



# Pocopson Township

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## Board of Supervisors Meeting Minutes Monday, 7:30 P.M., July 14, 2014 Change in Venue to Pocopson Elementary School

In attendance: Supervisors – Ricki Stumpo, Georgia F. Brutscher, Barney Leonard; Anthony Verwey, Esquire, Township Solicitor; Mark Knightly, Public Works Director; Richard Jensen, Zoning/Code Enforcement Official.

**1. Call to Order:** Stumpo called the regular meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

**2. Announcements:** Stumpo indicated that the Township will have use of the Pocopson Elementary School facility this evening until 9:30 P.M. Stumpo announced that the Board met in Executive Sessions on July 3<sup>rd</sup> and July 11<sup>th</sup>. An informational meeting was held with representatives of The Barn at Spring Brook Farm on July 7<sup>th</sup>. Traffic concerns regarding Denton Hollow Road will be listed for the August 18<sup>th</sup> regular public meeting agenda.

**3. Public Comment:** Stumpo called for public comment not related to The Barn at Spring Brook Farm. Andy Murphy of 1477 Lenape Road commented on the installation in Pocopson Park of a stone memorial recognizing H. William Sellers, former Township Supervisor. Murphy did not believe the public display was warranted. Stumpo indicated that private contributions were solicited by the Township Historical Committee to purchase the engraved memorial recognizing Sellers for his contribution and service to the Township and the Historical Committee. Murphy requested Public Works assistance in contacting PennDOT to trim the road banks along Route 52.

**4. The Barn at Spring Brook Farm (“The Barn”)** – Stumpo indicated that the focus of this agenda item is the Township’s presentation to explain the details of the conditional use and educational use requirements placed on The Barn in accordance with the Conditional Use Decision (“Decision.”). Robert F. Adams, Esquire, Attorney for The Barn, is also listed on the agenda for a presentation. Public comment on The Barn will follow the presentations. Rules for public comment appear on the meeting agenda. Presentations as follows:

**a. Supervisor Leonard** – Board of Supervisors agrees with the mission of The Barn and wishes to see it succeed. It is the role of the Board to set policy, enact ordinances, and adopt budgets that reflect provisions for the safety and well-being of residents. Taxpayers of Pocopson Township have invested substantial resources addressing The Barn situation that could have been spent on other concerns. The Board will present facts this evening that indicate the Supervisors speak with one voice on this issue.

**b. Chairman Stumpo** – reviewed the key events and actions taken by the Township since 2012, including the zoning investigation, The Barn’s appeal for a zoning variance, attempts to provide a legislative solution via ordinance, and the conditional use decision issued on

December 30, 2013. Stumpo noted that the Board set conditions under which the educational activities could continue, which fell into six categories, including but not limited to compliance with pertinent building code and ADA requirements for fire, safety, ease of access, etc. She noted the Decision was made to accommodate needs of The Barn which has grown beyond a typical residential use. Supervisors are obligated to balance the needs of The Barn and the needs of future residential homeowners in order to assure fairness for all concerns.

**c. Township Solicitor Verwey** – explained the legal definition of educational use in this context and provided legal perspectives on the conditional use ruling and its mechanics. He noted that various extensions have been requested by The Barn and granted by the Supervisors. Verwey reviewed the UCC and ADA regulations that must be met by The Barn.

**d. Vice Chairman Brutscher** – clarified the conditions per the Decision that potentially might require The Barn to make a financial outlay. Brutscher reviewed Decision Conditions 4, 5, 22, 26, 27, 30, 31, and 33. She noted that other Decision Conditions are related to hours of operation, limits on visiting school field trips, number of on-site fundraisers on the property, parking locations for staff cars, school buses, and other similar non-cost items. Brutscher noted the adverse publicity generated by the Decision on the subject of horseback riding and birthday parties. She explained that testimony during the 2013 Conditional Use Hearing indicated that operations at The Barn expanded significantly since its inception. The Barn property does not have the physical structures or personnel to provide horseback riding for children with special needs. Such a program would require certification by the Professional Association of Therapeutic Horsemanship and compliance with state and federal codes. Finally, she clarified that the Supervisors do not object to having a child celebrate his/her birthday at The Barn during the child's regularly scheduled session. However, the Supervisors object to Executive Director Dan Stark's request for birthday parties as part of a paid membership for a newly formed Barn Club.

