



**Pocopson Township**

**Historic Community Campus at the Barnard House**

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**Questions and Answers for Public Meeting**

**September 21, 2015**

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## BACKGROUND

*[Moderator]*

The Historic Community Campus at the Barnard House includes repurposing the historic Eusebius Barnard House for all township administrative offices, resident services, government and community meeting space. The Kennett Underground Railroad park office and display room is an integral component of the passive park use and preservation goals for the property. The surrounding acreage serves as a trailhead, agricultural land, open space and a heritage park.

As a courtesy to residents who requested an opportunity to receive answers to their questions about this project, The Board of Supervisors arranged this question and answer session to provide factual information regarding the Campus Project at the Barnard House. The Township solicited written questions from residents and hired an independent moderator to manage the public event.

By the question submission deadline of September 10<sup>th</sup>, 163 questions submitted by 12 residents were received by the township. Duplicate questions were combined and questions containing lengthy commentary were distilled to question form.

To help make sense of all of this information, the questions were sorted into separate categories. Questions from each section will be read and answered in categorical sequence. Time permitting, submitted all questions will be answered. Any unanswered questions and their answers will be available in transcript form on the Pocopson Township website.

The questions and their responses follow:

## SECTION 1: FINANCIAL IMPACT

### ***1-1 How is the project being funded? By the Township taxpayers?***

The project is being funded by a combination of taxpayer dollars, grants and committed donations.

### ***1-2 Assuming this is being funded by the Township, where are the funds coming from: a tax increase, the current property/EIT tax receipts, or the green space tax?***

Maintenance, building stabilization and planning studies are completed and were funded within the existing annual township budget for our facilities. Phase 1 which includes the park, bathroom, parking lot, sewage, water and lighting was funded approximately 50% with a non-tax based grant and donations, the remaining by the Township existing facilities budget. Phase 2 which is the building renovation will be funded by a grant of \$50,000, the remainder by a proposed loan of \$750,000. The loan does not result in a tax increase. The open space tax by law is a separate tax account and cannot be used for any other purpose.

### ***1-3 Information shared to date implies a forecast of \$1.2M for the total project. Based on 4000 sq. ft., this equates to a build cost of \$300 per sq. foot. This is extremely high, especially for a commercial building. What are the realistic costs forecasted for this total project?***

The estimated building renovation, not including allocation for a construction contingency, furniture, IT, security and project management is \$450,000 as presented in the July 2015 summary on

the Township website. The space subject to improvements under the Phase 2 contract will be 3,647 square feet, for basement utilities, first and second floors. This equates to under \$125 per square foot for renovation of an historic structure. This per square foot cost does not consider the square footage of the entire basement or third floor, which will not be renovated in Phase but will also have insulation and window improvements when Phase 2 is completed.

**1-4 *What is the estimated cost to complete the balance of the exterior work in Phase 1 and the time for completion?***

The balance due on the Phase 1 contracts is \$78,032 as of September 14, 2015. Estimated time for completion is this fall.

**1-5 *Are the monies still available in the Phase 1 budget to finish the exterior or will it be deducted from the monies allocated to Phase 2?***

Yes. The 2015 budget has sufficient funds to complete Phase 1 without deducting monies from a Phase 2 loan.

**1-6 *What is the breakdown by category of what has been spent/paid?***

The township accounting process tracks all projects in two categories, by professional services fees and physical improvements costs. Professional fees (from all consultants) paid from January 2007 through September 14, 2015 totaled \$193,987. Improvements costs over that same period total \$415,843. Professional services fees paid since 2007, plus those currently approved and budgeted through Phase 2 is estimated to be under 20% of the total project

improvements costs when complete. Professional fees include all pre-construction planning studies, stability phase engineering and architect services, solicitor, grant writing and Township engineer fees for Phase 1 site design and grant application packages. The total detailed information from 2007 through September 14, 2015 is available from the Township office, and has already been provided to several residents through the open records request process.

***1-7 Cost Overruns- what have they been, what did they cost and why did they occur? How was the cost overrun process managed?***

There were no cost overruns on the project outside of the approved contract amounts and the 15% project contingency established by the Township. Within this contingency, change orders that were approved through September 14, 2015 on the Phase 1 contracts, total \$34,349. The sum of change orders total 7.5 % of the approved contracts amount for Phase 1, well within the 15% contingency. Change orders were associated with a variety of field condition changes, with a significant portion (\$22,250) attributed to additional work required by PENNDOT for ADA compliance at the driveways. A detailed breakout of change order item estimates are prepared by the Project Manager. Project change order requests are then approved or denied by the Board of Supervisors at a public meeting prior to payment being issued.

**1-8** *It appears that the projected costs of the project have increased over time. Can you please explain the thought behind the change in budget? Please explain the change in project budget over time.*

The question is confusing as projected cost is not the same as project budget. The project estimate has not increased over time. In the spring of 2011, an estimate of \$1.3 million was publicized by the Township in a brochure on the project and several newspaper articles. A large meeting room addition to the Barnard House was included in the plan. The large meeting room was later removed from the project as unaffordable. In 2012, the low bid on the construction of the revised project without the large meeting room or an allowance for contingencies was \$1.07 million. Four years later, the total estimated cost of the project for all planning studies, stability work and Phases 1 and 2 when complete is still approximately \$1.2 million including contingency. After grants and donations of \$341,500 either received or committed plus stabilization and Phase 1 work funded by the Township, the remaining costs are estimated at no more than \$750,000. The annual project budget changes depending on what was spent in the previous year and projections of costs for the following years.

**1-9** *What is the monthly rent to be paid by KURC?*

A current five year agreement includes the payment of 1/5 utilities cost of the building up to \$100 plus \$1 per year for the first three years. Annually after the third year there is a 1/5 split of utilities costs plus \$1. The consideration was based on dedicated and

shared space used, hours occupied, and includes separate insurance requirements for KURC occupancy.

