



P.O. Box 1, Pocopson PA 19366
Office: 610.793.2151 Fax: 610.793.1944
www.pocopson.org

Board of Supervisors Meeting
Monday, September 26, 2022, 7:00 p.m.

In-person attendance: Supervisors - Elaine DiMonte, Ricki Stumpo, and Raymond McKay; Mark Knightly, Public Works Director; Amanda Sundquist, Solicitor, attended via the GoToMeeting Remote Platform.

Public in-person attendance: 34

1. **Call to Order:** DiMonte 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.
4. **Public Comment Non-agenda Items:** no public comment on non-agenda items.
5. **Budget Work Session:** DiMonte noted the Board met on September 21st for the second budget workshop in preparation of the 2023 proposed preliminary budget. When completed, the proposed preliminary budget will be made available for public inspection. MOTION: DiMonte moved, Stumpo seconded, to approve the September 21, 2022 Budget Work Session Minutes; motion carried.
6. **Lieutenant Daniel D. Steele, State Police Avondale Station - Update and Road Safety Discussion and Unlicensed Vehicles:** before introducing the Lieutenant, DiMonte advised the public that the 551 Crestview Drive matter is before the District Court with a decision expected at the end of October. She acknowledged an anonymous letter received by Board members on September 14th that will not be read into the record. DiMonte also addressed an anonymous letter that was circulated earlier today and brought to the attention of the Board by a resident. The letter was not sent to Board members. It includes misinformation regarding the attendance of Lieutenant Steele. DiMonte clarified that in August the Lieutenant was asked to attend the October public meeting. However, given that residents expressed community and traffic concerns, those matters were pulled forward to the September agenda and the Lieutenant was available to attend this evening. With that, she turned the meeting over to Lieutenant Steele who briefly described his background and tenure with the State Police. He noted that statistically, Pocopson is on the lower end of requiring service and response by the Station. He shared raw numbers on crashes and crimes. Steele offered information on the following topics:
 - a. **ATV/Unlicensed Vehicles** - call volume on roadways is pronounced for various reasons. Residents are asked to call the State Police to report sightings and capturing the vehicle on a cell phone video is helpful. State Police need to know where the vehicles are coming from. Officers will go to the residence to investigate but they will not engage in an off-road chase. State Police are willing to provide parents/guardians with information on ATV usage. PUBLIC COMMENT: John Hendrick commented that ATVs have a license plate, turn signals, and some are road legal. Steele agreed that is a good point and that some ATVs are permitted as farm vehicles.
 - b. **Lenape-Unionville and Locust Grove Road Intersection** - Steele's research showed response to 2 serious crashes investigated last year. A crash is defined as a vehicle having to be towed or a reported injury. He noted that the intersection does have challenges. DiMonte commented that the Board received a request to make the

intersection a 4-way stop. She understands that a PennDOT study is required to proceed with the request. McKay offered that the fire company may have additional crash data, perhaps for minor crashes. Steele noted that if the fire company is called out so are the state police. MOTION: DiMonte moved, McKay seconded, to authorize the Secretary to correspond with PennDOT to request a traffic study for a 4-way stop for the intersection as discussed; motion carried. No public comment.

- c. Speed Study for State Route 52 (Lenape Road) - Daniel Nance presented a notebook petition of signatures petitioning speed limit reduction from Denton Hollow Road to Williamsburg Drive to 35 miles per hour. He noted that there are inadequate sight distances for the commercial shops at Lenape Pizza and the veterinary center, as well as residential driveways along this section of Route 52. He expressed that PennDOT has indicated that a request for a speed reduction must come from the municipality. Stumpo asked Nance to submit the notebook of signatures for Board review. Lieutenant Steele commented that there are posting requirements for speed limit signs in order for the State Police to enforce the posted speed limit. MOTION: DiMonte moved, Stumpo seconded, to authorize the Secretary to correspond with PennDOT to request a speed study for State Route 52 as discussed; motion carried.
- d. 551 Crestview Drive - Lieutenant Steele commented that officers have responded to the property 30 times in the last 3 months. Officers and personnel are working behind the scenes with regard to the concerns and issues for the property. Steele is not at liberty to discuss measures taken by law enforcement as those measures are treated with the utmost confidentiality. He acknowledges that there are quality of life issues facing the community given the number of incidents, but he is hopeful that they've turned the corner as to responses to the property. He reminded attendees that State Police resources are limited as to trained social workers, and quite frankly, some calls require more public services than what may be available through the State Police. He provided business cards with his personal contact information and urged the residents to call the State Police with their concerns. PUBLIC COMMENT: Terry Gumper inquired as to the actions of responding officers during a recent call to the property at which time the officers returned the vicious dogs to the property citing a state law requiring an officer to detain dogs. Gumper also expressed the difficulties he encountered when he telephoned the Station regarding the incident with the dogs. Nick Fisher was also aware of this incident and commented that the dogs were returned to the home when the officers knew the owner was not at home. He commented that the officers had to barricade the dogs inside. Fisher also commented that the dogs were loose last week and there was some confusion in a call to the Station as to a response to the incident. Lieutenant Steele responded that the State Police do not have a holding facility to detain animals. Unless there is an active biting situation the animal is returned to the owner with requests to produce vaccination and license records. State Police rely on the state dog warden as well as the SPCA for assistance with animals. Steele will look into the reports filed with Station personnel to make sure that protocols were followed. Susan Capella commented on her experience with the dogs, specifically an incident in March when she was bitten. The State Police were contacted, and the officer told her to seek medical attention which she did. She expressed that the officer explained the court process but there was no follow-up paperwork, notices, or citations. There was no contact from the County Health Department or the SPCA. Steele will look into the incident to determine if the

