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**Board of Supervisors Meeting
Monday, December 19, 2022, 7:00 p.m.**

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

Public in-person attendance: 2

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 on Non-Agenda Items:** Linda Moore of West Creek Road asked if the Board plans to go forward with a loan for the West Creek Road repairs if a grant is not awarded in January for those repairs. DiMonte responded that the Township included a line item for a loan in the 2023 budget in the event the grant is not awarded. She also noted from a timing standpoint, completing the project will be weather dependent. McKay added that the project timeline includes providing for the legal bidding process. Moore asked if the Township is aware of the permits required for the project, specifically permits from the state, and permits for work within proximity of the railroad tracks. She voiced concern that not having the proper permits will delay the project. McKay responded that the Public Works Director is working with the Township Engineer on the site and construction plans. Both are qualified to identify which permits are required. He offered that the Township does not know when in January the state will award the Local Share Grants. There are a number of tasks that must be completed before the first shovel is in the ground. DiMonte commented that the Public Works Director can provide more information as to the project schedule, including the permitting process. Board will ask him to provide information on the paperwork that's been completed to date. Moore also commented that coupled with the deplorable condition of West Creek Road, it has been 15 months since Hurricane Ida and yet significant debris remains in the Brandywine Creek. She called out the debris of a structure that washed up on an island in the Creek. Andrea Gosselin and Linda Moore commented that debris and pollutants from that structure continue to fall in the Brandywine. They asked the Township to cite the owner and condemn the structure and demand its removal from the island. McKay responded that the island is part of the Cabin Club Homeowners Association which is organized such that individuals own the structures, and the Association owns the land, including the island. DiMonte responded that the Board just learned that the Brandywine Red Clay Alliance did not receive an ARPA grant which they had planned to use to fund the Brandywine Creek clean-up. Secretary said the Township was not certain as to the status of the PEMA/FEMA hazard mitigation funding program but will reach out to the Zoning Official for an update. Moore also commented that she is looking for 2020 Census Data for the Township, specifically, population by age group. Secretary indicated that Penn State has a website for Pennsylvania 2020 Census Data that may have the information.
5. **December 14th Work Session:** DiMonte noted the work session was cancelled.
6. **Zoning Hearing Board Application James Guinan and Meghan Guinan, 3 Taylor Chase Lane, West Chester, PA 19382; Tax Parcel 63-4-167.2A:** James Guinan and Meghan Guinan ("Applicants") appeared before the Board to discuss their zoning application.

Applicants are seeking relief for the construction of a new in-ground swimming pool. Applicants are requesting a variance from Section 250-94.A(3) to allow a 40-foot setback, and a special exception pursuant to Section 250-19.C(3) to permit impervious coverage on the property to be 20.4% in lieu of the 15% maximum allowed. DiMonte noted that the Board is in receipt of a recommendation letter from the Planning Commission dated December 8, 2022, wherein they chose not to take a position but recommended to the Zoning Hearing Board to approve with a condition to maintain the six-foot privacy fence. McKay expressed that he was not able to locate the septic system on the engineered site plan. McKay asked if the property was served by an on-site water well or if there was public water. Applicants indicated that they have an on-site water well and agreed that the well and septic do not appear on the site plan. McKay also inquired as to whether or not the property includes a location for a secondary back-up septic. Applicants presented that they are awaiting certifications from the County as to the well and septic locations. DiMonte expressed that the Application should move forward to the Zoning Hearing Board. MOTION: DiMonte moved, McKay seconded, to recommend that the Zoning Hearing Board approve the Application contingent upon the comments of the December 8, 2022 Planning Commission Letter as well as certifying the location of the septic and on-site water well; motion carried.

7. **Kennett Area EMS Commission:** McKay reported the Commission met on December 13th. The discussion revolved around long-term planning (5 to 10 years) with a determination of capital needs in order to continue the current level of service. Commission accepted the resignation of Bennett Baird from Newlin Township who is retiring. Jim Cornell, Newlin Township Supervisor, will replace Baird. Dan Boyle from Pennsbury Township will fill-out the term of Aaron McIntyre. Commission received quarterly financial statements from the 3 fire companies. There are 6 paid staff, which is expensive, but with the loss of volunteers paid staff may increase. The volunteer retention program appears to be working very well. Commission and fire companies are working together which makes for a very positive meeting atmosphere. DiMonte asked about any follow-up to the initial request to the County for a \$154,000.00 contribution for emergency services as a fair share for calls to the County aged-home and prison. McKay indicated that the County responded during discussions that they were in favor of the increased contribution. He will reach out to the County Administrator this week for written confirmation. He noted that the Township ordinarily sends the ask letter later in the year for the full amount, but there may be merit in requesting quarterly installments.
8. **Public Works Report:**
 - a. Southern Chester County Salt Bid Resolution - MOTION: DiMonte moved, McKay seconded, to adopt Resolution 2022-28 authorizing the purchase of bulk road rock salt from Eastern Salt Co., Inc., in accordance with the recommendation of the Southern Chester County Cooperative; motion carried.
9. **Treasurer Report:**
 - a. American Rescue Plan ("ARPA") Resolution/Expenditures - DiMonte provided a brief overview of the ARPA funds. The Exhibit to the Resolution sets forth in detail the ARPA expenditures. MOTION: DiMonte moved, Stumpo seconded, to adopt Resolution 2022-29 ratifying the ARPA expenditures as reviewed and recommended by the Treasurer; motion carried.

