

Draft of 11/25/15

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Meeting  
Wednesday, November 4, 2015  
7:00PM

Call to Order

Two (2) public hearings regarding ordinances 139, Noise, and 142 Intergovernmental Health Agreement, were held prior to the regular business meeting starting at 6:00PM and 6:15PM, respectively. The regular meeting was called to order at 7:26PM. Chairman Frank Murphy, Vice Chairman George Thorpe and Supervisor Samantha Reiner were present. Ms. Amanda Serock, Manager, Mr. Hugh Donaghue, Solicitor, Mr. Dan Malloy, Engineer and Mr. Matt DiFilippo, Assistant to the Manager were also present. Thirty - three (33) members from the public were present.

Public Hearing Ord 142: Intergovernmental Agreement

A public hearing was called to order regarding the adoption of Ordinance 142, Intergovernmental Health Agreement, prior to the regular meeting at 6:00PM. A court reporter from Media Court Reporting was present and official transcripts are available. The hearing was closed at 6:12PM.

Public Hearing Ord 139: Noise Ordinance

A public hearing was called to order regarding the adoption of Ordinance 139, Noise, prior to the regular meeting at 6:15PM. A court reporter from Media Court Reporting was present and official transcripts are available. The hearing was closed at 7:24PM.

Police Report

Commanding Officer Erik Turk and Trooper Timothy Green presented crime statistics for Chadds Ford Township citing primarily DUI's as the top crime in Chadds Ford Township as well as a few daytime burglaries which are still being investigated. They also commented on the grand opening of the Wegman's, Sunday, November 8<sup>th</sup>.

Old Business: Applicant's Request to Reconsider Resolution 2015 – 21, Harrier, LLC, Subdivision

Solicitor Maddren introduced the topic and commented that Supervisor Reiner pointed out last week at the Workshop meeting when the resolution was initially denied that all parties involved in the subdivision land development application weren't on the application, but the Township received a new cover letter and title sheet since then including all parties involved. Supervisor Reiner confirmed that they were now reconsidering the application. Vice Chairman Thorpe commented that all of the legal requirements for the resolution have been met.

Vice Chairman Thorpe's motion to approve resolution 2015-21 Harrier, LLC SALDO application for a lot line change 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 and passed unanimously.

New Business: Resolution 2015 – 25, Appointment of Keystone Municipal Services as Code Enforcement, Building & Zoning Official

Vice Chairman Thorpe's motion to approve Resolution 2015 – 25, Appointment of Keystone Municipal Services as Code Enforcement, Building & Zoning Officials for Chadds Ford Township was seconded by Supervisor Reiner and passed unanimously.

Approval of Minutes

Vice Chairman Thorpe's motion to approve the Workshop Minutes of September 30, 2015, was seconded by Supervisor Reiner. Supervisor Reiner abstained from the vote due to her absence. Motion passed 2 – 0 – 1.

Supervisor Reiner's motion to approve the Regular Meeting Minutes of October 8, 2015 was seconded by Vice Chairman Thorpe and passed unanimously.

Supervisors' Report

Chairman Murphy reported that he met with Supervisor Reiner on October 14<sup>th</sup> to discuss the budget.

Manager's Report

Manager Serock submitted a written report. She announced the following: PC Meeting on Tuesday November 10<sup>th</sup> on the 2015 Hillman Drive Ext. SALDO application submitted on behalf of the Henderson Group, the quarterly PC/ BOS Workshop scheduled on Wednesday, December 9<sup>th</sup> at 5:30PM, Open Space meeting on November 12<sup>th</sup> and the Sewer Authority Meeting on Tuesday, November 17<sup>th</sup>.

Treasurer's Report

Assistant DiFilippo presented the Treasurer's Report. A written report and hardcopies of the Township's financial status for the month of October were provided by Manager Serock.

Supervisor Reiner's motion to approve General Fund expenditures in the amount of \$72,421.74 was seconded by Vice Chairman Thorpe and passed unanimously.

Supervisor Reiner's omnibus motion to release the escrows listed below was seconded by Vice Chairman Thorpe and approved unanimously.

- Escrow in the amount of \$950.00 held on behalf of Audi, 1421 Wilmington Pike, for septic work completed at the site. \$377.25 will be returned to the contractor, Delaware Valley Septic, and \$572.75 will be retained for unpaid engineering invoices.
- Escrow in the amount of \$500.00 held on behalf of 334 Ridge Road for grading work completed at the site. \$120.75 will be returned to the homeowners, the Feinman's, and \$379.25 will be retained for unpaid engineering invoices.
- Escrow in the amount of \$1,000.00 held on behalf of Ruggeri Cadillac, 1550 Wilmington Pike for a conditional use hearing in 2014. The entire amount will be returned to the applicant as all bills have been paid.

- Escrow in the amount of \$900 held on behalf of Ruggeri Cadillac, 1550 Wilmington Pike for a conditional use hearing in 2014. The entire amount will be returned to the applicant as all bills have been paid.

