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

In-person attendance: Supervisors - Elaine DiMonte, Ricki Stumpo, and Raymond McKay; Mark Knightly, Public Works Director; Amanda Sundquist, Township Solicitor; Al Davis, Resident Representative Kennett Area EMS Commission.

Public in-person attendance: 4

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 are attending ongoing construction meetings for the new building. Supervisors met with Township Solicitor on a legal matter.
3. **Announcements:** no specific announcements. DiMonte welcomed everyone to the new township administration building for the inaugural public meeting.
4. **Public Comment Non-agenda Items:** Terry Gumpfer commented that last Wednesday there was a disturbance in the neighborhood concerning dogs which necessitated calls to the State Police. Gumpfer said his call to the State Police was not handled in a professional manner and the dispatcher refused to provide the name of the station commander and simply put his call through to voicemail. He asked the Supervisors to invite the station commander to the next public meeting to address the lack of communication and poor attitude on the part of the station dispatcher. The Board agreed to reach out to the Avondale Station for a representative to attend the August meeting. It was noted that perhaps communication issues are the result of changes in station personnel.
5. **July 20th Work Session:** DiMonte noted the work session was cancelled.
6. **Application for Appeal from Decision of the Zoning Officer Dated 5/18/2022; Applicant Don DeNenno, Tax Parcel 63-4-1.1; 27 Wawaset Farm Lane, West Chester, PA 19382:** James Tupitza, Attorney for the Applicant Don DeNenno, appeared before the Board indicating that he would like to work with the Township Zoning Official to sort out the issues and come to a resolution without having to go before the Zoning Hearing Board. Tupitza noted that he is in receipt of correspondence from the Township assigning 9-1-1 addresses for each apartment unit and correspondence indicating that the apartments were inspected by the building inspector. Tupitza commented that it is not unusual for township records to vaporize over time when shuffled between various locations. Tupitza offered that the matter is not complicated and resolving the matter outside of the hearing will be an opportunity to create a chain of records establishing what is known given that the apartments existed at the time Mr. DeNenno purchased the property. Tupitza noted that the track for resolving the matter is based on a nonconforming use through variance by estoppel. Sundquist pointed out that the Zoning Hearing Board hearing is scheduled for next Monday and inquired as to the efforts Tupitza is making to schedule a meeting with the Zoning Official. Tupitza indicated that he will reach out to the Zoning Official before the end of the week. Sundquist commented that the Applicant will be required to follow current building codes in the event an agreement is reached to reconstruct the barn apartments. McKay commented that given that the apartments are in the barn, presumably they will be separated by appropriate and properly rated fire walls. Sundquist

asked that either Mr. Tupitza or the Zoning Code Official respond back to the Supervisors following any discussion with regard to a resolution. Otherwise, it is expected that the Applicant will appear before the Zoning Hearing Board on Monday, August 1st.

At this time, at the request of Stumpo, DiMonte announced an adjustment to the order of the agenda to hear item #15.a Keystone Grant to allow comments by Solicitor Sundquist.

7. Keystone Historic Preservation Grant ("Agreement")/Friends of Barnard Station

("FoBS"): DiMonte reported that she received the Agreement but prior to signing it, the Board agreed to submit it to the Solicitor for review. Sundquist commented that the Agreement requires the execution of a covenant but does not include a sample text. The text may be similar to that which was recorded with the prior grant awarded the Township. The issue with a covenant is to make sure it applies to the Barnard House structure and not the parcel. Sundquist pointed out that the Agreement is between the state and the township not between the state and FoBS. There are a number of financial and reporting deadlines that have to be closely tracked. She provided an overview of a number of moving parts including effective date to begin work, preapprovals by the PA Historic Museum Commission, indemnification and compliance with hiring standards for professionals, and the particulars to terminate the Agreement. She noted that termination is unilateral and does not include a path for the Township to terminate. **DISCUSSION:** Hal Hoffman, FoBS representative, commented that the funds will not be used for construction but for planning activities, and that FoBS will be hiring Dan Campbell to assess the building. Sundquist noted FoBS will have to comply with PA Right-to-Know Law as well as nondiscrimination and compliance laws with regard to anyone who is engaged for the project. Board agreed that FoBS should submit all agreements to the Board and Township Solicitor for review prior to signing, including the Agreement with Dan Campbell. Board asked Sundquist to reach out to the PA Historic Museum Commission with a request to amend sections of the Agreement as recommended and discussed. DiMonte noted and the Board agreed that the Secretary will meet with FoBS to coordinate tasks in accordance with the Agreement. At 7:19 p.m. Supervisors granted a request by Sundquist to be excused.

