

Board of Supervisors Meeting Minutes
Monday, June 24, 2019, 6:30 P.M.

Attendees: Supervisors – Ricki Stumpo, Elaine DiMonte, Alice Balsama; Amanda Sundquist, Township Solicitor; Jesse Noa, Chairman, Parks, Recreation and Trails Committee.

Public in attendance: 11

1. **Call to Order:** Stumpo called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** no announcements to sunshine.
3. **Announcements:** no announcements.
4. **Public Comment Non-Agenda Items:** Dean Stafford commented on the deteriorating condition of Haines Mill Road due to years of neglect. He recognized that the road has been oiled and chipped over the years, but there is evidence of significant erosion of the shoulder of the road. In addition, without sufficient stormwater inlets, heavy rains usually washout into his driveway. Balsama pointed out that Stafford's concern is timely in that prep work for the 2020 budget begins this summer. Stafford recognized the Public Works Department for all the work they do to keep the Township roads in otherwise excellent shape. Terry Gumpner commented that significant amounts of water and melting snow collect at the northwest corner of Route 52 and Lenni Drive. Balsama asked Gumpner to send an email to the Township so that the concern can be addressed.
5. **Riverside Development Ventures, LLC/Ducklings Early Learning Center ("Ducklings") Parking Conditions:** the following individuals appeared to discuss parking conditions – John Jaros, attorney for the landowners; Vic Kelly, landowner; and Jody Thompson, the tenant/Ducklings Early Learning Center. Jaros reviewed conditions of the Final Land Development Plan that was approved in 2017. He noted that Ducklings has approximately 5 special events throughout the year. Jaros asked the Board to consider a revision to Condition No. 11 of Resolution No. 12-2016 ("Condition") which does not permit parking on public streets in the Riverside community. Thompson described a current parking accommodation on Clarks Lane that has been utilized but is not practical in that attendees have to cross Route 52. She also noted disparity in that guests attending events at the private homes in Riverside are permitted to park on the public street. DiMonte noted that during the subdivision process, it was indicated that offsite parking with a shuttle service would be in place to accommodate guests for special events. Thompson responded that because of the staggered event time schedule, the shuttle idea does not work. Staff for Ducklings spoke to the owner of Lenape Pizza and determined that use of their parking lot is not a viable option as the spaces are needed for patrons. Kelly noted that Ducklings has been in operation for 2 years and there have been no issues with regard to parking. Board responded that strong concerns were expressed by the Riverside community during the subdivision process and as a result, believe that the current Condition which was agreed to by all parties is an acceptable solution to parking concerns. Balsama noted further that the Township is in receipt of a parking concern submitted by a resident that appears to be in violation of the amicable

agreement now in place and that Ducklings representatives have not previously contacted the Township to communicate dates for scheduled events. Jaros suggested that very often it is difficult to determine the impact of approved conditions 2 years out. Just the same, overall, Ducklings has been a positive addition to the community. Thompson has made the Ducklings parking lot available to a number of the Riverside residents who needed to park personal vehicles during construction work on individual driveways. Balsama and DiMonte recognized that the Condition could be amended and suggested that in order to do so, participation by the Riverside Homeowners Association would be most advantageous in order to determine the thoughts of the entire community as to the current parking concerns as well as any revisions. Sundquist responded that the Condition is a Plan Note and will require an amendment to the approved Plan. Balsama added that the request by Ducklings to utilize the Township Building Parking Lot at 740 Denton Hollow Road for the Father's Day Special Event was not received in a timely manner to allow the Board to make a decision. Stumpo asked how many parking spaces are required for the special events. Thompson responded that on average, 10 to 12 spaces. The Board has no objection to use of the Township Building Parking Lot provided a certificate of insurance is submitted as well as an agreement that sets forth terms for such usage. Jaros agreed that the original approval was contentious at times, but believed that with the passage of time an appeal of the Condition was possible. Sundquist asked for the date of the next special event. Thompson indicated it would be the Back to School Night in September from 7:00 p.m. to 8:30 p.m. Board agreed that Ducklings and the landowner should canvas the Riverside community to identify the extent that parking is or is not a concern. The results of the survey or canvassing would be helpful to the Board in making a decision as to amending the Plan. PUBLIC COMMENT: Terry Gumppe commented that generally, once an agreement is reached by all parties, particularly commercial venues, the terms of the agreement or approval should remain the same. Scott Kirkland voiced concern that having learned this evening that Vic Kelly is a landowner, Vic Kelly's previous testimony to the Supervisors and Zoning Hearing Board was not unbiased or neutral. Kirkland commented that it is most unfortunate that this was not divulged during the approval process.

