



Board of Supervisors Meeting Minutes
Monday, July 26, 2021, 7:00 P.M.

In-person Attendees: Supervisors Ricki Stumpo, Elaine DiMonte, Ray McKay; Amanda Gattuso, Treasurer Support Staff; Terry Gallagher, McCormick Taylor, Township Engineering; Al Davis, Representative, Kennett Area Emergency Management Services (EMS) Commission. Attendees via GoToMeeting Platform: Ken Hoffman, Gilmore & Associates, Inc., Township Engineering; for the Robson Matter Amanda Schneider, P.E., Project Manager, Don Robson, Robson Industries, Inc.

Public in attendance: 0

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** no Sunshine Announcements.
3. **Announcements:** no announcements. At this time, Davis asked if he could present his report because he is not able to stay for the entire meeting. Upon motion made and approved, the Board re-ordered the agenda to permit Davis to provide an EMS Commission report following Announcements.
4. **Kennett Area EMS Commission Report:** Davis attended the July in-person EMS Commission meeting. Participating municipalities have submitted their quarterly payments. An equipment assessment is planned for the week of August 16th with a comprehensive report to be submitted as to what is needed and what may need to be replaced. The Commission discussed retention and recruitment for volunteers which included reference to Act 172 legislation. Work is underway to come up with criteria for Act 172 eligibility, i.e., number of volunteer hours, call responses, etc. Secretary indicated that the Township Solicitor has provided a preliminary draft to amend the current ordinance with regard to eligibility for both real estate and earned income tax relief for such volunteers. McKay noted that there is agreement that there should be some consistency between the fire companies as to eligibility requirements. Consistency in defining the level of volunteer support is a critical component for the incentive to work in an equitable fashion. DiMonte asked as to the progress of the tutoring program for Latino volunteers working to maintain or earn volunteer certificates. Davis indicated that the program is ongoing and that there has been at least one successful graduate. Stumpo offered her thanks to the Commission members for the get-well card. She hopes to return to the Commission meetings.
5. **Work Session:** Work Session was cancelled for June 16, 2021.
6. **Robson Industries Zoning Hearing Board Application for Commercial Variance; UPI 63-4-143 & 63-4-143.1; 918 Pocopson Road, West Chester:** Schneider is the civil engineer representing the project. She reviewed the particulars of the Application as well as the Plan prepared by DL Howell, dated 5/20/2021. The Supervisors acknowledged receipt of Comment and Review Letters from the Township Zoning Official, Township Engineer, and the Township Planning Commission. Robson Industries seeks a lot line change in order to reconfigure the lot lines for the UPI parcels. Four variances are required for the

relief requested: §250-45.A 4 acres required, 3.190 acres proposed; §250-45.B lot width for building setback 250 feet required, 116.7 proposed; §250-45.D minimum side yard 50 feet required, 48.6 proposed; and §250-45.D for lot #2 side yard 50 feet required, 28.1 proposed. Schneider indicated that the 5/20/2021 Plan has been revised and resubmitted to include the comments provided by the Township's Engineer and Zoning Official. DISCUSSION: DiMonte pointed out that Schneider was citing the incorrect section of the code during the presentation, that it is Section 250. Schneider clarified that her file was correct and that she misspoke. DiMonte noted that it is rare for the Board to receive an application that proactively seeks variance relief and wondered if the submission was part of a plan for further development of the parcels. Robson indicated that there are no immediate plans for development. McKay offered that he attended the July 7th Planning Commission meeting, and from that discussion, he believes he understands the impetus for addressing the nonconformities of both lots. Hoffman indicated that the revised plan was received by his office on Friday, July 23rd. He has not given the Plan a complete review but suggested no problems if the comments have been addressed. However, he noted a concern with regard to the septic and stormwater management facilities inasmuch as easements are designated in the event the properties should be offered for sale. Shared stormwater and utility facilities should be documented by a recorded easement prior to a future sale or purchase. Schneider indicated that the Plan has been revised to accommodate the comments and that digging deeper, a well has been identified on each property and marked accordingly. Hoffman added that a maintenance agreement should also be recorded for the stormwater facilities. Hoffman acknowledged that a full review of the plan will be completed in advance of the zoning hearing board hearing in August. No public comment. MOTION: Stumpo moved, McKay seconded, to support the zoning variances as discussed and contingent upon compliance with a current review of the 5/20/2021 Plan revisions by the Township Engineer and Zoning Official; motion carried.

7. **Public Works Report:** no report submitted.
8. **MS4-TMDL Report:** Gallagher last provided a public update on the program in February, 2020. This evening he presented an update on the methodologies used to calculate what appears to be a short-term reduction in sediment. He reported that with PA DEP Guidance and the assistance of the McCormick Taylor Water Resource Team, work can begin to finalize details of a stream restoration project to mitigate and reduce sediment. He believes that American Rescue Funds may be available to fund the project and would also seek to identify stormwater management grants. DiMonte and Stumpo noted that it would seem logical to coordinate efforts with other agencies or municipalities as streams flow through multiple geographies. Gallagher indicated that data calculations attempt to sort out the anticipated sediment loads for each borough and municipality. McKay asked what Gallagher would propose going forward. Gallagher would like to prepare an estimate of the cost for sediment reduction projects based on identified phases for the work to complete the tasks following identification of perhaps 4 or 5 areas in the Township for stream restoration. Board agreed with this approach and added that the Public Works Department would be a valuable resource in identifying stream restoration areas. Gallagher is working from 2010 census data and PA DEP numbers from 2006, so while there is no requirement to amend the current MS4-TMDL Plan, it would be worthwhile to update land use data and stream restoration initiatives. McKay noted that restoration along the main body of Pocopson Creek as a viable restoration project. McKay suggested that the Board push a Constant Contact notice to the community once a timeline and details are identified so that residents are aware of this mandate and landowners can consider allowing the Township to access stream banks on private property. The Board may list this agenda item for the August 23rd meeting depending on the status of the timeline and proposed costs.

