



Board of Supervisors Public Meeting Minutes
Monday, May 18, 2020, 7:00 P.M.

The implementation of the GoToMeeting Remote Platform for public meetings complies with the Disaster Emergency Orders and Proclamations issued by Governor Wolf to mitigate the spread of the COVID-19 Virus.

Attendance: Physically present in the meeting room: Supervisors – Ricki Stumpo, Elaine DiMonte, Ray McKay. Online participants were Margaret Lennon, Treasurer; Mark Knightly, Public Works Director; Don McKay, Chairman, Historical Committee.

Public in attendance via remote access: 20

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. DiMonte reviewed the recommended protocols for remote participation noting this is the third virtual public meeting. So as not to create feedback, she asked all participants to mute microphones and phones until ready to provide comment and to use the chat feature to submit questions or comments. In addition, participants should enter full name on the access feature so that it is clear who is speaking.
2. **Sunshine Announcements:** Stumpo reported executive sessions held with the Solicitor present on May 4th and May 14th.
3. **Announcements:** Stumpo indicated the Board met with GKO Architects on May 15th. She added that the Primary Election date is June 2nd and the polling place relocated to Pocopson Elementary School due to COVID-19.
4. **Public Comment on Non-agenda Items:** Board did not receive any written comments. Board called for public comment on non-agenda items and there were none.
5. **Work Session:** Stumpo reported the May 13th work session was cancelled.
6. **Citizen's Request to be on Agenda Regarding Ethics Concern:** Stumpo announced her recusal from this agenda item. DiMonte recognized Randy and Sarah Mims regarding submission of their letter dated April 20, 2020. Randy Mims inquired as to how Supervisor Stumpo can recuse herself when she is the subject of the concern. Stumpo indicated that the recusal is upon advice of her legal counsel. Mims commented that the recusal is tantamount to Stumpo picking questions that she chooses to answer. He asked Supervisor Stumpo to resign as a member of the Board of Supervisors given that she failed to act in the best fiduciary interest of the Township when she failed to recuse herself in other matters earlier this year. Stumpo indicated that she will not comment or recuse herself on advice of her legal counsel. Mims indicated that he has his answer as to the path forward.
7. **Public Works Report:** Knightly reviewed the Roadway Stability Evaluation of West Creek Road dated May 12, 2020, prepared by Gilmore & Associates. The study proposes installation of 2 stop signs to create a temporary one lane controlled one-way intersection with no outlet as it serves both ends of West Creek Road. With Board approval, the engineered plan and information will be posted on the Township website and distributed

to the affected residents on West Creek Road. McKay inquired as to the timeline which, according to Knightly, will be sometime next year as it is not budgeted for 2020. McKay noted that he visited the site and the proposed scope of services by Gilmore & Associates appears to present appropriate recommendations. Stumpo noted that there are options within the scope of services. Knightly asked to table discussion on the options at this time as they are part of the engineering recommendations. MOTION: McKay moved, Stumpo seconded, to approve the recommendation of the Public Works Director to install 2 stop signs for a temporary one lane controlled one-way intersection; motion unanimously approved. Knightly reported that the department is back full staff and they are preparing roads to be paved this year. Supervisors thanked the Public Works Department for doing an outstanding job.

8. **Facilities:** DiMonte provided a brief update regarding the design phase of the new township building. The Board will meet with members of the energy committee to discuss elements of the design. She commented that the Board would like to be in a position next month to start posting material on the township website. McKay reported on the status of the Barnard House work which was halted on March 22nd due to the pandemic. With easing of construction restrictions, the work on the windows has resumed including repairs to rotted frames, sills, and painting. McKay discussed with the Board asking the contractor to do the work necessary to realign the gutter on the north side of the structural "L" of the building. The gutters are sloped in the wrong direction and water drains on the HVAC condenser. A similar adjustment was made on the south side of the building and it improved the flow of water. The task would extend the work for another day or so, but in the long run it will protect the investment. Contractor continues to complete other tasks including installation of wooden storm doors and a new portico-type roof over the back door. The painting contractor will return when all the weatherizing work is finished. DiMonte and Stumpo agreed that the additional contractor tasks described by McKay be approved as an accepted change order to the contract.
9. **Kennett Area EMS Commission Report:** resident representative Al Davis was not in attendance. Stumpo reported that she attended the May 12th virtual meeting. Commission members reviewed ambulance calls per municipality and the current data on COVID-19. There have been an unusual number of false alarms as people comply with the Governor's Stay-at-Home Order. Not much to report on the financial end as first responders are overwhelmed by the pandemic.
10. **Planning Commission (PC) Report:** Board acknowledged receipt of the PC report from the May 6th public meeting. The PC has been tasked with providing recommendations to amend the Noise and Nuisance Chapters of the Township Code. PC continues to discuss amendment to the Small Wireless Facilities Ordinance, including recommendation of a resolution to address design guidelines. The next public meeting is June 3rd.
11. **New Business:**
 - a. Parks, Recreation and Trails (PRT) Committee Update - Board is in receipt of the preliminary, working draft rules and regulations for a proposed dog park in Pocopson Park. Supervisors look forward to hearing from the PRT Committee next month regarding the administrative tasks associated with the dog park.
 - b. Historical Committee - Don McKay provided a brief summary of the status of the Locust Grove Schoolhouse since the COVID-19 restrictions. Volunteer work will resume in June as they look to finish painting, installation of the stove donated by Bernard Baily, and moving the furniture and odds and ends. An opening to the public will be dependent upon the lifting of the COVID-19 restrictions. Relocating the HVAC unit remains on the to-do list as well as exterior trim work. He noted appreciation for volunteers who are completing a majority of the Locust Grove Schoolhouse work. Don

