



# Pocopson Township

P.O. Box 1, Pocopson, PA 19366

Office: 610-793-2151

Fax: 610-793-1944

[www.pocopson.org](http://www.pocopson.org)

## Board of Supervisors Meeting Minutes Monday, 7:30 P.M., November 24, 2014

In attendance: Supervisors – Ricki Stumpo, Georgia F. Brutscher, Barney Leonard; Mark Knightly, Public Works Director; Anthony Verwey, Esquire, Township Solicitor; James W. Hatfield, P.E., Township Engineer.

Attendance: 11.

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

**2. EIT-NPT Tax Ordinance Amendment:** At 7:32 P.M., Stumpo moved, Brutscher seconded, to close the regular meeting and open the Ordinance Amendment Hearing; motion carried. Verwey reviewed the particulars for the Ordinance Amending Chapter 203 of the Pocopson Township Code by the amendment/increase of the “Earned Income and Net Profits Tax (EIT/NPT).” He reviewed the following exhibits: B-1 – authorization by the Board to advertise increasing the EIT/NPT in 2015 from 0.2% to 0.5%; B-2 – transmittal letters from the Solicitor’s Office posting the text of the Ordinance beginning October 28, 2014; B-3 – proof of publication for legal advertising of the hearing. Verwey then called for public comment.

**Public Comment:** Terry Gumper of Lenni Drive asked the Board why they did not set a floor of \$25,000 as he requested. Stumpo noted that the current Ordinance provides for a \$12,000 floor and that that provision will not be changed. Gumper stated his opinion that that residents were not in attendance because they did not know about the hearing. Hatfield requested clarification regarding calculation of the tax for individuals who work in the Township but do not live in the Township. No additional public comment.

**MOTION:** At 7:45 P.M., Stumpo moved, Brutscher seconded, to close the Ordinance Hearing and resume the public meeting; motion unanimously approved.

**MOTION:** Leonard moved, Brutscher seconded to approve Ordinance #1 of 2014 as presented; motion unanimously approved.

**3. Announcements:** Stumpo noted the Board met in executive session on November 10<sup>th</sup> to review Board policy. She attended the Kennett Area Regional Planning Commission Meeting on November 18<sup>th</sup>. Leonard attended meetings with the website developer and noted the Township website is nearly complete. Brutscher met with County Historic Preservationist Karen Marshall and representatives from the Barnard House Steering Committee on November 21<sup>st</sup> to review requirements for a grant. Stumpo reported that Township Stream Team Chair Kathy Miller attended a watershed/TMDL program on November 19<sup>th</sup> regarding changes in MS-4 permitting. Hatfield also attended the program

and noted that the MS-4 changes do not represent significant cost savings for the Township.

**4. Public Comment:** Terry Gumpper of Lenni Drive reported that the recent paving of Clearview Drive by the Township causes excessive amounts of stormwater to rush onto his property. Knightly will investigate the concern. Gumpper requested the Township enact legislation governing rental properties as soon as possible given issues throughout his community.

**5. Appeal No. 6-2014 Application of Sklar Corporation, 1332 Lenape Road, being Tax Parcel 63-4-156:** Patrick McKenna, Esquire and Adam J. Brower, P.E., appeared on behalf of the Sklar Corporation (Applicant) to discuss the request for relief relating to the property at 1332 Lenape Road. The substance of the presentation was similar to that which was presented to the Planning Commission on November 19th, particularly, that: (1) Applicant seeks a special exception under the terms of 250.38.D to modify a nonstructural accessory use (parking lot) by installation of a perimeter 35-foot wide earthen berm ranging in height from 5.5 to 5.10 feet; (2) determination that the proposed use of the building as an office, storage and distribution site for high quality surgical instruments is a protected nonconforming use under 250-40.A(1); (3) variance relief from limited permitted uses; and (4) alternative variance relief from the terms of 250-38.C to allow the introduction of fill in the 100-year floodplain in the form of an earthen berm and a variance to construct a wall adjacent to the building for protection from flooding.

