

Board of Supervisors Meeting Minutes
Monday, July 13, 2015, 7:30 P.M.

Attendance: Supervisors - Barney Leonard, Georgia F. Brutscher, Ricki Stumpo; Richard Jensen, Zoning/Code Official; Mark Knightly, Public Works Director; Founders Day Committee - Colleen McKinney, Chair, Christine Hagen and Karen Cresta, Co-Chairs, Mary Veale and Katee Boyle-Mojica.

Public in attendance: 20

1. **Call to Order:** Leonard called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.
2. **Announcements:** On July 8th Leonard met with interested parties regarding the Sklar Zoning Hearing Board Appeal which is listed as item #11 on the agenda. Brutscher reported that the Barnard House Steering Committee met on July 1st and will be discussed as item #8 on the agenda.
3. **Public Comment:** John Rinck was heard regarding concerns with a road drain between 550 and 576 West Lafayette Drive. Recent heavy storms created a washout in this area causing deterioration of the tree roots that lead to downed trees on power lines. Long-term power outages and expensive storm clean-up is frustrating to the residents. Knightly stated that the trees are not in the right-of-way. He recognizes that this is also a problem affecting Lenni Drive and other roads in the older developments. Knightly will look into possible solutions. Pete Photopoulos requested a status on the Cannon Hill Drive drainage matter. Secretary is directed to contact the Township Engineer for an update. Stumpo spoke as Township Receptionist to report that residents are not able use the web site opt-in function to receive an electronic newsletter. Leonard will check the database to correct this concern.
4. **Conditional Use Decision - Dwyer/1977 Marlboro Road:** Leonard reviewed a summary of the decision. MOTION: Stumpo moved, Brutscher seconded, to approve signing the Decision dated July 13, 2015, granting conditional approval for an accessory dwelling unit subject to conditions described therein; motion carried.
5. **Public Hearings Ordinance Adoption & Code Amendments:** MOTION: Brutscher moved, Stumpo seconded, to close the regular meeting at 7:40 p.m. and open the Ordinance Hearing; motion carried. Leonard reviewed all the exhibits for the hearing noting that the proposed ordinances have been available for public review and legal advertising is completed. The Board thanked the Planning Commission for all their efforts in drafting the ordinances.
 - a. Ordinance No. 1 of 2015 - an administrative ordinance required for Township participation in the Pennsylvania Townships Health Trust. No public comment.
 - b. Ordinance No. 2 of 2015 - adding a new Chapter 158 Rental Units. Since 2012, the Township has been contacted with concerns regarding the condition of real estate by residents who rent properties and by property owners adjacent to rental units. The 2010 U.S. Census shows 6% of the properties in Pocopson are renter occupied. No public comment.
 - c. Ordinance 3 of 2015 - 18 months ago the Board directed the Planning Commission and their Solicitor to draft legislation related to regulation of tower-based and non-

tower-based wireless communication facilities. The genesis of the ordinance is to address legal and technological changes in the industry particularly facilities placed in the rights-of-way. No public comment.

- d. Ordinance 4 of 2015 - amending zoning to provide for regulation of alternative and emerging energy facilities. Stumpo agreed with comments received from resident Bill Haaf, particularly with regard to limiting of energy generation to 200% of normal peak. She agreed with other comments submitted by Haaf that included limiting height of wind turbines, 55 decibels as the limiting measure for noise, height of solar panels limited to 15 feet, and limits on location of manure digesters. Leonard identified the text of the ordinance as intended to address personal energy production for residential use without promoting commercialization. Jensen commented that 55 decibels is a fair limit for noise and that mathematical formulas are available for determining the percentage of energy output at the time a building permit application is submitted, by example, for a solar array panel. He stated that applicants can seek relief through the zoning hearing board process for any provision of the proposed ordinance. Public comment: Andrea Morris spoke in support of the ordinance as the regulation seems reasonable as written. Sean Rafferty asked that all devices used to measure energy components are calibrated in accordance with governing laws.

MOTION: Stumpo moved, Brutscher seconded, to close the Ordinance Hearing at 8:00 p.m. and to reopen the public meeting; motion carried.

MOTION: Stumpo moved, Brutscher seconded, to adopt Ordinance 1 of 2015 an administrative ordinance required for participation in the Pennsylvania Townships Health Trust; motion carried.

