

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

**Board of Supervisors Meeting
Monday, November 21, 2022, 7:00 p.m.**

In-person attendance: Supervisors - Ricki Stumpo and Raymond McKay; Elaine DiMonte was not in attendance but provided written comments. Mark Knightly, Public Works Director; Matthew Korenoski, Township Solicitor; Craig Kologie, AICP, Zoning Official.

Public in-person attendance: 27

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** McKay announced that he and Stumpo attended the Chester County Association of Township Officials Conference/Dinner at Mendenhall Inn on November 10th.
3. **Announcements:** Stumpo expressed best wishes to everyone for a safe and happy Thanksgiving.
4. **Public Comment on Non-Agenda Items:** Stephanie Hoopman introduced herself as a Republican Committee member attending this evening to comment on the significant number of political signs that appeared throughout the Township during the recent mid-term elections. She commented that it appears that enforcement is lacking in removing signs from public property and road rights-of-way. Hoopman voiced concern that costs were incurred by the Township to consult with the Township Solicitor for removal of the signs when such enforcement would appear to be part of the current Township Code. Kologie responded that political signs were removed from the Route 52 Roundabout and all public road rights-of-way as a matter of course without the need for consultation with the Township Solicitor. He added that signs that represent a sight distance hazard to drivers were removed. Kologie was not aware of political signs on public lands. He noted that it can be difficult to determine if a political sign is posted on private property and even if such a determination can be made, it is not readily known if the landowner may have granted permission to post the sign. Likewise, there are enforcement challenges when the content of a sign is expressed by painting it on the exterior wall of a structure. McKay commented that when he ran for office, he did not realize that it is prohibited to post signs in the Route 52 Roundabout because of the right-of-way. Stumpo noted that there is a time frame for posting political signs in relation to the date for the election and that such time period is called out in the Sign Ordinance. Kologie offered that going forward, in advance of the election season, zoning personnel will take a proactive approach to enforcement. Kologie and Hoopman agreed that generally, volunteers place the signs, so it is important to begin with educating them as to the particulars of the ordinance and placement in public versus private spaces.
5. **November 16th Work Session:** Stumpo noted the work session was cancelled.
6. **2023 Budget:**
 - a. **Motion to Approve 2023 Budget:** McKay reviewed Resolution 2022-26. No public comment. DiMonte provided written comment that taxes were not increased for 2023, but the Township 2024 taxes may increase due to escalating costs to do business. **MOTION:** Stumpo moved, McKay seconded, to adopt Resolution 2022-26 officially adopting the Pocopson Township 2023 Budget.

b. Motion to Approve 2023 Tax Rates: McKay reviewed Resolution 2022-27 setting the Fire Protection Tax, Emergency Services Tax, and General Fund Tax on Real Property. No public comment. MOTION: McKay moved, Stumpo seconded, to adopt Resolution 2022-27; motion carried.

