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**Board of Supervisors Meeting
Monday, April 25, 2022, 7:00 p.m.**

In-person attendance: Supervisors - Ricki Stumpo, Elaine DiMonte, and Raymond McKay; Peter Barsz, Treasurer; Amanda Sundquist, Solicitor; Al Davis, Resident Representative Kennett Area EMS; Don McKay, Historical Committee; Ken Hoffman, Township Engineering. Participants via GoToMeeting Platform: Craig Kologie, Zoning Official; Mark Knightly, Director, Public Works Department.

Public in-person attendance: 1 Public via virtual platform: 1

1. **Call to Order:** DiMonte called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** DiMonte and McKay met with Township personnel to coordinate the steps for the move to the new building. McKay and Stumpo attended the Energy Committee meeting in-person.
3. **Announcements:** none.
4. **Public Comment Non-agenda Items:** Matthew Anderson, PennDOT Traffic Control Specialist for Chester County, District 6, commented on his recent field visit and recommended safety improvements for the Lenape-Unionville and Locust Grove Roads intersection. An analysis of the field view crash history indicates installation of safety improvements such as reflective signage and thermoplastic reflective paint for road markings to provide warnings should improve the intersection. The work will be scheduled for Summer 2022 and completed in approximately 90 days. There is no cost to the Township for these safety improvements. There will be no disruption of traffic flow or detours. McKay asked if there is consideration to establish a 4-way stop at the intersection. Anderson noted that the request would have to come from the Township and an engineering study completed. The steps outlined by Anderson are first steps to be monitored to determine if further action is warranted.
5. **April 20th Work Session:** DiMonte noted the work session was cancelled.
6. **Steve Warhola, Chief of Staff, Office of Senator John Kane:** Steve Grabicki, Operations Director, appeared before the Board as Warhola was not available. He reminded attendees of the address for the Thornton Office. He noted with redistricting, some municipalities were lost while others were gained. Grant funds are beginning to open up for broadband and infrastructure. The Senator's Office will be sponsoring a shredding event and Veterans' Breakfast. Grabicki is a Pocopson resident and noted he is pleased to live in the district the Senator represents. DiMonte commented that the Township seeks funds for repairs for West Creek Road. Davis commented as to the viability of grants for emergency services in order to ease the burden on the Townships. Grabicki encouraged residents to reach out to the office for details on available grants.
7. **Acceptance 2021 Township Financial Audit - Barbacane Thornton:** Timothy Sawyer, CPA, Partner at Barbacane Thornton, reviewed the audit results as submitted to the Board. He described the field work required to complete the audit including but not limited to audit testing, timeline, supporting documentation, and analytical review. Audit was completed and results advertised in accordance with legal requirements and a financial summary is available on the Township website. The audit focused on major vendor payments with a considerable number of expenditures spent for the new township building. The audit also included a review of internal controls. Sawyer acknowledged the assistance of Township

personnel and management for providing requested documents. Sawyer noted the jump in revenue from the American Rescue Plan funds and suggested the budget will realign following expenditure of those funds. DiMonte noted no new findings in the audit and that 2020 findings have been addressed. She thanked Barsz and the Township Secretary for their participation in the audit. Board unanimously accepted the findings of the audit submitted by Barbacane Thornton. No public comment. At 7:15 p.m. the Board granted the request of Barsz to be excused.