***1-10 Since this is a taxpayer funded project, how can all financial information be best communicated and shared with the public?***

All expenses paid by the Township are categorized and posted on-line in budget versus actual expenditures every calendar year.

Throughout the year updates of actual expenditures are provided for Supervisors' review as requested and for discussion at the public Board of Supervisors meetings.

***1-11 Can an up to date financial cost spreadsheet (including cost overruns) be maintained on the website?***

Financial spreadsheets will not be posted on the website. Costs and payments made change on a daily basis and misinterpretation of financial data by residents would create confusion in the community. All financial records, and details on any project are collected, categorized, entered, updated and maintained by the Treasurer in QuickBooks in accordance with accepted accounting practices.

***1-12 The Barnard House Project Update July 2015 referenced the need for a sewer connection to be installed from Denton Hollow to Riverside (Section VII.A). Has this cost been formally estimated?***

This cost was estimated to determine what the elements of improving the Denton Hollow township building would be as compared to the Barnard House. The sewer connection piece of this estimate used standard engineering practices based on the measured map distance of the building to the nearest Riverside



manhole, at a per foot installation cost from an engineering estimation manual (Means Construction Costs) with published corrections for this area of Pennsylvania. It included a tap in fee as charged by the sewer authority that owns the plant. That cost did not consider ongoing user fees.

***1-13 The estimates for Phase 2 are unclear – where did the \$650k come from as compared to the forecast for a \$750K loan?***

The estimated cost for the remainder of the project, including furniture, IT, security, construction contingency, project management is \$650,000. The budgeted loan of \$750,000 includes allowance for contingencies. The actual loan amount will be determined once the bids are received.

***1-14 The Supervisors originally stated they would not spend more than \$750,000 to \$800,000 on the project. Now why are we at \$750,000 for just stage 2 and still needing a third stage to meet our needs?***

The pre-bid estimate in 2011 was \$750,000 to \$800,000 for the project without a large meeting room add-on. Discussions with bidders when the low bid came in at over \$1M suggested they incorporated their own contingencies because they were uncertain about the extent of the work particularly the restoration of the windows. This led to the four window stabilization project which in turn has altered the approach to the remaining window and doors. Grants and donations were subsequently obtained to reduce the overall cost to the Township. Phase 3 is a longer term plan, and future Boards would decide whether to proceed or not.

## SECTION 2: TAXES AND LOANS

*2-1 The committee states there will be no impact on taxes because the loan will equal the former one just paid off in 2014 for the Public Works building and park. Have the Supervisors considered this would be an opportunity to decrease taxes rather than keep the township in perpetual debt?*

Supervisors did not consider this as an opportunity to reduce taxes as the cost to continually maintain an empty and abandoned historic structure while still not having a proper Township facility did not make financial sense.

The choice was between a potential refund of a negligible amount to repurposing a significantly relevant historic structure using a loan with no new tax impact. Supervisors clearly saw the rehabilitation of the property as the fiscally responsible path.

If the taxes were decreased by the amount of the loan payment, the average refund per household would be approximately \$3.21 per month in property tax based on the average assessed residential property value. If compared to the total tax liability of the residents, including County, School and Township taxes, the amount is negligible.

Supervisors saw this as an unprecedented opportunity to finally have a proper and code compliant facility to serve our residents, employees, volunteers and Homeowners Associations.

While this is a twenty year loan, it is not “perpetual debt”. Loans for facilities in municipalities are commonplace and are part of meeting the needs of a population in a responsible manner.

**2-2 *Was the EIT increased from .20 to .50 to assist with funding for the Barnard House? The June 8th presentation and the report from Lafayette College indicates the township is in good financial standing. Why then, did the EIT need to increase by 150%?***

To answer the first question, No. The EIT was not increased to fund the Barnard House project. The EIT was increased as a result of a ten year projection of Township financial obligations. Major items included emergency management services, additional staff, equipment replacement, insurance cost increases and state mandated clean water provisions. A public presentation, appropriately advertised, was given detailing the components of the EIT increase prior to any vote on the increase. Not one resident attended. The EIT increase was subsequently approved by all three supervisors.

**2-3 *Why is the committee anticipating so many additional needs in the future?***

Although the township is essentially built out with respect to new large developments, regional planning groups anticipate the continued growth of the resident population throughout Chester County including Pocopson Township. Both the County and the Township Comprehensive Plans speak to the need for the expansion of housing of diverse types including multiple unit dwellings and

senior age in place housing. The Comprehensive Plan Population and Economic Profile information provided by the Delaware Valley Regional Planning Commission Forecast of 2012 and the U.S. Census Bureau enumerates a Township population in 2010 of 4,582, estimating an increase to 5,509 by 2035.

Our Township Comprehensive Plan acknowledges limitations on land available for building due to terrain and Open Space restrictions. However it states there is undeveloped land suitable for residential construction. An increase in population will bring increased demands for basic Township services. A prudent government prepares for the impact of projected growth.

***2-4 What are the suggestions for fully understanding the taxpayer's position on the project?***

Any single taxpayer's "position" on any Board meeting agenda item can be voiced during public comment period at any Board of Supervisors meeting. Any individual resident may also write a letter to the Supervisors on any issue at any time.

**SECTION 3: GRANTS**

***3-1 How many grants have been applied for and received in relation to the Barnard House?***

Many grants were researched and vetted for relevance to the project, municipal eligibility and likelihood of success from 2009 and 2015. Small grant opportunities were rejected because they pertained to small pieces of a 'must be completed' project within

limited timeframes. Every substantial construction grant opportunity applicable to a municipal/historical project in Chester County was applied for from 2010 through 2015. Five applications were made, three were awarded.