homeowner was cited. Stumpo asked how many times the dogs are loose? Steele responded that the majority of the calls to the property were not dog related. Rosemary Lacardi commented that Siravo has taken steps to add boards to the fence to contain the dogs. DiMonte asked the Solicitor to comment. Sundquist reiterated Lieutenant Steele's directive that residents should call the State Police for dog concerns. However, barking is a different matter and can be addressed by the Township as the Township Code includes provisions for addressing noise and nuisance concerns. Becky Caldwell commented that she is new to the neighborhood and has concerns about the vicious dogs. Kathy Miller commented that there have been multiple biting incidents and victims have been encouraged to report these incidents. She also expressed that she was accosted by Siravo when she tried to speak with him about the dogs. Lieutenant Steele asked the residents to continue calling the Station about the the dog concerns. He will see what can be done about getting additional resources. Rob Miller commented that he, too, made a call to the Station because of the threatening manner exhibited by Siravo. Steele noted that there are a number of young officers assigned to the Avondale Station and he will speak with their supervisors to confirm accurate incident reporting. Daniel Nance offered that Susan Capella should have received a follow-up notice regarding the vaccination records for the dogs given that she went for medical treatment. DiMonte thanked the public for their comments but given the lengthy agenda this evening the Board must proceed with the next item. Board members understand that the community is frustrated and that's why the Solicitor was asked to get involved with the concern.

7. **Representative Christina Sappey:** Sappey thanked Lieutenant Steele for attending the meeting to discuss the concern with the public. She noted that the State Police are challenged as they do not have access to the resources of private industry. Sappey briefly described the redistricting changes to the boundaries to Legislative District 158. The current House representative will remain the same until a new representative is elected during the November 2022 election. She serves on the Agriculture and Veteran Affairs Committees as well as Emergency Services, Local Government, and Gaming Commissions. The bipartisan commission for Local Government takes a deep dive into local government issues that directly impact communities such as stormwater management and flooding. Infrastructure was devastated by Hurricane Ida with detours remaining for a number of roadways and bridges. Sappey noted substantial increase in traffic flow for the area and the need to upgrade roadways and bridges to accommodate it. She congratulated the Board on the construction of the new township building, offered her phone number, and encouraged residents to reach out to her and her staff for assistance. PUBLIC COMMENT: Linda Moore asked if Sappey's Office would be able to assist with removal of significant debris along and in the Brandywine Creek left there by Hurricane Ida? Sappey responded that her office was part of a private initiative coordinated with the Brandywine Red Clay Alliance and Steve Fanelli this past spring to remove flood debris in East Bradford and Birmingham Townships. Moore indicated that her community would be willing to volunteer for the clean-up. DiMonte and Sappey responded that due to the hazardous nature of the flood debris, volunteers are limited to individuals who have experience and knowledge in handling heavy equipment needed for debris removal. Sappey suggested that she and Moore coordinate an opportunity for further discussion.