9. Facilities:

a. New Township Administration Building

- i. Update - DiMonte reported that all permits have been issued and following a number of site meetings, mobilization has been completed and the site is prepped for earthwork.
- ii. Review & Approval Applications for Payment - DiMonte reported that the current payment amount submitted is \$4,050.00. The request for payment for the mobilization work was not submitted in time by the general contractor for GKO Architects to review. Hoffman noted that not all mobilization items were in place and that the amount in the ask did not include a percentage for completion. MOTION: DiMonte moved, McKay seconded, to approve the application for payment from BSS Contractors in the amount of \$4,050.00; motion carried.

10. Planning Commission ("PC") Report/July 7, 2021 Meeting: Board reviewed the report submitted by the PC which included a final draft of the proposed omnibus zoning amendment and a new Code chapter to legislate ATVs and Motorcycles. DiMonte and McKay commented that they have a number of questions regarding the deletion of provisions of the current zoning chapter, as well as the draft text of the proposed ATV Ordinance. Board agreed that a work session would be appropriate with the PC Chairman and PC Solicitor for clarification of the proposed changes. MOTION: McKay moved, DiMonte seconded, to submit the draft ordinances to the Township Solicitor and for the Secretary to identify a meeting date for an ordinance work session; motion carried. No public comment.

11. New Business:

- a. American Recovery Plan ("ARP") Resolution - Board reviewed the sample resolution provided by PSATS and noted that the resolution will be required to amend the budget when the Township is ready to spend the ARP funds. Gattuso reported that she has highlighted pertinent parts of the ARP Frequently Asked Question Sheets provided by the U.S. Treasury as a guideline for the Supervisors. DiMonte commented that the Board would like to use the funds to assist small businesses and self-employed residents impacted by COVID but noted that a registration process and defined criteria would have to be established. Board agreed to review the U.S. Treasury Notes for opportunities to apply the funds to Township facilities.
- b. Resolution to update depositories - Stumpo noted recommendation of the Treasurer Support Staff to consolidate the number of bank accounts and recommend moving the ARP Funds to a separate account perhaps within the Pennsylvania Local Government Investment Trust Account ("PLGIT"). Gattuso provided the Board with a worksheet listing the current accounts with the interest rates. The worksheet included a recommendation to close the BB&T Account and deposit the funds into the Meridian Account. Going forward, the recommendation includes closing the WSFS Account and depositing the funds in the Malvern Bank Account. The accounts within PLGIT will remain. MOTION: McKay moved, DiMonte seconded, to approve the recommendation of the Treasurer to condense the current bank accounts based on the collateral material provided for review; motion carried. A resolution to formally update the depositories is deferred to a future meeting. No public comment.
- c. Resolution for disposition of records - Stumpo reviewed Resolution 2021-07 requesting authorizing disposition of 2 cubic feet of records in accordance with the Pennsylvania Records Retention Manual. MOTION: McKay moved, DiMonte seconded, to enact Resolution 2021-07; motion carried.
- d. Resolution Ending Emergency Declaration - Stumpo noted that the Township enacted Resolution 2020-09 in March 2020 in response to COVID-19 pandemic. The Board recognized that virtual meetings were held under the provisions of Act 16 but in June 2021, the PA House and the PA Senate voted to terminate the disaster resolution.

MOTION: DiMonte moved, Stumpo seconded, to enact Resolution 2021-13 Termination of Declaration of Local State of Disaster Emergency; motion carried. No public comment.

12. Old Business:

- a. Keystone Grant Declaration - Board reviewed and approved signing the Declaration of Covenants as recommended by the Township Solicitor. Secretary is directed to submit the Declaration to the Pennsylvania Museum and Historic Commission as the final step to close out the grant.

13. Correspondence: no correspondence submitted.

14. Treasurer's Warrants: Stumpo moved, DiMonte seconded, to approve the Bill Payment Lists for the period June 22, 2021, to July 26, 2021, recommended for payment by the Treasurer; General Fund: 57 bills paid totaling \$133,112.39; 23 debit card/ACH transactions totaling \$114,953.87 (includes the first (\$112,862.12) of two annual note payments in the Open Space Acquisition Fund; Highway Aid Fund: 4 bills totaling \$2,659.06; Township Facilities Fund: 1 bill for \$1,392.77; Parks, Recreation & Trails Fund: 1 bill for \$180.00; Historical Committee Fund: 1 bill for \$297.00; motion unanimously approved.

15. Approval of Meeting Minutes: Stumpo moved, DiMonte seconded, to approve the Meeting Minutes dated June 21, 2021, as submitted; motion carried.

16. Adjournment: At 8:12 p.m., Stumpo moved, McKay seconded, to adjourn the meeting; motion carried.



Susan Simone, Secretary



Ricki Stumpo, Chairwoman