The first grant application in 2009 was presented to Longwood Foundation. The grant was not awarded by the foundation as the project did not fit their funding goals or their belief that municipal facilities should be built with public funds.

In 2010, a joint application was made with KURC for \$500,000 under the American Recovery and Reinvestment Act of 2009 to pay for clean energy (geothermal systems, insulation, windows, buildings stability and climate control) for the Locust Grove Schoolhouse and the Barnard House. Under this “Conservation Works” grant, professional energy audits were performed on the municipal buildings (gratis by a qualified professional) and the application had overwhelming support by state political leaders. The extreme competitiveness for this grant resulted in the statewide awards being given to existing occupied building projects, whose applicants were trying to complete their projects, not start them. In 2012-2013, two \$250,000 grants were awarded for Phase 1 by two different state agencies. Both required Township matching funds. The Township accepted the grant requiring the lower 20% match. A third award of a \$50,000 Keystone grant was recently received for Phase 2 for the repair or replacement of windows and doors. All grants awarded were for the maximum amount eligible. KURC has also committed

over \$30,000 to completion of the project. Grants, donations and commitments total \$341,500.

**3-2 *Is any grant money budgeted to pay for future costs?***

Yes. A \$50,000 grant was received for Phase 2, but is not reflected in the 2015 budget, as it was awarded after the budget was developed and approved.

**3-3 *Is the recent grant received a matching grant? If so, where is that money coming from? Has the % of matching monies been included the financial reporting for Phase 1 or Phase 2 or is this additional money?***

The recent Keystone grant award of \$50,000 is a 50 percent matching grant. The award of this grant now reduces the Phase 2 cost by \$50,000. The matching funds will be satisfied within the existing Phase 2 budget.

**3-4 *The \$250,000 grant received was for park and open space modifications. What is the specific grant wording as to how the grant should be used?***

The grant offering had specific line item guidelines as to what would be covered. Every item in the application, which has been constructed and reimbursed by the grantor during Phase 1 was an eligible item. This included but was not limited to: entrance/exit drives, parking lot, exterior lighting, septic, water, bathroom and foyer, storm water management, sidewalks, ADA compliance (trail, picnic area and building/bathroom access), electric, landscaping, picnic areas and benches and recycling area. The application

included all aspects of the 2012 bid package documents that were reimbursable elements under the grant guidelines, and associated with serving the heritage park and trailhead. The grant reviewers rated the application as one of the highest rated in the award round.

**3-5 *Is it ethical to use the grant money allocated for the park to benefit the renovation of the Barnard House?***

The Phase 1 grant money was used for the approved purposes. Reimbursement from the state was subject to state receipt of invoices showing actual expenditures for items specified in the grant application.

**3-6 *What type and how much funding would be lost or gained if the Barnard House was only occupied by the KURC and not the township administration?***

Not completing and occupying the total building would jeopardize existing grants and support for future grants for the Township. The \$50,000 Keystone grant would likely be recalled if the building is not open to the public. Also, the state would likely recall the Phase 1 \$250,000 grant since it was approved with the understanding that the park would be part of a municipal campus.

Our legislative leaders and County agencies have supported every grant application associated with completing this campus since 2010. Their support for future grant applications could be lost, especially if one or both of the grants are recalled.

## SECTION 4: UTILITIES

### ***4-1 What are the plans for insulation/etc.? How much insulation will be added to the roof/walls?***

Insulation meets or exceeds code requirements, and is consistent with the written energy audit recommendations conducted on the building. R-30 insulation will be installed in the floor of the third floor. R-19 insulation will be installed in the exterior walls of the rear wood framed part of the building. R-19 insulation will be installed in the basement ceiling.

### ***4-2 The replacement windows were period replacements. Are these thermal rated?***

The replacement windows in Phase 1 are energy efficient. The four restored windows on the east side retained the historic sashes and will have storm windows added as part of the Keystone grant.

### ***4-3 If the Barnard House is renovated to be energy efficient (adequate insulation, double-paned windows, etc.) would that change the historic designation? If so, what are the consequences?***

The Barnard House has been recognized by the Pennsylvania Historical and Museum Commission (PHMC) as eligible for the National Registry of Historic Places under Criterion A (events). The Registry is the official national list of historical resources worthy of preservation. It is a recognition of historic merit and significance but “places no obligations on private property owners.” Benefits accrue from designation of eligibility not from an actual listing. Many grants require eligibility for the Registry for the application to be eligible for



consideration. Acceptance of state and federal grants (most of which are matching) requires that any work done comply with the Secretary of the Interior's Standards for Rehabilitation and the Guidelines for Rehabilitating Buildings.

The Barnard House is designated a place "where the location itself possesses historic, cultural or architectural value" as a station on the Underground Railroad. In 2008, the house was deemed ineligible under Criterion D (architecture) due to alterations to the structure that have impacted its "integrity of materials, design, or workmanship."

Preservation of historic resources is further supported by the Pennsylvania History Code Title 37 and the Pennsylvania Municipalities Planning Code Act 247. The Chester County Comprehensive Plan Landscapes II also highlights the Barnard House adaptive reuse project. Since it is eligible for the National Registry, the County also designates the Barnard House as a Class I resource "of critical importance to the quality of life in Chester County" and indicates "resource protection is recommended." The Pocopson Comprehensive Plan prepared in 2014 states as a goal the "minimization of impacts to significant historic and scenic resources as an integral part of all land use development design" and pledges to "encourage the maintenance, rehabilitation, restoration and adaptive reuse of historic resources." In addition, the 68 acre property surrounding the House is a Scenic Resource as

located on the Brandywine Scenic Byway that includes the immediate Route 52 view scape.

