

Draft of 11/24/15

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Workshop
Wednesday, October 28, 2015
7:00PM

Call to Order

The Workshop Meeting of the Chadds Ford Township Board of Supervisors was called to order at 7:10PM. Chairman Frank Murphy and Supervisor Samantha Reiner were present. Vice Chairman George Thorpe was absent. Ms. Amanda Serock, Manager, Mr. Hugh Donaghue, Solicitor, Mr. Dan Malloy, Engineer, Mr. Mike Maddren, Solicitor and Mr. Matt DiFilippo, Assistant to the Manager were also present. (14) people from the public were in attendance.

Announcements

Chairman Murphy announced the hearings scheduled prior to the Regular Meeting on Wednesday, November 4th beginning at 6:00PM: Ordinance 142, Intergovernmental Health Agreement, Ordinance 139 Noise and Ordinance 143, Special Events.

Old Business: Resolution 2015 – 21, SALDO, Grace Development, Harrier LLC, Lot Line Change

Chairman Murphy introduced the topic of the subdivision submitted on behalf of the applicant, Harrier, LLC, and asked for any discussion from the Board. Supervisor Reiner commented that the application had been presented to the Township's Planning Commission in the summer, Solicitor Mike Maddren provided a letter with exhibits and checked out to see if the zoning matched the lot lines, but the Township's request for an access easement to Oakland Road for future development had been denied by the applicant. She continued that, pursuant to a section of the PA MPC, the Township might not wish to approve something that would require state access to a highway without PennDot approval of an HOP. Solicitor Donaghue confirmed with Mr. Mike D'Ignazio, applicant's solicitor, that it was only a SALDO request for a lot line change at this point in time. Solicitor Donaghue continued confirmation with Mr. Dignazio that both parcels would have access to Wilmington Pike and Oakland Road. Engineer Malloy confirmed with Chairman Murphy that there was no layout of driveways or parking areas on the plan so an HOP permit from PennDot wasn't considered at this point in time.

Susan Darrell, Brinton's Bridge Road, expressed concern over a rumor that she sold land and the concern that it would possibly become a car dealership. She also expressed concern over the lack of public water and sewer as well as the Historic aspects of the land, specifically it's relationship to the Battle of Brandywine. Ms. Darrell also mentioned the steep slopes ordinance.

Solicitor Donaghue summarized the issue that the plan currently isn't required to show access to roads at this stage and before access is permitted the Township must receive notice of HOP permits and the proper Roadway Occupancy Permit applications must be acquired, and if such steps are achieved then such application could continue into the next step of land development. Mr. Dignazio confirmed that his

applicant is not seeking highway access or constructing a driveway rather asking for a lot line change at this point in time.

Chairman Murphy confirmed that his understanding of the application in front of him this evening is to approve a subdivision and turn three lots into two lots, and what the applicant or successor of the property does will be reviewed under a different set of ordinances at the appropriate time. He then responded to Ms. Darrell that certain issues she raised weren't in front of him yet to make a decision on, but would be considered at the appropriate time. Solicitor Donaghue added that Ms. Darrell raised valid points that will be dealt with at the Land Development stage.

Chairman Murphy's motion to approve Resolution 2015 – 21, approving the SALDO application submitted on behalf of Harrier, LLC providing for the consolidation of the three existing parcels, Folio Numbers 04-00-00116-01, 04-00-00357-00 and 04-00-00357-01, and the subdivision of the entire consolidated parcel into two proposed lots: proposed lot 1 (6.6132 net acres) and proposed lot 2 (7.4976 net acres) was seconded by Supervisor Reiner.

Discussion

Chairman Murphy commented that he received a letter from Solicitor Maddren with exhibits regarding the project, and it will be looked at closely.

Vote

Chairman Murphy voted in favor of the resolution, but Supervisor Reiner denied the resolution. Vice Chairman Thorpe was absent.

Supervisor Reiner stated her reason for denying the application was that the application involved two property owners and she didn't see a signature from other applicants on the plan.

The motion was denied. Solicitor Donaghue confirmed 1 vote approving Resolution 2015 – 21, and 1 vote denying Resolution 2015-21 and Vice Chairman Thorpe's absence.

Old Business: Ordinance 139, Noise

Chairman Murphy introduced Ordinance 139, Noise, commenting that it had gone through a number of iterations, and that there will be a hearing regarding the ordinance next week prior to the beginning of the regular meeting, which he had announced earlier in the meeting.