6. **Public Hearing to Amend the Township Code Special Events Ordinance:** at 7:00 p.m., Stumpo moved, DiMonte seconded, to close the regular meeting and open an ordinance hearing; motion carried. Ordinance No. 6-2019 proposes to amend and delete in their entirety, various sections of the Special Events Chapter. Board authorized and directed the Township Solicitor to proceed with the proposed ordinance amendment during the May 20, 2019 public meeting. Board reviewed exhibits and called for public comment. PUBLIC COMMENT: Tana Blevins asked if the proposed amendment includes text from Ordinance No. 2-2018. Sundquist indicated that until the Township Code is codified, both Ordinances should be read side-by-side in order to reference a current version. Blevins also expressed her appreciation and applauded the Board for all their efforts in addressing the concern that precipitated the ordinance and for passing legislation to address future events. At 7:10 p.m. there being no further public comment, Balsama moved, DiMonte seconded to close the ordinance hearing and reopen the public meeting; motion carried. MOTION: Stumpo moved, DiMonte seconded, to amend the Special Events Chapter of the Code and other miscellaneous provisions as advertised; motion carried.
7. **Public Works Report:** Balsama read a report submitted by Mark Knightly, Public Works Director. The report included completion of contracted paving of Beversrede Trail, Pierce Lane, Merrick Lane, and Marlboro Road. Chip sealing is underway for Denton Hollow, Parkersville, and Corinne Roads. Denton Hollow was paved last year but chip sealing it will keep that base coat intact and extend the road surface. Chip sealing is not

popular but cost effective when used properly: \$1.45/sq. yd. versus \$8.25/sq. yd. for paving. No report on personnel. MOTION: Stumpo moved, DiMonte seconded, to approve Resolution 2019-10 authorizing application to the ARLE Funding Program for reimbursement grants for the installation of repairs to West Creek Road; motion carried.

8. Facilities:

- a. June 18th Work Session – DiMonte provided a brief background of the Feasibility Study Project emphasizing that when the Study was presented to the public on October 23, 2018, a majority of the 36 people in attendance voiced support for construction of a new township building – an option in alignment with the goals and fiscal reality of the Township. As a result of this input, GKO Architects provided a proposal for a fourth option that was discussed during the June 18th Work Session. Sundquist indicated that the proposal was presented to the County Commissioners who had no objection to the construction of a free-standing township building on the Barnard House property. She added that the option proposed by GKO Architects is consistent with the recorded Declaration and Covenants. Balsama noted that the Board discussed the possibility of the potential of a number of the iterations for options presented during the October 2018 Work Session, and from every angle, the discussion circled back to construction of a new building. DiMonte noted that the Board carefully examined what is believed to be the vested interests of all parties as to the use of the Barnard House and the current Denton Hollow Road Administration Building. Efforts will be made to preserve where preservation is possible and to identify components that support the goals and meet the needs of the Township. Security is a critical component of the design in moving forward as well as meeting workplace efficiency standards. No new taxes are anticipated to fund the new building. PUBLIC COMMENT: Terry Gumpfer asked for clarification and the Board confirmed that the project is for a new building and does not include renovating the Barnard House or Denton Hollow Road Administration Building as a Township Building. He asked that the Board continue to communicate this concept to the community. Jordan Gushurst asked and the Board confirmed that the building will be one-story. DiMonte circulated artist renderings of the exterior of the proposed building which included a site drawing showing the location in proximity to the tobacco shed on the Barnard House property. Scott Kirkland asked what the Board intended to do with the Denton Hollow Road Administration Building. Balsama indicated nothing to share at this time. The Township obtained an appraisal, but given that there is a trail easement and public park, there may be limitations as to usage. Board recognized that the Public Works Department utilizes a portion of the property to store materials and could make use of the entire property. Scott Kirkland asked if the Township would continue to fund the Barnard House. Board responded that the Barnard House is a Township facility and the budget will continue to reflect expenses to maintain it. He also commented that presumably, the design will accommodate future expansion if needed. Sundquist reiterated that the proposed design is in compliance with the covenants but that if, say 20 years from now, the Township needs additional space the request would go back to the County Commissioners. DiMonte pointed out that the architects will do all that they can to provide for future growth. She also added that every effort will be made to incorporate ergonomics and green designs. MOTION: DiMonte moved, Stumpo seconded, to agree to enter into the GKO Proposal as discussed during the June 18th Work Session, subject to (1) the Solicitor's review of the required documentation and recommendation as to the acceptance of the documentation, and (2) signing the GKO Proposal as recommended by the Solicitor between the regularly scheduled public meetings; motion carried.

