



Board of Supervisors Meeting Minutes
Monday, April 29, 2019, 6:30 P.M.

Attendees: Supervisors Ricki Stumpo, Elaine DiMonte; Supervisor Alice Balsama was not present. Al Davis, Resident-Representative of the Kennett Fire and EMS Regional Commission. Consultants in attendance: Amanda Sundquist, Solicitor; Craig Kologie, AICP, Zoning Official.

Public in attendance: 14

1. **Call to Order:** Stumpo called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** Stumpo announced that the Board met in Executive Session on March 14th and April 2nd to discuss legal matters.
3. **Announcements:** Stumpo announced that a Historical Committee Update has been added to tonight's agenda under New Business. Stumpo attended the Route 52 Bridge Meeting on April 24th hosted by Representative Barrar. Representatives from PennDOT discussed the repair schedule for the stone bridge and the detours that may be in place for about 11 months. It was reported that the stone bridge is included on the National Register of Historic Places so the repairs will not change the look of the bridge. **PUBLIC COMMENT:** Terry Gumpfer asked when the project would be going out to bid. Stumpo reported that the funding is complete and bid process begins in May. Judy Lovell asked if signage would be in place to prohibit trucks from using the bridge. Board noted that signage is in place now limiting the size trucks that can cross the bridge. Lovell suggested that the current signage is insufficient.
4. **Work Session:** the April 23rd work session was cancelled.
5. **Public Comment Non-Agenda Items:** Ross Tallman from the Red Bridge Farms Community commented that he is concerned about erosion of the road and of his property and a number of properties in the Community with slopes or hilly areas. There is concrete guttering in sections of the Community on one side of the road, while other areas have no guttering to handle roadway runoff. As a result, there is considerable erosion in places. Board will submit the concern to the Public Works Department. Mark Thompson commented that the Special Events Ordinance is burdensome but nevertheless, his son filed a Special Events Permit Application for a June wedding in accordance with the Ordinance. The wedding will be held on the Thompson property some distance from the nearest neighbor. He commented that the \$400.00 Special Events Application Fee was not part of the family budget for the wedding and asked if the Fee could be waived or returned to the family. The Board noted that the Ordinance provides for the waiver of the Fee and the application process for spontaneous events. Stumpo commented that the Board will be meeting with the Solicitor to discuss amendments to the Special Events Ordinance.
6. **Zoning Hearing Board Application for Gaudioso & Dowd; 1090 Parkersville Road; Tax Parcel 63-4-128:** James Fritsch, P.E., and the Applicants Samantha J. Gaudioso, David M. Dowd, and Joseph Gaudioso, appeared to discuss the Application requesting a waiver of the land disturbance restriction in the recorded documents and a special exception