7. **Township Solicitor Report on 551 Crestview Drive** - Korenoski attended the meeting to provide an update on the Crestview Drive Property owned by James Siravo, Jr. On October 31st, there was a magistrate hearing on the matter of the illegal home-related business and storing illegal material and equipment. The hearing was attended by Korenoski and Kologie. Overall, the hearing went well with the judge granting judgment in favor of the Township for \$1.00. The judge issued the full amount for attorney's fees in the amount of \$3,936.00 to be paid over a period of 12 months with the first payment due November 30th. Mr. Siravo attended the hearing. Korenoski noted that Mr. Siravo has time to appeal the Magistrate Decision to the Court of Common Pleas. So far, he has not done so. Korenoski reported that it is important to note that the October 31st hearing was not in regard to the dogs running loose. The Township does not have a dog ordinance or police department so continued issues with the dogs should be reported to the State Police via 911. The Township has a Noise Ordinance so violations regarding noise should be reported to the Township. Korenoski reported that public records show that on November 12, 2022, Mr. Siravo was arrested, put in custody, and was awaiting a preliminary hearing on November 23, 2022. There are various charges that Korenoski read from the public record. As of November 21st, Mr. Siravo has not posted bail. Kologie added that Siravo is still in violation of the illegal home-related business as he has not yet submitted the Zoning Permit Application. Kologie noted that the Township will continue to follow-up with the District Court on the submission of the Zoning Permit Application compliance as consideration should be given to assessing fines and penalties for noncompliance. PUBLIC COMMENT: Terry Gumpfer appreciated hearing that the Township was awarded legal fees but what about a fine. Korenoski commented that the District Judge has complete discretion with regard to fines. The jurisdictional cap is \$12,000.00. The maximum was requested. However, it is unusual for a District Judge to award the full amount for attorney's fees. The Judge having awarded the full amount for attorney's fees is an indication the Judge understands the concern. Kologie pointed out that zoning is a civil matter and not a criminal matter. Tom Coan asked if Siravo has an active license for each dog? Korenoski indicated that dog licensing is a state law and enforceable by the police. Antoinette Brunsgaard inquired as to the type of business being run at 551 Crestview. The business is a tree removal, trimming, and landscape business which is allowed in the Township as a home business if the proper permits are pulled. Just the same, the keeping of certain materials associated with such a business are not permitted. Stumpo asked if Siravo cannot pay the fine can the Township seize the equipment? Korenoski responded that it would be at the discretion of the Judge to seize assets. Terry Gumpfer commented that there is a state dog law and that the state police stations have a responsibility to create a place to confine dogs. John Logan commented that his son was bit by the Siravo dog and asked for clarification as to the setback of Siravo's fence. Kologie responded that the fence is 10 feet off the edge of the road right-of-way. Fences may be installed on the property line. Susan Capella asked if the Township would pursue the ongoing storage of wood that is stored up against the fence. She noted that the stacked wood allows the dogs a way of getting out of the fenced yard. Kologie commented if the wood is stacked in the right-of-way the Township would respond. There

are no ordinances prohibiting stacking wood against a fence on private property. Public generally asked if the dogs have been abandoned, abused, or removed from the home given that Siravo is incarcerated. Kologie responded that residents can call the SPCA for a welfare check on the dogs as the Township has a contract with the SPCA for them to do so. The state dog warden would also respond in a similar manner. Korenoski commented that the Township does not have an official report as to the occupants of the house or who might be taking care of the dogs. Capella asked for clarification as to enforcement of the dog ordinance. Stumpo responded that the Township does not have a dog ordinance. Stumpo and McKay offered that the best course of action for the community would be to call the State Police or the SPCA. McKay added that there may be a number of potential offenses. Terry Gumpfer added that members of the community should continue to call the State Police. Gumpfer noted that he has reached out to the State Police Commissioning Office in Harrisburg regarding inconsistencies with enforcement by the local Troop Commander. He noted that residents can reach out to elected state officials if they feel that the concerns and 911 calls are not being addressed. At 7:41 p.m. the Board granted the ask by the Consultants to be excused.

8. **Public Works Report:** Knightly reported that the West Creek Road project is on schedule for proposed repairs. Other major road projects for 2022 have been completed. The Department is transitioning vehicles, plows, and spreaders for the winter snow season. Stumpo noted that the Township submitted an application for a grant for West Creek Road repairs under the Local Share Account Statewide Grant Program. She reported that the Commonwealth Finance Authority will not be making a determination on the grant applications until January 2023. PUBLIC COMMENT: Terry Gumpfer suggested the Township reach out to State Representative Christina Sappey's Office for assistance.

9. **Treasurer Report:**

a. American Rescue Plan Resolution/Expenditures - deferred to the December meeting.

10. **Facilities:**

a. New Township Administration Building

i. Update - DiMonte provided written comment that replacement doors have not been delivered due to supply chain issues. The final Certificate of Occupancy is pending.

ii. Review and Approval of Applications for Payment - McKay noted that there are no approvals for payment at this time recognizing that there are unresolved items.

11. **Kennett Area EMS Commission:** McKay reported the Commission met on November 8th at the Longwood Fire Company. All 3 fire companies were represented. Commission discussed the importance, the distribution, and the need for installation of a knox box on commercial buildings to allow responders to gain access when responding to an emergency call. The knox box is meant to allow the fire company access without breaking down a door. Significant damage occurred at the shopping center in Longwood when responders answered an emergency alarm and could not gain entrance via a knox box. Residents can get a knox box through the fire company for installation on a private dwelling. McKay briefly explained the volunteer retention incentive program passed by the Commission which provides a stipend to volunteers based on their service hours. Longwood is announcing plans for a new firehouse. The current facility has a number of shortcomings given its age. While it has been expanded over the years it remains inadequate. McKay reported that Al Davis, Resident Representative to the Commission has requested a short leave of absence. McKay briefly explained that Davis's request is