- b. Authorization – DiMonte discussed the Pennsylvania Museum Historical Commission (PMHC) \$50,000 grant the Township received for replacement of windows and doors at the Barnard House. MOTION: DiMonte moved, Stumpo seconded, to authorize the Township Solicitor to proceed with preparation and advertising for a bid package to replace Barnard House doors and windows utilizing the PMHC grant; motion carried. PUBLIC COMMENT: Kirkland asked and the Board confirmed that the grant is a matching grant. Balsama commented that the replacements will be to current construction and efficiency standards.

At 7:29 p.m., Board approved the request from Sundquist to be excused from the meeting.

9. **Planning Commission Report/June 3rd Meeting:** Board reviewed the report submitted by the Planning Commission noting that the Commission will not meet in July or August.
10. **Kennett Fire & EMS Regional Commission Report** – Stumpo reported that the June meeting focused on retention and recruitment of volunteers. Balsama asked if data is available as to the retention percentage. Stumpo will ask about statistics. Chester County Emergency Services is exploring a partnership with other County agencies to provide testing support for non-native speakers who currently volunteer but have not been able to earn certification due to language constraints.
11. **Parks, Recreation and Trails Committee (“PRT”):**
 - a. Bids for Installation of a Dog Park/Pocopson Park – Noa and Jordan Gushurst, PRT Committee Member, discussed a proposal for a dog park installed in Pocopson Park. The PRT undertook an exploratory process to identify costs for a fenced and gated enclosure. The quote submitted to the Board is intended as a snap shot of the anticipated expense. The PRT completed an informal, anecdotal survey of people with dogs on leashes who use the Township Trails and the Park and determined that there is an overwhelming interest for such an amenity. In addition, he noted that a number of neighboring Townships provide dog parks. Board agreed that an enclosed dog park area in the park represents a safe place for people to bring their dogs off leash and that the concept, overall, fosters a sense of community and allows for socializing. Noa indicated that he and the PRT have not yet met with Public Works to identify the actual location or to discuss maintenance requirements and the types of peripherals that may be required, such as dog waste bags and receptacles. Balsama commented that the Board appreciates receiving the quote as a snap-shot of proposed cost, but reminded Noa that the Township is subject to the Second Class Township Code requirements which provide guidance as to contracted amounts that are subject to bidding or qualified quotes from responsible vendors and contractors. In accordance with the Board’s resolution, a pre-authorization procurement proposal should be prepared by the Treasurer for the Board to review. Noa indicated that the timeline is to include the project in the 2020 township budget. PUBLIC COMMENT: Scott Kirkland commented that a number of Eagle Scout Projects have included installation of a dog park on public property. Board agreed that it is worthwhile to contact scouts as to their interest and availability to install or to provide assistance. Equally important, PRT can coordinate with the Public Works Department as to tasks that might be completed by Public Works personnel. Tana Blevins commented that it sounds like a great idea and it is important to dog owners to have a place to allow dogs to have a safe place to run off-leash. On a separate matter, Gushurst presented the PRT recommendation to install shade trees at the playground area to provide shade for people who use the benches. He understands that the PRT is responsible for contacting the Treasurer regarding the pre-authorization procurement proposal. There is a possibility that the trees will be donated and the expense may be limited to planting costs. Board agreed that the PRT should proceed by contacting Public Works