MOTION: Stumpo moved, Brutscher seconded, to adopt Ordinance 2 of 2015 adding a new Chapter 158 regulating rental units; motion carried.

MOTION: Stumpo moved, Brutscher seconded, to adopt Ordinance 3 of 2015 amending the Zoning Chapter to regulate tower-based and non-tower-based wireless communication facilities; motion carried.

MOTION: Brutscher moved, Leonard seconded, to adopt Ordinance 4 of 2015 amending the Zoning Chapter to regulate alternative and emerging energy facilities; Stumpo cast a dissenting vote; motion carried.

6. **Founders Day Committee Update:** Hagen reported that new for 2015 will be a car show and pumpkin patch for kids. The Committee is working on a field arrangement that will maximize space for vendors and improve the flow of foot traffic. The event is promoted on the Facebook Page. A printed program will be available this year with the time schedule for featured events. Cresta asked and the Board approved the Township staff mailing the sponsorship letter. Going forward, this will be a task for the Township staff to complete each spring. Hagen provided a draft of the postcard to be mailed in August. McKinney requested feedback from the Board regarding a family-style fun run held at the beginning of Founders Day. Stumpo noted that while a good idea, the logistics are overwhelming and it may be something to consider as a separate event. Leonard agreed but offered that they consider starting small, that perhaps a mini-fun run around a segment of the park would work. The Board thanked the Committee for all their work to date and for their continued dedication to bring together this annual community event.
7. **Pennsylvania Historical and Museum Commission (PHMC)/Keystone Grant:** Leonard reviewed a report from the Treasurer and the Township Solicitor regarding the Keystone Construction Grant Agreement between PHMC and Pocopson Township. The Historic Preservation Grant of \$50,000 is a matching grant with funds to be used for the

rehabilitation of the historic Barnard House. Karen Marshall, Chester County Preservationist and liaison to the Barnard House Steering Committee, reported on her conversation with the PHMC grant administrator, and as a result, recommended that the Township enter into the agreement and accept the 10-year covenant as the grant is straight forward and well-defined. The grant provides for the replacement of doors and windows to preserve the integrity of the Barnard House. The national registry nomination does not reference architectural integrity; instead, recognition is the relationship of the building with the Kennett Underground Railroad. Marshall indicated that if the Township accepts the grant, the Township should submit the current Phase II and Phase III plans to the PHMC representative as a preliminary to the required 30-day review period for ground disturbance. Jensen stated that he has experience working with Keystone Grant projects and sees no issues with a \$100,000 allocation for doors and windows. Barnard House Steering Committee member Jean Conary spoke in support of the grant as an opportunity to continue with the stabilization work for the property. Stumpo voiced reservations about entering into the contract at this time and asked that the matter be tabled. She would like the Township to be clear on the limitations, particularly adherence to critical timelines, the recorded covenant, and drawbacks or obstacles that might occur in meeting the 30-day review period by PHMC. Brutscher and Leonard agreed that it has taken months to submit the grant, and therefore, the Township should accept it. MOTION: Brutscher moved, Leonard seconded, to approve Resolution 2015-15 accepting the Keystone Historic Preservation Grant in the amount of \$50,000.00 to be used for the rehabilitation of the historic Barnard House located at 650 S. Wawaset Road; Stumpo cast a dissenting vote; motion carried.

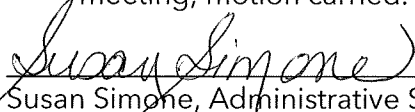
8. Barnard House Steering Committee:

- a. Q&A Session - Leonard and resident Elaine DiMonte discussed recent emails outlining the particulars for a Q&A session. Both agreed to negotiate the particulars for the session and present the details to the public at a later date. Brutscher noted that the Barnard House Steering Committee is in favor of the public Q&A session. During public comment on this topic, Peggy Conaway noted that it appears the Barnard House Project is progressing before the residents have an opportunity to participate or be informed of the process. She would appreciate the opportunity to be heard on the project.
- b. Project Update Report - MOTION: Brutscher moved, Stumpo seconded, to post the July 2015 Project Update Report on the Township web site along with Barnard House Steering Committee meeting minutes; motion carried.

