

Board of Supervisors Meeting
Monday, October 26, 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, and Ray McKay. Online participants: Mark Knightly, Public Works Director; Margaret Lennon, Treasurer; Gary Summers, Chairman, Planning Commission ("PC"); Jesse Noa, Chairman, Parks, Recreation and Trails ("PRT") Committee.

Public in attendance via remote access: 31

1. Call to Order: Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. DiMonte reminded online participants that the Township will mute participants to eliminate background noise and feedback or participants can mute themselves. The Township will unmute all to allow for public comment.
2. Sunshine Announcements: Board met with the Solicitor on October 1st and met with GKO Architects on October 15th.
3. Announcements: Stumpo reminded everyone that Pocopson Elementary School is the polling site for Election Day.
4. Public Comment on Non-Agenda Items: no written submissions were received. Suzy Breiseth asked if comments regarding the proposed dog park will be heard now or hold for Agenda Item #14 which references the dog park rules. Board asked that comments be consolidated under Agenda Item #14.
5. Work Session: October 21st Work Session was cancelled.
6. Application for Special Exception/Edward & Christin Westerman (Applicants); Tax Parcel 63-3-117.3 – 7 Deblyn V Lane: online participants were Charles Gerbron, Jr., Attorney for the Applicants Mr. and Mrs. Westerman, James Fritsch, P.E., and the Applicants. Gerbron introduced the Applicants as owners of the property. They seek special exception to 2 subsections of the zoning chapter to construct a single-family dwelling (SFD) on the lot in the Deblyn V Subdivision. Fritsch described the 5.837acre parcel, located in the Residential Agricultural District, and noted that a building permit plan and stormwater management calculations have been submitted to the Township. Fritsch reviewed the zoning hearing board application requesting modification of Sections 250.87.M(3)(c) and (d) and 250.87.B(8) to allow relief on limitation of disturbances and steep slopes and steep slope margins. He discussed steps taken in the design of the onsite septic and water facilities and stormwater management facilities. The SFD will have no undesirable impact from traffic and it is consistent with the Township Comprehensive Plan. Fritsch noted that the Applicants appeared before the Township Planning Commission who recommended

support for the relief requested. Stumpo inquired that given the nature of the steep slopes, in particular the driveway, has the plan been submitted to the fire company for review to confirm access by emergency vehicles. She asked if during inclement weather the steepness will prohibit access by responders. Fritch indicated that there is sufficient time to submit the plan to the fire company for a comment and review letter. McKay asked for further clarification as to use of the basin to mitigate runoff to adjacent properties. Gerbron and Fritsch explained that the design of the basin and the drywell under the driveway will be sufficient to handle runoff. Fritsch also noted that the allowable impervious coverage is 10% but the Applicants are proposing only 6.88%. The house is modest in size to minimize disturbance. McKay voiced concern that there appears to be a proposed disturbance of the existing tree line and wooded area. Fritsch clarified that the designation on the site plan is for a super silt fence for erosion measures and not a tree line. He confirmed that the existing trees on the property will remain undisturbed. Fritsch also noted that an NPDES permit will be needed because the area of disturbance exceeds one acre. Stumpo called for public comment; no public comment. MOTION: Stumpo moved, McKay seconded, to recommend support for the Applicants' Application as presented and discussed, conditioned upon confirmation by Longwood Fire Company that accessibility as proposed is within thresholds acceptable to emergency responders; motion unanimously approved.

7. Public Hearing to Revise Nuisance Chapter 129, Pocopson Township Code: at 7:15 p.m., Stumpo called for a motion to close the public meeting and open an ordinance hearing; DiMonte moved and McKay seconded; motion carried. Stumpo indicated that the revisions include but are not limited to word usage, notice of violation, violations and penalties, and it repeals conflicting ordinances or parts of ordinances as described in the legal advertisement. DiMonte added that the Nuisance Ordinance was adopted in 2010 and the proposed revisions include clarification complying with PennDOT definitions of vintage vehicles. The proposed revisions are the result of work that began in 2019 by the Township Planning Commission with a recommendation submitted on September 21, 2020 to adopt the legislation. Board reviewed the Exhibits and noted that Ordinance #7 is available on the Township website. Board called for discussion including public comment. PUBLIC COMMENT: Janet Fassbender, a Township resident and member of the Township PRT Committee, submitted written comments finding the proposed ordinance amendment far-reaching and in part based on inaccurate references. Board acknowledged receipt of the written comments and asked Fassbender to read her statement. Fassbender, an environmental health professional, noted that, among other things, the legislation fails to call out specific classes of weeds on the PA Noxious Weed List and it is overly restrictive as to grass height. She commented that the Township Public Works Director as well as the PRT Committee should review the text given the extensive maintenance required for township trails and parks. Mark Knightly commented that he did a quick review of the text but had no comment at this time. DiMonte commented that the Board relies on the Planning Commission to have researched these points but perhaps it would be appropriate to provide them with Fassbender's comments and ask them to relist for their November meeting. Suzy Breiseth, a former Commissioner, commented that the Planning

