEMA Public Assistance Grant Update - Secretary provided the Board with a report indicating that the request total is approximately \$18,629.75. The request was uploaded to the Grant Portal. Gattuso indicated that it appears to be at least a 2-month review process. DiMonte reported that elected state officials have reached out to the municipality regarding a volunteer storm clean-up effort along the Brandywine Creek on January 15, 16, and 17. Kevin Gosselin, Pocopson Township Emergency Management Coordinator will attend the organizational conference-call meeting. Public Comment: Linda Moore asked about the locations for the cleanup. Robert Smith responded that he was aware of the clean-up, but no specific details are in place. Preliminarily, it appears the clean-up effort will include a section of Birmingham Township and the island as well as the first group of houses in East Bradford Township. Question was raised as to the debris along West Creek Road and how the debris will be disposed. DiMonte reiterated that the email from Traci Plunkett was received today, and details will be shared when available. Alice Weigel inquired as to whether the cabins along the Brandywine will be rebuilt. Stumpo responded that the property owners are working with FEMA and must be prepared to meet the FEMA guidelines if there is a desire to rebuild. If the cost to repair exceeds 50% of the appraised value, the property owner will have to bring the property into compliance with all agency and government codes which includes demolition and elevating the structure. Steve Meyers asked what happens if property owners walk away. Stumpo acknowledged the unique ownership provisions of the Cabin Club Community in that the ground itself is owned collectively while the structures are private property. Robert Smith added that Cabin Club residents are required to sell their shares in the community or remain owners and responsible for the property and the annual dues. Linda Moore and Chuck Schigery asked if the codes are building and township codes. McKay responded that the Township Code includes a Flood Plain Ordinance and there are layers of codes providing guidance on rebuilding in floodplains and flood ways. Aaron Mills commented that there's a perception or misinformation that the significant flooding experienced in the area was the result of floodwater management in the state park and other areas upstream, that the heavy water volume was the result of their control efforts. He asked the Board if there was a way to address future floodwater management. DiMonte noted that State Senator John Kane is looking into it. McKay indicated that this was discussed with a County Commissioner who was under the impression that a portion of floodwater had been released. He added that the volume of water was coming down both branches. Coatesville received 9" and Downingtown received 11" - combined with the 8" locally it was overwhelming. Robert Smith commented that there is significant data showing a release of water 3 days prior to the flood and no water released during the flood.

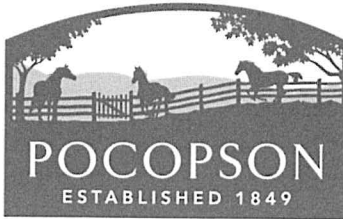
**9. Public Works:**

- a. East Marlborough Township Request/Joint TMDL Project - Knightly reported that the Engineer for East Marlborough Township reached out regarding the possibility of developing a partnership for a long-term joint TMDL Project. No specific projects or particulars have been identified. There is always the possibility a joint venture will