request to modify the natural resource conservation standards. Fritsch described the Parkersville Road parcel as 2.057 acres in the Pocopson RA Zoning District. An aerial depiction of the building lot shows that it is located in both Pennsbury and Pocopson Townships. The building lot is part of the LeFevre Final Minor Subdivision Plan ("LeFevre Plan") which was approved by the Township and recorded in 2012. The Applicants purchased the property in 2015 and propose to build a single-family dwelling (SFD) with onsite septic and water. The LeFevre Plan was approved with expediency by Pocopson Township at Mr. LeFevre's request for estate planning purposes and to minimize his cost to take the project through the subdivision process. The LeFevre Plan does not include locating a single-family dwelling in Pocopson Township but the Applicants desire to build the home in Pocopson and are proposing their own driveway rather than a shared driveway. Fritsch referenced the April 10th letter from the Township Planning Commission recommending support to allow construction in Pocopson Township and in support of the modifications requested in the Zoning Hearing Board Application. Following Fritsch's review of the percentages of disturbance and steep slopes, DiMonte asked for clarification as to the relation to the woodland disturbance. Kologie and Fritsch reviewed the allowable, permitted, and proposed disturbances for steep slope and moderately steep slope margins and why the math requires a special exception from the zoning hearing board. Sundquist asked why the SFD flipped to Pocopson and the request for an individual driveway rather than common/shared driveway. Fritsch responded that due to the expediency to approve the LeFevre Plan in 2010, the layout did not include placement of the SFD in Pocopson. Joseph Gaudioso responded that it is the preference of the family to have a single driveway. Fritsch noted the septic system will be installed in Pennsbury. Fritsch reviewed LeFevre Plan Notes #21 and #24 which indicate no construction in Pocopson Township except for the proposed driveway widening, the proposed driveway extension to access Lot 2, and the installation of utilities, as well as Board of Supervisors approval required if additional construction or earth disturbance is proposed; #21 allows for widening of the existing driveway when a building permit is issued. Fritsch also pointed out that the Applicant is looking for a waiver or limited waiver from the Board of Supervisors of Item #2 on page 2 of the Recorded Declaration that indicates no construction in Pocopson. Sundquist asked if Pennsbury Township is aware of the modification requests. Fritsch indicated that the Applicants have communicated with Pennsbury Township but not certain if the request will be listed on a public meeting agenda. Sundquist noted that the Township Engineer Review and Comment Letter includes the submission of a landscape plan for woodland replacement. Stumpo asked if the LeFevre Plan should be reopened to remove the building restriction. Sundquist acknowledged that to some extent a process is in place to proceed with requests made by the Applicants. At 7:05 p.m., upon motion made, the Board convened an Executive Session with the Township Solicitor. At 7:19 p.m., upon motion made, the public meeting was reconvened. Sundquist stated that the Board is not inclined to oppose the Application, however, the Township is asking for a number of documents to be submitted for consultant review, including but not limited to, a landscape plan, resolution of the steep slope calculations, Chester County Health Department applications, and fire company review letter. Fritsch indicated the Applicant intends to submit the additional documents and that some documents are in progress; however, a date certain could not be identified for completing the documents. Sundquist suggested contacting the Zoning Hearing Board Solicitor to review the hearing date requirements to allow time for the Applicants to be listed on a Board of Supervisors agenda to continue the review. PUBLIC COMMENT: Judy Lovell requested clarification as to the modification of steep slopes as she believed steep slopes could not be disturbed. Kologie and Fritsch explained that a percentage of a slope can be modified but the modification depends on the percentage of disturbance. At 7:26 p.m.,

Sundquist asked and the Board granted her request to be excused. At 7:28 p.m., Kologie asked, and the Board granted his request to be excused.

