



Pocopson Township

P.O. Box 1, Pocopson, PA 19366

Office: 610-793-2151

Fax: 610-793-1944

www.pocopson.org

Board of Supervisors Meeting Minutes

Monday, June 13, 2011, 7:30 P.M.

In attendance: Supervisors – Stephen R. Conary, Georgia F. Brutscher, Lauresa J. McNemar, P.E.; Mark Knightly, Director, Public Works; Chris Conaway, Vice Chair, PRT Committee; Amanda Sundquist, Esquire, Township Solicitor.

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

2. Announcements: An Executive Session was held on May 26th to review legal matters. A pre-bid meeting for the Barnard House structural repair project was held on May 24th. Conary attended the opening of the renovated BVA Barn at 1760 Unionville-Wawaset Road.

3. Public Comment: Jerry Kreider of 503 Corinne Road was heard regarding a standing water/puddling issue on his property adjacent to Corinne Road. He brought the matter to the attention of landscape personnel for Toll Brothers. Board will ask the Township Engineer to review Kreider's concern.

4. PA Liquor Control Board Inter-municipal License E-1080 Transfer to ZFG, Inc., d/b/a Lenape Pizza (Applicant) – Resolution 2011-16: The Board discussed the substantive issues regarding the Transfer including but not limited to parking concerns, seating capacity, sewage service, and absence of a commitment from the landlord regarding nonconforming use of the property. During the public hearing held on May 23rd comments were nearly unanimous in opposition to the license transfer. Board agreed that overall, issuing the license will create a negative impact on the health, safety, and welfare of the community.

Motion: Conary moved, Brutscher seconded, to adopt Resolution 2011-16 denying the transfer of Pennsylvania Liquor Control Board License E-1080 into Pocopson Township from the Borough of Kennett Square; motion unanimously approved.

5. Parks, Recreation and Trails Committee (PRT): Conaway reviewed the substance of a letter dated June 13, 2011 as follows:

(a) Pocopson Schoolhouse Trail – PRT supports completion of the construction of the trail for Founders Day activities. Questions abound regarding the location of stream and/or wetland crossings. Gilmore Associates completed the survey but the trail is not flagged. Knightly will contact Gilmore Associates to schedule a site meeting.

(b) Elser Trail Easement – terms of the Easement depend on identifying maintenance responsibilities, i.e., the grass trail and around the fence. Knightly clarified that the Township will mow the trail and will cut vegetation/grass around the fence in the event

that a volunteer cannot do so. Therefore, the Board agreed that option 2 appears to be appropriate.

(c) Land East of Pocopson Road – a site walk is scheduled for Thursday, July 14th at 7:00 P.M.

(d) County Trails – McNemar stated that a significant number of tasks were completed in 2008-2009 regarding the trail connections with the County, including work on the Easement. McNemar will revisit her notes from previous meetings with Regester Associates and members of the PRT Committee.

6. Barnard House Structure Repairs Bids: At 7:55 P.M. Conary announced the opening of sealed bids for structural repairs to the Barnard House in accordance with the bid notice advertised May 12th and May 26th, 2011. No bidders were present during the opening of the bids. Conary provided a brief description of the inadequacy of the beam support joists and the need to stabilize the House for entry. Four bids were received as follows:

| BIDDER | PART A | PART A & B |
|----------------------------|----------|------------|
| A.J. Jurich, Inc. | \$38,800 | \$50,800 |
| DiOttavio & Co., Inc. | \$37,297 | \$50,551 |
| JM Contracting LLC | \$29,380 | \$42,755 |
| Paul Risk Associates, Inc. | \$24,500 | \$48,000 |

A bid bond for 10% of the amount was received from each of the four bidders. McNemar suggested discussing the bids with the architect in order to determine how to proceed.

Motion: Brutscher moved to approve the lowest responsible bid deemed qualified, following a review of the bids by technical consultants for the Township, and to approve the rejection of all bids following the technical review if that is determined to be in the best interest of the Township; Conary seconded; motion unanimously approved.

7. Riverside Landscape Committee: Scott Kirkland and Mary Hastings thanked the Board for their assistance with a successful meeting with DELCORA. On behalf of the Riverside HOA, Kirkland and Hastings provided copies of correspondence between Toll Brothers and Marcus & Hoffman, P.C., Attorneys for the HOA, in response to recent inspections of the open space and stormwater facilities citing certain unresolved concerns. A discussion ensued regarding ownership of the basins, general procedures for accepting the second offer of dedication, and specific concerns with the condition of the open space and basins. Land stabilization and erosion concerns, including lack of top soil, remain unresolved. Township Engineer will be advised of the concerns. Hastings noted that documentation is incomplete regarding the scope of work for tree replacement. Board members stated that the approved landscape plan represents the formula required to meet the tree count and tree placement in compliance with the Township Code. Diseased and dead trees must be replaced in accordance with the plan. Kirkland stated that during rain storms water flows over the lower portion of the retaining wall behind homes located at 23 to 29 Sloan Road. It was noted that no current information is available regarding the status of Parcel A (3.2 commercial acres) adjacent to Lenape Road (Route 52) although Toll is maintaining the parcel.