8. **Zoning Hearing Board Application 920 Denton Hollow Road, Tax Parcel 63-4-120, Thomas and Gina Dorff:** Applicant Tom Dorff appeared before the Board. Consultants for the Applicant presenting the project were Attorney Gina Gerber, Engineer Evan Pelligrino, and Meghan Shomper, Arborist. Gerber provided background on the 2-acre property which is primarily woodland. She noted the Applicant began the approval process in November 2021 having come before the Planning Commission ("PC"). Applicant re-evaluated the plans for the property based on the comments provided by the PC. In addition, the Applicant has engaged additional consultants to review and comment on the woodlands and to prepare a floodplain study. A reassessment of the floodplain shows that the floodplain area is considerably smaller than was previously presented. A culvert for the driveway-stream crossing has been redesigned. A tree survey was completed by Shomper who presented her findings to the Board. Shomper identified 3 heritage trees in proximity of the proposed dwelling noting that 2 will have to be removed as they represent a hazard in their current condition. She explained that while the lot is primarily woodland, there are numerous invasive vine species that are endangering the health of the existing trees. Shomper provided descriptions of multi-stem trees that are prone to breakage and blow down. She noted that the healthy trees are also being strangled by the invasive vines. Stumpo indicated no problem with the removal of trees that represent a hazard. McKay and DiMonte asked for clarification of the species of the heritage trees. Shomper responded that of the 2 heritage trees to be removed, 1 is an Ash subject to disease by the Ash Borer and the other tree is a Tulip Poplar. She also explained the hazard the trees present to the proposed dwelling in that they are multi-stem species with numerous wide-caliber branches coming off a base that tends to make the tree top-heavy. DiMonte inquired as to how the invasive vines would be removed. Shomper noted the plan is to remove them manually rather than with herbicide. A management plan will be in place to save as many of the trees as possible. DiMonte asked and consultants provided clarification as to the location of the Sellers' property juxtaposed with the revised plan and how the Applicant will control stormwater. McKay noted current difficulties with a stormwater swale on the property owned by the Bittersweet Homeowners Association. Using a display of the plan, Pelligrino explained how the stormwater management features have been amended from the original plan to minimize the impact on neighboring properties, including location of discharge pipes and how stormwater will discharge into the stream. Gerber added that there are assurances in place in that the Applicant must comply with the township ordinances as well as other agencies. She added that consultants for the Applicant have addressed the comments expressed by Randy Mims during the PC meetings with regard to the creek flow. As a result, the driveway-culvert was redesigned and calculated to withstand a 100-year-flood. McKay asked how the redesigned culvert will affect the flow to the Sellers property. Pelligrino responded that the design is meant to minimize the flow not to increase the flow even after accounting for the driveway and area disturbed to construct the dwelling.

Hoffman commented that the Applicant has not submitted plan revisions in a timely manner for comment and review. He acknowledged that progress has been made but there are still a number of outstanding comments that have not been addressed. He voiced concern whether the plan has been revised to accommodate a turnaround for emergency vehicles as commented by the Township Fire Marshal. McKay acknowledged the progress to date and asked as to the status of septic permitting, specifically a replacement area. Dorff indicated that soil testing will be scheduled to identify a replacement area. Gerber addressed the Conservation Easement Area representing approximately 1.07 acres as held by the Brandywine Conservancy. Gerber distributed a copy of a March 28, 2022 letter from the Conservancy granting approval for the driveway, subject to the condition that all necessary approvals and permits are obtained from the Township. She noted that the coverage and impervious coverage areas were netted out when calculating the Conservation Easement. DiMonte asked if the Applicant learned of the Conservation Easement via a title search? Dorff said that they were not aware initially but having learned of the Conservation Easement, they have had several meetings with Conservancy representatives. Gerber noted that considerable thought has been given to the location of the home to include adequate screening for Mrs. Sellers. Dorff added that there is no intention for the installation of significant lighting. Public Comment: no comments from the public. Sundquist briefly explained the particulars for the Second Revised Application now before the Board. She indicated the positions that the Board may take and that they may take no position at all. She reviewed the documentation that has been submitted to the Board, including but not limited to, the letter from the Fire Marshal, Zoning Official, and the PC recommendation. She noted that a stormwater operation and maintenance agreement in a form acceptable to the Township be recorded so that future purchasers of the property are clear on the conditions. DiMonte commented that the discussion has been most helpful. McKay voiced concern that because the trees have not leafed out, can the Applicant be fully assured as to the health of the trees. Hoffman indicated that it is early in the season to make that determination. Gerber added that the Applicant's arborist will be monitoring the site. MOTION: DiMonte moved, Stumpo seconded, to take no position on the amended zoning application, noting if the Zoning Hearing Board approves the requested relief, the Board suggests the imposition of conditions as recommended by and discussed with the Township Solicitor; motion carried.

