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Board of Supervisors Meeting Monday, February 26, 2024, 6:30 p.m.

Attendance: Supervisors Elaine DiMonte, Ricki Stumpo and Raymond McKay; Mark Knightly, Public Works Director.

Public in attendance: 14

1. **Call to Order:** DiMonte called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** On February 12th Board met via Zoom regarding a legal matter.
3. **Announcements:** no announcements.
4. **Public Comment Non-Agenda Items:** Terry Gumpfer asked if a person or the zoning hearing board makes the final decision in zoning matters. DiMonte responded that the zoning hearing board issues decisions within established legislation and codes. Gumpfer noted that the members of the zoning hearing board are not elected. On behalf of Friends of Barnard Station ("FOBS"), Hal Hoffman thanked the Board for the assistance and the support from the Township to date. He commented that FOBS will not be applying for grants in 2024 as funding sources have indicated that FOBS funding requests are less than the usual award thresholds. He also noted that any potential grants would have to come through the Township as FOBS, as a nonprofit corporation, has existed for less than 5 years. Hoffman commented that fundraising has resulted in sufficient funds to replace flooring. Board approved distribution of a "dine and donate" flyer for the Constant Contact platform and website. DiMonte noted that the Historic Preservation Plan for the interior submitted by Daniel Campbell was most interesting.
5. **February 21st Work Session Cancelled:** DiMonte noted the work session was not needed.
6. **Zoning Hearing Board Application Rosauri; 2 Deblyn V Lane, Tax Parcel 63-3-117.11:** Applicant Samuel Rosauri appeared with his attorney Robert Abernethy. Applicant seeks to construct a single family dwelling on prior lawful nonconforming lot. Discussion included clarification with regard to requested steep slope relief and use of one septic disposal field. McKay asked if Rosauri was unable to identify any area on the parcel for a second field. Rosauri indicated that given the soil analysis it is not possible. Board voiced concern about a replacement septic system in the event of a failure. Applicant explained that the proposed system is a drip-irrigation system with a set of tubes buried at a depth that can go deeper in the event of a failure. McKay requested clarification regarding the extent of the disturbance and removal of woodlands and heritage trees. Public Comment: Terry Gumpfer asked if there is 1 dwelling or 2 dwellings to be connected to the septic system. Applicant said 1 dwelling as the parcel is undeveloped. DiMonte read aloud proposed conditions as recommended by the Township Solicitor which includes compliance with January 30, 2024 and January 26, 2024 Comment and Review Letters submitted by Township Consultants; recordation of a notice in the chain of title placing future owners of the property on notice regarding the septic field; and preparation of an operations and maintenance agreement for the proposed single septic system in the form acceptable to the Township Solicitor. MOTION: DiMonte moved, McKay seconded, to recommend the relief requested contingent upon the conditions recommended by the Township Solicitor; motion carried.
7. **Revised MS4 TMDL Plan ("Plan") Presentation - Terry Gallagher, McCormick Taylor:** Gallagher and Nate Lehigh presented the Total Maximum Daily Load ("TMDL") Plan which

has been available on the Township website and as a paper copy in the Township Office as legally advertised. The Plan includes comments and recommendations from DEP. Gallagher presented that TMDL is a component of the MS4 permit issued to the Township and is designed to improve water quality due to discharge of pollutants. Public comment period is the final step for Plan approval. The Plan offers proposed methods to mitigate sediment to streams that can cause streambank erosion that jeopardizes channel stability. Gallagher presented elements from the Proposed BMP Plan dated 7/19/2017 and revised 8/2023. Public Comment: DiMonte offered concerns that while Pocopson is working to improve water quality, it is not known if municipalities upstream are taking at least similar remediation measures. Gallagher agreed that remediation doesn't work unless all the members of a watershed or sub-watershed are participating. McKay commented that he read the Plan and noted DEP's criticism with regard to Pocopson Creek requirements and the Christina River TMDL. Lehigh responded that conversations are ongoing with DEP as to the downstream degrading effect on the Christina River. McKay asked the representatives to briefly outline the streambed remediation work in progress for Pocopson Creek. Lehigh reported that the project entails 450 linear feet of stream restoration intended to improve the slope of the banks, reconnect to floodplain, and stabilize vegetation. The site is located in Wawaset Park (Barnard House property). McKay offered that the remediation steps are similar to that which was completed in East Bradford Township along Route 52 and it is expected that when completed there be less of a cutting effect on the streambanks during flooding events. Janet Fassbender asked about tree plantings within the riparian buffer. Lehigh confirmed that is part of the remediation plan. Lise Borel commented as to the potential legality or violations concerning businesses pumping water from Pocopson Creek into tanker trucks and trailers. Lehigh and Gallagher will look into the concern. No additional public comment or discussion. Gallagher indicated that meeting minutes from this evening will be included with the Plan submission. Board members thanked Gallagher and Lehigh for their work and their expertise in guiding the Township through Plan prep and the submission process.