McKay commented that the pandemic impacted the delivery of the PA Historic Marker in as much as the manufacturer is running about 3 weeks behind. The marker should be delivered sometime in June. DiMonte commented that the Sunday event a couple weeks ago to ring the Schoolhouse bell was really nice and thoughtful. It was well attended and attendees complied with social distancing protocols.

- c. Due Dates for Municipal Real Estate Taxes - McKay noted that municipalities are entertaining the idea of not charging the penalty for real estate taxes paid after the face period ends, so long as those taxes are paid in full by 12/31/2020. Treasurer Margaret Lennon provided the Board with a brief outline of Pocopson properties affected, cost of foregoing the penalties for 2020, and real estate tax collections received to date which appear to be tracking closely with 2019. Lennon clarified that the County Treasurer can program the tax collection system software to extend the penalty period through 12/31/2020. Due to software/technology/timing issues, the County system cannot accommodate extending the discount period. DiMonte asked if the decision must be made this evening. Lennon indicated that if the Board agrees to waive the penalty the resolution must be adopted this evening. No action required if the Board decides not to waive the penalty. McKay commented that he is inclined to support adopting the resolution as the waiver is due to special COVID-19 legislation and will not be applicable in subsequent years. It doesn't hurt to provide even a small measure of assistance to those who are struggling financially. Lennon suggested that if the Board passes the resolution, notice will be posted on the Township website. DiMonte called for public comment. No public comment. MOTION: Stumpo moved, McKay seconded, to approve adopting Resolution 2020-10 waiving the 10% penalty normally associated with the late payment of the tax imposed on assessed value of real estate implementing certain tax penalty relief provisions; motion unanimously approved.
- d. Asset Purchase Agreement between DELCORA and Aqua - tabled to the June meeting as there are no documents for approval at this time according to the Township Solicitor.

12. Old Business:

- a. Update/Nuisance Concerns Clarks Lane and Trimbles Ford Lane - DiMonte provided a brief update on 5 Trimbles Ford Lane as follows: Deputy Codes Officer has been in contact with complainants regarding the process for future noise complaints; user of the property has stated he will not utilize the property for motor cross activities while his permit application is pending; a deficiency letter has been issued by the Township Engineer regarding the grading permit application; Codes Enforcement Officer has been in communication with the property owner regarding activities on his property; Chester County Conservation District and PADEP will be inspecting and reviewing reports, violations, and requiring corrective action; and the Township has issued an enforcement notice under the existing Conservation Easement on the property. McKay reviewed status of Clarks Lane as follows: Deputy Codes Officer has been in contact with complainants for future noise complaints; Township Engineer confirmed that previously displaced erosion and sediment control measures have been restored; The Codes Officer has communicated with the owner regarding activities on the site. Public Comment: Randy Mims commented that dirt bike and Quad ATV riding activity has spilled onto Denton Hollow Road area with a number of them riding up and down Denton Hollow Road on the weekends at 1:00 a.m. He asked that the Township seek assistance from any enforcement agency that can address this dangerous situation. McKay commented that there are a number of riders in the area of his residence who appear to be coming from the Pennsbury/Brintons Bridge Road area. McKay suggested and the Board agreed that he should reach out to Pennsbury Township to

determine if similar concerns have been filed. Stumpo acknowledged the difficulty in monitoring dirt bike and ATV vehicles given the lack of license plates and other licensure. Mark Slouf commented with regard to 5 Trimbles Ford Lane, specifically as to what applications have been made to the Township. DiMonte responded that an update has been provided for this agenda item and that the matter is with the Township Solicitor and Zoning Official. She noted that there have been no complaints since the previous Board meeting. Slouf added that the Zoning Officer should be inspecting the property for a use that is obviously not allowed.

13. **Correspondence:** no correspondence submitted.
14. **Treasurer's Warrants:** Stumpo moved, DiMonte seconded, to approve the Bill Payment Lists for April 28 - May 18, 2020 recommended for payment by the Treasurer; General Fund: 28 bills totaling \$96,646.64; 6 debit card charges totaling \$426.66; Highway Aid: 3 bills totaling \$3,177.56; motion unanimously approved.
15. **Approval of Meeting Minutes:** Stumpo moved, McKay seconded, to approve the April 27, 2020 meeting minutes as amended; motion carried.
16. **Adjournment:** at 7:46 p.m. McKay moved, DiMonte seconded, to adjourn the meeting; motion carried.



Susan Simone, Secretary



Elaine DiMonte, Vice Chairman