The repurposing of the Barnard House is appropriate for the property according to its designated eligibility category. To meet the requirements of the Keystone Matching Grant, the Township will forward evaluations of the windows to the PHMC along with decisions on repairs/replacement for approval. If the PHMC and the Township do not agree on the path forward for the windows, the Board of Supervisors may choose to rescind acceptance of the grant. Acceptance of the grant does require periodic communication with the PHMC regarding the status of the window repairs/restoration and reimbursement will occur following detailed invoice submissions specific to the window portion of the project.

**4-4 *Have eco-friendly designs been built into the project plan or are they too expensive?***

Sustainable features have been designed into the plan that have been determined to be feasible and cost effective. Features that were examined include solar water heating and photovoltaics, geothermal, windows replacement, insulation, infiltration limiting devices, grey water recycling, rain water gathering for irrigation, and use of the outdoor grain bin for an additional park bathroom including composting commodes. The cost/benefit of sustainable design and technologies planned for this project will be closely evaluated during Phase 2 building package.

**4-5 *Is the cost of the geothermal heating and cooling system included in the Phase 1 and/or Phase 2 costs? If not, is it cost prohibitive?***

There is no geothermal system included in Phase 1 or 2 costs, as a grant could not be obtained and such a system was otherwise too expensive.

In 2010 a grant application was made which included geothermal systems for the Barnard House and the Locust Grove Schoolhouse, among other energy efficient improvements. The award was not granted, because the building would have had to be occupied upon installation of the system. In 2014 another geothermal system grant was investigated but it also required the building to be fully occupied upon completion of the geothermal system installation, which was not feasible. The fiscally responsible decision was made to go with the lower cost but more conventional system of propane heat. This system replaced the less energy efficient fuel oil heating system that had existed when the property was obtained. HVAC system options were examined by the MEP (Mechanical/Electric/Plumbing) engineer; choice and decision was supported by the architect, the Barnard House Steering Committee, and Supervisors.

**4-6 *The Barnard House Project Update references a study of the Pocopson Township, Pennsylvania, Office and Garage Facilities Energy Assessment, by Ralph Negro, PE, Applied Energy Group, Inc. February 2008. What was done with the results of the report and how much did it cost?***

The audits of the existing Denton Hollow Road administrative building and the Public Works Garage identified many suggestions

for improvement in both buildings. Some of these were implemented at costs within the facilities' maintenance budget. (A separate audit of the Barnard House at that time, in unimproved condition, demonstrated less energy loss than the existing Township office, while both used oil heat.) The Ralph Negro study cost the Township \$800.

## **SECTION 5: CONTINUING EXPENSES**

### ***5-1 Has the committee received written cost estimates for heating & cooling?***

Cost estimates for the remaining heating/cooling system for installation in Phase 2 will be completed when the construction drawings are complete. The energy audit identified that when completed, the energy used to heat/cool the Barnard House will be less than the existing Township administration building. In addition, since propane heat instead of oil is more economical, and the building will be properly insulated with windows and doors replaced or made weather tight, heating costs will be substantially reduced from when the building was first obtained.

### ***5-2 What is the ongoing cost for daily cleaning service for the public restroom maintenance? Has a service contract been agreed for cleaning this restroom?***

Cleaning services will be contracted when the building is occupied and cleaning services will be eliminated for the existing administration building. The bathroom cleaning portion of that cost

is not expected to be different than the proportional cost to clean the existing Township building public bathroom.

**5-3 *What is the ongoing cost of Maintenance of the Barnard House grounds and parking area?***

Maintenance costs related to mowing, exterior land maintenance, and recycling area maintenance is performed regularly now by the Public Works crew and is not expected to change or be any more intensive. The parking area, underlain by an infiltration system, will require periodic maintenance to prevent excess pavement clogging, and inspection of outfalls from the system. Exterior lightbulbs will require replacement when needed. Additional trash receptacles (2 to 4) associated with the exterior park will require emptying.

Maintenance of the Township Park system is completed by the Public Works crew. Income from leasing of the property for agriculture contributes \$3,500 annually to the Township budget.

**5-4 *What is the ongoing cost for overall maintenance of the Barnard House structure?***

When complete, the stone structure with new weathertight windows and doors, insulation, floors, heating/cooling and paint will be similar to a single family residence of similar size for the two occupied floors. Ongoing maintenance and upkeep would be similar to such a home (as it was a home prior to this project). The offset of high heating/cooling, and continual repairs at the existing administration building, when vacated, is anticipated to make regular ongoing

maintenance of the Barnard House comparable to the current existing administrative office building expenses.

## **SECTION 6: INDEPENDENT CONTRACTOR COSTS AND FEES**

### ***6-1 What is the review process for vendor bills?***

Invoices from contractors for a project such as this are reviewed by the project manager and architect and, if within the contract amount and in accordance with the contract documents, forwarded to the Treasurer. The invoice is submitted by the Treasurer to the Board of Supervisors at a regular public meeting for approval prior to payment by the treasurer.

This is essentially the same process used for all invoices. In the case of professional services, a Board approved Professional Services Agreement (PSA) is required with an estimate prior to approving invoices against it.

### ***6-2 Please explain Dennis Melton's role on the Steering Committee? Architecture fees as a percentage of project cost appear extremely high. 10% - 17% of total project cost is best practice for renovation projects, we have already exceeded this with Melton's fees to date. Does he have additional roles that we are paying for?***

The role of the architect on the Steering Committee is the most important role to steer the planning process, make use, space and preservation recommendations for the building, and prepare the analyses, drawings and bid packages associated with it. His role includes following the project through the construction phases via

coordination with the Project Manager when needed. Melton Architects' total bills from first involvement in 2009 through completion of Phase 2 will be between 10% and 12% of the overall project. This includes the structural, mechanical, electrical, and plumbing engineers that are subcontractors of Melton Architects. Melton Architects was chosen based on a public bid and interview process, as well as taking each interested bidder through the Barnard House. Supervisors, Historical Committee members and Steering Committee members were involved in the interview and selection process. Melton Architects has no other professional services role in the Township except on this project.