8. **Ordinance Hearing - Adoption of 2022 Model Chester County Act 167 Stormwater Management ("SWM") Ordinance, As Amended:** at 7:59 p.m., DiMonte moved, McKay seconded, to close the public meeting and to open a public hearing to adopt the proposed ordinance; motion carried. Sundquist presented that the proposed SWM Ordinance No. 1 of 2022 is proposed replace Ordinance No. 1-2013 and to adopt in its place the 2022 Model Chester County Act 167 SWM Ordinance. Sundquist reviewed the Board Exhibit List which included proof of publication of legal advertising and correspondence. She noted that the Township Planning Commission worked very hard on the draft ordinance which was previewed at the July Board of Supervisors Meeting. The County requirement flows from a State requirement so there is little flexibility in amending the provisions of the Model. No discussion. No public comment following a call for same. MOTION: at 8:05 p.m., DiMonte moved, Stumpo seconded, to close the public hearing; motion carried. MOTION: McKay moved, Stumpo seconded, to adopt Ordinance No. 1 of 2022 in its entirety replacing Ordinance No. 1-2013 as advertised and discussed; motion carried.
9. **Zoning Hearing Board Applications:**
- a. Antonelli, 456 West Creek Road, West Chester, PA 19382; Tax Parcel 63-2-9 - Applicant Jason Antonelli and Attorney Chris Schubert appeared before the Board to present the Application. Schubert reviewed the particulars noting that the Applicant was before the Zoning Hearing Board 7 months ago. However, that decision was deemed null and void because a building permit application was not submitted within 6 months of the decision. He noted the Board is in receipt of a recommendation letter from the Planning Commission as well as the Township Engineer. Sundquist noted that in light of the prior decision, the Applicant should comply with the conditions of that December 27, 2021 Decision and Order with specific modifications related to the September Township Engineer Comment and Review Letter. She added that screening of the barn structure should continue to be a condition. Stumpo commented that during discussion in 2021, the Applicant stated that the barn would not house animals. The Applicant confirmed that has not changed. Stumpo asked that the labeling on the site plan for the structure referenced as a storage shed or garage so as to eliminate confusion with regard to an agricultural use. McKay commented that there was concern with the rain garden in the southwest corner. Applicant offered that the architectural schematic has been added to the drawings as they were working outside of the Township Engineer's timeline for paperwork submission. McKay asked about buffer for the pool location on the east side. Applicant indicated that additional vegetation is proposed. No public comment. MOTION: DiMonte moved, McKay seconded, to recommend the Zoning Hearing Board grant the requested relief subject to conditions for compliance with the Township Engineer September 6, 2022 Comment and Review Letter as well as compliance with conditions of the December 27, 2021 Decision which will be specified in a recommendation letter to be issued by the Township Solicitor; motion carried.
 - b. Sarker, 552 Clearview Road, West Chester, PA 19382: Tax Parcel 63-3-65: Applicant Saurabh Sarker, Attorney Neil Land, and Applicant's Engineer Mark Padula appeared before the Board to present the Application. Land presented that the Applicant desires to construct a 2-car garage which requires relief from the side yard setback, building coverage, impervious coverage, and given the current climate for construction, a 2-year extension for submission of the building permit application.

Land reviewed the proposed location of the garage. McKay commented that the dimensions for the garage are not clearly identified. Sundquist commented that on the most recent plan it shows 20' x 29' but the summary chart indicates 500 square feet. Padula offered that an existing fireplace that is part of the dwelling will remain and accounts for the difference in the square footage. Padula added that there is no other location on the property to construct the garage. A portion of the driveway will be removed in order to reduce impervious coverage. DiMonte commented as to concern for sight distances given the close proximity to the road. Padula offered that traffic in the community is minimal and speeds reduced, so sight distances will not be an issue. McKay inquired as to the use of the current garage. Applicant indicated that it would be converted for storage for now. MOTION: DiMonte moved, McKay seconded, to grant the requested relief subject to compliance with the September 2, 2022 Township Engineer Comment and Review Letter, as well as compliance with all federal, state, county, and Township statutes, regulations and ordinances, and Applicant obtaining all required permits and approvals; motion carried.

At 8: 19 p.m., Sundquist requested, and the Board granted her request to exit the meeting.

10. **Planning Commission Report - September 7th Meeting:** Board had no questions with regard to the submitted report.

11. **Public Works Report:** Knightly reported that work is underway to convert 740 Denton Hollow Road into a public works garage facility. He acknowledged Allen Forssmark for his generosity in replacing the light bulbs in the Route 52 Roundabout.

- a. Pre-procurement Approval Request for Garage Door for 740 Denton Hollow Road - Board reviewed the proposal from Ollis Brothers for purchase of material and labor for a garage door for 740 Denton Hollow. MOTION: DiMonte moved, Stumpo seconded, to approve the proposal submitted by Ollis Brothers Garage Doors dated August 31, 2022 in the amount of \$6,435.00; motion carried.

12. **Treasurer's Report:**

- a. American Rescue Plan Resolution/Expenditures and Clarifying Receipt of 2nd/Final Allocation - MOTION: DiMonte moved, Stumpo seconded, to enact Resolution 18 of 2022 ratifying supplemental appropriations for the 2022 Budget with second distribution received September 9, 2022; motion carried.
- b. Resolution to Amend Number of Check Signers and Amount Threshold - MOTION: DiMonte moved, Stumpo seconded, to enact Resolution No. 2022-19 requiring at least 2 designated signers for checks over \$1,500.00; motion carried.

