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**Board of Supervisors Public Meeting
Monday, October 24, 2022, 7:00 p.m.**

In-person attendance: Supervisors - Elaine DiMonte, Ricki Stumpo, and Raymond McKay.

Public in-person attendance: 5

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 Al Davis on October 6th regarding the Emergency Management Services ("EMS") Commission Budget. DiMonte, McKay, and Davis met with County Commissioner Josh Maxwell on October 17th to discuss an increase in the County annual EMS contribution.
3. **Announcements:** Stumpo reminded residents that Election Day is November 8th and that everyone should vote. Hal Hoffman asked about Halloween in the Township and the Board confirmed that Halloween in Pocopson is recognized as October 31st.
4. **Public Comment on Non-Agenda Items:** Terry Gumpfer commented that zoning is lax in the Township as the zoning hearing board seemingly grants a variance to anyone who makes application. He offered that it's his understanding that zoning ordinance legislation is in place to protect the community. Gumpfer understands the need for a variance if a homeowner needs to build an addition to accommodate a family member. However, a property owner in his community who purchased property just 6 years ago, knowing the limitations for storage on the property, received a variance for a multi-car garage. He noted a similar situation with signage for the daycare facility when they received a variance for signage that they knew they needed in advance of construction. DiMonte responded that oft times life situations or business needs change and property owners have to make adjustments. She added that it is the responsibility of the zoning hearing board to rule on these matters and that the zoning hearing board relies on the recommendations of the supervisors, planning commission, and testimony presented by the public during the hearing. She noted that their reasoning is based on the law. McKay commented that philosophically, a property owner has the right to use property based on reasonable standards as set forth in the zoning ordinances. He shared that when he built an addition on his home, he was required to make application to the zoning hearing board. Stumpo added that while members of the community may not feel an improvement is appropriate, it's the legislation in place that counts. Secretary noted that notice of a zoning hearing board application is sent to adjacent and surrounding property owners so that they are aware of the filing. Those property owners have opportunity to comment during the public meetings as expressed by DiMonte. During the zoning hearing, property owners can ask to be named parties to the matter which would then allow them to participate in the appeal process through the County Court of Common Pleas. Steve Grabicki, owner of a horse farm in the Red Bridge Community, provided the Supervisors with a copy of Act 74 of 2022/HB 2157 which changed the state fireworks law in July. He noted the amended law allows a municipality to impose conditions, provisions, and restrictions on fireworks. Grabicki commented that neighbors routinely set off fireworks which are most disruptive to the horses and the training of the horses on his farm, including causing riders to be thrown. Stumpo suggested that he reach out to the

Red Bridge Farm Homeowners Association. He has reached out to them with a positive outcome. The fireworks activity is not coming from that community. Grabicki asked the Supervisors to consider an amendment to the Township Ordinance to include provisions for farms and that written notice of any fireworks display be provided. DiMonte responded that the Board was not aware of change in the state law. Board members agreed to refer the request to the Planning Commission. McKay commented that cooperation within a community is important when noise is a disrupting factor. However, in today's world, such cooperation is difficult, and the community relies on the township for enforcement measures.

5. **Work Sessions:**

- a. Budget Work Session Minutes 10/14/2022 - MOTION: DiMonte moved, Stumpo seconded, to approve the budget work session minutes as reviewed and edited; motion carried.
- b. Update on Proposed Preliminary 2023 Budget/Motion to Approve Adopting Preliminary 2023/Public Inspection & Legal Advertising - DiMonte reported that the Board held 3 public work sessions attended by 1 resident. There are no tax increases for 2023. She commented that 2 significant expenditures for 2023 include the EMS contribution and the West Creek Road Project. West Creek Road Project costs are estimated at \$900,000.00, and there is the potential that the project will be funded by a grant from the Local Gaming Shares Grant Program. Grant awards will be announced in November. If the Grant is not awarded, the Township will seek a loan to fund the project. McKay commented that the Board has initiated discussions with Chester County Officials to increase their share of the annual EMS contribution to cover emergency responses to the prison and the aged home. DiMonte noted an additional round of invoices will be submitted for construction of the new administration building. Overall, township financials are in good shape with no surprises, particularly with allocation of American Rescue Plan Act funds having been designated for the TMDL project for reclamation and remediation of a section of Pocopson Creek on the Barnard House property. No public comment. MOTION: DiMonte moved, McKay seconded, to approve adopting a preliminary budget for fiscal year 2023 and to authorize the Secretary to advertise the availability of the 2023 preliminary budget for public inspection at the administration building and on the township website, and to propose adopting the final 2023 budget at its regularly scheduled public meeting on November 21, 2022; motion carried.

