

## Pocopson Township

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### Board of Supervisors Meeting Minutes Monday, April 23, 2012, 7:30 P.M.

In attendance: Supervisors – Stephen R. Conary, Georgia F. Brutscher, Ricki Stumpo; Amanda Sundquist, Township Solicitor; Mark Knightly, Public Works Director; Richard Jensen, Zoning/Code Enforcement Official.

**1. Call to Order:** Conary called the regular meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

**2. Announcements:** Closing on the Bittle Open Space was completed on April 11<sup>th</sup>. Board met with the Township Solicitor on April 16<sup>th</sup> to review evidence presented during the Conditional Use Hearings. Barnard House Steering Committee met on April 16<sup>th</sup> to review bid package plans for the Barnard House project and on April 19<sup>th</sup> Board met to review bid package documents. Conary met with Longwood Fire Company Chief on April 19<sup>th</sup> to discuss strategic plans for funding support for the Fire Company. Conary, Secretary Susan Simone and Treasurer Peggy Lennon met on April 20<sup>th</sup> with Rothwell Document Solutions regarding document management software. Joint municipality meeting regarding MS4 requirements will be held on April 26<sup>th</sup> at Birmingham Township Building. A pre-bid meeting for the Lenape and Pocopson Roads Intersection Project will be held on April 23<sup>rd</sup> with a bid due date of May 3<sup>rd</sup>. The 30-day burn ban has been lifted by Chester County officials.

**3. Public Comment:** Board welcomed **Larry Drennen, Jr. and Chris Drennen, of the Oxford Grain & Hay Family of Business** as the new owners of the Brandywine Ace Hardware facility.

**4. Decision: 45 Bragg Hill Conditional Use Application/Tax Parcel Nos. 63-1-10; -12.1:** James Fritsch, P.E., Kirk and Jeannette Lindvig (Applicants), and Michael S. Gill, Esquire, on behalf of Applicants, were in attendance. Conditional Use Hearings were held on February 27<sup>th</sup> and April 9<sup>th</sup> at 7:00 P.M. in the Township Administration Building. Conary read aloud a summary of the Decision.

**Motion:** Conary moved, Brutscher seconded, to grant the Conditional Use Application of Kirk and Jeannette Lindvig with the conditional use and modifications subject to conditions set forth in Section IV of the Order dated April 23, 2012;

**Discussion:** Brutscher noted that the Board reviewed the evidence taking into account the uniqueness of this repurposing project. The Board carefully considered the extent of the land disturbance. Conary noted that the conditions set forth in the Order mirror much of the testimony taken during the hearings.

**Vote:** Motion unanimously approved.

**5. Sewage Ordinance 2012-1: Motion:** Conary moved, Brutscher seconded to close the regular meeting at 7:50 P.M. and open the Ordinance Hearing for Ordinance No. 2012-1 which would adopt the most stringent combination of Delaware County Regional Water Quality Control Authority's (DELCORA) standards, rules and regulations and DELCORA's western service area local limitations

for Pocopson Township, create two sewer districts and revise the definition of billing unit; motion unanimously approved.

Conary reviewed the legal exhibits noting completion of required legal advertising. The proposed Ordinance has been available for public review since April 10, 2012. Call for discussion and public comment: none.

**Motion:** Brutscher moved, Stumpo seconded, to close the Ordinance Hearing and re-open the regular meeting at 8:00 P.M.; motion unanimously approved.

**Motion:** Stumpo moved, Brutscher seconded, to approve adopting Ordinance No. 2012-1 in its entirety as publicly advertised; motion unanimously approved.