8. **Proposed Ordinances:**

- a. **Chapter 78 Fireworks** - Stumpo report the Board authorized the Solicitor to review the 2023 Planning Commission recommendation to amend the Ordinance. Board received the Solicitor's recommendation. No public comment. MOTION: Stumpo moved, McKay seconded, to authorize the Solicitor to proceed with scheduling an ordinance hearing to adopt the proposed amendments to Chapter 78 Fireworks; motion carried.
- b. **Chapter 250.96.1 Solar/Alternative Energy** - Stumpo reported the Board received a letter from the County recommending amending this Section of the Zoning Ordinance for best practices for solar energy. Planning Commission recommended proceeding with the edits. Public Comment: Andrea Gosselin inquired as to the substance of the amendment. McKay offered that the gist is the definitions as to pervious and impervious coverage. MOTION: Stumpo moved, McKay seconded, to authorize the Solicitor to review the recommendation of the Planning Commission and provide guidance regarding next step for an ordinance hearing and adoption; motion carried.

9. **Township Planning Commission ("PC") Report February 7, 2024 Meeting:** Board recognized submission of the report. DiMonte commented that going forward, she asked PC Chair to have the Solicitor provide more information in the recommendation letters.

10. **Kennett Area Fire/EMS Commission:** McKay reported the Commission met on February 13th and approved payments. Commission rejected the proposed position description for an administrator. As Kennett Borough and Kennett Township were advocates for an

administrator, it is not likely that there will be further discussion, particularly with Kennett Borough no longer a member of the Commission. Commission has discussed hiring part-time administrative help but in truth, Cuyler Walker is doing an excellent job as administrator. Commission discussed fire reports submitted by each of the 3 companies. Chief McCarthy offered that there is a decrease in home insurance premiums as a result of the cooperation of the 3 fire companies. DiMonte asked how insurers were made aware of the cooperation. McKay noted that insurers reach out to the fire companies as part of rate determinations. McKay reported that a rescue truck from PoMarLin was involved in a vehicle crash but thankfully no one was injured. Public Comment: there was an ask for clarification as to the participating municipalities. McKay noted that while Kennett Borough is no longer a member of the Commission, they are required by law to provide emergency service and are doing so by paying the fire company essentially the same as what they would have paid had they remained in the Commission. DiMonte commented that it would be beneficial for the Commission to find a back-up administrator for Walker and perhaps a Commission member would be able to serve as such.

11. Public Works Report:

- a. West Creek Road Gravix Wall Project Update - DiMonte noted the Gravix Wall installation has been completed ahead of schedule. Knightly reported that guiderail installation and paving should be completed by mid-March. Road will continue to be closed periodically. All agreed that Jurich is doing an excellent job.
 - i. Pay Application #1 Approval Request - DiMonte moved, McKay seconded, to approve Pay Application Request #1 in the amount of \$110,475.00 as recommended by Gilmore & Associates, Inc., Township Engineering; motion carried.
- b. Procurement Requests - mower; UTV; Municibid - Knightly noted that the proposals are higher than discussed during budget work sessions, however, the garage overhead doors came in well below what was anticipated. McKay provided brief background on the cost savings in purchasing through the CoStars System. MOTION: DiMonte moved, McKay seconded, to accept the price quote from Stoltzfus Farm Service, Inc., dated 10/24/2023 in the amount of \$43,122.80 for the purchase of a Yanmar Diesel Engine Rear Discharge Deck Mower; motion carried. MOTION: DiMonte moved, McKay seconded, to accept price quote from Stoltzfus Farm Service, Inc., dated 2/14/2024 in the amount of \$29,529.19 for the Kubota V-Series UTV Model D1105; motion carried. MOTION: DiMonte moved, McKay seconded, to approve the sale of the current Public Works Department UTV via legal advertising for sale on the public municipal portal Municibid; motion carried.

12. Facilities: no action required.

13. New Business:

- a. Founders Day Celebration - Tim Connolly, Co-Chair of the Founders Day Committee, provided the Board with an informational packet that included a public notice, schedule, project plan, proposed budget, committee member list, tasks, and requests. Connolly expressed that he is grateful to have Sandy Ratzlaff as Co-Chair and that unfortunately Sandy was not able to attend this evening. He noted that the Committee hopes to find ways to resource the event through sponsorships and an onsite fundraiser that will be weather dependent. The Committee may look to the Township for a couple of thousand dollars at best. Connolly and Ratzlaff have attended other Township Committee meetings and it appears everyone is excited about the celebration. There is a meeting on March 20th at the Township Building. DiMonte thanked Connolly and with the Board