Stumpo requested and the Board agreed to reorder the agenda to allow Davis to report on the Kennett Area EMS Commission. At 8:17 p.m. the Board granted the request of Sundquist to be excused.

9. **Kennett Area EMS Commission:** Davis reported that the Commission met on April 12th, and he provided a report on the finances presented during the meeting. He noted that PoMarLin will participate in the regional response program and the incentive program. McKay noted that the Commission voted down hiring an administrator.
10. **Public Works Report:**
 - a. Resolution for Highway Materials - MOTION: DiMonte moved, McKay seconded, to adopt Resolution 2022-08 authorizing the purchase of materials and services from Alpha Space Control Co., Allan Myers Materials PA Inc., Dixie Land Energy LLC, and AMS as recommended by the Southern Chester County Cooperative; motion carried.
11. **Kennett Library Update - Brad Peiper:** Peiper introduce Chris Manna, Library Director, who provided an update on activities and services provided by the Library. Manna

recognized the financial support provided by each of the municipalities served by the Library. He noted that there are 11,000 cardholders, free programs for ESL and tutoring, as well as literacy programs. Library materials are available in digital format. The volunteers and donors are the lifeblood of the Library. Manna and Peiper described the work underway for construction of the new Library that will be completed in 2023. The new building will take advantage of natural materials and natural light and will include a 110-seat auditorium. The new construction is in compliance with borough ordinances and governmental agencies. Technology will be a significant component of the building as well as designated space for the public-at-large with formal and informal meeting spaces. Peiper and Manna walked the Board through a handout that included multi-level areas of literacy that the Library will address, including but not limited to health literacy and financial literacy - ways of addressing needs of the community. DiMonte commented that the Township will look to the 2023 budget to identify funds for contributing to the Library construction. McKay commented that a financial contribution might be identified for 2022 following a review of the construction budget for the new township building. Board thanked Manna for the presentation and thanked Peiper for his continued service in representing the Township on the library board.

12. Facilities:

- a. New Township Administration Building -
 - i. Update - DiMonte reported the project is nearing completion and that the May Board meeting could be in the new building. Board will legally advertise the change as well as send out notice via the Constant Contact platform and the website if such comes to pass.
 - ii. Review & Approval Applications for Payment - MOTION: DiMonte moved, McKay seconded, to approve the following payments: \$89,225.44 to BSS Contractors; \$9,650.88 to Lenni Electric Corporation; \$13,275.00 to LGB Mechanical; motion carried.
- b. Barnard House Gutter Repairs/Pre-Procurement Request - McKay reported certain repairs have not been completed as part of the project work that was completed in the past 10 years. While painting can be scheduled for next year, there are certain tasks that need to be completed now in order to maintain the integrity of the structure. Roof and gutter repairs being one such critical repair. Board reviewed the proposal submitted by Ny Seniuk to make the repairs which includes realigning the gutters. MOTION: McKay moved, DiMonte seconded, to approve the proposal submitted by Ny Seniuk dated April 4, 2022 in the amount of \$8,282.00 with funds allocated for Barnard House repairs from the 2022 budget; motion carried.
- c. Friends of Barnard Station ("FoBS") Request for Barnard House Entry - Stumpo indicated that she was aware of the request for FoBS to enter the Barnard House after a recent conversation with Hal Hoffman. Carol Haaf, James Noon, and Don McKay, on behalf of FoBS as Hal Hoffman was not in attendance, requested clarification from the Board as to elements of the structure that need to be repaired in order to open the building to the public, specifically for public openings that might generate the interest of potential financial donors for the project. Stumpo noted that the provisions of the Comment and Review Memo submitted by Keystone Municipal Services in July 2019 provides guidance on the required repairs in order to obtain a certificate of occupancy. DiMonte recognized Stumpo as the Board Liaison for FoBS and that perhaps she and Hoffman meet to identify the repairs and determine the