**e. Robert F. Adams, Esquire, Attorney for The Barn** – Adams thanked the Board for the opportunity to speak this evening. He recognized that the Township needed the opportunity to clarify the reasoning behind the Decision although little is gained by reviewing the history as The Barn is not a home-based occupation but a use by right. He noted operations at The Barn continued unabated for six years. He explained the legal reasoning for The Barn choosing not to appeal the Decision but to try to work under the conditions imposed by the Township. He also clarified that the governing body for the Board did not instigate the public outcry and vilification of the Board of Supervisors. Adams requested that the Supervisors consider this evening what is required for the survivability of The Barn and that the conditions imposed jeopardize the viability of the operations of The Barn. The Barn seeks to operate an educational program that will be attractive to donors. Adams asked the Supervisors to recognize Dan Stark to present recommendations for changes to the educational use.

**f. Dan Stark, Executive Director for The Barn** – Stark distributed a two-page document with recommendations for changes to the Educational Conditional Use and a request for an extension to December 30, 2014 to comply with the ruling. Stark seeks consolidation of Decision Conditions 11 through 15 regarding visitation programs increasing the number of children from 3 to 18 per day, per month school field trips increase from 2 to 6, and summer camp maximum children per day increase from 16 to 24. He also requested 3 fundraisers at the facility annually, no limits on socialization events, tours from time-to-

time, introduction of support group meetings, and permission for birthday parties for children enrolled in the program. He also requested the construction of additional buildings and structures and for permission to install additional parking. Stark indicated that The Barn did not comply with the Township Engineer's letter of recommendation because The Barn did not have the funds to do so. Stark acknowledged that at this time, sufficient funds and in-kind donations are available, but he is concerned that donors will expect The Barn to increase registrations given that they will have the facilities to do so. Stark noted that for program operations to be sustainable, the Supervisors must allow The Barn to register additional children and to expand programs.

Adams and Stark concluded with a request that the Board of Supervisors move to allow The Barn additional time beyond September 1<sup>st</sup> and to take action at the next regular meeting regarding modification of the Decision. No action by the Board of Supervisors on the request.

**g. Public Comment on The Barn** – Verwey directed 30 minutes of public comment with 2 minutes maximum per speaker. The following Township residents and/or taxpayers were called from the sign-in sheet during time allotted:

- Andrew Murphy, 1477 Lenape Road – planning and preparation of programs and program expansion on the part of The Barn should have taken place before implemented, particularly with regard to safety.
- Judy Lovell, 1421 Lenape – in agreement with Murphy.
- Matt Murphy, 1483 Lenape – sustainability is not the core issue, installation of adequate bathroom and other facilities in accordance with code is the issue at hand.
- Jean Conary, 1655 Waterglenn – does not support The Barn's request for modification of the Decision and with request to serve additional children without meeting the standards of local, state, and federal agencies.
- Mary Beth Drobish, 350 Locust Grove – no comment.
- Susan Woodward, 430 Locust Grove – emotional and financial supporter of The Barn for years; the initial increase in program registrations is unacceptable; no one from The Barn has approached her with regard to the easement needed for access to The Barn per the Decision.
- Robert Woodward, 350 Locust Grove – no comment.
- Phil Stevens, 592 West Creek – safety is paramount; why grant another extension when a child, parent, staff, or volunteer could get hurt; if the Township is sued, in essence, he is sued and the taxpayers are left holding the bill.
- Laouessa McNemar, 1930 Marlboro – proud of the Township and the steps taken by the Supervisors as this is what the process is about; safety is the issue and The Barn should be permitted to operate with the maximum allowable occupancy.
- George Elser, 350 Wawaset – no comment.
- Carolyn Haggerty, 1429 Pulaski – reiterates the comments of fellow township residents.
- Gina Korrell, 505 Corinne – no significant traffic or adverse impact by The Barn on her property; seems the issue was generated by complaints and grievances filed by one neighbor.
- Sarah Mims, 814 Denton Hollow – no comment.