- 8. Kennett Area EMS Commission:** Davis reported that the Commission met on July 12th at Pennsbury Township Building and approved Quarterly Distributions that totaled \$625,000.00. The financial report as presented shows a June Month-End Balance Cash on Hand of \$901,981.54. As reported last month, Kennett Borough discussed leaving the Commission at the end of the year. Kennett Borough Council passed a Resolution requesting the Commission to confirm that required annual contribution will be no more than a 4% increase. EMS Commission members find the 4% increase acceptable for 2023 and will form a committee to flush out the amount of the contributions going forward as the percentage is behind the curve of what is required to fund emergency services. Davis added that the Commission is only funding approximately 23% of what the providers are spending to operate. DiMonte expressed that the path forward as described makes sense but voiced concern as to the effect and fairness of the 4% increase across the board. She also inquired as to how emergency services will be provided in the event a municipality withdraws. McKay noted that a healthy correction of 30% occurred last year and the participating municipalities were not ready for it but it was needed. He recognized that annual double-digit percentage increases are not sustainable. Forming the committee to analyze and evaluate contributions in 3-year intervals will also be a tool for advance budget planning. Stumpo noted that this will be a viable option for the Commission to

proceed with strategic planning so that the Commission members will know what percentage is expected for 2024, 2025, and 2026. PUBLIC COMMENT: Hal Hoffman asked how the percentage is derived. McKay responded that it is based in part on population and assessed property values. In addition, he noted that the Commission works in a positive frame having recently passed a retention program which is part of the budget. There is a need going forward for paid firefighters and EMS personnel. Terry Gumpfer asked if the hospitals have been approached to provide EMS services as they do in Delaware County. Comment was made that reports are the hospitals seek to get out of the business of EMS services generally. The Board agreed to and fully support the EMS Commission motion for municipal funding commitment increase of 4% for 2023.

9. **Public Works Report:** Knightly reported that the department is approximately a month behind on activities in part due to tasks required to move the administration office to the new building. The guide rail has been installed on West Creek Road. Patching and pipe work is underway for Tullamore Drive prior to paving. DiMonte inquired as to an update on the West Creek Road project. Knightly indicated the schedule has not changed from that which is currently on the Township website. PUBLIC COMMENT: Terry Gumpfer inquired as to the white markings on Lenni Drive. Knightly indicated that the markings represent inlet work to be installed. DiMonte thanked the Public Works Department for the good work they have done and continue to do to move the office to the new building.
10. **Municipal Small Separate Storm Sewer ("MS4") Total Maximum Daily Load ("TMDL") Report; Terry Gallagher and Nate Lehigh, McCormick Taylor:** Gallagher provided a few updates on the MS4 Program which is in year 5 of a 5-year program the term for which expires in June 2023. As part of the MS4 permit, the Township is required to verify ongoing maintenance of stormwater management facilities. Letters were sent to 12 property owners within the urbanized MS4 area whose stormwater facilities were installed since 2003, requesting verification of ongoing maintenance. Annual maintenance requirements will be expanded with the passage of the amended stormwater ordinance in fall of 2022. Gallagher noted that oft times a landowner purchases property and has no idea that there is a recorded Best Management Practices Agreement that runs with the land. The goal of the MS4 program is to keep landowners involved as to stormwater requirements. Board noted that 3 of the 12 landowners have responded to date and that 3 parcels owned by the township are included in the 12. Gallagher will send out a reminder letter. Revisions to the 2018 TMDL plan include describing the proposed measures to address the sediment waste load allocation assigned in the Christina Basin. Notice of the revision will be advertised and listed for the August 22nd Board of Supervisors meeting for public comments. Lehigh reported that 30% of the design submission for Pocopson Creek Restoration Project was submitted in June. A benchmark goal is to reach 75% by September. McKay commented that he attended the pre-application meeting for the environmental permits coordinated through DEP. He expressed that he spoke to the farmer regarding access to Pocopson Creek to avoid the state's encroachment concerns. McKay will follow-up with Lehigh as to the proposed access. Lehigh reported that the pre-application meeting held earlier included getting approvals as part of the General Permit submission. Letters from the Fish and Wildlife Service have not been received but word went out earlier today that there was an initial hit of an endangered species. McKay provided a brief background of the project for those in attendance who were not aware of the streambed restoration project that's underway. He noted the work done at Strodes Mill is similar in that there is a reduction in the slope of

