



Pocopson Township

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Board of Supervisors Meeting Minutes Monday, February 27, 2012, 7:30 P.M.

In attendance: Supervisors – Stephen R. Conary, Georgia F. Brutscher, Ricki Stumpo; Gary Summers, Chair, Planning Commission; Mark Knightly, Public Works Director; Richard Jensen, Zoning and Code Enforcement Official. Guest – James W. Hatfield, P.E., Township Engineer.

1. Call to Order: Following continuance on the record of the Lindvig Conditional Use Hearing, Conary called the regular meeting to order at 8:30 P.M. and led the Pledge of Allegiance.

2. Announcements: Stumpo and Conary attended the Kennett Area Regional Planning Commission (KARPC) meeting on the 22nd. KARPC continues to discuss equitable support for emergency service providers. On the 21st Board met with the Township Solicitor and a representative from Traffic Planning and Design to discuss performance issues. Stumpo noted receipt of a DVD submitted by Allan Johnson depicting life in the Township in the 1940s and 1950s to be included in the Township historical archives. Conary provided clarity regarding misperceptions of the open space referendum and funding for open space preservation.

3. Public Comment: Scott Kirkland and Mary Hastings, representatives from the **Riverside Homeowners Association (HOA)**, requested a response to the Stormwater Management Quarterly Inspection Report as follows: (1) stabilization for the retaining wall behind the single-family homes; and (2) erosion of the outlet by Lot #1. Hatfield indicated that he has inspected both concerns and a written response will be provided the week of March 5th. He noted certain maintenance items can be completed by the HOA without Township approval. Other concerns will be evaluated as to whether construction was completed in accordance with the approved plan. Hatfield is investigating ongoing stream bank erosion and discharge from Trolley Way and Winston Lane. Board approved the HOA request to contact Township Engineer directly for quarterly stormwater inspection matters that are specific and can be handled with a five or ten minute phone call.

4. Locust Grove Schoolhouse Parking Lot Bids: Conary stated that the Board was made aware of a material defect in the bid process that could not be remedied prior to the submission of the bids. The Township Solicitor recommends return of the unopened bids and to rebid the project with the inclusion of Addendum #1 to the Project Manual.

Motion: Conary moved, Brutscher seconded, to reject and return the unopened bids and to rebid the project with the addition of Addendum #1 to be provided by the architectural firm with legal advertising to occur on March 1st and March 5th with a Special Meeting of the Board to be held on March 15th at 3:30 P.M. in accordance with the recommendation of the Township Solicitor; motion unanimously approved.

Secretary directed to send a letter to the bidders returning the unopened bids along with Addendum #1. Board agreed that Addendum #1 should likewise be sent to requestors who purchased the bid package but did not submit a sealed bid. It is noted that the Project Manual and plan sheets for the original bid package are otherwise unchanged.

5. Zoning Hearing Board Application – Margetich/1380 Lenape Road (Tax Parcel 63-4-137): Kristin Camp, Esquire, and Nora Margetich (Applicant) appeared before the Board regarding Zoning Appeal No. 1-2012. Subject of the review is the appeal from the decision of the Zoning Officer and the application for a residential variance. The Applicant is currently keeping 20± alpacas on her property. The Applicant also seeks relief from Section 250-92.C(3) to allow existing accessory structures on the property and from Section 250-92.C(6) to allow the storage of excrement from alpacas to be permitted closer than 100 feet to a lot line and closer than 300 feet to a private well. Camp described the number and species of animals kept on the property by the previous owner. Board received a letter from the Planning Commission (PC) indicating that the universal opinion expressed by animal experts is that the number of alpacas is seriously excessive for the size of the property regardless of zoning concerns. The PC agreed during their February 15th meeting that a herd of 20± alpacas is a gross violation of Section 250-92. Board discussed issues raised by the PC and added concerns regarding nonconformity and the relevance of the evidence of keeping of animals by the previous landowner. The Applicant would like to keep 12 alpacas and would like to present additional information to the Board. The Board agreed to table the recommendation to the Zoning Hearing Board to the March 12th regular Board meeting.

6. Public Works Report: Board reviewed and accepted the Public Works Report dated February 27, 2012 as submitted. Payment was received from Newlin Township for the sale of the 2007 GMC pick-up truck. Knightly reviewed Resolution 2012-14 regarding acceptance of low bids for highway materials and services as advertised and accepted by the Municipal Cooperative of Southern Chester County (Co-Op).