6. **Appointment of Temporary Part-Time Archivist/Clerk:** DiMonte provided background on the request authorized during the August 25, 2022 public meeting to fill this temporary position to assist with archiving and record digitizing tasks that were set aside due to the move to the new building. The position was posted on the township website, announced via the township's Constant Contact Platform, and posted on hiring platforms for 3 universities. Marya Maki submitted an application which has been reviewed by the Board. DiMonte recognized Maki who is in attendance. DiMonte shared for the record Maki's professional qualifications and the Board welcomed Maki to the team. MOTION: DiMonte moved, Stumpo seconded, to memorialize the offer to Marya Maki as a temporary archivist/part-time clerk at the rate of compensation approved by the Board of Supervisors; motion carried. No public comment.

7. **Public Works Report:** Public Works Director was not able to attend this evening. The Resolution for Road Rock Salt is deferred to the November public meeting as the Southern Chester County Cooperative will be rebidding for road rock salt.
8. **Treasurer Report:**
 - a. American Rescue Plan Act ("ARPA") Resolution/Expenditures - MOTION: DiMonte moved, McKay seconded, to adopt Resolution 2022-23 ratifying supplemental appropriation for the 2022 budget from the unencumbered ARPA disbursements for McCormick Taylor and Sage Business; motion carried.
9. **Facilities:**
 - a. New Township Administration Building - (a) Update: DiMonte reported that all construction tasks are nearly complete with the exception of a few items on the building inspector's list and installation of interior doors held up due to supply chain issues. The state issued a certificate of operation for the use of the elevator. (b) Review & Motion for Approval of Applications for Payment: DiMonte moved, Stumpo seconded, to approve the following payments - final invoice for mechanical payable to Gaudelli Brothers for \$3,069.46; release of retainage funds to BSS Contractors for \$57,325.30; final invoice for Lenni Electric in the amount of \$10,324.52; motion carried. DiMonte noted that final invoices for BSS Contractors and LGB Mechanical will be submitted next month.
10. **Kennett Area EMS Commission:**
 - a. Acknowledging Al Davis, Resident Representative - Board publicly offered their gratitude and appreciation to Al Davis for his service as the volunteer citizen representative for the EMS Commission. Board agreed that Davis is a great listener, and he serves on the Commission without political posturing.
 - b. Update - McKay reported that the increase in the annual budget allocation from each of the participating municipalities is 30% - the same as last year. The fire companies are working through a backlog of expenses and have been using financial assets for day-to-day operations which is not sustainable. McKay reminded attendees that the budget allocation is based on 3 factors - population, assessed property values, and call volume. He reiterated the purpose of the meeting with County Commissioner Maxwell to address the annual County financial contribution given that 54% of the emergency call volume is responsive to the prison and the aged home. The County has not increased the annual contribution since 2015 at which time the County agreed to an annual payment of \$65,000.00. McKay reported that County Administrator Robert Kagel has responded to a letter from the Board of Supervisors requesting a substantial increase in the annual contribution. While County Commissioners have expressed an understanding of the reasoning for the increase, Kagel takes the view that there is a financial double-dipping from the standpoint of the County which pays for the emergency calls for patients housed in the prison who are uninsured. McKay noted that because the municipality funds the fire company, taxpayers are funding these emergency calls as well. Kagel had inquired as to the possibility of the County joining the EMS Commission. The County budget process for 2023 is underway and the Board may hear from the County at the end of the week with regard to the requested increase. PUBLIC COMMENT: Terry Gumpper asked if Medicaid coverage is available for calls to the prison and the aged home. He also inquired as to the incidents of emergency versus nonemergency calls, i.e., if another ambulance company is available to handle nonemergency calls or transport patients without incurring the costs of a

paramedic and full ambulance. McKay noted that Longwood Fire is the only EMS provider and they have had difficulty in collecting payment for the calls. DiMonte noted that the Board will stay on this request. Gumpper suggested that the Board invite a County representative to a public meeting for an open discussion.