- Randy Mims, 814 Denton Hollow – read the Township Planning Commission recommendation which was significantly different from the Decision; voiced concern for Mrs. Drobish with regard to her property taxes per the Decision if the program ceases operation; and selective enforcement on the part of the Supervisors.
- Don Lane, 630 Wawaset– no comment.
- Peggy Conaway, 751 Denton Hollow – volunteered at The Barn since its inception and never witnessed traffic or safety concerns; the restrictions are absurd particularly limiting religious celebrations.
- Chris Conaway, 751 Denton Hollow – no comment.
- Bruce Yelton, 3 Deblyn V – provided a written statement noting the position of the Supervisors as unwarranted, largely unnecessary, and probably illegal.
- Sophie Gelling, 1420 Manor Drive – student from Downingtown STEM Academy with online petition signed by 6,266 supporters to save The Barn.
- Linda and Bob Marino, 1376 Lenape – no comment.
- Tom Tatum, 114 Northbrook – request made by The Barn is reasonable and modest.
- Erin Tatum, 114 Northbrook – urged the Supervisors to work toward a compromise.
- Carol Haaf, 1923 Marlboro Road – no comment.

Stumpo noted expiration of 30 minutes for public comment concluding public comment for The Barn.

**5. Zoning Officer Report** – no action required.

#### **6. Public Works Report**

**a. Red Bridge Lane Bridge Proposal – Motion:** Leonard moved, Brutscher seconded, to approve the bridge scour remediation bridge permitting document dated June 27, 2014, submitted by LTL Consultants, to include both option 1 (rip-rap repair) and option 2 (precast concrete armoring); motion unanimously approved.

**b. Status of request for traffic calming study** – no action required.

#### **7. Parks, Recreation and Trails (PRT) Committee**

**a. Park improvements purchase list** – Stumpo reported the list was reviewed during the July 10<sup>th</sup> meeting and includes items such as swing sets and bleachers. **Motion:** Leonard moved, Brutscher seconded, to approve the purchase of the equipment listed on the July 10, 2014 list approved by the PRT in the amount of \$94,354.00 with 10% contingency and on the condition of confirmation that vendors as listed are participants in the Co-Stars Purchasing Program; motion unanimously approved.

**b. Field usage policy** – tabled to the August 18<sup>th</sup> meeting.

#### **8. Old Business:**

**a. Wawaset Park Bids status report** – Jensen reported that during the pre-bid meeting held on July 9<sup>th</sup>, it was discovered that an addendum to the bid documents will be required.

**b. Constable Contract Renewal** – no action taken.

**9. New Business:** no action taken.

**10. Correspondence**

**a. Response to Representative Barrar** – no action taken.

**11. Treasurer’s Warrants:** Brutscher moved, Leonard seconded, to approve the Bill Payment Lists for June 24- July 14, 2014 recommended for payment by the Treasurer; **General Fund:** 23 bills paid totaling \$13,899.33; 5 debit card charges totaling \$326.22; **Escrow Fund:** 1 bill paid for \$271.60; **Highway Aid Fund:** 4 bills paid totaling \$706.56; **Historical Committee Fund:** 1 bill paid for \$304.69; **Parks, Recreation & Trails:** 2 bills paid totaling \$150.96; **Township Facilities:** 2 bills paid totaling \$8,516.00; motion unanimously approved.

**12. Approval of Meeting Minutes:** Leonard moved, Brutscher seconded, to approve the Meeting Minutes dated June 23, 2014; motion unanimously approved.

**13. Public Comment Non-agenda items:** no public comment for non-agenda items.

Stumpo announced that the next regular meeting of the Board of Supervisors is scheduled for July 28<sup>th</sup> and will be held in the Township Administration Building.

**14. Adjournment:** At 9:26 P.M., Leonard moved, Brutscher seconded, to adjourn the meeting; motion unanimously approved.

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Susan Simone, Administrative Secretary

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Ricki Stumpo, Chair