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## Board of Supervisors Meeting Monday, March 27, 2023, 7:00 p.m.

In-person attendance: Supervisors Ricki Stumpo and Raymond McKay; Mark Knightly, Public Works Director. Craig Kologie, Zoning Official, attended via GoToMeeting video link. Supervisor Elaine DiMonte was not in attendance.

Public in-person attendance: 16

1. **Call to Order:** Stumpo called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Stumpo noted that Supervisor DiMonte was not in attendance because her father passed away and offered condolences on behalf of the Township.
2. **Sunshine Announcements:** Board met with the Milliners on March 10<sup>th</sup>. Stumpo and McKay met on March 10<sup>th</sup> regarding entrance signage for South Wawaset Road. McKay and DiMonte met with Bernadette Kegelman, a township resident, on March 23<sup>rd</sup> to discuss landscaping for the front of the administration building.
3. **Announcements:** Stumpo announced that Karen Myers submitted a letter of interest and resume in response to the West Chester Public Library Board vacancy. Myers was in attendance and expressed her interest in this volunteer position. MOTION: Stumpo moved, McKay seconded, to approve submitting the name of Karen Myers to West Chester Borough Council and West Chester Public Library to fill the vacancy of Pocopson Township Board Representative; motion carried. McKay expressed appreciation on behalf of the Township to Clare Milliner and her team for their work in clearing the debris and structural debris from the Cabin Club Island in Brandywine Creek. The debris accumulated over time and was also the result of debris from Hurricane Ida.
4. **Public Comment on Non-Agenda Items:** Daniel Nance commented that he would like to discuss concerns he brought to the attention of the Board during the February public meeting. He noted that the Pocopson Park security gate is not working and has not functioned since December. Knightly responded that the gate is scheduled for repair. Nance noted that the unfinished structure on Locust Grove Road has not been secured. He commented that there is a 60-foot drop that poses a safety hazard. McKay responded that he had the Township Building Inspector look into the concern. McKay asked Nance if he potentially trespassed in order to take the measurement for the drop. Nance indicated that he was trespassing.
5. **March 22<sup>nd</sup> Work Session:** Stumpo noted cancellation of the work session.
6. **Zoning Hearing Board Application - 40 Bragg Hill Road; West Chester, PA; Tax Parcel 63-1-43.2; Scott Anthony Woyak and Laura Jane Woyak ("Applicants"):** Application was presented by James E. Fritsch, P.E. He reviewed the revised Zoning Hearing Board Plans and Stormwater Management Report received by the Township on March 23, 2023. Mr. and Mrs. Woyak were in attendance. Fritsch reviewed the zoning relief requested to allow maximum disturbance of moderately steep slopes and to allow disturbance of very steep slopes for grading associated with project improvements. Fritsch presented that Regester Associates appeared before the Planning Commission on March 1<sup>st</sup> and the Commissioners recommended to allow the proposed improvements as noted in the letter from the Planning Commission. Board acknowledged receipt of Comment and Review Letters from Castle Valley Consultants, Inc., Zoning Official and Kenneth Hoffman, RLA Pennoni Associates, Township Engineering. No Comment and Review Letter from

Pennoni on the revisions as of March 27<sup>th</sup>. McKay inquired as to the sequence for construction and if the Applicants will request temporary accommodations on the property during demolition and construction/reconstruction. Applicants currently reside in Tredyffrin Township, Wayne, and need no temporary accommodation. Stumpo asked as to the use of the "barn structure" on the site plan. Applicants indicated that the proposed structure would look like a barn but will not house animals. It is a structure for a pottery studio with 2 bedrooms and will include a bathroom. The structure will not include a kitchen or cooking components that would categorize or classify it as an accessory dwelling. McKay noted the historic nature of the property during the Revolutionary War. The Board was not opposed to the Application and collateral material submitted and reviewed. MOTION: Stumpo moved, McKay seconded, to recommend that the requested special exception relief be granted by the Zoning Hearing Board contingent upon compliance with recommendations and particulars offered in consultant Comment and Review Letters; motion carried.