- b. Revised MMO 2023 Worksheet/Informational - Board acknowledged receipt of the revised 2023 MMO Worksheet correcting the Normal Cost Rate to include the Disability Cost Rate.
- c. 2022 Budget Supplemental Appropriation - deferred to the January meeting.
- d. Procurement Procedures for Non-Uniform Employees Pension Plan - Treasurer submitted a resolution at the request of the Auditor General to ensure that municipalities are complying with the requirements of an RFP in the event the Township chooses to change professional pension administrators. MOTION: DiMonte moved, Stumpo seconded, to adopt Resolution 2022-30; motion carried.

10. Facilities:

- a. New Township Administration Building
 - i. Update - DiMonte reported that there are a few components remaining to complete, including resolving an issue with the toilets not flushing properly. It is hoped that the final certificate of occupancy will be issued this week. The Board is planning an open house for spring 2023.
 - ii. Review and Approval of Applications for Payment - there are no payments to approve until all components are completed.

11. Planning Commission ("PC") Report 12/7/2022 Meeting: Board had no questions regarding the submitted report. McKay noted that the PC discussed the changes to the state fireworks law. He noted that the state law provides some relief for residents who are concerned for animals, such as advance notification of fireworks displays. Board agreed that the state police can enforce a state law. Board agreed to communicate provisions of the fireworks law via Constant Contact platform and clarification in the next newsletter.

12. New Business:

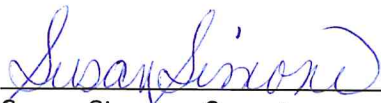
- a. Proposed 2023 Public Meeting Dates and Time - Board reviewed the proposed list for meeting dates and works sessions for 2023 and agreed to a start time of 6:30 p.m. for work sessions and 7:00 p.m. for public meetings.
- b. Pre-procurement Approval Codification New Legislation/SWM Chapter 178 Amendment - General Code offered to codify the stormwater legislation at a significant savings given its significance and if authorized prior to December 12th. MOTION: DiMonte moved, McKay seconded, to confirm the authorization for General Code to codify the Stormwater Management Chapter 178; motion carried.
- c. 920 Denton Hollow Road Stormwater Management/Best Management Practices ("SWM/BMP") Agreement - a draft version of the document was submitted to the Township Solicitor for review. Board noted that they received an email with the draft update the day of the public meeting which did not allow for a proper review by the Board and the Solicitor. Board agreed that going forward, documents must be submitted in final form the Wednesday before the public meeting. Stumpo commented that timely submission of documents should be included on the agenda and posted on the website. MOTION: DiMonte moved, Stumpo seconded, to approve signing the 920 Denton Hollow Road SWM/BMP outside of the public meeting subject to Township Solicitor review and approval; motion carried.

13. Old Business:

- a. Facilities Reservation Applications for Township Building Meeting Room - Stumpo noted that the Board should meet to discuss a number of particulars and concerns. McKay indicated that he has circulated his comments. DiMonte noted that moving forward is contingent upon receiving the final certificate of occupancy. She expressed

that a decision regarding the application process should be made at the January meeting in order for outside groups to begin using the building.

14. **Correspondence:** Stumpo read a letter from Diane Miller, National Program Manager, National Underground Railroad Network to Freedom, recognizing the Eusebius Barnard House as part of the National Park Service National Underground Railroad Network to Freedom. Board asked the Secretary to correspond to Miller thanking the organization for this recognition.
15. **Treasurer Warrants:** MOTION: DiMonte moved, McKay seconded, to approve the Bill Payment Lists for the period November 22, 2022 to December 19, 2022, recommended for payment by the Treasurer: General Fund: 63 checks totaling \$53,753.31; Liquid Fuels Fund: 2 checks totaling \$665.72; Township Facilities Fund: 0 checks totaling \$0.00; Parks Recreation and Trails Fund: 2 checks totaling \$2,470.43; ARPA Fund: 2 checks totaling \$2,826.00; Open Space Fund: 1 ACH transaction totaling \$2,929.20; Payroll Fund: 5 transactions totaling \$60,811.71; motion carried.
16. **Approval of November 21, 2022 Meeting Minutes:** MOTION: Stumpo moved, McKay seconded, to approve the Minutes as corrected; motion carried.
17. **Adjournment:** at 7:50 p.m., Stumpo moved, McKay seconded, to adjourn the meeting.



Susan Simone, Secretary



Elaine DiMonte, Chairwoman