



Board of Supervisors Meeting Minutes
Monday, April 11, 2016, 7:30 P.M.

Attendees: Supervisors – Ricki Stumpo, Elaine DiMonte, Alice J. Balsama; Public Works Department – Mark Knightly, Director/Roadmaster; Consultants – Ross Unruh, Township Solicitor; Brittany Hackman, P.E., Township Engineer.

Public in attendance: 26

1. **Call to Order:** Stumpo called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** On April 2nd, DiMonte and Balsama attended the Chester County Planning Commission/Brandywine Conservancy seminar on zoning and planning and land development.
3. **Announcements:** DiMonte and Balsama attended the PennDOT public meeting on March 30th regarding the Route 926 Bridge Project.
4. **Public Comment on Non-Agenda Items:** Linda Moore requested information regarding the West Creek Road Project. Knightly responded that there will be partial road closures with traffic control measures. He will provide further information as part of the Public Works report.
5. **Barbacane, Thornton & Company, LLP (BT&C), Auditors:** Tim Sawyer, CPA, Manager, BT&C, reviewed the 2015 independent audit for the Township focusing briefly on findings and recommendations. He outlined the tasks of the professional audit team juxtaposed with the tasks of the Treasurer and Township management. He explained the work expected of the Treasurer in preparation for the audit and the review process by the audit team as they work with the Treasurer. Sawyer reviewed components of the audit noting no disagreements or difficulties and that analytical procedures to perform reasonable tests to calculate such items as payroll, revenue, and expenditures have been proven. Operational and fiscal accountability requirements have been met. There were no questions from the Board.
6. **Castle Rock Farm:** Jack Stefferud, Senior Director of Land Protection, Natural Lands Trust, appeared before the Board to discuss a conservation easement bargain sale purchase of the Castle Rock Farm property located in West Bradford and Pocopson Townships, 16 acres being located in Pocopson. Funding applications will be submitted to the County and the PA Department of Conservation and Natural Resources as well as the PA Department of Community and Economic Development. The property is in the Brandywine Creek Corridor and abuts hundreds of acres of permanently protected lands in what is known as a scenic agrarian landscape. Stefferud seeks a letter of support as well as a financial contribution. Board members noted that the Township recently completed financial commitments to open space in the Township, but a letter of support is certainly in order. **MOTION:** Stumpo moved, DiMonte seconded, to approve signing a letter of support for the efforts of Natural Lands Trust to protect the woodlands and meadows of the Castle Rock Property through a bargain sale purchase; motion approved.

