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Board of Supervisors Meeting Monday, February 13, 2023, 7:00 p.m.

In-person attendance: Supervisors – Elaine DiMonte, Ricki Stumpo, and Raymond McKay;
Mark Knightly, Public Works Director.

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. DiMonte reminded attendees that it is the policy of the board to require the submission of collateral material and documents for all agenda items by the Wednesday prior to the public meeting.
2. **Sunshine Announcements:** no Sunshine Announcements.
3. **Announcements:** next public meeting of the Board of Supervisors is Monday, March 27th.
4. **Public Comment on Non-Agenda Items:** DiMonte reminded attendees that the time allocation for individual public comment is 2 minutes in accordance with Resolution 2018-08. Brian Nance asked if the Board of Supervisors get involved with legal disputes between neighbors and with fences on private property. He commented that the fence on the Maxton property on Lenape Road was constructed on the Nance property and Maxton was ready to move the fence but will not do so after speaking with Township Secretary who appeared to provide legal advice regarding adverse possession. Nance expressed that the Secretary is not a Supervisor and has no business providing advice or responding to residents and she should be told to stop doing so. Stumpo responded that the matter of the fence is between the landowners and not for the Township. Nance commented that he and his father have made many requests to be listed on the board public meeting agenda to discuss property line concerns with the Maxton and the Dietz properties adjacent to his property at 1425 Lenape Road. DiMonte noted Nance was beyond the 2-minute allocation for that topic. Daniel Nance asked if he needed a permit from the township to dig the area of the property where concrete is coming out of the ground. Stumpo offered that he should check with the Building Inspector who is in the office on Monday and on Thursday. Daniel Nance then commented that there is a 15- or 20-year-old structure on Locust Grove Road that appears to be the basement of a proposed dwelling that remains unfinished. There appears to be a drop-off from the top of the wall. He commented that this is a safety issue and that the supervisors should be taking the steps necessary to secure the area as it is a safety hazard. He asked how the township can allow a project to go unfinished for such an extended period of time. Stumpo and McKay responded that the township does not have a full-time building inspector. Township building and zoning consultants make every effort to note code violations although they do not make it a point to drive around looking for violations. DiMonte asked Messrs. Nance if additional time is needed for their public comment. Daniel Nance commented that he submitted a petition to the board a few months ago having physically walked the entire township and spoken to many people about the problems in the township. DiMonte noted that outside of specific agenda items, attendance by the general public does not reflect an overwhelming interest on the part of the residents to appear before the board to express concern regarding problems in the township. Mr. Nance was granted another 2-minute allocation for public comment during which time he expressed the error on the part of the board in demolishing the former Pettit dwelling at 1425

Lenape Road in such a manner as to prohibit him from constructing improvements. He commented that the board ruined his opportunity to install improvements as the driveway and dwelling were grandfathered but demolition by the township negated his rights. Nance stated that the township should have left a portion of the foundation. He added that the water well was wiped out by the township, too. Nance commented that the township took advantage of the former owner during the lien process. His research shows that the township collected over \$59,000.00, the landowner received less than \$4,000.00, and the cost of demolition was approximately \$12,000.00. Stumpo responded that the concerns for this property were brought before the board by neighbors for the first time in 2010 and that the board acted responsibly in engaging an exterminator prior to demolition. She added that the matter was handled by the township solicitor with every opportunity afforded the owner to maintain the property, sign an agreement, and to list it for sale privately. DiMonte asked Nance if he had additional public comment. Nance inquired as to whether or not the board was aware that Pocopson Park was being used as a dump site. Knightly responded that the location in the Park is the township site for depositing excavated fill from other parts of the township. Nance expressed concern that the board was sneaking in the construction of a dog park in Pocopson Park. Board noted that the genesis of a proposed dog park was from discussions among the members of the Township Parks, Recreation and Trails Committee. McKay offered that he personally assisted in researching such an amenity and that the proposed dog park project was set aside. He added that the proposed dog park was offered as an amenity that would enhance the community. DiMonte suggested that Nance might consider getting involved by joining a committee. DiMonte asked Nance if he needed additional time for public comment. He asked to be on the next board agenda. DiMonte and the board agreed that would depend on the subject matter of the agenda item and the length of the agenda. They offered appreciation for all comments made by Daniel and Brian Nance this evening. Stephanie Hoopman asked the board if they were aware of the most recent notice from the Chester County Planning Commission to address home affordability for middle-income and small families through multiple housing units. She asked if this was currently allowable under the Township Code. Simply put, she believes this initiative appears to promote subdividing a house into separate units. Stumpo offered that a conditional use decision by the board is required for an accessory dwelling that includes a cooking facility. She also recognized that there are multi-purpose properties in the Township that are listed on Airbnb. Board agreed that multipurpose dwellings would be subject to the provisions of homeowner association documents and that most HOAs would probably have a say in such use.