Supervisor Reiner's motion to release escrow in the amount of \$5,500 held on behalf of Ruggeri Cadillac, 1550 Wilmington Pike, for a SALDO application submitted in 2014, with the entire amount being returned to the applicant, was seconded by Chairman Murphy. Vice Chairman Thorpe reported that Ruggeri Cadillac promised to plant trees and haven't yet done that. The motion was denied.

#### Engineer's Report

Engineer Malloy submitted a written report. He announced that he reviewed and addressed the following: a snow plowing contract, the Springwater Plaza planning module, updates to Township maps, requirements for new sewer applications, the Henderson's 2015 Hillman Drive EXT. SALDO application, inspections and completion status at the Brandywine Mills project as well as the Audi Dealership and Keystone Plaza. Several septic site inspections were also performed. Engineer Malloy asked for action on escrow release requests from Brandywine Mills.

Vice Chairman Thorpe's motion to release Brandywine Mills escrow request #10 in the amount of \$677,670.75 was seconded by Supervisor Reiner and passed unanimously.

Vice Chairman Thorpe's motion to release Brandywine Mills escrow request #3 regarding sewer work in the amount of \$1,500.00 was seconded by Supervisor Reiner and passed unanimously.

Engineer Malloy confirmed that there is still a sufficient amount of funds left in both Brandywine Mills escrow accounts to cover any issues that may arise.

#### New Business: Ordinance 139 Noise

Supervisor Reiner's motion to adopt Ordinance 139, Noise was seconded by Vice Chairman Thorpe.

#### Discussion

Supervisor Reiner commented that the noise ordinance has been through many drafts and has had a lot of input. Vice Chairman Thorpe commented that there are a number of residents who always complain that they didn't hear about something the Township was considering passing until the last minute, and that it's disheartening. He continued that it will be difficult to change if it's passed, and that the ordinance needs more investigation.

Chairman Murphy commented that the ordinance is primarily aimed at commercial uses with an effort to protect residential quality of life and that he supports the ordinance. Supervisor Reiner commented that she agreed with Chairman Murphy.

Alan Horowitz, High Ridge Road commented that sometimes ordinances in theory are a lot harder to understand than the reality of when they're passed.

Stephen Smickley, Calvary Chapel, thanked all of those who put a lot of hard work and effort into the ordinance and added that this was the first advertised public hearing regarding this ordinance. He also

commented that the hearing was not a good atmosphere and that he wondered how the Supervisors could make a decision without considering such thoughtful comments earlier during the hearing. Solicitor Donaghue commented that the public is allowed to participate in the hearing, and that this was what happened earlier, which Mr. Smickley concurred.

#### Vote

Motion passed 2 – 1 with Vice Chairman Thorpe voting no.

#### New Business: Ordinance 142, Intergovernmental Health Agreement

Supervisor Reiner's motion to adopt Ordinance 142, Intergovernmental Health Agreement, was seconded by Vice Chairman Thorpe and passed unanimously.

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

Engineer Malloy explained the resolution to connect the commercial portion of Springwater Plaza to public sewer via Concord Township.

Vice Chairman Thorpe's motion to approve resolution 2015 – 19, Springwater Plaza Sewage Facilities Planning Module was seconded by Supervisor Reiner.

#### Discussion

Supervisor Reiner inquired who would be paying for the meter, own and accept the force main? Manager Serock responded that the Township wouldn't take dedication and that the applicant would pay for the meter.

Chairman Murphy's motion to table resolution 2015 – 19, Springwater Plaza Sewage Facilities Planning Module was seconded by Supervisor Reiner and passed unanimously. The resolution was not passed.

Chairman Murphy asked Supervisor Reiner to provide a list with bullet points of her concerns over the sewage facilities planning module application for Springwater Plaza.

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

Supervisor Reiner's motion to approve resolution 2015 – 20, Appointed Professionals' Fees Amendment was seconded by Vice Chairman Thorpe and passed unanimously.

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

Chairman Murphy's motion to approve resolution 2015 – 22, Deed of Dedication – Applied Bank Boulevard, was seconded by Vice Chairman Thorpe.

#### Discussion

In response to Chairman Murphy's request, Solicitor Donaghue explained the details of the resolution and Deed of Dedication of Applied Bank Boulevard stating that escrow has been established in the amount of \$20,000 to cover punchlist items. Additionally, Solicitor Donaghue continued that an

Intermunicipal agreement with Concord Township has been drafted for signature with Concord Township taking the responsibility of salting and plowing the road.

Chairman Murphy inquired why the road was being dedicated this early in the process. Solicitor Donaghue responded that it's at the Township's discretion to accept dedication, but there is an underlying agreement, in that, it will be hard for the PA State Police to enforce any issues on a private road on November 8<sup>th</sup> at Wegman's Grand Opening if the road is not dedicated and remains a private road. Solicitor Donaghue continued that there is no risk to the Township because a maintenance agreement and intermunicipal agreement are in place and ready for signature.