9. Zoning/Code Official Report - Jensen reported two issues with the Barnard House/Phase 1 Project as follows: (1) electrical work was completed to bring electrical panels in compliance with Code; Change Order No. 4 from CMSE Inc. in the amount of \$804.56 was not authorized by the Board; (2) a quote was obtained in the amount of \$9,360.00 for a handrail; the budget allocation for the handrail is \$7,500.00. Jensen stated that the Phase 1 Project is at an impasse because until the handrail is installed KURC cannot take possession of their space and the Township cannot open the public restroom. The design of the budgeted railing is not ADA compliant. Leonard and Stumpo noted that the Township should not make up the difference in the cost of the hand rail as drawings and specifications were provided with the bid documents. The Board did not approve payment for Change Order No. 4 as submitted because the work was not authorized. Jensen indicated that Phase 1 could be completed in 2 to 8 weeks.

10. Public Works Report: the Board accepted the Public Works Report dated July 13, 2015 as submitted.

- a. Proposed brush/limb drop-off center - Knightly reviewed the particulars for a proposed brush/limb drop-off center on Township land on Lenape-Unionville Road. He outlined a plan that would allow residents to drop-off organic material year round. The Board agreed that Knightly should pursue this idea as it would provide a local site for residents to haul organic storm debris. The Board asked Knightly to include aesthetics in the plan, particularly landscape screening. Security is another consideration. A mulch company would be engaged to chip the material and haul it away at no charge to the Township. Board agreed that Knightly should continue to work on the details for the proposed drop-off center as it is a worthy project.
 - b. Public Works Crew Member - Stumpo reported that she, along with Knightly and Public Works Employee Mike Cialini, attended interviews for 6 candidates. MOTION: Stumpo moved, Brutscher seconded, to offer James Knightly a permanent full-time position with the Public Works Department at a rate consistent with the 2015 budget and upon completion of a 3-month trial period as specified in the Personnel Handbook; motion carried.
11. **Old Business:**
- a. Sklar Zoning Hearing Board Appeal Update - Leonard met with representatives of Sklar Surgical Instruments, Lenape Forged Products, and Brandywine Conservancy to discuss easements and relocation of the Brandywine Trail. The discussion represents an opportunity to outline details of a permanent trail easement on the Lenape Forge and Township properties. The Conservancy seeks to realign the Brandywine Trail closer to the creek and away from Pocopson Road.
 - b. Workplace Analytics/Harassment Avoidance Seminar - Secretary contacted 2 consultants as directed by the Board with regard to addressing recommendation #1 of the Lafayette College Organizational Report for possible expansion of hours of the administrative offices to determine if the benefit justifies the cost. Proposals will be submitted for the July 27th meeting. MOTION: Brutscher moved, Stumpo seconded, to approve the proposal dated July 15, 2015, submitted by Francis Hall Insurance for 2+ hours, on site Harassment Avoidance Training in the amount of \$500.00; motion carried.
12. **New Business:**
- a. RFP to Replace Network Server - Leonard noted that power surges and outages from the recent storms caused a hard drive failure of the network server. The Township will review an RFP for server replacement.
13. Correspondence - Brutscher requested a thank you letter be sent to Garden Thyme for the recent donation of flowers for the Barnard House flower beds.
14. Treasurer's Warrants: MOTION: Stumpo moved, Brutscher seconded, to approve the Bill Payment Lists for June 23 - July 13, 2015 recommended for payment by the Treasurer; General Fund: 24 bills paid totaling \$274,675.29; 6 debit card charges totaling \$429.90; Escrow: 2 bills paid totaling \$1,092.44; Highway Aid: 3 bills paid totaling \$196.72; Historical Committee: 1 bills paid for \$4,920.00; Parks, Rec & Trails Fund: 2 bills paid totaling \$92.14; motion carried.
15. Approval of Meeting Minutes: MOTION: Brutscher moved, Stumpo seconded, to approve the Meeting Minutes dated June 8, 2015; motion carried. Stumpo moved, Brutscher seconded, to approve the Meeting Minutes dated June 22, 2015; motion carried.
16. Adjournment: At 9:44 p.m., Leonard moved, Stumpo seconded, to adjourn the meeting; motion carried.


 Susan Simone, Administrative Secretary


 Barney Leonard, Chairman