**6-3 *Why are we paying Dennis Melton \$6,300 for engineers when the township is contracted with McCormick Taylor for engineering services? Is there a conflict with township engineers performing the work?***

To correct the questioner, the fee was \$6,800, not \$6,300. The \$6,800 fee was for the Mechanical/Electrical/Plumbing engineering design and bid package preparation. McCormick Taylor is a civil engineering firm and may be involved in some aspects of Phase 2, as our previous Township Engineer was used in Phase 1.

**6-4 *Is it a legal or ethical problem with Dennis Melton subcontracting with Delaware companies rather than PA companies?***

We are not aware of any legal or ethical prohibition against a contractor using subcontractors from Delaware, other than that they

should be licensed to do business in Pennsylvania. It is both legal and common practice to contract with firms in other states.

## **SECTION 7: USABILITY AND FEASIBILITY STUDIES**

### ***7-1 When was the formal decision made to rule out the current Denton Hollow location as a township building location? Was there a study? Who prepared the estimate and is it documented?***

The decision to rule out the existing township building and property was made sometime prior to 2004 and led to discussions with the County about the donation of the Barnard House and property for that purpose. There is no known formal study. A summary of known deficiencies with the existing location was compiled by the Barnard House Steering Committee in July 2015 and posted on the Pocopson website. It includes an estimate by the Township Codes Officer of the cost to expand the building and make the building and property code compliant. The summary demonstrates that even with significant expenditures, the current location will still have code deficiencies related to safety, parking, and stormwater management, as well as on-going noise and lighting impact on neighbors. The summary confirmed that moving municipal services to a new location was justified, appropriate and needed to better serve Township residents.

### ***7-2 What is unsuitable about the current Township municipal building? What benefits do the township residents derive from subsidizing the new office?***

*[existing township bldg. slide]*



The existing Township building was evaluated as total township needs became better defined and code and safety deficiencies, space and amenities with the existing building continued to surface year after year. Property characteristics and major deficiencies include:

- The existing building on 0.86 acres is a 1400 square feet retrofitted garage that was built and used to house Township road equipment. It is a cinderblock structure built on a slab on grade. The property contains an additional barn structure used for Public Works equipment storage, and a recycling drop off area.
- The facility does not meet ADA accessibility requirements.
- Heating and cooling costs are high as the structure was not constructed for occupancy, it was constructed as a garage. Staff members find the environmental conditions are often uncomfortable.
- The existing building is considered an uncertified building under the PA Uniform Construction Code. Access into the structure does not comply with established standards (ANSI a 117.1 or the 2009 IBC).
- There is no private public restroom. The existing restroom is in the staff working area and during normal work hours, offers little privacy to employees or users.
- Existing bathroom does not comply with accessibility requirements.

- Electrical wiring is lacking in some areas.
- Well connection runs through a plan file storage cabinet.
- The building lacks proper sewage facilities. The septic field is sealed off by pavement and partly underneath the barn. Percolation capacity cannot be tested without borings. No grassed space for a compliant main and backup septic field, as required by ordinance. Hookup to the Riverside public sewer system would require construction of a sewer line along Denton Hollow Road to the first manhole at the Riverside, and would include tie-in fees and ongoing service charges.

*[existing space utilization diagram slide]*

- Existing office space places two primary part time employees in one room. Conversations with members of the public or Supervisors with one cannot be kept separate from the other, creating disruption of work flow and time management difficulties.
- The most basic privacy practices of an organization for the public cannot be offered. Discussions between permit applicants and building/code officials are in the same space as receptionist and all other public space. There is no private area to discuss personal financial issues, personnel matters or other confidential issues.
- A single room contains building/codes officers functions, reception, public area, work session area, conference room, and

committee session area which produces an interference between the functions all using a single space.

- Storage space is limited for existing files, plans and records and significantly encroaches into the public and office areas. There is no space for additional archives currently held by residents in the community.
- Parking is limited and there is no safe overflow area.
- Well water cannot be confirmed as potable as well construction, septic construction and the distance between the two cannot be confirmed without extensive investigation. Staff and public drink bottled water.
- Noise associated with Township activities and lighting outside the building in this residential location have been longtime neighborhood complaints. Exterior lighting is kept to a minimum and is inadequate which creates safety concerns with walking through the parking area while vehicles are coming and going during evening meetings.
- Traffic ingress/egress, including regular traffic, and large public works trucks pass within four to five feet of the building entrance. This is and has been a significant safety concern.

**7-3 *What will be the disposition of the current township municipal building? Could the Township rent the current Township office building to help defray the costs of a township office at the Barnard House?***

Options may include using the building and the property for other purposes if needed, such as public works equipment storage, or sale or lease of the building or property if not needed. The decision on disposition of the current building and property will be made by a future Board. The rental or lease of Township owned property which will not be used for township purposes or public use would need to be considered. If a future Board determines it is possible, legal and practical, the lease or sale of the property would further offset costs.

**7-4 *How would the expense of re-purposing and maintaining the Barnard House as a Township office building differ from the expense of re-purposing and maintaining it for some other permitted use?***

The expense of re-purposing and maintaining the Barnard House for any use would depend on the use, although use is significantly restricted by the Declaration of Covenants, Conditions and Restrictions. If not occupied by the Township, the maintenance, utilities, security, and insurance expenses would continue on both the Barnard House property and the existing township office without the benefit of use of the Barnard House.

**7-5 *Can the Township afford the dual expenses of the Barnard House in some alternative use AND a township building at a location other than the Barnard House?***

A future Board would need to consider the affordability of dual expenses, as there is no current plan to consider a Township building at a location other than the Barnard House property. The current EIT and property taxes do not consider this type of dual expense.

