



Board of Supervisors Meeting Minutes
Monday, February 24, 2020, 6:30 P.M.

Attendees: Supervisors – Ricki Stumpo, Elaine DiMonte, Raymond McKay; Mark Knightly, Public Works Director; Margaret Lennon, Treasurer; Amanda Sundquist, Solicitor; Don McKay, Chairman, Historical Committee; Al Davis, Alternate Commissioner, Kennett Area Fire and Emergency Services Regional Commission (“Commission”).

Public in attendance: 16

1. **Call to Order:** Stumpo called the meeting to order at 6:30 p.m.
2. Stumpo led the Pledge of Allegiance.
3. **Sunshine Announcements:** Board met with GKO Architects on February 21st regarding the new Township Building Project.
4. **Announcements:** Stumpo announced that as advised by Counsel she will recuse herself from participation in Board Agenda Items #7 and #9a.
5. **Public Comment Non-Agenda Items:** Judy Lovell asked for an update on the status of the Pettit Property on Lenape Road. Sundquist noted no procedural change following the Township’s filing for summary judgment. The Township is responding to filings by one of the Pettits who retained an attorney who has entered an objection to the Township’s actions in bringing the action to Sheriff Sale. The Township is waiting for a ruling from the Court on that objection. Lovell commented that this matter should not have taken over 5 years to resolve. Sundquist noted that the agreement signed by the Township and the Pettits gave the Pettits 5 years to take action on their own. When the 5-year period ended, the Township moved to list the property at Sheriff Sale and in so doing was faced with a number of challenges in serving the parties with notice. Sundquist commented that the Township has taken action to recover all costs to the Township for mitigating the condition of the property in the short-term and legal costs associated with serving the Sheriff Sale Notice. Once the Court rules on the Sheriff Sale, the proceedings should move quickly to a conclusion.
6. **Work Session:** Work Session was cancelled for February 19th.
7. **Citizen’s Request Regarding Employee Benefits and Meeting Room Usage:** Stumpo announced her recusal from participation in this agenda item. Sundquist indicated that the Township received a letter from Scott Kirkland setting forth a number of questions. Questions that are directed to the Board of Supervisors will be discussed this evening. Questions for the Board of Auditors will be addressed at the March 23rd Public Meeting as members of the Board of Auditors cannot be in attendance this evening. Sundquist provided a brief explanation of the role of the elected auditors who by statute set the compensation and benefits of an employee-supervisor in order to avoid a conflict of interest with the Board of Supervisors. She noted that while the elected auditors are also tasked with auditing township accounts, Pocopson Township Board of Supervisors authorized this task to be performed by an accounting firm. Before reading the letter aloud, DiMonte asked that public comment and questions be held until the conclusion of the reading. **PUBLIC COMMENT:** Kirkland questioned Second Class Township Code requirement to revisit an approved township budget if there is an increase greater than 25% for any given line item. The question is important given that the budget was approved in November 2019.