7. **Kennett Area EMS Commission "Commission":** McKay reported that the Commission discussed how the 2-year backlog created by supply chain issues has affected new vehicle deliveries such as engines and ambulances. Kennett Square Borough ("Borough") commented that they have hired a consultant to evaluate what the Borough should pay for emergency services generally. The Commission has worked diligently, for practical and economic reasons, to improve communications between the fire companies. There are tremendous advantages in working through the Commission for efficient, effective, and quality emergency service. McKay noted that Al Davis, Pocopson Township Resident Representative to the Commission, will be able to attend the next meeting having taken a break for personal reasons.
8. **551 Crestview Update:** this agenda item was reordered to allow time to resolve a technical difficulty with the connection to the GoToMeeting Platform. Kologie briefly referenced the ongoing technical issues with the filings before the District Court. A subsequent citation was filed with a default judgment court date of April 10, 2023. If there is an intention to defend, a court date would likely be 2 or 4 weeks out. Kologie noted that the zoning application for a home-based business was submitted by the homeowner but was incomplete as it lacked a narrative and a site plan. The homeowner continues to make monthly payments to the township to satisfy the approximately \$4,000.00 judgement awarded in 2022. McKay noted that activity on the property has intensified including storage of chipping debris. Stumpo asked if the township can issue a cease-and-desist order. Kologie noted that the township has to follow the legal due process and ordinance compliance which is the current path. It is a legal question for the solicitor as to other measures or options available to the township with regard to enforcement, such as submitting the matter to the Pennsylvania Commonwealth Court or the Chester County Court of Common Pleas. McKay noted the frustration on the part of the township to fully address the concern, particularly being subject to the timelines of the court system. Unrelated to 551 Crestview, McKay briefly asked about the status of 919 Pocopson Road. Kologie expressed that the landowner has engaged an engineer and a site plan will be submitted to the township. At 7:38 p.m. Kologie requested, and Board granted his request to be excused.
9. **Public Works Report:** Stumpo commented that she was alerted by a friend who is a retired veterinarian, of a concern the friend encountered while walking the Pocopson Trail when large dogs, off leash, ran at her. Stumpo asked Knightly to post signage requiring dogs to be on leash in accordance with township ordinances. Knightly indicated that

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signage is posted throughout the township parks and the trail system. Additional signs can be purchased and posted but there remains the matter of enforcement. PUBLIC COMMENT: Randy Mims noted that visual and voice control can be used to command a dog off leash. Karen Myers noted that there are leash-required signs on township trails in accordance with the ordinances.

- a. Southern Chester County Co-Op Road Materials Bid – Knightly reported the bid opening for the Co-Op will be tomorrow. MOTION: McKay moved, Stumpo seconded, to authorize acceptance of the road materials from the 3/28/2023 bid opening as recommended by the Director of Public Works and in accord with the Co-Op bid process; motion carried.
  - b. West Creek Road Update – Knightly reported that he will meet with township engineering next week to discuss the particulars for the bid documents. McKay provided a brief background on the project noting that the Township was awarded a Local Share Account Grant in the amount of \$500,000.00 to be used toward the project. Knightly reported that the Township is compiling a contact list of the residents who will be immediately affected by the project. Public Works Department completed work on the trail/emergency accessway. Stumpo and McKay asked that a thank you letter be sent to Representative Christina Sappey for the support her office provided during the grant application process. PUBLIC COMMENT: Karen Myers asked if there is a mechanism to list West Creek Road closures during construction via GPS? Knightly was not aware of a platform or system for such a task. However, he noted that the contractor will be asked to make every effort during construction to keep one lane of West Creek Road open. If opened, the emergency accessway will be monitored by Public Works personnel. McKay noted that the Board is working with the Milliner family to finalize the text of an easement for the emergency accessway.
  - c. Pre-procurement Request for Pickleball Court – Board reviewed the pre-procurement request for installation of a pickleball court which was budgeted for 2023. MOTION: Stumpo moved, McKay seconded, to approve the proposal by Miller Sports Construction dated March 14, 2023 in the amount of \$2,340.00 for 2 pickleball court line layouts on existing tennis court including 2 portable deluxe nets; motion carried. PUBLIC COMMENT: Kim O’Leary was excited to learn of the installation proposal, and she expressed appreciation on behalf of the community for the installation of a pickleball court.
  - d. Pre-procurement Request for Cell Phone Carrier – Knightly reported that staff was asked to look into a different service provider. Board reviewed the pre-procurement request for coverage by FirstNet which provides coverage for first responders and municipalities. MOTION: Stumpo moved, McKay seconded, to approve the FirstNet Proposal dated March 15, 2023 in the amount of \$699.93 for cell coverage and cell phones and to cancel the current Verizon Cell Phone coverage for township-issued cell phones; motion carried.
10. **Planning Commission (“PC”) Report March 1, 2023 Meeting:** Board acknowledged receipt of the recommendation letter for the Woyak Zoning Hearing Board Application which was the sole agenda item for the March 1<sup>st</sup> meeting.
11. **Facilities:**
- a. Landscaping for 664 South Wawaset Road – McKay reported that he and Supervisor DiMonte met with Kegelmann as stated under Announcements, to discuss landscaping. Board is in receipt of proposals from Ashbee Landscape & Design and

from Kenneth Hoffman, RLA, Pennoni Associates. MOTION: McKay moved, Stumpo seconded, to accept the proposal from Ashbee Landscape & Design dated March 22, 2023 in the amount of \$3,907.00 which includes Foundation and Sign Plantings and Evergreen Screening, final design and plantings for the rain garden to be determined and not included in the proposal; motion carried.