**7-6 *Please describe the deed restrictions on the House and open space.***

The Declaration of Covenants, Conditions and Restrictions between the Commissioners of Chester County and Pocopson Township are available at the Township office or on the Chester County Recorder of Deeds website. In summary:

- Uses are restricted to Township-owned parkland for publicly accessible recreation, open space and natural resources conservation that includes the limited growing of crops in accordance with a National Resource Conservation service provided Soil Conservation Plan, and subject to the right of the Township to locate and operate on the Property its Township Municipal Facilities.
- Municipal Facilities is defined as “a Pocopson Township municipal building for the Township’s governmental offices and public meeting rooms, including administrative and police, park restrooms and park and recreation equipment storage buildings and ancillary parking facilities, subject to the requirements and limitations

stated in Article III hereof, but excluding public works facilities and public works storage areas cellular communication towers and facilities, and water and wastewater storage and/or treatment facilities which shall not be permitted uses of the Property, excepting County of Chester wastewater facilities allowed under the terms of the Agreement, and an on-site septic and water systems to serve the municipal building and park rest rooms.”

- The Declaration is recorded as a covenant running with the land and binds the property in perpetuity.
- Municipal Facilities are restricted to 4% of the total acreage (or approximately 2.7 acres) in no more than two clusters with the buildings, structures and parking located a minimum of fifty feet behind the north of the Historic Barnard House and set back at least 100 feet from Wawaset Road, provided they shall not extend beyond the existing stream or headwaters that begins near the property’s Northeast Corner and generally running South to the intersection with a branch at Pocopson Creek.
- Barnard House may be used for residential purposes until the building is fully converted to office use. If and when it is deemed inappropriate to utilize said property or any part thereof for such purposes the utilization of the property shall be passive recreational uses or open space only.
- Article IV - Enforcement in the Declaration states “The County of Chester shall have the right and power to enforce these

covenants, conditions and restriction by any proceedings at law or in equity, against the Declarant or any person or persons violating or attempting to violate any provision of this Declaration of Covenants, Conditions, and Restrictions; to restrain violations; to require specific performance and/or to recover damages.”

**7-7 *Can a new Township building be built on the 68+ acres the township was given along with the Barnard House?***

Due to the restrictions set forth in the Declaration, this may not be possible. The Township Engineer would have to conduct an evaluation to be sure.

**7-8 *Can the House be sold to either a private party or a 501(c)(3)?***

There is no specific provision prohibiting the conveyance of the property. But the conveyance to a private party or a 501(c)(3) would be inconsistent with the permitted Municipal Facilities Uses. The Declaration provides that if the Municipal Facilities Uses are deemed inappropriate, then the property will be used only for passive recreation uses and/or open space.

**7-9 *What are the deed restrictions on leasing part of the house or the open space?***

There are no specific restrictions on leasing. But any lease provisions should be consistent for the uses permitted by the Declaration.

***7-10 Where are the plans and bids to support the option of building a completely new facility on the Barnard House property?***

Space and impervious area restrictions on the 2.7 acre area for existing and future buildings would likely require demolition of the Barnard House in order to construct additional buildings. It was evident that such a formal exercise to prepare expensive plans and bid such an option would be a waste of taxpayer dollars, when knowing that the final cost to both demolish and rebuild would exceed the interior renovation of an existing, sound and historic building.

***7-11 Where are the documents showing the evaluation of township space needs including all township owned parcels?***

The document prepared by Melton Architects in 2009 and cited in the July 2015 Summary addressed administration space needs and was revisited in June 2015. Other township-owned property is in use for purposes that include the Public Works building, township park and current municipal building. Further evaluations were deemed unnecessary with the existence of a usable structure on the Barnard House property.

***7-12 Did the township look at exercising their right to eminent domain?***

The Township has the power of eminent domain. The question is not clear whether it is addressing condemning other property or whether it was directed to the current property. Subject to certain limitations, the township may have the right to condemn other property, including other real estate interests such as easements on



the subject property. But the township could not condemn an easement to which it is a party.

***7-13 The June 15th report states the Board of Supervisors have periodically evaluated the township facilities. Where are these evaluations?***

To clarify, there is no June 15th report. The July 2015 Summary discusses the findings of the committee research and evaluation efforts of the existing facilities and properties.

***7-14 Have the Chester County Commissioners provided written consent for the Kennett Underground Railroad to occupy the building.***

Occupancy by the KURC is an integral component of the passive recreation park use of the property, and the preservation of the property due to its significant historical value. The Commissioners have attended public events on the project, and have been well informed of the use of park office space for the KURC inside and outside the building. The Declaration has been interpreted by the KURC, the Township, and the County representatives to meet the criteria in the Declaration. No specific letter had been drafted by the Commissioners, however, it does make sense to request one. It was understood by the parties to be a complimentary use of the building, not a restricted use.

## SECTION 8: FLOORPLAN, SPACE AND WORKFLOW

### ***8-1 What is the timeline for the final floorplan? How will space be divided and allocated?***

Preliminary floor plans were approved by the Construction Work Group on August 17, 2015. Space allocation was based on an updated review of a space utilization spreadsheet prepared by Melton Architects in 2009. The most recent floor plans considered additional input from staff in June and July 2015.

### ***8-2 How does the usable township allocated square footage of the Barnard House compare to the current Denton Hollow building?***

*[summary of space slide]*

The usable Township allocated floor space on the first and second floors plus the basement utilities area for the township is 3,647 square feet. This area does not include stairwells, fireplaces or interior walls. The usable space in the existing building is 1,354 square feet. The floor space for office use, reception area and file space only is 1879 square feet. The existing Township building contains 652 square feet of floor space used for office, reception area and file storage.

An additional 1,775 square feet of space is available on the third floor and the remaining basement area at the Barnard house. Even though available for ancillary storage as is, is not planned for renovation in Phase 2. No additional floor space is available at the existing township building.