agreed that the work so far to organize has been fantastic. The event was not budgeted for 2024 but there may be funding available in the Parks and Recreation Account. DiMonte noted that the Township does not have a social media account as an official channel for Township information, i.e., Facebook or otherwise, so care should be exercised in posting text on pages not managed by or affiliated with Pocopson Township. Board agreed that notices should be posted on the Township website, sent via Constant Contact, and included as a feature in the newsletter. Stumpo provided background on previous Founders Day celebrations and offered that the Committee should reach out to homeowner associations for volunteers. DiMonte noted that information should flow through Aleida Diaz, Assistant Secretary for the Township. Public Comment: Terry Gumpfer offered that it is his experience that contacting Wawa will be beneficial as they can supply crates of water and juices for free. MOTION: DiMonte moved, Stumpo seconded, to approve appointment of 2024 Pocopson Founders Day Committee Members as presented by Connolly; motion carried. MOTION: DiMonte moved, Stumpo seconded, to approve the Budget Proposal - Version 1 in the amount of \$11,200.00 for the September 14, 2024 Founders Day Celebration and to grant approval for the creation of a new logo, newsletter announcements, "save the date" notices, and notices via the website and Constant Contact Platform; motion carried.

- b. Pickleball Court - Janet Fassbender, Parks, Recreation and Trails ("PRT") Committee member, spoke regarding a concern/issue with the noise generated by people playing pickleball. She noted that the decibel level of the sound made by a pickleball hitting a paddle is a universal problem and there are products available at a cost that can condition the sound but not eliminate it. Lise and Garth Borel spoke about the annoyance of the pitch and frequency of the sound and the extent to which it is a nuisance. They requested that the Board remove the pickleball court. DiMonte agreed with the removal of the pickleball net from the tennis court facility and asked if there's another location in the Township for the setup. Stumpo asked about the duration of the game and the number of players during any given time period. She offered that removing the Township pickleball net may just prompt players to bring their own portable net. McKay offered that he would have liked to have witnessed the playing first hand as well as obtain a decibel reading from a property line. Board agreed to post signs at the tennis court that the pickleball court is removed at this time due to sound concerns.
- c. Appointments to Scenic Byway Commission ("SBC") - Stumpo provided a brief background on the Township's participation and membership in the SBC. Route 52 through Pocopson is the location of the byway. She noted current representative Sarah Mims contacted the Board about filling the position for a second representative and she noted that she plans to step down in May. Three individuals have expressed interest as a result of the notice sent via Constant Contact: Sandy Retzlaff, Teresa DelCampo, and David Scranton. Board noted Retzlaff's involvement with Founders Day 2024. MOTION: Stumpo moved, McKay seconded, to appoint Teresa DelCampo and David Scranton as Pocopson Township representatives for the Scenic Byway Commission with terms to begin as recommended by current representative Sarah Mims; motion carried.
- d. Appointment of Part-time Bookkeeper - DiMonte reported that during the January public meeting, Board announced an opportunity for a part-time bookkeeper. She noted that Treasurer Support Staff Person from the Barsz, Gowie, Amon & Fultz CPA firm will be leaving at the end of March. Board agreed that it is important that the bookkeeping

position be filled in-house. Sharon Gledhill has accepted the position and signed a Letter of Understanding on February 3, 2024. MOTION: DiMonte moved, McKay seconded, to appoint Sharon Gledhill as a part-time bookkeeper at a rate specified in the Letter of February 3, 2024 and upon completion of a 3-month trial period as specified in the Personnel Handbook; motion carried. Gledhill was in attendance and was welcomed by the Board. McKay offered that when previous Treasurer Peggy Lennon left for an opportunity in East Bradford Township, the bookkeeping tasks have been handled by 5 or 6 different individuals. DiMonte added that it is in the best interest of the Township to return the tasks in-house for control and continuity.


14. **Old Business:** no action required as no old business.

15. **Correspondence:** no correspondence.

16. **Treasurer Warrants:** MOTION: DiMonte moved, McKay seconded, to approve the Bill Payment Lists for the period January 30, 2024 to February 26, 2024 recommended for payment by the Treasurer: General Fund: 35 ACH 36 checks totaling \$180,020.18; Liquid Fuels Fund: 2 checks totaling \$22,820.32; Township Facilities Fund: 0 check totaling \$0; Parks and Recreation Fund: 1 check totaling \$38.93; ARPA Fund 1 check totaling \$60.00; Open Space Fund: 1 ACH transaction totaling \$2,447.17; Fire & EMS Fund: 0 check totaling \$0; motion carried.

17. **Approval of Meeting Minutes:** MOTION: Stumpo moved, DiMonte seconded, to approve the January 22, 2024 Minutes as reviewed and revised; motion carried.

18. **Adjournment:** at 7:27 p.m. Stumpo moved, McKay seconded to adjourn the meeting; motion carried.



Susan Simone, Secretary



Elaine DiMonte, Chairwoman