the stream banks to remediate erosion and for the establishment of natural vegetation. PUBLIC COMMENT: Judy Lovell inquired as to the height of the stream banks given that there is evidence that lowering them can lead to increased flooding as is the case with Strodes Mill. Lehigh responded that the stream bank work reconnects the flow to a floodplain or floodway and there is a science to identifying certain flows and a variety of sediments within the flow. Stream bed remediation contains the flow within the channel. McKay recognized that the instant project is an effort to control the flow so that there is less impact on adjacent sides which in and of itself controls pollutant sediment. DiMonte noted that the Pocopson Creek Restoration Project is funded by the ARPA funds and as such removed a significant financial burden from the township.

11. Facilities:

a. New Township Administration Building -

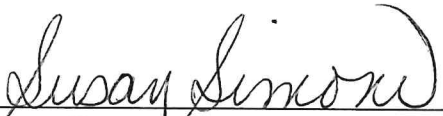
- i. Update: DiMonte reported that the building today is the culmination of work that began in 2008 when the property was acquired from the County. Due to supply chain issues, overall completion of the building is about 6 months behind schedule. Glass for the doors and partition walls in the office space being one such example of supply chain issues. There are contractor challenges that are included in the punch list which Knightly is assisting in overseeing. DiMonte pointed out that the stone and beams in the meeting room and the siding at the base of the stairs were repurposed from the demolition of the tobacco barn. She pointed out that the after-hours drop box at the front of the building was constructed by Public Works Team Member Mike Cialini with demolition materials. The viewshed has not been disturbed as the building is located on the footprint of the tobacco barn and the building design compliments the surroundings. DiMonte reported that a budget update will be presented in August. The elevator functions but a certificate has not been issued by the state to put it into service. PUBLIC COMMENT: Susan Capella offered congratulations to all involved with the project as it is a beautiful building. DiMonte acknowledged that there were a number of iterations presented to the Board. The final design was chosen with the intention to respect the history of the area and to blend the structure with the Barnard House. McKay offered background on the meeting room table which was made by Waltz Millworks in Wagontown from reclaimed barn lumber. Hal Hoffman commented that he hoped the project was photographed during the build-out. McKay indicated that he has photographs of the project. He noted that November 2021 was the original target completion date and the date stone was updated to 2022. McKay added that the township owes a great deal to DiMonte who kept after the contractor and the architect. DiMonte thanked McKay for his assistance and offered that at times the project was challenging.
- ii. Review and Approve Applications for Payment: no submissions at this time.
- iii. Disposition of furnishings: DiMonte reported that there are a number of furnishings in the Denton Hollow Road Office Building that are not needed in the new building. FoBS has expressed interest in a meeting room table and chairs. However, at least one table will be needed for the conference room off the meeting room here. One work station was moved to the Public Works Facility and a desk was on loan that must be returned. PUBLIC COMMENT: Stumpo noted that the smaller meeting room table was donated by former

Supervisor Bruce Yelton. Hal Hoffman indicated that he was not certain if FoBS could use the larger meeting room table but could use some of the meeting room chairs. He also inquired as to a glass candy chest or display case that has been missing from township facilities. The whereabouts of the piece is not known other than it was once at 740 Denton Hollow Road Office. MOTION: DiMonte moved, McKay seconded, to authorize the sale of furnishings on the Municibid auction site as identified by township personnel; motion carried.