11. New Business:

- a. Resolution Appointing Certified Public Accountants for Annual Audit - MOTION: DiMonte moved, Stumpo seconded, to enact Resolution 2022-24 appointing Barbacane Thornton, CPA, to conduct the Fiscal Year 2022 External Audit; motion carried. DiMonte noted that the elected auditors will be working on a request for proposal for an external auditor for the 2023 Fiscal Audit.
- b. Proposal from Arts Holding Hands and Hearts, Inc. ("AHHAH") to install Pop Up Lending Library Station in Pocopson Park Wawaset Road Site - Board reviewed request from Jan Michener of AHHAH noting that there is a pop-up lending library in the Red Bridge Farm community. DiMonte had questions as to monitoring the library, theft, and vandalism, as well as genre of books, i.e., will it house primarily children's books? McKay noted that the Barnard House Property Park might be a better location given the security features. He noted that the restrooms at the proposed location were closed due to vandalism. PUBLIC COMMENT: Andrea Gosselin commented that the location ought to reflect areas of the park that is central to activities for children. McKay offered that the proposed location at the basketball court may be an area that is primarily frequented by teenagers. Board members agreed to table the matter to the November meeting when Michener is available to participate in the discussion.
- c. Resolution Adopting Act 57 of 2022 Amending the Local Tax Collection Law - DiMonte noted that the Township Solicitor advised that Act 57 amends the Local Tax Collection Law requiring the Township to waive penalties for new property owners who did not receive a real estate tax bill. There are qualifying particulars that must be posed by the Township including a DCED form. MOTION: DiMonte moved, McKay seconded, to enact Resolution 2022-25 implementing Act 57; motion carried.

12. Old Business:

- a. Approval of Friends of Barnard Station ("FoBS") Preservation Plan Contract with Daniel T. Campbell, AIA - Hal Hoffman, representing FoBS, reported that Campbell is in agreement with the addendum prepared by the Township Solicitor. Board is in receipt of contract and addendum signed by Campbell. Hoffman noted that Campbell would like to get started on the project in November. FoBS requested that the Township issue the \$2,000.00 retainer requested by Campbell. MOTION: Stumpo moved, McKay seconded, to authorize signing the Contract and Addendum dated October 4, 2022 submitted by Daniel T. Campbell, AIA, and to approve issuing a retainer in the amount of \$2,000.00 as requested with the full amount to be transferred from the grant proceeds to the Township Fund identified by the Treasurer; motion carried. McKay noted that a report evaluating the joists is due from the structural engineer which will help in identifying the steps forward in obtaining a certificate of use.
- b. Update Sale of Furnishings on Municibid - DiMonte reviewed the status of the 740 Denton Hollow Road furnishings posted on Municibid. Board discussed status of furnishings that were sold but not picked up or paid for. Board agreed to repost those furnishings.
- c. Township Meeting Room for Outside Groups - anticipating that the certificate of use will be issued for the new building in the coming days, DiMonte noted that as

discussed previously, the Board is looking to implement a strategy by January to allow use of the meeting room by outside groups. Stumpo agreed to review the materials distributed in July and include the matter on the November agenda.

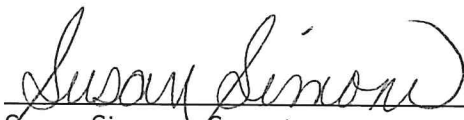
13. Correspondence:

- a. PennDOT Traffic Study for State Roads Submitted to PennDOT - Board noted receipt of an email from PennDOT Traffic Studies Supervisor that the all-way stop and speed limit study is underway for Lenape-Unionville and Locust Grove Roads intersection as well as sections of Route 52 as requested.

14. Treasurer Warrants: MOTION: DiMonte moved, McKay seconded, to approve the Bill Payment Lists for the period September 27, 2022 to October 24, 2022, recommended for payment by the Treasurer: General Fund - 69 checks totaling \$524,337.02; Liquid Fuels Fund - 7 checks totaling \$15,955.78; Township Facilities Fund - 5 checks totaling \$71,441.78; Parks, Recreation and Trails - 7 checks totaling \$826.04; ARPA Fund - 1 check totaling \$9,222.50; ACH/Debits - 7 ACH transactions totaling \$1,449.94; motion carried.

15. Approval of September 26, 2022 Meeting Minutes: Stumpo moved, DiMonte seconded, to approve the September 26, 2022 Meeting Minutes as edited by the Board; motion carried.

16. Adjournment: at 8:00 p.m., Stumpo moved, McKay seconded, to adjourn the meeting; motion carried.



Susan Simone, Secretary



Ricki Stumpo, Vice Chairwoman