7. **Riverside Daycare Land Development Plan:** Victor Kelly, Jr., P.E., ("Applicant") appeared to discuss the Preliminary Land Development Plan prepared by Commonwealth Engineers, Inc., dated October 26, 2015, and last revised February 2, 2016 ("Plan"), subject of the following review and comment letters: Township Engineer dated February 22, 2016, Township Zoning/Code Official dated February 12, 2016, and Chester County Planning Commission dated February 16, 2016. The matter was previously before the PC on June 17, 2015 (Sketch Plan), November 18, 2015, and February 17, 2016, at which time the PC recommended that the Board grant approval of waivers and the Preliminary Plan as discussed condition upon completing all revisions noted by Township Consultants. The matter was last before the Supervisors on March 14, 2016, at which time no action was taken by the Board. The following individuals also appeared: John Jaros, Esquire, Attorney for the Applicant; Jodi Thompson, Ducklings Early Learning Center; Adam Marcus, Esquire, Attorney for the Riverside at Chadds Ford Homeowners Association (HOA). Jaros noted the number of Plan submissions to the Township to date, the PC recommendation, Plan approval as part of the planned residential development, Zoning Official review of parking requirements, and the Applicant's response dated April 11, 2016 to the HOA Memo in Opposition. He urged the Board to take action as the Applicant needs to take action on a number of contractual obligations related to the project. Thompson provided responses to a number of questions posed by the Board, including but not limited to the following: a) the project/plan is an additional location and not a replacement for other sites under lease; b) hours of operation are 5 days per week from 7:00 a.m. to 6:00 p.m.; c) closed for 9 holidays; and d) drop-ins or babysitting services are not provided. An extended discussion ensued with regard to occupancy. Kelly clarified the PA DEP letter reference to occupancy noting that the equivalent dwelling units (EDUs) is rounded up by PA DEP when calculating wastewater for an early learning facility as many occupants are in diapers. Thompson noted that the Office of Child Development and Early Learning sets mandates as to occupancy and student-to- teacher ratios. A 10,000 square foot facility will provide the latitude for children to access a library, gym, and overflow space. An 8,000 square foot facility will not provide the same level of accommodation for the children. Further, Thompson expressed the notion that holiday parades may be scaled back given limited outdoor areas at the site. Board raised concerns regarding the letter received from Longwood Fire Company Chief A.J. McCarthy. Kelly responded that the facility is within 600 feet of a fire hydrant. Jaros expressed appreciation for the Chief's comments but noted that before the Board is a land development plan and that matters raised by the Chief can certainly be addressed at the time a building permit application is submitted so that the facility is built in compliance with commercial building codes. DiMonte noted concerns with regard to the Route 926 Bridge Project and the traffic that will be generated by the detours. She also asked for clarification regarding allowable density for the 2-acre site, by example, the number of townhouses that could have been built on the site. Applicant agreed that detour traffic will have an impact but the request at this time is for preliminary plan approval and that other issues may be addressed when the request is made for final approval. Kelly could not provide exact number from the 2004 approval process as to the number of dwellings based on density, but recalls it may be 180 units. Public Comment on this item: James Rowdon noted considerable confusion as to the planned size of the facility and urged the Board to grant approvals that make sense relative to the number of occupants of the building. Gary Summers reiterated the misinterpretations regarding the PA DEP EDUs as separate and apart from PA licensing for a teacher-to-student ratio. Marcus noted that zoning issues exist with the Application that have not been addressed by the Township. He cited a number of sections of Township Zoning Chapter 250 that are not now in the Plan before the Board. He charged that assumptions are being made about the proposed daycare

facility that are not in accordance with Exhibit A of the court settlement which would appear to limit the daycare facility to 6,000 square feet. He indicated that through a Right-to-Know Request, he was informed that a traffic study does not exist even though the Applicant indicated that a study was completed. As such, he raised concern that the facility is inadequate to handle 150 to 200 cars for drop-off or pick-up or to handle the 2 to 3 special events proposed. Scott Kirkland noted that there is a discrepancy between the description of events described during a public meeting and that which is published on websites for Ducklings. Sean Rafferty served on the Township Planning Commission in 2003 during the approval process, and suggested that while the current Board is limited due to the approvals issued by previous Boards, the current Board could propose minor adjustments to the Plan before them so that the matter can proceed. Jaros noted that while the Applicant agreed to an extension to May 30th, if the Board is not prepared to take action at this time, the matter should be listed for the next regular public meeting on April 25th. Conferring with the Township Solicitor, Board agreed that they were not ready to take action and to list the matter for April 25th.