to identify the location of the trees and by contacting the Treasurer regarding the anticipated expense allocation.

12. New Business:

- a. Resolution to Amend Omnibus Fee Schedule – Stumpo reviewed Resolution No. 2019-13 which amends the Township Fee Schedule to include fees for small wireless facilities. MOTION: Stumpo moved, DiMonte seconded, to approve and enact Resolution 2019-13; motion carried.
- b. Resolution Supporting Renewable Energy – DiMonte reviewed Resolution No. 2019-11 joining other municipalities in supporting a 100% renewable Energy Future by 2050. PUBLIC COMMENT: Scott Kirkland asked if the energy conservation measures are for residents or township facilities. Board responded that the Resolution references Township facilities. MOTION: DiMonte moved, Balsama seconded, to approve and enact Resolution 2019-11; motion carried.
- c. Resolution for Disposition of Records – MOTION: Stumpo moved, Balsama seconded, to enact Resolution 2019-12 authorizing disposition of 1 cubic foot of non-permanent records; motion carried.

13. Old Business:

- a. Status of 1425 Lenape Road/Tax Parcel 63-4-75.18 and 63-4-77 – Stumpo provided background on the November 18, 2013 Agreement between Lillian and Lewette Pettit and the Township. Board authorized the Township Solicitor to proceed with a Sheriff Sale of the property under the Agreement and the Municipal Claims and Lien Law to recoup costs incurred by the Township to demolish the abandoned dwelling. Public Comment: Scott Kirkland inquired as to the amount of the debt.
- b. Zoning Officer Report/Compliance Conditions for Barn at Spring Brook Farm; Margetich Alpacas; Ducklings Early Learning Center – Stumpo reviewed the report submitted by Zoning Officer. Public Comment: Linda Marino asked if Margetich is in compliance with the number of alpacas on the property. Stumpo noted that Margetich is in compliance.

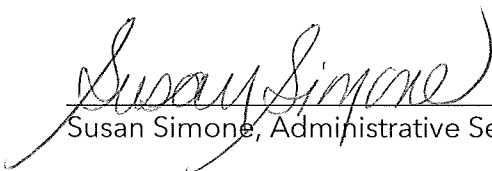
14. Correspondence: Board signed a thank you letter to the volunteers from AXA XL for contributing their time and talents to the annual volunteer workday at the Locust Grove Schoolhouse.

15. Treasurer's Warrants: Stumpo moved, Balsama seconded, to approve the Bill Payment Lists for May 21 – June 24, 2019 recommended for payment by the Treasurer; General Fund: 39 bills paid totaling \$115,482.93; 6 debit card charges totaling \$492.43; Highway Aid: 8 bills totaling \$145,555.19; Parks, Rec & Trails: 3 bills totaling \$3,138.95; motion carried.

16. Approval of Meeting Minutes:

- a. DiMonte moved, Balsama seconded, to approve the May 20, 2019 meeting minutes as reviewed and amended; motion carried.
- b. DiMonte moved, Balsama seconded, to approve the June 18, 2019 Work Session minutes as submitted; motion carried.

17. Adjournment: At 8:11 p.m. DiMonte moved, Stumpo seconded, to adjourn the meeting; motion carried.


Susan Simone, Administrative Secretary


Ricki Stumpo, Chairman