Sundquist indicated that the overall major line item category has not increased necessitating opening the 2020 budget. Commenting on the opening and closing of the building for homeowner associations ("HOA") meetings, Kirkland asked if the Township is taking steps to ensure the facility is secure. By example, is there confirmation that someone remains in the building, or is the building opened then someone returns to close it when the group is finished use of the meeting room? He voiced his concern that the Township may be violating privacy laws if property files are easily accessible by anyone using the building. It is his understanding that there's been at least one instance where the building was opened and an employee did not remain. DiMonte responded that to her knowledge an employee remains on site. She added that provisions are made directly with committee chairman to access the building for committee meetings. Having attended her own HOA meeting in the Township Building, DiMonte is personally aware that Supervisor Stumpo remained in the building. Knightly commented that there was one instance where Public Works personnel opened and closed the building when Stumpo was not available. Sean Rafferty commented that he has attended 4 or 5 HOA meetings and while he can't speak to all meetings held in the building, he can confirm that Supervisor Stumpo remained in attendance for the duration of the meetings he attended. Supervisors McKay and DiMonte said they shared Kirkland's concern for security and added that security is a significant aspect of the planning for the new Township building. They agreed that Township personnel must remain on site when the meeting room is in use by outside groups. On this point, Lovell raised concern that the Township is not charging for use of the meeting room by outside groups. She noted that reservation fees are due and payable for Pocopson Park facilities and suggested that the same should be true for the meeting room in order to offset the expenses incurred by the Township for personnel and utilities. DiMonte commented that charging for use of the meeting room will be considered at some point. Terry Gumpfer asked about the number of HOAs in the Township. There are 17 to 20 but not all of them make use of the meeting room. Mickey Bailey asked what happens if the HOA attendance exceeds capacity of the Township meeting room. Attendees offered that Pocopson Elementary School or Pocopson Home would be an option and that both sites may require a room use fee to cover the cost of custodial services and security. DiMonte asked Treasurer Lennon for an estimate on the annual cost to open the building to an outside group. Lennon estimated room occupation as 2 to 2.5 hours per occurrence with an annual cost estimate of \$350.00 to \$400.00. Lovell commented that she obtained a copy of the Personnel Handbook via a Right-to-Know Request and is unclear as to the Board of Supervisors process in identifying the approved paid holidays. Sundquist commented that the Board of Supervisors sets the holidays during the annual reorganization meeting and those dates, along with public meeting dates, are posted and advertised. The Board of Supervisors approved 14-paid holidays for 2020 including Primary Election Day, Election Day, and Columbus Day. Lovell asked for clarification as to the timeline for Board of Supervisors approval of what is seemingly 3 additional holidays. She added that the additional paid holidays represent a significant expense to the taxpayers and did not understand the inclusion of the election days given that the Township Building is not a polling site and most businesses do not recognize the dates as paid holidays. DiMonte commented that the days were added during the January 2016 reorganization meeting when she and former Supervisor Alice Balsama were elected. McKay added that as a practical matter, identification of paid holidays, public meetings, and the business of the Township generally is discussed months in advance and ratified during the annual reorganization meeting as mandated by the Second Class Township Code. At 7:03 p.m., the Board approved Solicitor Sundquist's request to be excused.

8. **MS-4 Review of Township Permit Requirements - Terry Gallagher, McCormick Taylor Engineers:** Gallagher provided a brief overview of the Municipal Separate Storm Sewer System ("MS-4") covered under the National Pollutant Discharge Elimination System (NPDES). MS-4 regulates stormwater point source discharges and annual status reporting will be for the period July 1, 2019 to June 30, 2020. The Township has a stormwater management program and is required to provide public education and outreach. Brandywine Red Clay Alliance has partnered

with Pocopson and other municipalities to develop, document, and solicit public involvements. Pocopson Township Public Works Department is meeting this mandate by working on and reporting illicit discharge and detection of stormwater, as well as maintaining a map of regulated outfalls and storm collection systems, vehicle maintenance, and maintaining the storage of road salt. Impaired waterways in the Township are the Brandywine Creek and Pocopson Creek. Minimum Control Measures ("MCM") are mandated requirements for the Township to address these waters in the Christina Water Basin. There is a short-term goal (2023) and a long-term goal (2033) to reduce sediment loads in accordance with the Total Maximum Daily Load Requirements. Gallagher acknowledged the work of the Township in providing information on the website including links to various official agency homepages. He noted that the volunteer work of the Pocopson Township Clean Stream Team contributes to meeting the MS-4 requirements. PUBLIC COMMENT: Question was raised as to what defines an illicit discharge. Gallagher responded that it could be someone making a sewer or washing machine connection to a stormwater system. Randy Mims commented that a DEP Permit is on file for discharge from their property. Judy Lovell asked if properties along the Brandywine are permitted to discharge into the Brandywine. Gallagher indicated that it is allowed if the landowner holds an agency permit to do so. DiMonte noted the difficulty in these regulations when the flow of stormwater does not always originate in Pocopson. Stumpo agreed that the Township cannot control what is flowing from downstream. Gallagher agreed and commented that municipalities are forming watershed groups to work together to meet the MS-4 mandate, which in turn, will help with the recordkeeping tasks that have to be submitted to the DEP. Scott Kirkland asked if the identified urbanized areas are based on the 2010 census. Gallagher said yes, and that the 2020 census may reclassify areas in Pocopson Township for regulation. Kirkland added that the Riverside at Chadds Ford Community provides quarterly engineered stormwater reports that show best management practices for the storm basins located in the community. For this reason, Kirkland raised an issue concerning a specific basin. Supervisors noted the matter is listed as agenda item #9a.