Generally, the usable, renovated space in the Barnard House after Phase 2 is three times the space of the existing Township building. A summary table of the comparison of space is available at this meeting.

**8-3 *How big will be meeting space be in the Barnard House when all phases are complete?***

*[summary of space slide 2]*

At the completion of Phase 2, Two meeting spaces will be provided. The main public meeting room on the first floor, not including the cutouts in the room on the east wall is 487 square feet. Additional meeting space of the second floor conference room is 203 square feet. Both spaces are physically segregated from all staff offices, reception and file storage areas.

**8-4 *What is the square footage of the 2nd floor office space at the Barnard House – compared to the current Denton Hollow building?***

The second floor space for offices, work space and file storage at Barnard House, excluding the bathroom, kitchenette, stairwell, and hallways is 1,451 square feet. The square footage of the Denton Hollow building office space is 652 square feet.

**8-5 *What is the total square footage of usable space for the township – not including KURC?***

The total square footage of usable floor space for the township is 3647 square feet, not including KURC. Additional usage can be

made of the 1,775 square feet in the basement and the third floor although these areas are not planned for improvement in Phase 2.

**8-6** *If the township administrative staff is located on both the 1st and 2nd floors, has consideration been given to covering for the receptionist when she needs to leave the building (i.e. post office or other errands)?*

Any necessary staff, duty or daily work flow changes will be made to ensure the public is served professionally and in a timely manner. Since three employees will be on the first floor, “coverage” is not an issue.

**8-7.** *Will the new floorplan accommodate a private bathroom for township staff on the 1st floor?*

As with the current administrative building and most all public buildings, staff in offices within a public building will use the public bathroom facilities. A “private” staff bathroom is not included on the first floor. A second floor bathroom provides an alternative to a less used public bathroom.

## **SECTION 9: ADA COMPLIANCE**

**9-1.** *Regardless of code, what are the accommodations for handicap accessibility? Are there plans to install an elevator and if so, what is the cost? Is it included in the Phase 2 estimate?*

*[main title slide]*

The building is ADA accessible to the park bathroom, the KURC, and the Township facilities. Accommodations include ramp with

appropriate slope, railing and lighting, flush entry with proper clearance and accessible first floor. The exterior space including trail access, parking, sidewalks, picnic areas and bench areas meet ADA accessibility requirements for all areas. There is no plan for an elevator and therefore no cost, as public meeting and service functions will occur on the first floor.

**9-2. *How would current staff access the second floor if they had a broken leg or hip?***

That employee would be accommodated on the first floor during recovery.

**9-3. *How would we hire a wheelchair bound employee if some township space will be on the second floor?***

That employee would be accommodated on the first floor.

## **SECTION 10: SECURITY AND EXTERIOR**

**10-1. *Are there deed or grant restrictions on why the bathroom has general public access and is not restricted to inside use for employees and township/museum visitors only? What security measures will be put in place to ensure the safety of employees?***

The grant award included an ADA compliant public bathroom to serve the public who use the park facility. The grant does not pay for private staff bathrooms. Public users of the bathroom have access to the bathroom from the park entrance. Employees will have access to the bathroom from inside the building. Security measures will be addressed as part of a separate contract.

***10-2. Will the public bathroom remain open during the weekends? Will the general public be restricted from accessing township facilities after hours?***

The public will have access to the public restroom during open park hours, including weekends. The general public will be restricted from the rest of the building during non-working hours, as all doors into the building proper will be securely locked.

***10-3 What is the provision for the external security lighting and alarms? Is the alarm system central station and to which police/fire/emergency will the automatic notification be communicated? What is the impact on our contributions to those non-Pocopson Municipal services?***

Exterior lighting in the parking lot, at building access doors and the handicapped ramp is either already installed or will be completed before occupancy by KURC. The alarm system is in the process of design and will be suitable to the security needs of the building, its contents, and the employees and public who will use the building and property. An automatic notification system is planned, similar to the existing township building system. There is no new “impact” (financial or otherwise) anticipated by installing a security system on the Barnard House that is similar to the emergency service call provisions at the existing township building. The service at Barnard House will simply replace the current service provided at the existing Township building. There is no anticipated cost increase for police, fire or emergency services related to occupying the Barnard House.

***10-4 Where will the power generator be placed to ensure the Barnard House is fully operational in the event of a township emergency/disaster?***

There will not be a power generator installed in the Phase 2 project. The bid documents will reflect the space and available hookups to accommodate such a future installation. A township emergency/disaster resulting in a power outage would require closing the township office during that time, as is currently the practice.

**SECTION 11: KENNETT UNDERGROUND RAILROAD**

***11-1 What is the expected visitor-usage of the KURC room?***

Based on KURC's experience at the History Station they expect to have 15 to 20 visitors when they are open from 10 am to 4 pm on Saturday and Sunday.

***11-2 Are there bus tours or other promotions anticipated?***

There are no bus tours or other promotions anticipated by KURC, at this time.

***11-3 Are there special events (celebrations) planned?***

No special events or celebrations are planned for the KURC room.

***11-4 What is the expected maintenance upkeep cost of the Barnard House that is required because of the KURC room and the visitors?***

KURC will maintain the KURC room at very little expense to KURC. The lease calls for cleaning of the shared bathroom and foyer space after weekend use.

***11-5 How long has Pocopson committed to providing this room to KURC?***

The initial term of the KURC/Pocopson agreement is five years.

***11-6 What Security/Insurance risk (or cost) does Pocopson accept by having the KURC located in Pocopson's Barnard House?***

By the agreement, the KURC shall, at its expense, keep in full force and effect a policy of commercial general liability damage insurance in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 aggregate limit for bodily injury including death, and fire damage limit of \$300,000. The Township shall be named as additional insured on the KURC's Commercial General Liability policy and a certificate of insurance will be issued to the Township on an annual basis showing the Township listed as additional insured. Both occupancy by KURC and the KURC insurance should lessen risks and costs associated with security and insurance, which is a significant benefit to the Township.