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- reduce costs while complying with this mandate. Board agreed to proceed noting final approval will be project dependent. McKay provided a brief background of the MS4/TMDL Mandate Program. He noted that money from the federal ARP Program has been earmarked for remediation of the stream bank of Pocopson Creek on the Barnard House property. He reported that a resident expressed interest in getting involved for a future project. In addition, he spoke to someone from Pennsbury who has interest in a cooperative project to remediate a frequent road washout.
- b. West Creek Road Engineering Report - Knightly reported that an official engineering report has not been submitted. Supervisors acknowledge that repairs will cost nearly a million dollars over a 3-year period. Knightly noted the costs will entail base repair and guiderail installation in 2022, slope stabilization in 2023, and complete overlay paving in 2024. Plans include replacing the retaining wall that was constructed a few years ago. Options include the road remaining 1-lane or return to 2-lane. Public Comment: Karen Meyers commented that it sounds like the 1-lane could be permanent. Stumpo clarified that only a portion is a 1-lane road, that it is still a 2-lane road but for one section. Linda Moore asked if the preliminary discussions include carving the road out of the hill. Knightly responded that engineering data shows that would not be cost effective and would extend the timeline to repair as it would require the legal process of eminent domain. McKay added that this solution was considered and identified as extremely expensive and would limit access during construction. He appreciates that residents are frustrated but the repair is complicated. Scott Nichols inquired as to the decision process and to what extent the Supervisors have discussed with Longwood Fire Company the condition of the road for emergency vehicle access. McKay responded that the Township has discussed the road condition and that Longwood Fire Company does not have a concern. McKay also added that the Township would like to return the entire road to a 2-lane but will be looking to engineering for the best and most cost-effective solution that reduces the impact to the community. Knightly noted that the engineers confirmed that the current 1-lane road section is safe. Board shared with attendees the South Concord Road example - a section of which is one lane and appears to safely control traffic. Aaron Nelson would appreciate the road returning to 2 lanes and asked if the Township knew the source of the bank destabilization. Knightly responded that when the road was owned by the state, timbers were used to shore it up. Those timbers deteriorated over time, exacerbated by erosion and traffic. Don DeNenno commented on the minimum road widths suggesting widening at certain points along the road. Karen Meyers asked how concerned residents can keep track of the incremental progress of engineering and construction. Stumpo indicated that this is a process that will take time and attending public meetings is certainly one way to learn of the progress. DiMonte added that residents should sign-up to receive Constant Contact notices. Registration is available via the Township website. Linda Moore asked if the Board would post a timeline of the proposed repair on the website as discussed this evening. DiMonte and Knightly agreed that a timeline was possible for this 3-year project. DiMonte added that the Township will reach out to U.S. Representative Chrissy Houlahan's Office to find out if



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there is a financial component in the infrastructure bill for municipal projects.  
MOTION: Stumpo moved, DiMonte seconded, to accept the Gilmore & Associates Proposal dated December 6, 2021 for the scope of services as amended to design a retaining wall system as a repair for West Creek Road; motion carried.

**10. Facilities:**

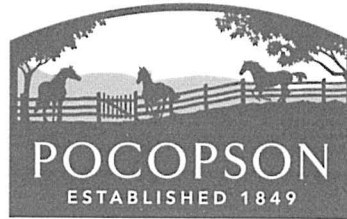
- a. New Township Administration Building -
  - i. Update: DiMonte reported construction is nearing 70% completion with roofing beginning today. Windows are on site; sidewalks are installed as well as site lighting. Board is anticipating completion in February 2022. The project is on schedule and on budget.
  - ii. Review and Approve Applications for Payment: DiMonte moved, McKay seconded, to approve applications for payment as reviewed and recommended by the Treasurer and Architect as follows: BSS Contractors \$86,148.00; Gaudelli Brothers \$32,850.00; Gilmore & Associates \$3,880.00; Lenni Electric \$4,960.00; LGB Mechanical \$15,605.00; motion carried.

**11. New Business:**

- a. Proposed 2022 Public Meeting Dates - DiMonte commented that there was a request a couple of years ago to change the meeting start time from 6:30 to 7:00. The change did not have an effect on public attendance. Secretary submitted proposed meeting dates for 2022 with adjustments made for holidays and instances where the last Monday of the month is truly the last day. Proposed holiday schedule mirrors the official holiday schedule identified by Chester County. The dates will be submitted for the reorganization meeting January 3, 2022.
- b. Application for 2022 County Town Tours/Village Walks - Don McKay provided a brief background on this annual program. Historical Committee participated virtually last year due to COVID-19. The focus was the Barnard House and information on the Underground Railroad. Last year's content would fall directly into the County's 2022 theme as Eusebius Barnard was one of the signers of the petition to form Pocopson Township in 1849. However, the Committee has agreed to pass on participation and have identified other projects such as assisting Friends of Barnard Station and an open house for the Locust Grove Schoolhouse for 2022.

**12. Old Business:**

- a. Hearing date to amend zoning chapter and zoning map - during the October 25<sup>th</sup> public meeting, the Board moved to schedule a public hearing to amend the zoning map and adopt the omnibus zoning amendment. Board discussed identifying a timeframe for outdoor shooting ranges. Stumpo noted that consideration should be given to location of the range particularly if it is within a community. Following discussion, the Board agreed to 10:00 a.m. to 4:00 p.m. Public Comment: Gary Summers, Planning Commission Chairman, noted that the Commissioners drafted the zoning ordinance to limit shooting to daylight hours. There are no commercial shooting ranges in the Township. Existing shooting ranges on private property are not subject to the proposed ordinance amendment.