Supervisor Reiner commented that she doesn't believe that there is enough material in front of her to dedicate the road such as inlets, signage and storm drains. She also inquired about the traffic signal control panels.

Engineer Malloy commented that the intent of the current plan is to show the ROW and area to be dedicated, which Solicitor Donaghue added that the drawing is in conformance with the meets and bounds of the property. Solicitor Donaghue continued to confirm with Chairman Murphy that all of the documents are in order and ready for signature.

Peter Miller, Carlino Development, commented that the documents meet the standards of dedication and that there is an agreement in place with the Township for dedication of the road to the Township. Solicitor Donaghue confirmed with Mr. Miller that the Township would not be responsible for the electricity of the street lights and that the stores would be responsible and something in writing was necessary.

Supervisor Reiner pointed out that Solicitor Donaghue is the Solicitor for both Concord Township and Chadds Ford Township and would rather have the agreement reviewed by an independent counselor because Solicitor Donaghue may not be protecting the interests of Chadds Ford Township.

Solicitor Donaghue inquired what interests he's not protecting and added that the agreement benefits Chadds Ford Township more than Concord Township repeating that Concord Township is responsible for cleaning, salting and plowing of the roadway at Concord Township's expense.

Supervisor Reiner then asked Engineer Malloy if sewer lines under the roadway were also being dedicated. Engineer Malloy responded that the sewer lines under the roadway were not specifically mentioned in this agreement. Engineer Malloy continued that he will look for the dedication of the sanitary sewers and storm sewers.

#### Vote

The motion was unanimously passed.

#### New Business: 2015 – 23 Mongiovi Reaffirmation

Solicitor Donaghue introduced the topic citing the applicants were still getting items in order and needed more time to record the plan.

Vice Chairman Thorpe's motion to re-affirm resolution 2015 – 23, Mongiovi SALDO, was seconded by Supervisor Reiner and passed unanimously.

New Business: 2015 – 24, Appointment of Barbacane, Thornton and Company LLP as Township Auditor

Supervisor Reiner's motion to approve resolution 2015 – 24, the Appointment of Barbacane, Thornton and Company, LLP as Township Auditors was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: Preliminary Budget Proposal

Manager Serock introduced the budget and presented a slideshow. The slideshow is on file at the Township. Manager Serock explained all of the slides in her slideshow, thoroughly, and pointed out notable revenue and expenditure changes.

Alan Horowitz, High Ridge Road, asked if the Township's tax dollars had been benchmarked or compared to other communities. Manager Serock responded that comparisons are difficult because of different millage rates and prioritizing of communities. Mr. Horowitz also inquired about the quasi-government organizations that funds have been allocated for in the budget and whether or not there will be a contractual or service agreement with them. Chairman Murphy responded that they're getting the money to support their functions to let them continue to do the good work they've been doing with the Township.

Supervisor Reiner expressed appreciation of Manager Serock's work on the budget. She also mentioned that the budget discussion should be continued to allow new Supervisor Noelle Barbone the opportunity to comment on the proposed budget. Supervisor Reiner requested the meeting be continued until next week to discuss certain line items, specifically, the 2% COLA increase in the preliminary budget for the staff. She added that the budget would have to be advertised by Friday, November 13<sup>th</sup> at the latest.

Vice Chairman Thorpe commented that a resident of the Township can comment on the budget at any time, and that only minimal changes can be made to the preliminary budget after its approval.

Supervisor Reiner responded that she hasn't heard from anyone in the public about the staff's 2% COLA in the preliminary budget. Manager Serock added that she did reach out to the Consortium of Governments, and the general consensus was that many communities were proposing a 2 – 3% COLA increase for government, non-contractual staff.

Chairman Murphy explained that after the approval of the preliminary budget, only minimal changes may be made.

Solicitor Donaghue confirmed that Supervisor Reiner was suggesting that Ms. Noelle Barbone, Supervisor-elect be invited to a budget meeting before the budget is passed, and reminded the Board of the Sunshine Act.

Supervisor Reiner requested that the preliminary budget portion of the meeting be continued to Tuesday, November 10<sup>th</sup> at 6:00PM.

Chairman Murphy's motion to to continue the regular meeting for the purposes of discussing the proposed 2016 budget was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: ZHB Applications, November 18<sup>th</sup>, 1751 Wilmington Pike, Starbuck's Signage (new), and 681 Webb Road, the Barnabei's (continued)

Solicitor Donaghue reported that the new application from Starbuck's is to seek additional signage, and that the hearing regarding the Barnabei's has been continued from the October ZHB meeting.

Chairman Murphy expressed gratitude to both Noelle Barbone and Alan Horowitz for running in the election to become Township Supervisor and commented that it was a nice campaign. Supervisor Reiner expressed the same.

Chairman Murphy announced the continuation of the meeting until Tuesday, November 10<sup>th</sup> at 6:00PM to continue the discussion of the preliminary budget.

Adjournment

Chairman Murphy's motion to adjourn at 9:06PM was seconded by Vice Chairman Thorpe and passed unanimously.

Respectfully submitted,

Matt DiFilippo