## **SECTION 12: GENERAL QUESTIONS**

### ***12-1 What is the plan for installing the flagpoles and lighting?***

Flagpole location and installation will be determined when Phase 2 is complete.

### ***12-2 Where will the recycling bins be placed?***

On the south side of the tobacco shed. The area is already completed.

### ***12-3 Will the Denton Hollow salt shed be moved to the new Barnard House location or to the Rte. 52 site?***

Moving of the salt shed from its existing location is not anticipated. Salt storage is a public works storage area and not permitted on the Barnard House property as set forth in the Declaration restrictions.

### ***12-4 Is the project supported by all Board of Supervisors?***

The project has been supported by all Boards of Supervisors since 2008. The current Board majority also supports the project.

### ***12-5 Why have township employees resigned from the committee?***

One employee who served to represent staff on the Barnard House Steering Committee resigned in a letter dated June 16, 2015. The employee stated in that letter "Township employees do not take minutes for any Township Committee". No other employees served or resigned from the Barnard House Steering Committee. A public works employee was asked to serve on a work group that he

recommended, but declined to serve due to personal time constraints.

***12-6 Please explain the current ethics investigation with regard to Richard Jenson's work and why it is not a conflict of interest (as defined by law or otherwise) for Richard Jensen to act as Code Enforcement Officer, Project Manager, and temporary Building Inspector and a member of the Committee?***

The question was submitted to the Pennsylvania Ethics Commission by the Board of Supervisors. The Ethics Commission would not give an opinion after the fact. Since by commenting on a possible dual role in Phase 2, the Commission would in effect be commenting on what had already happened, the Commission chose to make no comment. Regardless of any ethics considerations, it is better to keep the two functions separate as they are usually an “arm’s length” interaction where the builder is a 3rd party and the reviewer is someone hired by the township. The current situation is somewhat unusual because the township is both the builder and reviewer. In general, it is a better to keep the roles separate. Because questions were raised, the Board of Supervisors has decided to not have the Code Enforcement Officer also serve as project manager for Phase 2.

***12-7 Can the Barnard House Project meetings be moved to the evenings so that working taxpayers can attend?***

Committee meetings are designed to meet the schedules of those volunteers and consultants who serve on the Committee. There is ample posted advance notice and public advertisement of

Committee schedule times for residents to attend if they choose. Any action requiring Board approval on a Committee recommendation is discussed at the regular evening Board meetings.

***12-8 Is the Committee accepting additional volunteers?***

The purpose of the Barnard House Steering Committee and its construction and finishing work groups during this Phase 2 is to continue to keep the project on budget, on schedule, and completed with quality workmanship in accordance with the contracts. The Committee welcomes volunteers who would contribute effectively to that purpose. With the exception of general oversight, the Steering Committee is essentially at its end role, having the majority of activities now moving to the Phase 2 Construction Work Group and the Finishing Work Group. Invitations to join the Construction and Finishing Work Groups have been made, those persons have been approved by all Supervisors, and those positions are filled.

***12-9 What are the suggestions for improving the project management process going forward?***

The Supervisors will give guidance and requirements for the Phase 2 Project Manager when that position is filled. The Project Manager is required to follow the standard practices of the Township as they apply to a construction project.

**12-10      *What are the suggestions for improving public communication and transparency?***

*[public communications slide]*

Transparency is taken seriously by the Pocopson Supervisors. Board minutes and special documents are posted on the website regularly. Special meetings/presentations have been held routinely on important items such as the Barnard House Project and the EIT. If the new Board in January would like to expand or change this policy, they have the right to do so. Suggestions for additional improvement should be made by residents to the new Board. The Township is moving toward improved electronic communications. The new website is an example of improved communication between the Township and its residents. A rough accounting of public communication and transparency on this specific project are as follows:

**12-11      *Would the Supervisors consider a public survey or referendum to assess public support for the project?***

*[end title slide]*

No. A public survey or referendum is not being considered. Facilities siting, planning and construction is authorized by the Second Class Township Code and the Municipalities Planning Code as part of the duties of the Board of Supervisors. Also, Pennsylvania law restricts the use of referendums by municipalities. The majority of Supervisors and the Barnard House Steering Committee believe the majority of residents do support this project based on comments

at the many public meetings, volunteer work days, at Founder's Days and within the community since 2008. After a seven year effort and with the project half completed, Supervisors have only recently heard opinions from approximately fifteen residents who indicate opposition to completing the project.

**12-12      *Why does the Board believe this project represents the best use of the Township resident's tax dollars?***

The Board majority believes this project is appropriate because:

- The project preserves and repurposes a significant historical resource for less cost than building a new facility on the Barnard House property or for buying another property and constructing a new building while also paying for maintenance, insurance, etc. on the Barnard House.
- It utilizes the existing largest Township property, suitable for existing and future needs.
- The space of the Barnard House building and grounds meets demands for parking and for private meeting space with our code officers, staff or Supervisors.
- It is not possible to expand the Denton Hollow building and parking to provide the same space the Barnard House offers.
- The project eliminates safety issues at the Denton Hollow site caused by traffic and public works equipment entering and leaving

the property within four feet of the entrance and exit doors during operating hours and evening meetings.

- The Barnard House provides the space for additional staff, files, storage and township archives that remain in the possession of private citizens.
- The project removes the noise, traffic and lighting impacts on nearby residents at the Denton Hollow location.
- The Barnard House is more accessible and centrally located in the Township.
- It properly recognizes the pride the residents have in the beautiful Township they live in.
- Provides a code compliant facility, where the existing building is not.
- The completed project will serve the entire community, not just township staff and Supervisors.
- Serves to protect the health, safety and welfare of the entire community for decades to come.

*[end of document]*