5. **February 8th Work Session:** DiMonte noted cancellation of the work session.
6. **Kennett Area EMS Commission:** McKay reported that the February meeting will be held tomorrow night. The discussion will include long-range plans for equipment purchases and vehicles through 2027. Preliminarily, 5 purchases may be on tap. PoMarLin looks to replace 2 vehicles with a combination engine/tanker and Longwood will replace a medical intensive care unit (MICU) and add another one to serve the area. Efforts are made to repurpose vehicles by replacing a chassis. Township Resident Representative Al Davis will be able to rejoin the Commission in March. McKay reported on the positive response from the County to include a payment of \$154,000.00 as part of Pocopson Township fair share contribution to the Commission to cover County agencies. The payment is approved for April 1st. McKay indicated that County Administrator Robert

Kagel will be available in March to begin discussing County financial contributions going forward. Stumpo noted that components of emergency vehicles have a life span and shelf life and have to be replaced. McKay added that there are specific guidelines for replacement including analyzing annual maintenance costs. The fire companies also consider the potential resale value as part of overall equipment and vehicle review.

7. **Request for Conditional Use ("CU") Decision Extension, Tax Parcel 63-1-16, 20 North Wawaset Road:** Stumpo provided a brief background on the original CU issued by the board on February 22, 2021 and the subsequent request for an extension by Jules and Kathleen van Schaijik on February 14, 2022. Jules van Schaijik attended the public meeting and offered that work continues with consultants to determine how improvements may be installed to allow for the keeping of cattle. DiMonte noted that additional approvals will be necessary for additional structures. Jules van Schaijik acknowledged that because of the floodplain, and based on the previously approved plan, there may be a need to revise the dwelling and garage and septic system in order to accommodate agricultural buildings. McKay noted the original CU included only a dwelling and a garage. McKay asked and van Schaijik confirmed that the parcel is 40 acres and that the property extends to Huntsman Lane. MOTION: Stumpo moved, DiMonte seconded, to approve granting an extension of time to extend the time period to obtain building permits for construction to February 13, 2024; motion carried.
8. **Public Works Report:** Knightly reported the department has been working on tree trimming. Skin patching and pothole repair completed on West Creek Road last month. DiMonte explained that the board is working with the township treasurer to obtain a loan in the amount of \$900,000.00 for the West Creek Road Repair Project in the event the township is not awarded the Local Share Grant. Knightly noted completion of the mandatory purchase of road rock salt in accordance with the PennDOT contract.
9. **Planning Commission ("PC") Report February 2, 2023 Meeting:** board acknowledged receipt of the recommendation letter for the Guinan Conditional Use Application the hearing for which was held earlier this evening. DiMonte commented that the review of the Fireworks Ordinance Proposed Amendment does not afford a greater level of protection for animals. McKay noted that the amended state law calls out particulars for use of fireworks in proximity of housing animals. MOTION: DiMonte moved, McKay seconded, to authorize submitting the PC recommendation to amend Chapter 78 Fireworks to the township solicitor for review and recommendation to enact via public hearing; motion carried.
10. **Facilities:**
 - a. Landscaping for 664 South Wawaset Road - DiMonte reported that a resident had expressed interest in participating in the project to review landscaping for the front of the township building. The resident was not available to attend this evening. DiMonte offered that Ken Hoffman, a registered landscape architect with Pennoni engineers, and who provided engineering assistance during construction of the building, could be contacted to provide assistance. Knightly offered that maintenance free vegetation would be preferred over planting ground cover. Board agreed that DiMonte should reach out to Hoffman and to the resident who had expressed interest.
 - b. Review & Approval of Applications for Payment - DiMonte reported that the front door will be replaced as it was damaged during construction. MOTION: DiMonte moved, McKay seconded, to authorize payment to LGB Mechanical in the amount of \$6,848.36 representing the final payment due the contractor; motion carried.