responsibility for such repairs being either FoBS or the Township in accordance with the Agreement signed in 2021. Ray McKay added that the condition of the ceilings and other repairs might be the responsibility of the Township given that the Township 2022 budget allocation for repairs is \$22,000.00. Don McKay asked, and the Board confirmed that the Barnard House repairs completed during Phase 1 and for which a certificate of occupancy has been issued include the office, public restroom, and foyer area. Don McKay should coordinate opportunities to store, locate and display materials in the building with the Public Works Department. Ray McKay indicated that such storage should be fine. DiMonte appreciated the recommendations from the Township Solicitor that opening exterior doors and installing webbing or a stanchion rope similar to Longwood Gardens or Winterthur would be a means to allow the public to "look in."

13. **Planning Commission ("PC") Report:** Board acknowledged receipt of the report which included the PC recommendation for the Dorff Zoning Hearing Board Application and a general update on the Unionville-Chadds Ford School District connection to the Riverside (DELCORA) Wastewater Treatment Plant.

14. **New Business:**

- a. Committees - Historical Committee Pre-Procurement Request - Board reviewed request for supplies for the June 4th Locust Grove Schoolhouse Open House. MOTION: DiMonte moved, Stumpo seconded, to approve individual purchase of items as discussed during the April 25th Board meeting by members of the Historical Committee and for reimbursement for those items; motion carried.

15. **Old Business:**

- a. Extend Building Permit Waiver for Hurricane Ida Repairs - Stumpo asked if it is appropriate to extend to the end of June or September. Kologie noted that September would be a proper estimation given that 6 applications are anticipated. Kologie noted that a few owners have agreed to accept the FEMA buyout and paperwork will be submitted the second week of May. The buyout process could take up to 18 months to conclude. DiMonte noted that a few landowners have chosen to rebuild. Stumpo noted the difficulties in ownership of property in the Cabin Club Community. DiMonte inquired if the buyout will require the Township to take possession in any form. Kologie indicated the Township will be involved to a degree as some type of described easement may be required. Perhaps the easement would include an agreement as to grass cutting or other maintenance. Kologie added that 455 West Creek Road reached out and was able to be included in the buyout program. McKay noted that there will be a clean-up of the Brandywine Picnic Park and that it appears it will be cost prohibitive for the Public Works Department to provide assistance with clean-up of what was once the Dance Hall on Lenape Road. MOTION: DiMonte moved, McKay seconded, to approve granting an extension of time to extend the waiver of building permit application fees related to damage caused by Hurricane Ida as described in Resolution 2021-15 to December 31, 2022; motion carried.

16. **Correspondence:** no correspondence.

17. **Treasurers Warrants:** MOTION: DiMonte moved, Stumpo seconded, to approve the Bill Payment Lists for the period March 29, 2022 to April 25, 2022, as recommended for payment by the Treasurer: General Fund - 46 checks totaling \$43,059.22; 9 debit card/ACH transactions totaling \$3,753.62; Highway Aid Fund - 3 checks totaling

\$5,213.35; Township Facilities Fund - 13 checks totaling \$136,411.22; Parks and Recreation Fund - 3 checks totaling \$345.80; motion carried.

18. **Approval of March 28, 2022 Meeting Minutes:** MOTION: McKay moved, Stumpo seconded, to accept the Minutes as reviewed and corrected; motion carried.

19. **Adjournment:** 8:55 p.m. Stumpo moved, DiMonte seconded, to adjourn the meeting.



Susan Simone, Secretary



Elaine DiMonte, Chairwoman