8. Public Works Report: Board accepted as written a Public Works Report dated June 13, 2011. Township Engineer should be consulted regarding possibility of Toll Brothers moving topsoil from The Preserve to Riverside. Knightly reported PennDOT has completed most of the right-hand shoulder work on Lenape-Unionville Road. Board awaits response from PennDOT confirming a timeline for work on Northbrook Road. Board reviewed Stoltzfus Farm Service cost estimate for the purchase of a Kubota utility vehicle. This is a Co-Stars contract purchase for \$5,308.80 after trade-in of the New Holland tractor.

- **Motion:** Conary moved, Brutscher seconded, to approve the purchase of a Kubota RTV900XTW-H Utility Vehicle as described in Price Quote from Stoltzfus Farm Service dated May 26, 2011; motion unanimously approved.
- **Motion:** Brutscher moved, Conary seconded, to acknowledge and approve the Municipal Cooperative of Chester County rejection of all bids due to noncompliance and deemed to be in the best interest of the municipalities to do so; motion unanimously approved.
- **Motion:** Brutscher moved, McNemar seconded, to approve Resolution 2011-17 acceptance of low bids for highway materials and services from Martin Paving, Inc., 531 E. 28th Division Highway, Lititz, Pennsylvania, for 12,000 square yards of surface treatment; motion unanimously approved.

McNemar discussed recent tree planting in Pocopson Park, work performed by the Girl Scout Troop. Tree placement is adequate as Public Works is working on clearing the tree line of the wood. Discussion ensued regarding storage of picnic tables. Knightly noted that Public Works will apply a sealant to protect the wood and keep it from warping. Board agreed to a display of Public Works equipment during Founders Day condition upon addressing any liability issues.

9. Old Business:

Board reviewed **the Zoning Activity Report** submitted by Yerkes Associates, Inc. Board agreed that Yerkes Associates should cite Toll Brothers regarding violations of the Sign Ordinance. Secretary will provide a copy of the Sign Ordinance to NV Homes. Toll Brothers 2nd Request for **Riverside Dedication** to be on the June 27, 2011 agenda. Board denied Megill Homes, Inc., request for **adjustment** of past due engineering fees.

10. New Business: Board agreed to issuance of a 30-day Conditional Certificate of Occupancy for **Lot 3/Berlin Subdivision**. Secretary and Building Inspector directed to draft a letter to the landowner outlining the following conditions: 30-day period commencing June 14, 2011 and expiring July 13, 2011; grading/land disturbance issues must be resolved before issuance of a final Certificate of Occupancy; the dwelling will not be occupied during the 30-day period. Board reviewed request from owner of Lenape Village Shops for installation of a **fire hydrant**. Public Works will confirm location of nearest hydrant to the Shops. Board agreed that installation costs are the responsibility of the landowner. Board approved Estimate from General Code (sole source procurement) dated June 8, 2011, to proceed with publishing Supplement No. 4 of the Township Code.

Motion: Conary moved, Brutscher seconded, to approve the June 10, 2011, proposal submitted by Brandywine Conservancy for preparation of a conservation easement on Tax Parcels 63-1-44-E, 63-3-8-E and a portion of 63-3-25.1; motion unanimously approved.

11. Correspondence: none.

12. Treasurer's Warrants: Conary moved, Brutscher seconded, to approve the Bill Payment Lists for May 24 – June 13, 2011 recommended for payment by the Treasurer.

General Fund: 35 bills paid totaling \$68,896.11; 1 loan payment (Park) for \$132.25.

Highway Aid: 7 bills paid totaling \$1,065.65. **Historical Committee:** 1 bill paid for \$953.00. **Open Space Acquisition Fund:** 2 loan payments totaling \$1,730.99. **Open Space Loan:** 1 bill paid totaling \$630.00. **Route 52 Intersections:** 1 bill paid for \$18,726.55

Brutscher moved, McNemar seconded, to **approve one procurement pre-approval request:** Kubota RTV900XTW-H Utility Vehicle from Stoltzfus Farm Service to be used for trail maintenance; motion unanimously approved.

13. Approval of May 23, 2011 Meeting Minutes and May 23, 2011 Public Hearing Minutes: Conary moved, Brutscher seconded to approve the May 23, 2011 Minutes as reviewed and submitted; motion unanimously approved. Brutscher moved, Conary seconded to approve the May 23, 2011 Public Hearing Minutes; motion unanimously approved.

14. Adjournment: At 9:30 P.M. Brutscher moved, McNemar seconded to adjourn the meeting; motion unanimously approved.

Susan Simone, Administrative Secretary

Stephen R. Conary, Chair