- c. Open House May 20th - DiMonte reported that planning is underway for an Open House on May 20th from 1:00 p.m. to 3:00 p.m.

11. New Business:

- a. West Chester Library Representative Resignation - Stumpo noted the resignation of township representative Kiran Rotkar. Board agreed to post the vacancy on the township website and send out a Constant Contact Notice. McKay suggested a deadline of March 22nd for letters of interest and for the board to send a letter to Rotkar thanking him for his service.
- b. Chester County Solid Waste Authority Household Hazardous Waste Commitment Memo - Stumpo noted that the township is mandated by Act 101 to implement a recycling program that includes participation in regional household hazardous waste collection. McKay acknowledged that the township is a member of SECCRA and the County Solid Waste Authority. MOTION: Stumpo moved, McKay seconded, to approve signing the Commitment Form for the 2023-2024 Regional Household Hazardous Waste Collection Program; motion carried.
- c. Amend Resolution 2021-10 Credit Card Policy - DiMonte provided a brief background on the decision to move to paying utility bills via credit card. Utility bills mailed to the township are not always received within the due date threshold and do not get paid on time. The treasurer is working with PLGIT for a credit line increase to accommodate the payments. PUBLIC COMMENT: Daniel Nance was bewildered why the township did not have enough money to pay bills on time. DiMonte clarified that there are adequate funds. The discussion is focused on prompt payment of utility bills via credit card in order to avoid surcharges and submit timely payments.

12. Old Business:

- a. Grinder Pump Operations Agreement Pocopson Elementary School - McKay provided a brief background on the proposed connection to the Riverside Wastewater Treatment Facility owned and operated by DELCORA. The Agreement is under review with the township consultants and solicitor.

13. Correspondence:

- a. January 30, 2023 Letter re: #3 Cabin Club - Board acknowledged receipt of a letter of inquiry regarding permitting. DiMonte noted that the building inspector has issued the necessary permits and the zoning official has signed off on the project. Board directed the Secretary to respond to the letter.

- 14. Treasurer Warrants:** MOTION: DiMonte moved, McKay seconded, to approve the Bill Payment Lists for the period January 24, 2023 to February 13, 2023, recommended for payment by the Treasurer: General Fund: 46 checks totaling \$56,539.28; Liquid Fuels Fund: 2 checks totaling \$8,209.04; Township Facilities Fund: 2 checks totaling \$8,348.36; Parks and Recreation Fund: 1 check totaling \$98.44; ARPA Fund: 0 checks totaling \$0.00; Open Space Fund: 1 ACH transaction totaling \$2,929.20; motion carried.

- 15. Approval of January 23, 2023 Meeting Minutes:** Stumpo moved, DiMonte seconded, to approve the January 23, 2023 Minutes as corrected; motion carried.

- 16. Adjournment:** at 8:46 p.m., Stumpo moved, DiMonte seconded, to adjourn the meeting; motion carried.

Susan Simone, Secretary

Elaine DiMonte, Chairwoman

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Susan Simone, Secretary

Ricki Stumpo, Vice Chairwoman

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