The Supervisors voiced concerns regarding identifying construction materials for the project, displacement of volume and velocity of water, and manufacturing specifications of the stored materials. The Supervisors agreed with the issues raised by the Township Engineer, including but not limited to:

- a. primary and secondary storage of materials be identified and confirmed that such materials will not be subject to floating away;
- b. additional spot grade to be depicted on the plan;
- c. recommendation to meet the following conditions – submission of a site plan and documentation; specifications for the flood wall; requirement from other regulatory agencies (DEP and ACOE) that locations are not in wetlands; FEMA approval and update of FEMA maps; submission of an as-built plan and a re-run of the flood analysis.

**MOTION:** Leonard moved, Brutscher seconded, to recommend that the Zoning Hearing Board consider granting the relief requested by the Applicant subject to the concerns raised in the November 13, 2014 Township Engineer Comment and Review Letter and Zoning Official Letter dated August 17, 2014, and that the Applicant will record an approved development plan in the Office of the Chester County Recorder of Deeds that will address the following concerns: (a) lighting; (b) traffic circulation; (c) landscaping; (d) flood-proofing measures for storage of products and materials; (e) inspections of the berm and wall as determined necessary by the Township; (f) confirmation that there will be no storage of hazardous materials; and (g) submission and recordation of a stormwater management best management practices agreement approved by the Township; motion unanimously approved.

**6. Zoning/Code Enforcement Official Report:** no report submitted. Brutscher requested that the Zoning Official investigate concerns related to excessive lighting at The Preserve.

**7. Public Works Report:** Knightly reported that Public Works is installing the diamond-tex infield mix for the baseball diamond in Pocopson Park. He also acknowledged recent delivery of new recreational equipment for the Park, which for the most part, will be installed in the spring. Township-wide leaf pick-up is complete. Board approved Knightly's recommendation to approve the request of Brinton's Wood Homeowners Association to amend the contract for snow removal.

**8. Planning Commission (PC) Report:** Board reviewed the Planning Commission Report for the November 19<sup>th</sup> meeting. Brutscher asked that the PC submit a recommendation for a solicitor to be appointed during the reorganization meeting. Board will review the Wireless Communication Ordinance Amending Chapter 250 recommended for approval by the PC. Board noted the resignation of Leonard as a Commissioner and Steve Simonson's request not to be reappointed. Board agreed to address appointments in 2015.

**9. Old Business:**

**a. Municipal Engineer RFP Task Force Report:** Leonard reported that the Task Force met on November 17<sup>th</sup>. Shortlisted engineering firms: Carroll Engineering Associates; Cedarville Engineering Group, LLC; Gilmore & Associates, Inc.; McCormick Taylor. Leonard noted interviews are scheduled for December 3<sup>rd</sup> and December 9<sup>th</sup>. Vandemark & Lynch will continue to work on current projects through 2015.

**10. New Business:**

**a. Notice to Committee Chairs for 2015 Appointments** – Secretary is directed to proceed with notice to Chairs regarding 2015 appointments.

**b. PHP Grants** – Brutscher noted that the Barnard House has qualified for the National Registry and as such it meets the qualifications for submission of an application for a \$50,000 grant through the Keystone Historic Preservation Program. County Preservationist Karen Marshall and Laressa McNemar have agreed to co-author the grant at no cost to the Township. The grant is due March 1, 2015.

**MOTION:** Leonard moved, Stumpo seconded, to proceed with the steps necessary to prepare and submit a Historic Preservation Program grant in the amount of \$50,000; motion unanimously approved.

**c. Offer of Dedication/The Preserve at Chadds Ford:** Board acknowledged receipt of a second offer of dedication submitted by Toll Brothers.

**MOTION:** Leonard moved, Brutscher seconded, to authorize Township Consultants to inspect public improvements and to submit recommendations to accept or reject, in whole or in part, the second offer of dedication; motion unanimously approved.

**11. Correspondence:** no action required.

**12. Treasurer's Warrants:** Stumpo moved, Brutscher seconded to approve the Bill Payment Lists for November 11-24, 2014 recommended for payment by the Treasurer;

**General Fund:** 18 bills paid totaling \$12,200.77; 8 debit card charges totaling \$464.44; **Escrow:** 1 bill paid for \$679.00; **Highway Aid:** 1 bill paid for \$269.82; motion unanimously approved.

**13. Approval of Meeting Minutes:** Brutscher moved, Leonard seconded, to approve the Meeting Minutes dated November 10, 2014; motion approved.

**14. Adjournment:** At 9:00 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