Maurice Todd, Harvey Lane, inquired about section seven of the ordinance which refers to a special events ordinance, which Chairman Murphy responded will most likely be removed as well as any other references to the special events permit ordinance. He subsequently thanked Mr. Todd for his input and dedication to the drafting of the noise ordinance.

Professor Carr Everbach, Swarthmore College, congratulated the Board and commented that this ordinance was one of the best he had seen. He questioned section 5(c) of the ordinance and commented that background ambient noise can exceed noise levels being measured in table one. He went on to explain that when background noises are higher than the noise disturbance in question, then the suspected noise disturbance should be measured against the background noise that becomes the

ambient noise. Further clarification was provided by Solicitor Donaghue through confirmation from Mr. Everbach that background noise and ambient noise can refer to the same sound in some cases. Chairman Murphy used an example of highway noise becoming the ambient noise thus requiring one to ignore table 1 and match the noise disturbance to the ambient noise that is, in this case, highway noise. Mr. Everbach agreed.

Solicitor Donaghue inquired for clarification if the term legal holidays in the ordinance should be expanded to include the actual days being observed. There was discussion of legal holidays, specifically, New Year's Eve, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas Eve and Christmas.

Old Business: Ordinance 143, Special Events

Chairman Murphy commented that draft Ordinance 143, Special Events is a good ordinance but is still under development and that he's not prepared to take action on othe ordinance, yet.

Maurice Todd, Harvey Lane, inquired about what relief would be granted, and how it would be granted if an applicant applied for a special event permit under the ordinance if passed. Supervisor Reiner responded that it would exempt special events from the noise ordinance, but the Board wasn't sure if they wanted to do that, yet. Solicitor Donaghue added that regarding a special events situation—how would the applicant know that they'll violate the ordinance until the noise is measured. Solicitor Donaghue continued that the special events ordinance would give power to the Township to permit or not permit a special event based on whether or not such an event would affect the public's health, safety or welfare.

Alan Horowitz, High Ridge Road, inquired about timelines for approval of a special event permit and whether or not there could be more flexibility in approving such a permit. He continued, wondering why it is necessary for the Supervisors to approve and why not just the Manager.

Chairman Murphy stated that the hearing on draft Ordinance 143, Special Events, would be deferred until a later date.

Old Business: Ordinance 142, Intergovernmental Cooperation Agreement – Delaware Valley Health Trust

Manager Serock explained that the Township is getting new insurance for staff through the Delaware Valley Health Trust and that an ordinance needed to be passed because it is an intergovernmental risk sharing pool of over 116 local governments and authorities.

New Business: 2015 – 19, Springwater Plaza Sewage Facilities Planning Module

Engineer Malloy explained that Springwater Plaza located at 364 Wilmington Pike is looking to connect to public sewer and can do so by conveying sewage flow to Concord Township. The work would require a sewer main to Concord Township with a small pump station. Manager Serock commented that the pump station would not be dedicated to the Township.

Supervisor Reiner commented that she was initially very uncomfortable with this application and resolution and the depth of written agreements imposing on Chadds Ford Township to monitor sewage

activities and flows generated by the small shopping center. She continued that Township residents tax dollars need to be protected.

Manager Serock commented that Supervisor Reiner brings up a great point and that the flow being conveyed to Springwater Plaza to Concord Township is the same process already in place with other Township commercial entities, specifically, Audi at 1421 Wilmington Pike and Chadds Ford Township's portion of the Brandywine Mills Shopping Center.

Solicitor Donaghue commented that he's reviewed the legal documents and believes the Township is sufficiently protected. He continued that the Public Utilities Commission dictates the rules and regulations between municipalities and owners, and rather than two municipal authorities reaching an agreement, as in this case with Chadds Ford and Concord, the PUC could take control of the situation and jack up the rates possibly effecting residents' taxes.

Supervisor Reiner reiterated that she wants to make sure that the Township is adequately protected to recover fines, attorney's fees and other charges possibly incurred by Chadds Ford Township through conveying sewage of one of its shopping centers to Concord Township.

New Business: Resolution 2015 – 20, Appointed Professionals' Fees for 2015 Amendment

Chairman Murphy explained that the appointed professionals' fees needed to be amended to include our new land planner and Building Inspection company rates.