Motion: Conary moved, Brutscher seconded, to adopt Resolution 2012-14 authorizing the purchase in 2012 of highway materials and services from low bidders identified in the Municipal Cooperative of Southern Chester County February 24, 2012 bid opening; motion unanimously approved.

7. Zoning/Code Enforcement Officer Report: no action required.

8. Old Business: Board discussed legal advertising requirements for the Agricultural Security Area public hearing. Board reviewed Traffic Planning and Design Proposal dated February 9, 2012 for construction services for a left-hand turn lane at Lenape Road and Pocopson Road.

Motion: Brutscher moved, Conary seconded, to proceed with legal advertising as recommended by the Township Solicitor for a public hearing on March 26, 2012 in the matter of modification to the Township Agricultural Security Area; motion unanimously approved.

Motion: Brutscher moved, Conary seconded, to approve Traffic Planning and Design Proposal for Construction Services dated February 9, 2012; motion unanimously approved.

9. New Business: Board discussed the request for an extension of the Closing date on open space preservation parcels approved December 19, 2011 being subject of Resolution 2011-33.

Motion: Brutscher moved, Conary seconded, that in accordance with Section 10 of the Easement Purchase Agreement for the BVA Parcels signed December 19, 2011, an extension is granted for the Closing Date to a date not later than March 16, 2012; motion unanimously approved.

Board agreed to requests to include West Chester Public Library and Pocopson Township Representative to the Bayard Taylor Library to be included on the March 12th agenda. Following discussion, Board adopted the following Resolutions and passed the following motions:

Motion: Conary moved, Brutscher seconded, to approve Resolution 2012-11 supporting Easttown Township Proposed Resolution to be presented during the Chester County Association of Township Officials Spring Convention on March 8th encouraging amendment to Section 1508.1(b) of the 2nd Class Township Code; motion unanimously approved.

Motion: Brutscher moved, Stumpo seconded, to approve Resolution 2012-12 urging the Pennsylvania General Assembly to eliminate or amend the Pennsylvania Prevailing Wage Act (Act 442 of 1961); motion unanimously approved.

Motion: Conary moved, Brutscher seconded, to approve Resolution 2012-13 opposing Pennsylvania House Bills 1718 and 1719 amending the Pennsylvania Municipalities Planning Code; motion unanimously approved.

Motion: Brutscher moved, Stumpo seconded, to maintain annual BVA dues payment at \$250.00; motion unanimously approved.

Motion: Brutscher moved, Conary seconded, to accept dedication of Overlook Circle conditioned upon receipt of the Maintenance Agreement; motion unanimously approved.

Secretary is directed to prepare the Resolution for Overlook Circle dedication for the March 12th meeting. Treasurer is directed that \$15,000.00 of the \$31,805.00 Trail Construction Fee will be used to construct the trail bridge. Board agreed that the Public Works Department will construct the Overlook Trail and bridge.

10. Correspondence: Brutscher will discuss a schedule for varmint management on the Barnard House property with Don Lane. Board agreed that varmint holes on the property represent a safety and health hazard.

11. Treasurer's Warrants: Conary moved, Brutscher seconded, to approve the Bill Payment Lists for February 14 - 27, 2012 recommended for payment by the Treasurer: **General Fund:** 22 bills paid totaling \$31,843.66; 5 debit card charges totaling \$293.83; **Highway Aid Fund:** 1 bill paid for \$7,652.04; **Historical Committee:** 1 bill paid for \$1,345.25; **Open Space Tax:** 1 bill paid for \$7,870.00; **Road Improvement Fund:** 1 bill paid for \$3,968.56; **Township Facilities:** 1 bill paid for \$555.00; motion unanimously approved.

12. Approval of February 13, 2012 Minutes: Brutscher moved, Conary seconded, to approve the Meeting Minutes dated February 13, 2012 as reviewed; motion unanimously approved.

13. Adjournment: At 10:00 P.M. Conary moved and Brutscher seconded, to adjourn the regular meeting and to go into an Executive Session to discuss personnel issues; motion unanimously approved.

Susan Simone, Administrative Secretary

Stephen R. Conary, Chair