

Board of Supervisors Special Meeting Minutes
Wednesday, December 26, 2018, 4:00 P.M.

Attendance: Supervisors - Ricki Stumpo, Elaine DiMonte, and Alice J. Balsama. Amanda Sundquist, Township Solicitor, present via remote participation.

Public in attendance: 11

1. **Call to Order and Pledge of Allegiance:** due to illness, Chairman Stumpo asked Vice Chairman Elaine DiMonte to open the meeting and serve as the presiding officer. DiMonte called the meeting to order at 4:00 p.m. and led the Pledge of Allegiance.
2. **Public Hearing - Consideration and Adoption of a Special Events Ordinance:** MOTION: Stumpo moved, Balsama seconded, to close the Special Meeting and open an Ordinance Hearing for a proposed Ordinance; motion carried. DiMonte stated the hearing is for a proposed ordinance creating a new chapter "Special Events" which provides for definitions, permits, a procedure for application and township review, requirements, fees and costs, revocation of a permit, appeals, violations and penalties, records, and miscellaneous provisions contained therein. The Board authorized and directed the Township Solicitor to proceed with the proposed Ordinance during the public meeting held on December 17, 2018.

DiMonte acknowledged Exhibits B-1 and B-2 representing a complete advertising packet and proof of publication form the *Daily Local News*. The proposed Ordinance has been available for public review since December 18, 2018 when it was sent to the Chester County Law Library, *Daily Local News*, and notice of same posted on the Township bulletin boards. Supervisors called at this time for discussion regarding the proposed Ordinance provisions including public comments and concerns.

PUBLIC COMMENT: Nancy Ercolani, Locust Grove Road, noted that definition of a "Special Event" seems to have been amended in that the number of participants is less than 100 people instead of 50 people. Linda DeHaven, Locust Grove Road, commented that she recently hosted a 70th birthday party that included over 100 people and that it is not uncommon for residents with extended families to host gatherings of that size. Tanna Blevins, Locust Grove Road, commented that the Ordinance appears to impose stringent liability requirements on residents who are using their own property for personal enjoyment and family gatherings. She commented that a nonrefundable permit fee is unreasonable for a resident choosing to host a wedding or any private party. Blevins and DeHaven further commented that they were in attendance because of a letter that was in their mailboxes urging them to support the Ordinance because its passage will prevent another event at Castle Bam. Blevins and DeHaven are not inclined to support an Ordinance that appears to be written for one person. Balsama explained that while the catalyst for the Ordinance was the recent event at Castle Bam, the current Code lacks credible and sufficient provisions for managing any event the size of which can grow to a

proportion that it raises many concerns. For this reason, she noted given the seriousness of the Castle Bam Event it was imperative for the Board to react responsively. DiMonte and Sundquist clarified that the Township sent no letters to the community regarding the Ordinance. Mary Ann Schaftlein, Wawaset Road, commented that she sent the letter out of concern for the residents on Locust Grove Road. Schaftlein agreed that the Ordinance should not unduly impact residents who choose to host private parties. She did ask the Board to clarify if the current Noise Ordinance is being enforced and if that Ordinance distinguishes decibel levels for weekdays and weeknights versus weekends. Likewise, Ercolani added that there are concerns regarding noise and lighting at Castle Bam that should be brought under control. Sundquist advised those in attendance that the Ordinance does not preclude a party or event held by residents. Large events held on private property that can provide sufficient parking and address any concerns impacting the community are permitted via the application process. She also pointed out provisions in the application process for the codes enforcement officer to waive the permit if good cause is shown to do so. DiMonte stated that the December Event at Castle Bam was extraordinary in nature and the Ordinance was drafted because of the public comment received during the December 17, 2018 Board meeting. The December 17th public comment raised the awareness of the Board and opened discussion as to the extent to which multiple emergency agencies were called in to address health and safety issues. She clarified that the Board intends for the Planning Commission to review the Ordinance during their January 16th meeting. The January 16th meeting will provide an opportunity for additional public comment and for the Planning Commission to offer further recommendations. Balsama added that the residents could discuss the threshold of attendees for an event with the Planning Commission, i.e., raising that threshold from 100 to 250. Marie Boisvert, Sunset Hollow Road, commented that as a resident of East Bradford, she was interested in learning how Pocopson will handle special events given that a similar activity by a property owner may occur in her Township. Georgia Brutscher, Hickory Hill Road, commented that the Ordinance is a good first-step measure and that additional recommendations from the Planning Commission will be helpful in fine tuning the language given that there is still a question as to the use of Castle Bam as an Airbnb. Eric Swartz, Locust Grove Road, agreed that the Township should be prepared to address the potential use of Castle Bam as an Airbnb, as well as the social media posts that the property will be advertised as a wedding destination. Sundquist responded that a ruling is expected from the Pennsylvania Supreme Court regarding the extent to which municipalities can regulate Airbnb usage. Going forward, the codes enforcement officer will continue to review social media posts as to the wedding destination and will contact the property owner as to such usage and what steps will be taken by the Township going forward.

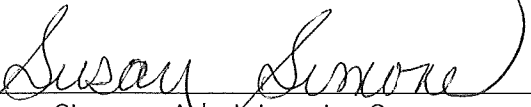
There being no further public comment, at 4:20 p.m., Stumpo moved, Balsama seconded to close the public hearing and reopen the special meeting; motion carried.

MOTION: DiMonte moved, Balsama seconded, to adopt Ordinance No. 2018-2 creating a new chapter "Special Events"; motion unanimously approved.

DiMonte reviewed Resolution 2018-25 amending the established Omnibus Fee Schedule of fees and fines to address those fees and fines associated with the new Special Events Ordinance. MOTION: DiMonte moved, Balsama seconded, to enact Resolution 2018-25 amending the previously adopted Omnibus Fee Resolution 2018-03

to address fees associated with the new Special Events Ordinance; motion unanimously approved.

3. **Adjournment:** At 4:32 p.m., Balsama moved, Stumpo seconded, to adjourn the Special Meeting; motion unanimously approved.



Susan Simone, Administrative Secretary



Ricki Stumpo, Chairman