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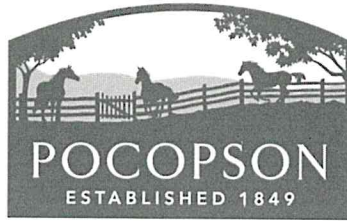
- b. Larkin Baily Road Trail Concerns/Enforcement - Gary and Ann Summers asked to be heard regarding concerns with golf carts and minibikes using the Larkin Baily Trail ("Trail"). The usage is in violation of the Township Ordinance that prohibits motorized vehicles on Township trails. Ann Summers commented that she uses the Trail every day to walk dogs and recently experienced verbal abuse from a family in a motorized vehicle. The encounter was taped and reported to the state police. State police cannot take action unless the vehicles are on the road. Knightly commented that signage and barriers are in place for the Trail again after having been stolen and removed. Ann Summers noted that the motorized vehicles using the trails are a hazard and safety concern for the people walking the Trail and for the fox hunt and equestrians who utilize it. DiMonte thanked Summers for bringing the matter to the attention of the Board. She noted previous instances of unlicensed motorized vehicles using state and township roads. Unfortunately, state police do not enforce township ordinances and Pocopson does not have a police department. She asked the Board if consideration is in order for a short-term contract with Birmingham Township Police Department to provide enforcement of the trail ordinance. Perhaps a police presence would be a deterrent. Stumpo suggested closing the trail. Knightly indicated that there is no way to close off the trail to pedestrians or motorized vehicles given the proximity to open space. McKay noted frequent incidents of residents harassed by motorbike or dirt bike riders. Public Comment: Linda Moore asked if the trails are managed by the Township and are the signs posted. They are township trails and signage is posted and re-posted after signs are stolen. Karen Meyers suggested a mechanism be in place to video or photograph violators. McKay commented that a police presence may be a deterrent and that cameras might help if installed legally. However, most of the riders are wearing helmets so it is not clear how such surveillance would be helpful particularly in order to prosecute. A flyover by a drone would be helpful but only if it could be done at the time the riders are on the Trail.
- c. Locust Grove Schoolhouse Grant(s) - Don McKay reported that work continues on the utility connection funded by the Brandywine Conservancy mini-grant. He is anticipating a June open house to rededicate the building which will be available for elementary school fieldtrips. It will also be used as a site for talks on local history. Don McKay noted that the Historical Committee intentionally sought grants and donations in order to minimize the expenditure of taxpayer dollars. He reported that a \$5,000.00 donation was received from Kennett Square resident Phyllis Recca who grew up in the Township. Her generous donations will be used for projects in 2022 such as relocating the air conditioning unit.

**13. Correspondence:**

- a. Thank You Letters/Donations to Historical Committee - Board signed letters of appreciation and thanks for Phyllis Recca as noted in Don McKay's report. A letter of appreciation will also be sent to Lucinda Vermette for her generous donation of flowering bulbs that will be planted on the Locust Grove Schoolhouse site.

**14. Treasurer's Warrants:** MOTION: Stumpo moved, McKay seconded, to approve the Bill Payment Lists for the period November 23, 2021 to December 13, 2021 recommended

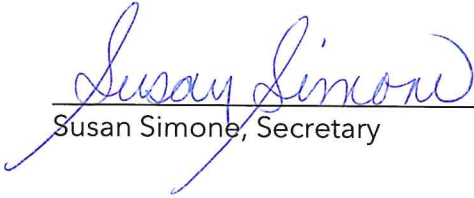




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for payment by the Treasurer: General Fund: 46 bills totaling \$121,948.20; 22 debit card/ACH transactions totaling \$4,493.98; Highway Aid Fund: 4 bills totaling \$15,621.77; Township Facilities Fund: 5 bills totaling \$144,444.84; Parks, Recreation & Trails Fund: 1 bill for \$35.94; motion unanimously approved.

15. **Approval of November 22, 2021 Meeting Minutes:** MOTION: Stumpo moved, McKay seconded, to approve the Meeting Minutes as corrected; motion carried.
16. **Adjournment:** at 8:18 p.m. Stumpo moved, McKay seconded, to adjourn the meeting; motion carried.

  
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Susan Simone, Secretary

  
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Ricki Stumpo, Chairwoman