8. **Public Works Report:** Knightly reported West Creek Road Project is underway and will take 30 days to complete. Crack-sealing of Township Roads in subdivisions was completed last week. Mowing underway on trails and in parks. MOTION: DiMonte moved, Stumpo seconded, to approve the sale on Municibid of a 2008 John Deere 997 z-trac mower; motion approved.
9. **Barnard House:** DiMonte indicated that Kennett Underground Railroad Center has not been notified of the status of the Certificate of Occupancy as installation of a security system is not complete. Stumpo is currently requesting proposals from cleaning services for the park restroom. Stumpo and Knightly will meet with the Chester County Prison Warden to discuss a situation with public restrooms, including the Barnard House restroom. Balsama asked if the fire and security system proposal submitted by the Township's current provider might be installed in stages given that the proposal, including video surveillance, is over \$11,000. Board agreed that Balsama could look at other options and report back during the April 25th meeting. Public Comment on this item: Sean Rafferty suggested the Township purchase the components from a manufacturer and have the security provider do the installation. Gary Summers and Knightly noted that the Barnard House is a commercial building and as such, the requirements for fire panels, monitoring, etc., are different from that which is provided on a residential level. Members of the public and a tenant will occupy the building, therefore, service, repairs, replacement, and monitoring must meet commercial standards. Knightly noted that 3 weeks will be required for the complete installation.
10. **Old Business:**
 - a. Scaleby Farm Maintenance Bond Release - Board reviewed Township Consultant recommendation letters. Township Landscape Architect recommends establishing a cash escrow in the amount of \$4,000 for landscape material not installed due to the weather. MOTION: DiMonte moved, Balsama seconded, to approve release of the Irrevocable Letter of Credit in accordance with the Maintenance Agreement dated October 27, 2014, in the amount of \$106,548.00 as reviewed and approved by Township Consultants contingent upon reimbursement to the Township for construction review services and contingent upon receipt by the Township of the escrow check by Friday, April 15th with authorization for the Township Solicitor on April 18th to call in the Letter of Credit if the escrow check is not received; motion unanimously approved.
11. **New Business:**
 - a. FEMA Community Outreach Program - Hackman provided an overview of the FEMA floodplain mapping. The review includes the Preliminary Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) which affects properties in Pocopson

along the West Branch Brandywine Creek, Brandywine Creek, and Pocopson Creek. Board reviewed the 2016 Preliminary FEMA FIRM properties and the sample cover letter to be sent to property owners with notification of the proposed changes. Board thanked Hackman for her work and asked she tailor the sample letter to differentiate multiple parcels owned by the same persons that may be "in" or "out" of the proposed area. In addition, the Board agreed that an informational meeting will be held in the event that the affected landowners confirm that they desire a meeting in order to better understand how FEMA FIRM affects their parcels. Going forward, once maps are approved, a 90-day appeal process is in place for affected property owners to challenge the map revisions.

- b. Computer Recommendations for Board of Supervisors - Board reviewed proposal from current IT provider for the Township that includes purchase of Microsoft Office Project Standard licensing. Secretary indicated that since submission of the proposal dated April 6, 2016, it was determined that there are a number of project management software applications available for free on a trial basis. Board agreed to consider those applications. Board discussed purchase of laptops versus tablets and agreed that the laptops will provide processing power that will allow access to the network shared drives and applications, as well as multitasking using a range of applications. MOTION: DiMonte moved, Balsama seconded, to approve Sage Business Systems, Inc., quote #Q0006623, dated 4/6/2016, in the amount of \$4,875.00 for 3 Dell Latitude 3000-15 laptop computers to be issued to each member of the Board of Supervisors; motion unanimously approved.
12. **Correspondence:** Board acknowledged receipt of written request to list Denton Hollow Road traffic concerns for discussion during the April 25th meeting.
13. **Treasurer's Warrants:** Balsama moved, DiMonte seconded, to approve the Bill Payment Lists for March 29 - April 11, 2016 recommended for payment by the Treasurer; General Fund: 17 bills paid totaling \$12,254.70; 2 debit card charges totaling \$158.89; Highway Aid: 4 bills paid totaling \$2,276.85; Parks, Recreation & Trails: 2 bills paid totaling \$239.94; motion unanimously approved.
14. **Approval of Meeting Minutes:** DiMonte moved, Balsama seconded, to approve the Minutes of the March 28, 2016 meeting; motion approved.
15. **Adjournment:** At 8:54 DiMonte moved, Stumpo seconded, to adjourn; motion unanimously approved.


Susan Simone, Administrative Secretary


Ricki Stumpo, Chairman