



Board of Supervisors Meeting Minutes
Monday, September 28, 2015, 7:30 P.M.

Attendance: Supervisors present - Georgia F. Brutscher, Ricki Stumpo; Supervisor present via phone- Barney Leonard; Mark Knightly, Public Works Director; Richard Jensen, Zoning Official; Amanda Sundquist, Township Solicitor; Karen Cresta, Founders Day Committee Co-Chair.

Public in attendance: 35

1. **Call to Order:** Brutscher called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.
2. **MOTION:** Stumpo moved, Leonard seconded, for Vice Chairman Brutscher to serve as the presiding officer for the meeting; motion carried.
3. **Announcements:** Brutscher noted that the Barnard House Question and Answer Event was held on September 21st. On behalf of the Township, Brutscher extended thanks to the Founders Day Committee for the wonderful community event held on September 27th. She also personally thanked Colleen McKinney, Christine Hagan, and Karen Cresta for their work in organizing Founders Day. Brutscher and Stumpo agreed that for Founders Day 2016, personnel from the Public Works Department should be available to assist with the set-up and take-down in Pocopson Park. On October 14th, Stumpo will attend the regional emergency management services task force meeting.
4. **Public Comment:** Pete Photopoulous expressed disappointment that the Township Engineer billing statements do not break down charges for individual Township Projects. He also indicated displeasure with not having received the Township Engineer report for 16 Cannon Hill Drive in a timely manner. The following residents congratulated the Board for conducting a successful and informative Barnard House Question and Answer Event and to acknowledge the efforts of the Barnard House Steering Committee to date: Sue Woodward, Rob Miller, and Suzy Breiseth. Sean Rafferty appreciated the Board hosting the September 21st event even though the Board did not address the imposition of taxes to fund the Barnard House project and misrepresentations with regard to the most recent grant. Tina George requested that the Township take steps necessary to remediate draining issues along West Lafayette Drive and suggested it is the Township's obligation to remove the mature trees from the drainage easement adjacent to her property. Brutscher deferred a response on this comment to the Public Works Agenda Item #9.
5. **Zoning Hearing Board Applications:**
 - a. 507 Corinne Road/Tax Parcel 63-3-33 - Applicant Lloyd Pettit appeared before the Board and presented exhibits depicting the pigeon houses, as well as signed letters from neighbors in support of the keeping of pigeons. Mr. Pettit also presented a letter from the Veterans Administration in support of the keeping of pigeons as an alternative therapy for PTSD. Pettit explained that there is confusion in classifying the pigeons as fowl. By all standards, they are pets not fowl. **MOTION:** Stumpo moved, participating by phone Leonard seconded, to support the Planning Commission Motion dated September 16, 2015 to recommend to the Zoning

Hearing Board that the Zoning Hearing Board grant the variance requested by amending the application to reflect relief from Township Code Section 250-92.E.(1) and consideration of imposing a maximum number of pigeons to be housed and cared for in the manner in which they are currently kept; motion carried.

b. 2100 West State Street Road/Tax Parcel 63-4-168.1 – Applicant Greg Suplick appeared before the Board. No additional exhibits were presented other than that which was presented to the Planning Commission on September 16th. Supervisor Leonard, participating by phone, requested clarification as to encroachment issues in the triangle-shaped portion shown on the Plan. Suplick responded that the triangular area is the only area permitted to be developed by Code. **MOTION:** Stumpo moved, participating by phone Leonard seconded, to support the Planning Commission Motion dated September 16, 2015 to recommend that the Zoning Hearing Board grant the relief requested by Applicant; motion carried.

6. **Building Permit Application 7 Lian Drive (Lot 6)/63-4-1.6:** James Fritsch, P.E., Register Associates Inc., along with the Applicants/Landowners Robert and Cari Landman and the builder Ron Hewes appeared before the Board to discuss the Grading and Erosion & Sedimentation Control and Operations & Maintenance Plan (“Plan”) dated August 19, 2015 prepared by Register Associates. Fritsch reviewed the substance of the Plan noting that it was presented to the Planning Commission on September 16th during their regular meeting and that the PC recommended that the Board support the Plan. Township Engineer Review and Comment letter dated September 11th was discussed addressing comments under zoning as follows: 1a - c, 2, 3, 5 - 10. On-site sewage and water supply systems have been approved and noted on the Plan. By phone, Leonard offered that the Plan shows the septic disposal system crossing the 20-foot wide drainage easement that has been subject of previous discussions. Fritsch explained that the septic pipe will be buried well beneath the drainage easement and that there will be no disturbance of the existing drainage easement. Solicitor Sundquist clarified Code Section 250-98.A(1)(c) (Comment Letter #10) regarding the Township Recreation Fund fee. Public comment and discussion on this agenda item as follows:

a. James White speaking on behalf of William Brown, raised concern that the drainage swale was altered by an owner of Lot 6. The land disturbance that occurred as a result of this alteration continues to be a source of flooding for 16 and 17 Cannon Hill. Fritsch responded that the previous Township Engineer as well as outside government agencies signed-off on the area disturbed by a previous owner.

b. Brutscher noted that the Township approved a building permit for Lot 6 in 2010 as a result of the Township receiving confirmation of remediation of the area disturbed on Lot 6.

c. Andrea Morris provided a brief history of the lots developed in accordance with the Dorries-Lewis Subdivision beginning in 1991. She suggested a proposal to reinstitute a 10-foot drop from Cannon Hill to the Brandywine Creek that originally existed at the time of subdivision approval as it allowed stormwater to flow to the Creek during rainy periods.

d. Ron Hewes referenced the 2015 reports from Township Engineer McCormick Taylor indicating no evidence of excessive runoff or flooding caused by the topography or any existing improvements on Lot 6.

e. Supervisor Stumpo recused herself from the discussion and vote as she owns a neighboring property. Supervisor Leonard discussed the inclusion of a note on the Plan that Applicants are obligated to take steps necessary to remediate stormwater damage that may or may not be suffered by downstream properties as a result of the installation of the underground pipes.