Commission researched the ordinance in 2010 and the reasoning for limiting grass to 6 inches in height addresses property maintenance nuisance concerns. There being no further discussion or public comment, at 7:28 p.m. DiMonte moved, McKay seconded, to close the ordinance hearing and reopen the public meeting; motion carried. Stumpo called for a motion to adopt Ordinance 7 of 2020. Board took no action on the motion but agreed to return the proposed legislation to the Planning Commission for further consideration along with the public comments.

8. Planning Commission (PC) Report from October 7th Public Meeting: Board acknowledged receipt of the PC report.
9. Public Works Report: Knightly reported Clarks Lane is prepped for paving the second week of November weather permitting. A lift was rented for one week for the removal of 8 trees in the township rights-of-way. Curbside chipping begins this week.
 - a. Resolution 2020-15 Road Rock Salt: Board reviewed the Resolution. Stumpo asked for clarification in the Co-Op Bid Documents as to solar salt. Knightly indicated that it is used in making brine which is not used in Pocopson. He confirmed the availability of sufficient road rock salt and sufficient funds set aside in the budget. No public comment. MOTION: DiMonte moved, McKay seconded, to approve Resolution 2020-15 accepting the low bid for road rock salt as advertised and accepted by the Southern Chester County Cooperative; motion unanimously approved.
10. Facilities: McKay reported that the cellar bulkhead on the Barnard House has been completed and the wooden storm doors have been installed and painted. Future work tasks include pointing the stone on the back section, replace a door that will not open, and replace vinyl windows on the southside to match the other windows and complete the exterior historic restoration. The work is included as a 2021 budget line item. McKay also reported that the PA Historic Marker has been installed at the Locust Grove Schoolhouse. The interior work for the Schoolhouse is complete and the Historical Committee is working on moving the furnishings and memorabilia out of storage and into the Schoolhouse. Board agreed that an open house might be scheduled for spring 2021 depending on COVID-19 pandemic. DiMonte reported that the Board met with GKO Architects to continue the internal and external finishes selections. The Board anticipates completion of the bid package by January 2021. Stumpo suggested setting up display boards at the polling place for the public to have a preliminary look at the designs.
11. Kennett Area EMS Commission: Stumpo reported that the fire companies requested a 15% increase during the October meeting. The last budgeted increase to the fire companies was 3 years ago. Stumpo noted that this increase is accounted for in the 2021 Pocopson budget. McKay supports the increase given the excellent service provided by emergency responders. No public comment.
12. New Business:
 - a. Resolution 2020-14 Appointing Certified Public Accountants – DiMonte reviewed the text of the Resolution. McKay inquired as to the number of years Barbacane Thornton have served in this capacity. Lennon responded that they have served for about 10 years. She noted that the auditor assigned changes frequently. McKay suggested and