9. **Public Works Report:** Knightly reported that the tobacco barn has been dismantled. Material that was saved may be use in the new Township Building. DiMonte noted that Public Works did a very respectful job in preserving components of the tobacco barn. McKay commented that he visited the site daily and was most impressed with the sequence of the dismantling, particularly with regard to the safety measures.
 - a. **Stormwater Concern/Riverside at Chadds Ford ("Riverside")** – Stumpo announced her recusal from this agenda item. DiMonte and McKay acknowledged receipt of Kirkland's concern regarding runoff from a property adjacent to Riverside. Kirkland represents the Riverside HOA for the purpose of discussing the excessive amount of runoff infiltrating and eroding Riverside stormwater basin since the construction of the daycare facility. The water intrusion is in close proximity to the Riverside tennis courts. Riverside has spent thousands of dollars to date to remediate the runoff and sediment in the basin. Riverside would like to know what measures the Township will take to alleviate this stormwater issue. DiMonte commented that she is not clear if this issue is a Township concern or one that should be addressed by the daycare. Knightly responded that it is difficult to determine what is happening given the current dry weather. It will be best to walk the site when it is raining to make observations. McKay indicated he is not familiar with the property and agreed to walk the site with Knightly during a rainstorm. Gallagher will review the Riverside Quarterly Inspection Reports referencing the concern and mitigation tasks. The origin may be groundwater. Observations made while it is raining will be helpful in determining where the flow is originating. The matter will be tabled for a future meeting.
10. **Facilities:** DiMonte reported that the Board continues to work with GKO Architects. With the removal of the tobacco barn, there is flexibility in the design and positioning of the new Township Building. Concept schemes and programming are potentially moving in a direction to design an upper floor for administrative space with a lower level allocated for the public. McKay provided an

update on the Barnard House window project to repair excessive damage to window sills, casements, and sashes so that the work can be submitted under the current grant which expires on March 31st. McKay worked with Knightly and Lennon in preparing the Procurement Pre-Approval Requests for exterior work that was referenced in the November 20, 2019 survey commissioned by the Board and as authorized in Township Resolution 2020-06 adopted January 27, 2020. McKay met with a number of contractors at the site to review expectations and requirements. DiMonte read aloud the procurement requests. MOTION: DiMonte moved, McKay seconded, to formally acknowledge the contract with Graybill Custom Builders Inc. in accordance with the provisions of the proposal dated February 5, 2020, at a cost of \$20,440.00; motion carried. MOTION: DiMonte moved, McKay seconded, to formally acknowledge the hiring of M.R. Cockerham Painting Contractors, Inc. for exterior painting at the Barnard House at an estimated cost of \$19,840.00; motion carried. PUBLIC COMMENT: Judy Lovell thanked McKay for the work that he is doing on the Barnard House window project.

11. **Kennett Fire & EMS Regional Commission Report:** Davis attended the meeting on February 11th. The Commission meets on the 2nd Tuesday of the month at 5:00 p.m. in the Pennsbury Township Building. The meetings are open to the public. On February 11th, the Commission voted to retain an accounting firm to complete an audit of the books. Fire Company recruitment and retention remains a concern. Longwood Fire Company encountered a situation where volunteers did not hold a commercial driver's licenses to drive the fire rigs so they have to pay firefighters who hold the correct licensure. There will be serious discussions going forward with regard to capital purchasing and allocations. McKay asked about the volunteer response/participation policy for Longwood Gardens as it has been quite liberal. Davis responded that Kennett Borough enacted a policy for employees who are emergency responders. Recruit training for the most part, is scheduled for "after work" or weekends. There are few high school students interested in the program. DiMonte asked how the Commission is working thus far. Davis responded that the Commission is functioning as outlined but the proof will be in the next budgeting cycle. Stumpo spoke to the efficiency of the Commission and noted that a level of equity was brought to the table through the work of the Commission. Undoubtedly, all the municipal and borough contributions will increase for 2021. PUBLIC COMMENT: Judy Lovell asked if the Township Real Estate Tax discount program was an aid to recruitment and retention. Board reported that it was appreciated but not as effective given the demographics. DiMonte and the Board thanked Davis for his service on the Commission.
12. **Planning Commission ("PC") Report/February 5, 2020 Meeting:** Board acknowledged receipt of a report from the PC meeting held February 5th. DiMonte commented that the ordinance work for small cell wireless facilities is important and she'll send her questions to the PC for their next discussion.
13. **Historical Committee:** Don McKay reviewed a Procurement Pre-approval Request for the purchase of a historical marker for the Locust Grove Schoolhouse. The installation of a historical marker was approved for the site a few years ago by the Board of Supervisors with the cost included in the annual budget. Design of the proposed marker has been approved by Chester County and is consistent with other markers that have been fabricated for other municipalities. Lake Shore is the chosen vendor for the Brandywine Battlefield Trail markers. Don McKay worked with Lake Shore so that the color and specifications are in line with the branding guidelines approved by the Board of Supervisors with one minor adjustment to the flat-bottom version of the Township logo adjusted to an oval design as presented in the car magnets offered by the Township. The Treasurer's recommendation provides the funding source in the 2020 General Fund. MOTION: Stumpo moved, DiMonte seconded, to contract with Lake Shore Industries to fabricate and ship a 45" x 45" cast aluminum sign as described in the proposal at a cost of \$4,522.20; motion carried. Don McKay provided a brief overview of the progress of the renovation and indicated that there will be a Volunteer Day on March 14th. Historical Committee Member Randy Mims commented that M.R. Cockerham has donated materials for the exterior painting and