12. **Budget Work Session Dates:** Board agreed to establish the following budget work session dates in 2022 for work on the 2023 budget: August 17th, September 21st, and October 19th.
13. **Planning Commission ("PC") Report:** Board acknowledged receipt of the PC report from the July 6th meeting. The report included the PC recommendations for amendments to the 2013 Stormwater Management Ordinance. MOTION: DiMonte moved, McKay seconded, to authorize submitting to the Township Solicitor, the PC recommendations to amend the 2013 Stormwater Ordinance, and to proceed with steps necessary to legally schedule an ordinance hearing for adoption; motion carried.
14. **New Business:**
 - a. Stormwater Management Best Management Practices Operating Agreement for 120 South Wawaset Road - Board acknowledged signing as requested by the Applicant and recommended by Castle Valley Consultants, Inc., per Site Plan dated 1/3/2022 in order for the Applicant to obtain a building permit.
 - b. Facilities Reservation Application for Township Building Meeting - DiMonte reported that use of the Township meeting room had been suspended due to COVID. The Board is aware of inquiries to use the meeting room in the new building. Secretary provided the Board with a narrative and sample meeting room reservation forms from surrounding municipalities. Board will review the material and seek recommendations from the Township Solicitor. McKay indicated that it would be wise for personnel to use the building for a while to ensure everything is working smoothly. Board will start the process of reviewing how other townships implement meeting room availability for residents and groups with a decision by the end of the year for implementation in January 2023.
15. **Old Business:**
 - a. Larsen & Landis Recommendations for Barnard House Second Floor Framing - McKay provided a brief description of the repairs required for the floor joists in the Barnard House as has been previously discussed, including but not limited to the kitchen area. As was discussed during the June 27th public meeting, a second meeting was held with the engineer from Larsen & Landis to further review the current and future use of the Barnard House as well as identifying a resolution beyond that which lies within the existing plans prepared 14 years ago. The engineer met with McKay, Hal Hoffman, and Mark Knightly. The proposed options by the engineer will unnecessarily close down the current project and result in a significant cost to the Township. McKay requested the Board seek an opinion from the structural engineer from Gilmore & Associates, Inc., who has provided structural engineering assistance in the past. MOTION: McKay moved, Stumpo seconded, to authorize obtaining a structural engineering proposal from Gilmore & Associates for the associated structure and framing within the Barnard House as discussed in an amount not to exceed \$1,500.00; motion carried. PUBLIC COMMENT: Hal Hoffman

commented that FoBS is planning an open house or "welcome center" for either the second or third week of August. The open house area will include only those areas for which a certificate of occupancy has been issued. Visitors will be shown around the exterior of the Barnard House. FoBS has the liability insurance in place for such an event. Board supports this event as proposed and discussed.

16. **Correspondence:** no correspondence submitted.
17. **Treasurers Warrant:** DiMonte moved, Stumpo seconded, to approve the Bill Payment Lists for the period June 28, 2022 to July 25, 2022 recommended for payment by the Treasurer: General Fund: 48 checks totaling \$47,994.90; Highway Aid Fund: 1 check totaling \$62.44; Township Facilities Fund: 5 checks totaling \$3,127.01; Parks and Recreation Fund: 3 checks totaling \$354.57; ARPA Fund: 4 checks totaling \$10,424.00; ACH/Debits: 7 ACH transactions totaling \$295.90; motion carried.
18. **Approval of Meeting Minutes:** McKay moved, DiMonte seconded, to approve the June 27, 2022 meeting minutes as reviewed; motion carried.
19. **Adjournment:** at 8:13 p.m., Stumpo moved, DiMonte seconded, to adjourn the meeting.



Susan Simone, Secretary



Elaine DiMonte, Chairwoman