- the Board agreed that the Township seek proposals for 2022 from other accounting firms simply as a fiduciary responsibility. No public comment. MOTION: DiMonte moved, Stumpo seconded, to approve Resolution 2020-14 appointing Barbacane Thornton, CPA to audit Fiscal Year 2020; motion unanimously approved.
- b. Resolution 2020-16 Approval of Modification of Ag Security Area and Resolution 2020-17 - McKay reviewed the Resolution modifying the Ag Security Area to include the VanAnda/Smith parcel located on Locust Grove Road. No public comment. MOTION: Stumpo moved, McKay seconded, to approve Resolution 2020-16 modifying the Pocopson Township Ag Security Area; motion carried. MOTION: DiMonte moved, McKay seconded, to approve Resolution 2020-17 readopting the existing Pocopson Township Ag Security Area; motion carried.
 - c. Text for Reorg Appointment/Reappointment Notices - McKay expressed his appreciation to everyone for their community involvement and dedication to volunteering their time. The committees are always looking for volunteers. Board approved the text of the letter from the Township Secretary.
 - d. Constant Contact Email Sign-up - DiMonte reported that a sign-up for the Constant Contact Email Platform will be part of the Township website. Secretary researched various platforms as directed by the Board to offer alternate methods of communicating with the residents. DiMonte expressed that email notifications will provide an opportunity to push important township information to residents. Residents who sign-up via the website will be recipients of official township notices.
 - e. Property Concern - Dance Hall - Board reviewed comments from the Zoning Official regarding the condition of the property and his intention to reach out to the landowner to secure the property and the building.
 - f. Chester County Vision Partnership Program ("VPP") Application - Zoning Project - Board reviewed the narrative submitted by the Secretary which outlined provisions of the VPP that would reimburse the Township for a portion of the expenses the Township will incur for this task. In addition, Secretary obtained estimates from Township Consultants for in-house assistance with the project. Summers commented that the Commission discussed 2 options to approach the task: (1) the immediate task to examine uses and editorial analysis; or (2) a deeper dive in accordance with the 2014 Comprehensive Plan Future Land Use Map examining the potentiality of changes to zoning district boundary lines, etc. His recommendation would be to stay with option 1 at this time and to use in-house consultants if the task expands. McKay and Stumpo commented that they are not inclined to set aside significant funds for the project as estimated by the VPP grant given that the new township building project is underway. DiMonte noted, however, that the County VPP would provide for reimbursement of a percentage of the costs. Summers strongly supported working with in-house consultants as the consultants on the County list may not be familiar with the Township. McKay agreed with this notion. Following discussion, the Board agreed that at this time the PC should proceed with option 1 and in-house consultants for the task. No public comment.

13. Old Business:

- a. Parks, Recreation and Trails Committee/Dog Park Rules - Stumpo noted that last month the Board approved a proposal for installation of dog park fencing in Pocopson Park ("Park"). Since that meeting, residents have asked to be heard regarding the dog park. PUBLIC COMMENT: Sherry Kriza of Corinne Road commented that she was told the location of the dog park would be in the field below the adult exercise equipment. She is disappointed to learn that the site has changed. Becca and Jay Kaplan commented that the location will be within a couple hundred feet of their property and will be difficult for their children and dogs. Becca Kaplan thanked the Board for the Park and its amenities, but the volume of traffic has increased substantially in and around the Park and she worries that this will only increase further with the dog park. She provided the Board with a video of parking concerns that cause congestion on the roads. Steve Hutton commented that there have been various communication difficulties with the Board on this topic. He also recognized that there is a level of responsibility on the part of the residents to stay abreast and apprised of township projects and activities. Nevertheless, when a project directly affects a neighbor adjacent to township property, the township itself should bear the responsibility of formal notification. Hutton lives on the northern boundary of the Park and has noticed of late that Park usage has increased, noise level from the Park has increased, there are parking issues given that the parking lot is used beyond capacity, and Park users, generally, do not adhere to traffic signs or laws. He commented that the current location for a dog park creates difficulty as it is adjacent to the baseball and soccer fields. Stumpo asked Hutton if he had a suggestion for an alternate location. Hutton suggested that the township land along Lenape-Unionville Road would be ideal as it is not a heavily used area and will not negatively affect neighbors. Suzy Breiseth resides down the road from the Park. She acknowledged that the increase in usage is tied to the COVID-19 pandemic. The Park is noisy with activity occurring into the night. She commented that she was serving on the Planning Commission when the Park was developed. At one time, the township gated the Park at dusk to prohibit usage. Because the Park has not been gated in years there may be illicit activity occurring after dark. DiMonte responded that the township knows of no requirement to respond or to resolve individual comments within a specified period of time. The public comment component of public meetings serves this purpose. She emphasized that the Board was not aware of the elevated concern of activity in the Park. No contact has been made with township personnel to log-in complaints and concerns. Tana Blevins, a Locust Grove Road resident, commented that she often cannot get out of her driveway because Park users tend to park along the road or private driveways when the Park parking lot is full. She added that there is a tremendous amount of unsupervised activity occurring in the Park after dark. Ethan Swartz who resides across the street from the Park, commented that the goal of the Board should be to improve communication. He commented that he received a letter from the township regarding modification of the Ag Security Area but did not receive any communication regarding a project that

