

Draft of 3/5/2014

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Meeting
Wednesday, February 5, 2014
7:00PM

Officials Present

Keith Klaver, Chairman
Frank Murphy, Supervisor
Judy Lizza, Manager
Hugh Donaghue, Solicitor
Joe Mastronardo, Engineer
Matt DiFilippo, Secretary

6:30PM, Public Hearing, Gun Range, 1201 Smithbridge Road

Chairman Klaver called the hearing to order regarding the application made by Mr. Brad Bernstein for a private gun range at his residence on Smithbridge Road. Mr. Bernstein explained that he would like to put a target range on his property so he can shoot during the day, maybe once a week, along with his daughter and his instructor. He described his property and where the range would be.

Public Comment

Cecil Morgan, Foothill Path, introduced a number of reasons opposing a gun range at the residence on Smithbridge Road, such as safe distances from neighboring homes, and presented a petition with 31 signatures also opposing the range.

Mr. Bernstein withdrew his application.

Bill Mackey, Smithbridge Road, asked if Mr. Bernstein has the option to reinstate his application, which was confirmed that the application was withdrawn but not denied.

Rob Gurnee, Beaver Valley Road, noted that the ordinance allowing for the application of a gun range was last updated in 1963.

Cecil Morgan, Foothill Path, confirmed with the Board that another hearing would be required if the applicant decided to re-apply for a gun range at his residence.

Upon Motion and second (Murphy/ Klaver) the hearing for a private gun range at 1201 Smithbridge Road was closed.

Call to Order

Supervisor Klaver called the regular meeting to order at 7:00PM beginning with a moment of silence for Paul Scarborough, a local artist who recently passed away.

PA State Police Report

A written report was submitted.

Approval of Minutes

Upon motion and second (Murphy/ Klaver) the Board approved the January 6, 2014 Reorganization Meeting Minutes, the January 6, 2014 Regular Meeting Minutes, the January 6, 2014 Workshop Minutes and the January 14, 2014 Regular Meeting Minutes.

Supervisors' Report

The Supervisors reported meeting on January 29, 2014 before and after the Workshop to discuss personnel issues.

Manager's Report

Manager Lizza submitted a written report. She discussed the following: Peter Abessino's request for maintenance of the open space behind his house on Locust Lane; meeting(s) with Penn DOT to inform Township residents of the status of the loop road; winter storm road plowing and maintenance and the impact on the Township's budget as well as the status and statistics of Township and regional residents who lost power; HARB committee's proposed guidelines for signs and awnings; status and appreciation of the Civic Association's collections for veterans at the Municipal Building; and, an announcement that Dennis Henry is the new Chairman for the CERT committee.

Manager Lizza requested a motion from the Board to declare a disaster emergency in response to the most recent storm which cut power to thousands of residents in Delaware County.

Upon motion and second (Murphy/ Klaver) the Board approved the manager to pursue application for disaster relief pursuant to the disaster application and authorization of grants.

Treasurer's Report

Secretary DiFilippo reported the Township's financial activity for the month of January 2014.

GENERAL FUND

January 2014 General Fund Unrestricted Balance: \$602,314.89

RECEIPTS

Miscellaneous Collections & TWP Receipts:	\$63,736.27
Brandywine Conservancy Installment (10 Station Way):	\$11,000.00
Monthly Deed Reconciliation (December 2013):	<u>\$13,067.81</u>
TOTAL RECEIPTS:	\$87,804.08

DISBURSEMENTS

Bills, Wages and Vendor Payments:	\$77,433.05
CS-Graphx Permit Manager:	\$16,000.00
Martin Brother's Snow Removal and Road Maint.:	<u>\$26,727.50</u>
TOTAL DISBURSEMENTS:	\$120,160.55

Upon motion and second (Murphy/ Klaver) the Board approved total disbursements out of the General Fund for the month of January 2014 in the amount of \$120,160.55.

Upon motion and second (Murphy/ Klaver) the Board approved the payment of additional bills received after formal reporting in the amount of \$1,862.99.

OPEN SPACE FUND

The Open Space Fund balance for the month of January 2014 was \$1,270,739.37.