MOTION: Brutscher moved, participating by phone Leonard seconded, to grant the modification requested by the Applicant regarding the greenway corridor and natural

features with the condition of complying with the Township Engineer Review and Comment Letter dated September 11, 2015, and that the recorded stormwater management best management practices agreement and the building permit plan include notation that the Applicants will be responsible for any disturbances resulting in installation of the underground pipes; Brutscher votes yes, Leonard by phone votes yes; motion carried.

7. Barnard House:

- a. Project Manager Report - Board accepted a report dated September 28, 2015, submitted by Richard Jensen, Project Manager.
- b. Floor Plan Presentation - Dennis Melton, AIA, architect for the project, presented floor plans with furniture layouts titled "Barnard House Renovation Project" dated August 17, 2015. The project plans were approved by the Construction Work Group on August 17, 2015 with comments noted in meeting notes dated August 17, 2015 - preliminary. Melton indicated that the plans represent information obtained after meeting with Township staff. No functional use of the basement and attic area is planned. The plan also represents the best effort to respect the historic character of the building juxtaposed with the needs of the Township. Public comment on this agenda as follows:
 - i. Garth Borel expressed concerns regarding the location of the recycling bins and asked that the Township plan in advance to address noise, light pollution, and overflow of recycled and non-recycled items left in or around the bins. Also, he voiced safety concerns, i.e., children accessing the bins and rodent issues. He also asked that the Township address aesthetic concerns with the location of the bins on the site.
 - ii. Carol Haaf noted an office on the 2nd floor that is designated for future use. She commented on the great design while working within the confines of such a beautiful site.
 - iii. Sue Woodward says the project plans represent a chance to preserve history while making the building usable.
 - iv. Laressa McNemar read a statement signed by 5 members of her family all residents offering support for the project.
 - v. Jean Conary offered a comparison of square foot remediation and renovation costs for the Locust Grove Schoolhouse and the Barnard House, noting that the Barnard House represents more value for the dollars spent.
 - vi. Sean Rafferty asked Melton to explain the timing in meeting with the Township Staff for the first time in 2015. Melton noted that programming began in 2009 but to move the project forward it became necessary to identify the current needs for the Township Staff.
 - vii. Suzy Breiseth thanked the Board for their tenacity and dedication to the project.
 - viii. Hal Hoffman clarified for the record that he is for the project; the confusion being related to the June presentation at which a floor plan was not included in the presentation to the Board.

8. Zoning Officer Report: no report submitted.

9. Public Works Report:

- a. Denton Hollow Road Guiderail Proposal - tabled as the Township awaits additional quotes.

10. Planning Commission Report: Secretary submitted a report from the September 16th regular meeting noting that on November 18th, John Theilacker from the Brandywine Conservancy will discuss the riparian buffer draft ordinance and proposed greenway corridor revisions to the Township Code.

11. Old Business:

- a. Technology proposal - no proposal submitted.
 - b. Conditional Use Application for 579 Locust Grove Road - Dana Semel appeared before the Board to report that her attorney researched the property and discovered that the County reassessed the property in 1977 based on the Township having issued a permit for the garage apartment. Semel indicated that the path forward is to research the 1977 Township Ordinances to prove that the property is an approved non-conforming use. Solicitor Sundquist asked and Semel confirmed that she is withdrawing the Conditional Use Application. Semel's attorney will be in touch with the Township regarding the research required for non-conforming use of the apartment
12. **New Business:**
- a. County Request re: Tax Bills - MOTION: Brutscher moved, Stumpo seconded, to keep the individual fire and ambulance categories printed on the tax bills as recommended by Township Solicitor; motion carried.
 - b. Minimum Municipal Obligation Pension Plan - Board acknowledged receipt of the Act 205 funding requirements for all municipal pension plans of expected financial obligation for the coming year.
13. **Correspondence:** Board signed thank you letters to Birmingham Township Police Department, Pocopson Home, and Attorney Tom Oeste who assisted with the Barnard House Question and Answer Event on September 21st.
14. **Treasurer's Warrants:** Stumpo moved, Leonard seconded, to approve the Bill Payment Lists for September 15-28, 2015 recommended for payment by the Treasurer; General Fund: 20 bills paid totaling \$20,004.61; 2 debit card charges totaling \$106.56; Escrow: 2 bills paid totaling \$911.12; Facilities: 3 bills paid totaling \$28,635.51; Highway Aid: 3 bills paid totaling \$2,479.95; Parks, Rec, Trails: 1 bill paid for \$1,868.50; motion carried.
15. **Approval of Meeting Minutes:** Stumpo moved, Brutscher seconded, to approve the Meeting Minutes dated September 14, 2015; motion carried.
16. **Adjournment:** At 9:30 p.m., Stumpo moved, participating by phone Leonard seconded, to adjourn the meeting; motion carried.

Susan Simone
Administrative Secretary

Barney Leonard
Chairman