- b. Pre-procurement Request for Signage - McKay provided a brief history of the construction of the stone wall/stone plinth at 664 South Wawaset Road and its proposed use as a means to display identifying signage. Board reviewed the estimate from YoSignGuy LLC dated February 14, 2023. MOTION: McKay moved, Stumpo seconded to approve Estimate #263 dated 2/14/2023 submitted by YoSignGuy LLC in the amount of \$3,055.00 for preparation and installation of an exterior sign as described for 664 South Wawaset Road entrance; motion carried.
- c. Review and Approval of Applications for Payment - no action taken.
- d. Open House May 20<sup>th</sup> - Stumpo reminded attendees that there will be an Open House on Saturday, May 20<sup>th</sup> from 1:00 p.m. to 3:00 p.m. as noted in Spring Newsletter.

## 12. New Business:

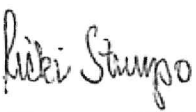
- a. 2023 Financial Audit Request For Proposal ("RFP") - Randall Mims, Elected Auditor, attended the public meeting to answer questions regarding the RFP prepared by the elected auditors and as recommended and reviewed by the township treasurer. MOTION: Stumpo moved, McKay seconded, to approve submitting the draft RFP to the solicitor for review and to proceed with the RFP process as recommended by the elected auditors; motion carried.
- b. Resolution Amending Credit Card Policy - McKay commented that the genesis of the amendment is to close the delinquency threshold for utility bills due to the untimely delivery of those bills and township payments via the U.S. Postal Service. The proposal to amend the credit card policy will increase the credit limit of one card to \$15,000.00 to cover payment of monthly utility bills. MOTION: Stumpo moved, McKay seconded, to approve Resolution 2023-05 as reviewed and recommended by the Treasurer; motion carried.
- c. Resolution for DelVal Loan - McKay indicated that the Board is discussing with the Treasurer options for financing the West Creek Road Project beyond what has been allocated via the Local Share Account Grant for \$500,000.00. McKay is not inclined to proceed with a DelVal Loan Application until such time that the Board has a firm handle-on funds that may be available within the Township budget. PUBLIC COMMENT: Knightly and Randy Mims commented that a motion made this evening to proceed would be prudent and would save time in the event that it is determined a loan is needed. MOTION: Stumpo moved, McKay seconded, to authorize the signing of a resolution to authorize and approve the Board of Supervisors to sign a loan with the DelVal and to execute documents and pay costs associated with a loan origination for the West Creek Road Repair and Reconstruction Project should the Treasurer determine and recommend doing so; motion carried.

## 13. 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 will be between Unionville-Chadds Ford School District and DELCORA. No further action required by the township.

- b. Local Share Account/Statewide Gaming Grant ("LSA") – Stumpo commented as was previously mentioned, the Township received word on March 16, 2023 that the Commonwealth Financing Authority ("CFA") made an award decision to award \$500,000.00 for the West Creek Road Repair and Reconstruction Project. MOTION: Stumpo moved, McKay seconded, to authorize signing the CFA grant agreement and commitment letter and to submit the documents for review by the township solicitor and/or treasurer as applicable; motion carried.
  - c. Facilities Reservation Application for Township Building Meeting Room – Board reviewed the proposed draft meeting room policy prepared by Supervisor DiMonte which included a review by the township solicitor and township personnel. MOTION: Stumpo moved, McKay seconded, to approve the Application for Use of the Township Meeting Room as drafted and recommended with such rules and regulations effective immediately; motion carried.
14. **Correspondence:**
- a. January 30, 2023 Letter to 12 Cabin Club – McKay acknowledged receipt of a letter of inquiry proposing use of a modular home on wheels that could be moved from the site during severe weather. There are many questions regarding the ask, such as the location of the modular home if moved and whether or not such use would be approved by the Cabin Club Association. Board directed the Secretary to respond to the letter.
15. **Treasurer Warrants:** MOTION: Stumpo moved, McKay seconded, to approve the Bill Payment Lists for the period February 14, 2023 to March 27, 2023, recommended for payment by the Treasurer: General Fund: 91 checks totaling \$112,471.66; Liquid Fuels Fund: 3 checks totaling \$4,101.70; Township Facilities Fund: 3 checks totaling \$7,268.50; Parks and Recreation Fund: 4 checks totaling \$331.00; ARPA Fund: 0 checks totaling \$0.00; Open Space Fund: 1 ACH transaction totaling \$2,929.20; motion carried.
16. **Approval of February 13, 2023 Meeting Minutes:** Stumpo moved, McKay seconded, to approve the February 13, 2023 Minutes as corrected; motion carried.
17. **Adjournment:** at 8:13 p.m., Stumpo moved, McKay seconded, to adjourn the meeting; motion carried.

  
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Susan Simone, Secretary

  
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Ricki Stumpo, Vice Chairwoman