7. **Public Hearing to Amend the Township Code Chapter 78 "Fireworks":** at 7:29 p.m., DiMonte moved, Stumpo seconded, to close the regular meeting and open an Ordinance Hearing for a proposed ordinance. Stumpo indicated the hearing is to propose amending Chapter 78 of the Pocopson Township Code, "Fireworks" to comply with Pennsylvania's amendments to the Fireworks Law pursuant to Act 43 of 2017. Board noted that Exhibits B-1 through B-4 include minutes of the Planning Commission and Board of Supervisors, advertising packet, and affidavit for legal advertising that the proposed ordinance has been available since April 18, 2019. DISCUSSION: Judy Lovell expressed that she did not get a chance to review the proposed Ordinance. There being no additional public comment Stumpo moved, DiMonte seconded, to close the Ordinance Hearing at 7:32 p.m. and reopen the public meeting. MOTION: DiMonte moved, Stumpo seconded, to adopt Ordinance No. 2 of 2019 amending Chapter 78 Fireworks; motion carried.
8. **Public Works Report:** no report submitted.
9. **Facilities:** DiMonte reported that the Board will meet with GKO Architects in May.
10. **Kennett Fire and EMS Regional Commission Report:** Davis reported the regular meeting of the Commission was held on April 9th at which time quarterly payments were discussed and disbursed. The Commission held a Special Meeting on April 22nd with the director of the Pennsylvania Department of Health, Emergency, and Medical Services. The director provided guidance and exchanged ideas on ways to improve the EMS Commission. The director acknowledged that the Commission may be faced with hard decisions in the future but certainly for now the members of the Commission are doing a great job.
11. **Zoning Official Report:** Board reviewed the April 26, 2019 Zoning Activity Report for the period August 10, 2018 to April 12, 2019.
12. **Planning Commission Report/April 3rd Meeting:** Board reviewed the report from the April 3rd meeting which included zoning hearing board recommendations and approval to support recommending submitting current iteration of the short-term rental ordinance to the Township Solicitor.
13. **New Business:**
 - a. Authorization for Solicitor to schedule public hearings to adopt Amendments to Chapter 158 (Rental); Chapters 190 & 250 (Driveways/Roadways); Chapter 250 Wireless Communications - MOTION: Stumpo moved, DiMonte seconded, to authorize the Township Solicitor to proceed in scheduling a public hearing to adopt the recommended amendments for these sections of the Township Code condition upon the notice of intent to adopt is in compliance with legal advertising requirements; motion carried.
 - b. Ready for 100; 100% Renewable Energy - Stumpo indicated the Sierra Club Program is asking boroughs and municipalities to commit to 100% renewable energy by 2050 and that a number of municipalities have passed resolutions in support of the program. Board agreed to reach out to Township Resident Bill Haaf as an adviser with regard to the next steps. PUBLIC COMMENT: Judy Lovell asked if the resolution is a mandate for residents to install renewable components by the year 2050. DiMonte indicated that the program is to raise awareness of the need for clean energy. Stumpo added that the resolution is an opportunity to join other municipalities in setting a goal for the Township to support renewable energy initiatives to reduce energy costs.
 - c. Historical Committee Update - Ray McKay appeared before the Board as a representative of the Historical Committee to provide the following update on the Locust Grove Schoolhouse:

- i. With assistance from local scout volunteers, the exterior and interior tasks were completed as previously discussed.
- ii. An XL Catlin Day of Giving is scheduled for May 10th. He requested coordination with Public Works Department for assistance and the expenditure of Township funds for supplies and lunch for the volunteers. Tasks may include repainting the sign, basement clean-out, exterior plaster work, and planting a donated tree.
- iii. An open house may be planned for next fall.
- iv. Future tasks include contacting vendors to relocate the HVAC system, painting, window glazing, interior plastering, and floor sanding.

McKay indicated that the Brandywine Battlefield Task Force reached an agreement with Brandywine Red Clay Alliance (BRCA) to install the historic marker/sign on the Myrick Center property along Red Lion Road opposite the entrance to the Olmsted Development so that visitors can park in the acceleration/deceleration lanes on Red Lion Road in order to enter the Myrick Property. BRCA offered to locate the marker/sign at their parking lot but this would not be an accurate representation of the passage of the troops. Details have to be worked out with BRCA as to the location on the Myrick Center property and with PennDOT as Red Lion Road is a state road. McKay indicated that it appears an anonymous donor will reimburse the Township the \$3,000.00 expense for the marker/sign after it is installed. Board thanked McKay and the Historical Committee for their efforts and look forward to an open house at the Locust Grove Schoolhouse.

14. Old Business:

- a. Agreement Appointing Longwood Fire Company as Township Fire Marshal - Stumpo indicated that the Agreement was sent to Longwood Fire Company for review.

15. Correspondence: no correspondence.

16. Treasurer's Warrants: Stumpo moved, DiMonte seconded, to approve the Bill Payment Lists for March 26 - April 29, 2019 recommended for payment by the Treasurer; General Fund: 41 bills paid totaling \$43,926.62; 10 debit card charges totaling \$1,362.23; Highway Aid: 9 bills totaling \$9,349.41; Parks, Rec & Trails: 2 bills totaling \$1,911.95; motion approved.

17. Approval of Meeting Minutes: Stumpo moved, DiMonte seconded, to approve the March 25, 2019 Meeting Minutes as submitted; motion carried.

18. Adjournment: at 7:46 p.m., DiMonte moved, Stumpo seconded, to adjourn the meeting; motion carried.



 Susan Simone, Administrative Secretary



 Ricki Stumpo, Chairman