### **6. 3 Deblyn V Lane Zoning Hearing Board Application/Tax Parcel Nos. 63-3-117; -117.1:**

Bruce B. Yelton (Applicant) appeared before the Board regarding Zoning Appeal No. 2-2012. Subject of the review is the appeal from the decision of the Zoning Officer and the application for a variance. Applicant presented two options to allow the keeping of four (4) horses on the property as follows: Option 1 – requesting a variance of Keeping of Animals Ordinance 250-92 D(2) and (3) for Lot 1; Option 2 – including pasture on Lot 2 thereby meeting the requirements of the Ordinance. Board noted that the Township has not received the administrative interpretation of the Decision and Order issued by the Honorable Ronald C. Nagle on March 9, 2009, as it refers to three (3) as the number of horses that may be stabled on the property. Board agreed that if Applicant proceeds with the request for a variance, the recommendation to the Zoning Hearing Board will be to deny the request because there is an alternate plan that satisfies the Ordinance using a portion of Lot 2 and no hardship therefore exists. Board acknowledged receipt of the Applicant's written consent to extend the time commencement of a hearing to July 1, 2012. Board agreed to table the recommendation to the Zoning Hearing Board pending Applicant's decision on which option to pursue and Township Solicitor's interpretation of Court Order.

**7. Public Works Report:** Board reviewed and accepted the Public Works Report dated April 23, 2012 as submitted. Stumpo will schedule the next ride around the Township with Public Works. Knightly presented Southern Chester County Municipal Co-Op ("Co-Op") bid for stone. Knightly requested information on construction of the Brandyridge Trail. Board directed that he speak to the Township Engineer regarding the specifics of the project.

**Motion:** Conary moved, Brutscher seconded, to accept Resolution 2012-18 authorizing the purchase in 2012 of stone from Asphalt Maintenance Solutions, LLC, recognized as the low bidder identified in the February 24, 2012 Co-Op bid opening; motion unanimously approved.

**8. Zoning/Code Enforcement Officer Report:** Jensen continues to seek resolution to the 1800 Brooks Road matter. He will follow up with Brandywine Vista regarding the stormwater management components and compliance with the site plan approved by the Board. Enforcement letters will be sent to Toll Brothers regarding signage.

**9. Old Business:** Secretary reported that the Township has not received the signed Maintenance Agreement for Overlook Circle. Board does not object to proposed regional trail network submitted by the KARPC but recognizes that a letter of support is somewhat superfluous as little of the Pocopson trail system is included. Secretary is directed to draft a letter opposing Governor Corbett's proposed budget reduction for farmland preservation. Board reviewed procurement policy for Square 9/SmartSearch document management software proposed by Rothwell Document Solutions.

**Motion:** Conary moved, Brutscher seconded, to approve procurement preapproval dated April 23, 2012, in the amount of \$6,060.00 for the purchase of Square 9/SmartSearch document management software; motion unanimously approved.



**10. New Business: Motion:** Brutscher moved, Conary seconded, to obtain a proposal for a structural analysis of the Locust Grove Schoolhouse; motion unanimously approved.

**11. Correspondence:** no action required.

**12. Treasurer's Warrants:** Conary moved, Brutscher seconded, to approve the Bill Payment Lists for April 10 - 23, 2012 recommended for payment by the Treasurer; **General Fund:** 19 bills paid totaling \$25,372.19; 1 debit card charge for \$23.64; **Highway Aid Fund:** 1 bill paid for \$195.00; **Historical Committee Fund:** 1 bill paid for \$310.00; **Open Space Loan:** 3 bills paid totaling \$438,428.38; **Parks, Recreation and Trails:** 1 bill paid for \$1,560.00; **Road Improvement Fund:** 3 bills paid totaling \$8,159.00; **Schoolhouse Fund:** 1 bill paid for \$4,423.78; **Township Facilities:** 1 bill paid for \$3,944.68

**13. Approval of April 9, 2012 Meeting Minutes:** Brutscher moved, Conary seconded, to approve the Meeting Minutes dated April 9, 2012 as submitted; motion unanimously approved.

**14. Adjournment:** At 8:47 P.M., Conary moved, Brutscher seconded, to adjourn the meeting; motion unanimously approved.

  
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Susan Simone, Administrative Secretary  
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Stephen R. Conary, Chair