New Business: Resolution 2015 – 22, Deed of Dedication, Applied Bank Boulevard

Solicitor Donaghue reported that Wegman's is opening on November 8th and that Applied Card Way will be dedicated to the Township at the regular meeting, Wednesday, November 4th. The resolution included a deed of dedication, maintenance agreement and maintenance bond. The applicant would like the entire process completed in time for the grand opening of Wegman's on November 8th, and if not completed a separate side agreement would be established with appropriate security within 30 days. Supervisor Reiner expressed concern over the timeliness of this resolution suggesting that it was being rushed. Solicitor Donaghue commented that it was part of the agreement with Brandywine Mills, and Engineer Malloy stated that the majority of the punch list items if not all of them should be completed by November 8th. Solicitor Donaghue further stated that the Township has accepted large sums of escrow for infrastructure reasons. Chairman Murphy commented that he wouldn't sign any agreements until the proper approvals are in place. Supervisor Reiner also expressed concern over Chadds Ford Township not receiving an invitation to the PENNDOT or PA State Police meeting held regarding Wegman's grand opening. Chairman Murphy stated that the State Police initiated the meeting, not PennDot.

New Business: Preliminary Budget

Manager Serock presented the preliminary budget. She explained that she has included a capital budget with 5-year projections with the preliminary budget. She continued commenting that the preliminary budget is balanced and does not propose a tax increase for 2016. She also explained several changes in the budget; the moving of non-operating funds to their appropriate account, the creation of a five year capital plan, and moving recoverable expenditure and revenue items to the Escrow Fund. She further

added some new expenditures anticipated for 2016: a new website and the hiring of a new secretary. Supervisor Reiner questioned several line items in the budget, which included changes to the draft of the following items:

- Supervisor Reiner asked that money in the amount of \$6,000 be budgeted in line item 301.4, Real Estate Tax Remittance.
- Supervisor Reiner asked that line item 310.36, Business Privilege Tax be reduced to \$30,000.
- Supervisor Reiner inquired about the increase in the municipal building maintenance, which Manager Serock responded is due to plans to renovations at the Township building. Supervisor Reiner recommended that this be bumped up to a total of \$10,000 and consider hiring an arborist to check the health of the large sycamore on the Township's property.
- Supervisor Reiner requested that the ZHB Solicitor line item be increased totaling \$4,000, and the ZHB advertising be increased totaling \$2,000.
- Supervisor Reiner commented that she needed to speak with Chairman Murphy about an increase in personnel salaries before making it public.
- Supervisor Reiner commented that line item 408.10 for engineering was high and suggested \$35,000 be budgeted for non-reimbursable engineering expenses. Currently, \$50,000 is budgeted. Supervisor Reiner suggested at least a decrease of \$10,000 and budgeting \$40,000. Chairman Murphy responded that he would consider that decrease.
- Supervisor Reiner requested that the Land Planner line item be increased totaling \$35,000.
- It was also briefly discussed were the zoning contract with Delaware County, ordinance development, the recycling expenditure to cover the annual community recycling day, traffic signs, posts and hardware, a contract RFP for public works, Walkable Chadds Ford, money budgeted for community non-profits such as the Civic Association and the Historical Society and money budgeted for the road program in 2016.
- Chairman Murphy pointed out the grease trap inspections have been moved to the Sewer Authority Budget and he thought that was a good idea.

New Business: ZHB Application(s), November 18th, 1751 Wilmington Pike, Starbuck's Sign Relief and continued hearing on 681 Webb Road, the Barnabei's

Manager Serock explained that Starbuck's was requesting additional signage specifically for their drive thru. Solicitor Donaghue explained the continued hearing on 681 Webb Road citing the applicant called only one witness to the stand during the October meeting.

Public Comment

Solicitor Donaghue explained the Mongiovi SALDO application at 4 Woodland Drive and how it needed to be re-affirmed because the applicant needs more time to finish the process.

Tom Singer, Planning Commission Vice Chairman and Heyburn Road resident commented that the Vineyard Commons project in neighboring Concord Township seems to have quieted down. Solicitor Donaghue added that the appeal is underway and records are currently being indexed related to that project.

Adjournment

Chairman Murphy adjourned the Workshop Meeting at 8:58PM.

Respectfully submitted,

Matt DiFilippo, Assistant to the Manager