13. **Facilities:**

- a. New Township Administration Building
 - i. Update - DiMonte reported replacement of temporary doors are on the schedule. The final inspections for fire suppression/sprinkler system will be scheduled for October.
 - ii. Review & Approval Applications for Payment - MOTION: DiMonte moved, Stumpo seconded, to approve payments as follows: Gaudelli Brothers Payment #9 \$7,469.24; LGB Payments #11 and #12 \$2,428.47 and \$12,248.36; Lenni Electric Payment #11 \$2,340.31; Gaudelli Brothers Retainage Percentage \$3,069.46; and BSS Construction Payment #16 \$3,895.00; motion carried.

14. **Kennett Area EMS Commission:** McKay reported that budget meetings are scheduled in addition to the regular monthly meetings. To address specific needs of the fire companies, municipalities budgeted a 30% increase last year but recognize this is not sustainable. Kennett Borough is on record for 2023 to limit the contribution to 4%. McKay noted that the County facilities in Pocopson Township utilize emergency services and that the County contribution has been \$65,000.00 for a number of years. McKay reviewed the percentages that reflect the proposed actual contribution required by the County to fund emergency services in the amount of \$123,876.00 for 2023. He noted the fire companies are looking at a \$2 million dollar shortfall with an annual running deficit. He expressed that it is not sustainable for the fire company to continue to sell off assets and defer projects. PUBLIC COMMENT: Frank DiDomenico asked what the recourse will be if the County does not increase the contribution? McKay briefly recounted the particulars of the last County increase from approximately \$8,000.00 to the current \$65,000.00. McKay and Stumpo commented that the Township will not subsidize the County and will not put the financial burden on the residents. Stumpo noted that the 2nd Class Township Code requires the Board to provide for emergency services, but the Township cannot provide this on its own. McKay noted that the fire companies are working together under a unified command structure.

15. **New Business:**

- a. 2023 Minimum Municipal Obligation (MMO) Worksheet - Board acknowledged receipt and approved of the Pension Plan for Plan Year 2023 as prepared and submitted by the Treasurer. Secretary will submit the completed Worksheet which is due by September 30, 2022.
- b. Resolution Childhood Cancer Awareness Week - MOTION: Stumpo moved, McKay seconded, to enact Resolution No. 2022-22 recognizing Childhood Cancer Awareness Week; motion carried.
- c. Marshalton Triathlon Event Documents - DiMonte acknowledged receipt of the Special Events Application as approved by the Zoning Official. Board authorized signing of the Application and Road Closure Application. McKay briefly explained that the Triathlon will be held on October 2, 2022. It is an annual event that utilizing Bragg Hill Road and the Bragg Hill Road Trail.

16. **Old Business:**

- a. Municibid Resolution Authorizing Sale of Furnishings from 740 Denton Hollow Road - McKay reviewed the particulars for the sale of the furnishings. MOTION: McKay moved, DiMonte seconded, to enact Resolution 2022-20 authorizing the sale of the furnishings sold during Municibid Auction as advertised and listed; motion carried.
- b. Harriet Tubman Byway Resolution - Stumpo reviewed Resolution No. 21 of 2022 in support of designating a portion of the Route 52 Scenic Byway as the Harriet Tubman Underground Railroad Byway. McKay commented that the designation will aid in providing support for the Barnard House. MOTION: Stumpo moved, McKay seconded, to enact Resolution No. 21 of 2022; motion carried.

17. **Correspondence:** no correspondence

18. **Treasurer's Warrant:** DiMonte moved, Stumpo seconded to approve the Bill Payment Lists for the period August 23, 2022 to September 26, 2022, recommended for payment by the Treasurer: General Fund: 59 checks totaling \$73,152.51; Liquid Fuels Fund: 3 checks totaling \$50,460.47; Township Facilities Fund: 4 checks totaling \$31,451.35; Parks and Recreation: 4 checks totaling \$547.24; ARPA Fund: 3 checks totaling \$9,798.73;

ACH/Debits: 5 ACH transactions totaling \$6,563.27; motion carried. MOTION: DiMonte moved, McKay seconded, to release the funds for the West Chester Public Library (\$9,000.00), Kennett Library (\$9,000.00), and Kennett Library Capital Campaign (\$15,000.00) as allocated in 2022 budget; motion carried.

19. **Approval of Meeting Minutes:** MOTION: DiMonte moved, Stumpo seconded, to approve the August 22, 2022 Meeting Minutes as amended; motion carried.

20. **Adjournment:** at 8:45 p.m. Stumpo moved, DiMonte seconded, to adjourn the meeting; motion carried.



Susan Simone, Secretary



Elaine DiMonte, Chairwoman