is only charging for their time based on their estimate. Historical Committee Member Sarah Mims offered that a request will be made for a portable toilet when the Committee organizes the dedication ceremony and events are scheduled for the public. Board thanked the Historical Committee for their dedication and work on this project and everyone is looking forward to the dedication.

14. New Business:

- a. Agriculture Security Area Advisory Committee (“ASA”) Report/7-Year Review – Stumpo reported that the ASA met on February 5th. They discussed the particulars for the statutory requirement for a 7-year review. It is anticipated that there will be a submission of an application for an additional parcel. The application will be included on the March 23rd Board agenda so that the Board can authorize proceeding with a public hearing to review the application.
- b. Resolution 2020-07 Disposition of Records – McKay reviewed the text of the Resolution. MOTION: DiMonte moved, McKay seconded, to approved Resolution 2020-07 for the disposition of 2 cubic feet of non-permanent records; motion carried.
- c. Scenic Byway Commission – Board recognized that in accordance with the Bylaws for the Commission, 2 representatives serve for each participating municipality. One representative is serving as Pocopson representative at this time. McKay pointed out that the Township pays an annual membership fee of \$500.00 yet the last presentation by the Commission was in 2014. Board agreed that they will appoint a second representative most likely from the Historical Committee, in accordance with the 2014 Comprehensive Plan. PUBLIC COMMENT: Judy Lovell indicated that she received a phone call from Township representative Holly Manzone asking if she would be interested in the appointment. Sarah Mims served previously and shared that the Commission meets quarterly and previously provided an annual report.
- d. Other Public Comment – Randy Mims offered that he spoke to the Township Treasurer regarding the current bond suggesting that the Board revisit the current limits of coverage. Bond issuer calculations when juxtaposed with the identified term, may not provide the amount of coverage that’s assumed based on the amount of the bond. The calculated cumulative coverage, over time, may actual yield less coverage as the calculation is not per occurrence. Board agreed to revisit the amount of the bond that was approved during the reorganization meeting in January.

15. Old Business:

- a. Board of Supervisors Public Meeting Start Time – DiMonte reported that the Township did an analysis of the 6:30 p.m. start time and found that it did not directly affect attendance. Residents have asked that the Board renew the discussion and consider changing the start time to 7:00 p.m. DiMonte indicated the Board is willing to try 7:00 p.m. and re-evaluate at the end of the year. MOTION: McKay moved, DiMonte seconded, to move the start time for the Public Meeting to 7:00 p.m. commencing with the March 23rd public meeting and re-evaluate at the end of the year; motion carried. PUBLIC COMMENT: Terry Gumper commented that while not originally a fan of the 6:30 start time he has gotten used to it and it seemed to work. Randy Mims commented that he appreciates the Board having revisited the issue and making the adjustment.

16. Correspondence: no correspondence submitted.

17. Treasurer’s Warrants: Stumpo moved, McKay seconded, to approve the Bill Payment Lists for January 28 – February 24, 2020 recommended for payment by the Treasurer; General Fund: 39 bills totaling \$42,842.34; 8 debit card charges totaling \$555.42; Highway Aid: 3 bills totaling \$1,064.65; Historical Committee: 1 bill for \$2,360.00; Parks, Rec & Trails: 1 bill for \$506.70; Township Facilities: 3 bills totaling \$15,372.60; motion unanimously approved.

18. Approval of Meeting Minutes: Stumpo moved, McKay seconded, to approve the January 27, 2020 Meeting Minutes; motion carried.

19. Adjournment: At 8:14 p.m., Stumpo moved, McKay seconded, to adjourn the meeting; motion carried.

Susan Simone, Administrative Secretary

Ricki Stumpo, Chairman