impacts the neighborhood. Swartz feels that if the Board thought about the project from a neighborhood perspective, they would prioritize communication. He commented that the Park is a known location for drug deals and the Board should be taking steps necessary to secure the Park after hours. He commented further that the Board must identify a better location within the Park for the dog park and that an impact or population study may be guiding in determining if a dog park is needed at all. Stumpo thanked the residents for the comments. She indicated that the dog park project is not finalized but the Board has discussed the project publicly for 2 years. Board agreed that residents should contact the State Police for a number of these concerns, particularly if they are aware of drug activity in the parking lot. Board recognized that due to the pandemic people are doing what they can to spend time outdoors and that includes time spent in the Park. Sean Kennedy resides close to the Park and questioned why the township needed a dog park at all given the number of trails and open space available to residents. He thanked the Public Works Department for all that they do to keep the dog bag dispensers filled that are located along the trails and in the Park. Gary Summers commented that as someone involved with animal rescue, most rescue groups are not proponents of dog parks for a number of reasons, including health and safety. Ann Hutton commented that installing the dog park in the flat area between the sports fields will disrupt the viewshed and will eliminate an area where people are accustomed to flying kites or playing frisbee. Dog parks in surrounding townships are generally set up beyond public areas so as not to interfere with park usage and to provide a safe place for the animals and the owners. The Board recognized Jesse Noa and Judy Lovell, from the PRT Committee who offered the following:



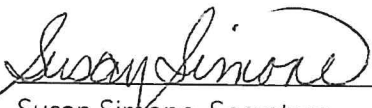
- i. Jesse Noa, PRT Chairman, was not certain how to respond to the concerns. Nearly 2 years ago, the PRT Committee appeared before the Board with the recommendation for a dog park and the Board authorized the PRT Committee to proceed. The dog park has been discussed at every publicly held PRT Committee meeting, including establishing rules and regulations. The PRT Committee has appeared before the Board numerous times with updates and proposals for the dog park.
- ii. Judy Lovell, PRT Committee Member added that several people approached the PRT Committee about installing a dog park in the Park. She reiterated Noa's comments that the matter has been discussed publicly. She clarified that it is a dog park and not a kennel. The location in the Park below the adult exercise equipment poses a challenge as to fencing because it is a hillside and not a flat space. The proposals that have been submitted to the Board can accommodate installation on a flat area or a hillside.

Stumpo suggested that the Board table further discussion to a future meeting. McKay thanked everyone for their comments. He stated that he was not serving on the Board during the approval process for the dog park. He recognized that it is his responsibility to understand the concept of a dog park, and as such, has visited a several dog parks in the

Please see page 8 for requested correction.

area. He shared his findings with those in attendance. Board agreed to revisit the matter considering the various concerns and comments heard during this meeting.

14. Correspondence: no correspondence.
15. Treasurer's Warrants: Stumpo moved, DiMonte seconded, to approve the Bill Payment Lists for September 22 - October 26, 2020 recommended for payment by the Treasurer; General Fund: 46 bills totaling \$164,209.89; 13 debit card charges totaling \$998.27; Highway Aid: 5 bills totaling \$6,608.45; Parks, Recreation & Trails: 1 bill for \$189.80; Township Facilities: 4 bills totaling \$37,693.25; motion unanimously approved.
16. Approval of Meeting Minutes: MOTION: DiMonte moved, McKay seconded, to accept the September 21, 2020 Meeting Minutes as submitted; motion carried.
17. Adjournment: at 8:55 p.m., McKay moved, DiMonte seconded to adjourn the meeting; motion carried.



Susan Simone, Secretary



See next page for requested correction
to page 6 of these minutes.

page 8
added 11/30/2020

On Tue, Nov 24, 2020 at 10:12 AM Susan Simone <secretary@pocopson.org> wrote:

Thank you, Jesse, for the clarification. The minutes belong to the Board and were approved last night by motion made and carried. The path forward procedurally is to include the correction as an agenda item for the December 14th meeting as directed by the Board of Supervisors and the December 14th minutes will include the correction to 10/26 meeting minutes.

Susan Simone, Administrative Secretary
Open Records Officer
Pocopson Township
secretary@pocopson.org
Phone: 610-793-2151

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From: Jesse Noa <jnoa1775@gmail.com>
Sent: Tuesday, November 24, 2020 9:38 AM
To: Susan Simone <secretary@pocopson.org>
Subject: Re: Pocopson Township Approved Board of Supervisors Meeting Minutes 10/26/2020

Susan,

I have a correction to the minutes. "Jesse Noa, PRT Chairman, was not certain how to respond to the concerns." Is inaccurate and incorrect. It should read: "Jesse Noa, PRT Chairman, was not certain how to procedurally address the concerns because the Board had previously unanimously approved the dog park, and therefore, deferred to the Board for revisiting its prior approval."

Please correct before posting.

Thanks,

Jesse

The requested correction will be considered by the Board of Supervisors at its regularly scheduled public meeting on Monday, 12/14/2020.