due to circumstances regarding Davis's situation as a former police officer for the City of Chester. The Board agreed to accept the leave of absence and not seek a replacement. PUBLIC COMMENT: Frank DiDomenico asked how the payments to the Commission are determined on behalf of the Township and the County. McKay explained that the payments are made quarterly to the Commission by each participating municipality based on a number of particulars, including population, and assessed valuation of properties. He noted that it has been determined that the County facilities generate half of the emergency calls. McKay noted that the Board has requested the County increase their annual contribution. While the County has not responded in writing, McKay believes that the County is looking favorably on increasing the contribution.

12. **New Business:** no New Business.

13. **Old Business:**

- a. Disposition of electronics and e-waste at 740 Denton Hollow Road - McKay read the report from the Secretary summarizing the status of electronics and e-waste at 740 Denton Hollow Road. Township IT Consultants inspected the material and determined that it did not contain licensed software or retention of any scanned or saved images or data. Chester County Solid Waste Authority and SECCRA will not accept e-waste from a business or a municipality as they are set up to handle residential customers. Staples will accept monitors and printers. MOTION: McKay moved, Stumpo seconded, to authorize disposition of electronics and e-waste as discussed and reported by the Secretary; motion carried.
- b. Facilities Reservation Applications for Township Building Meeting Room - Stumpo and McKay noted that provision for room usage was not included in the 2023 Budget. McKay indicated that the Township is not in receipt of the final Certificate of Occupancy. Board agreed to meet going forward and address this item in 2023.
- c. PennDOT Traffic Engineering Study Update - Stumpo acknowledged receipt of the PennDOT Traffic Engineering Study ("Study") of the Locust Grove / Lenape-Unionville intersection that was requested during the September 26, 2022 public meeting. Based on the findings of the Study, roadway characteristics, field observations, and crash history, it has been determined that a 4-way stop control is not warranted. To address hazardous intersection conditions, PennDOT will implement pavement marking and signing in accordance with the Study. Stumpo noted the Study called out the responsibility of the property owners to maintain a clear sight triangle for access onto a state road (Lenape-Unionville Road). Knightly commented that the Public Works Department will review the PennDOT recommendations and consult with the Solicitor as to the steps the Township may take in order to improve the sight triangle.

14. **Correspondence:**

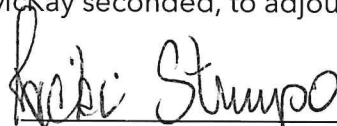
- a. Request to Purchase Memorial Tree for Barnard House Property - Kathleen Bishop attended the meeting to discuss her written request for permission to plant a tree on the Barnard House Property in memory of her nephew. Bishop's nephew lived in the Beversrede Community, he loved the Park, and enjoyed walking the trails. She provided information on the Franklin Township Memorial Tree Program as a model for donors to purchase trees in memory of loved ones. Stumpo commented that the Board needs to discuss the particulars of the Franklin Township donor program. She offered that the Board does not want to set any undue precedent. McKay offered that he is not opposed to the request but there are covenants and deed restrictions that constrain certain areas of the Barnard House Property. It will be important to assess those

documents with regard to any memorial tree plantings. In a written comment, DiMonte offered that consideration as to choosing a low-maintenance species of tree is important as well as soliciting comments from the Parks, Recreation, and Trails Committee.

15. **Treasurer Warrants:** MOTION: McKay moved, Stumpo seconded, to approve the Bill Payment Lists for the period October 25, 2022 to November 21, 2022, recommended for payment by the Treasurer: General Fund: 49 Checks totaling \$45,272.89; Liquid Fuels Fund: 5 checks totaling \$138,145.00; Township Facilities Fund: 1 check totaling \$846.00; Parks and Recreation Fund: 3 checks totaling \$253.65; ARPA Fund: 2 checks totaling \$12,104.94; ACH/Debits: 10 ACH transactions totaling \$124,093.48; motion carried.
16. **Approval of October 24, 2022 Meeting Minutes:** MOTION: Stumpo moved, McKay seconded, to approve the October 24th Meeting Minutes; motion carried.
17. **Adjournment:** at 8:02 p.m., Stumpo moved, McKay seconded, to adjourn the meeting.



Susan Simone, Secretary



Ricki Stumpo, Vice Chairwoman