FEE IN LIEU FUND

Upon motion and second (Murphy/ Klaver) the Board approved the transfer of \$3,500.00 from the General Fund to the Fee in Lieu Fund representing fee in lieu from David Dodge, 1801 Wilmington Pike.

ESCROW FUND

Upon motion and second (Murphy/ Klaver) the Board approved the release of a SEO escrow in the amount of \$950.00 to the homeowner for work done at 52 Marshall Road.

Upon motion and second (Murphy/ Klaver) the Board approved the release of a SEO escrow in the amount of \$950.00, returning \$713.00 to the homeowner and retaining \$237.00 for unpaid engineering invoices for work done at 120 Talley Ho Drive.

Upon motion and second (Murphy/ Klaver) the Board approved the release of a SEO escrow in the amount of \$950.00, returning \$772.25 to the homeowner and retaining \$177.75 for unpaid engineering invoices for work done at 6 Biddlebrook Lane.

Upon motion and second (Murphy/ Klaver) the Board approved the release of a SEO escrow in the amount of \$950.00, returning \$436.50 to the homeowner and retaining \$513.50 for unpaid engineering invoices for work done at 105 Harvey Lane.

Upon motion and second (Murphy/ Klaver) the Board approved the release of a grading escrow in the amount of \$800.00 to the homeowner for work done at 44 Marshall Road.

Engineer's Report

Engineer Mastronardo submitted a written report. He also brought to the attention of the Board that Carlino Development, 1751 Wilmington Pike, Brandywine Mills, will be executing remediation of soil and groundwater contamination at the site, 1751 Wilmington Pike, due to the discovery of carcinogenic chemicals found in the groundwater from a dry cleaner that used to be

on the site. The remediation has been approved by the PA Department of Environmental Protection (DEP) and that the DEP will monitor the clean-up. It was concurred that the Township residents should be informed. Remedial procedures and monitoring was discussed. Engineer Mastronardo confirmed that the clean-up could be ongoing for 2 years or until the DEP is satisfied and that the developer will voluntarily pay for the clean-up. Supervisor Murphy suggested that an information session be held before the workshop scheduled for the end of February and notify neighboring residents to which Chairman Klaver concurred.

Old Business

There was no old business to discuss or report.

New Business: K. Hovnanian Petition to Re-Zone Brandywine Drive Parcel

John Jaros, counsel representing K. Hovnanian homes, filed a petition to the Board to rezone the 21 acres currently owned by the Henderson Group at Brandywine Drive and Baltimore Pike from Planned Business Center (PBC) to Residence Multifamily (RM). The applicants wish to do so would allow the applicant to develop 114 luxury townhomes on the site. Mr. Jaros reported that a fiscal and traffic impact study have been submitted.

Upon motion and second (Murphy/ Klaver) the Board approved the petition to be reviewed by the Township and County planning departments.

Solicitor Donaghue commented that it's the Board's discretion and concurred with Mr. Jaros that there will be no time restraint. Chairman Klaver reported that a copy of the petition is at the Municipal Building if anyone wishes to see a copy.

New Business: Not Your Average Joe's Restaurant Liquor License Transfer

Bill Keffer, counsel representing Not Your Average Joe's, described the restaurant's history and operations. He reported that the restaurant wishes to transfer an existing liquor license from 1421 Wilmington Pike to its proposed location, 561 Wilmington Pike (Glen Eagle), without some of the restrictions placed on it in 2010. There was discussion among the Board regarding the outdoor dining restriction that was placed on the existing liquor license in 2010.

Upon motion and second (Klaver/ Murphy) the Board approved a public hearing for a liquor license transfer from 1421 Wilmington Pike to 561 Wilmington Pike for the restaurant, Not Your Average Joe's.

The hearing will be advertised and set for 6:30PM, March 5, 2014 before the regular meeting.

New Business: Resolution 2014 – 10, Wilmington Pike & Applied Bank Blvd., Penn DOT
New Business: Resolution 2014 – 11, Wilmington Pike & Corporate Center Way, Penn DOT
New Business: Resolution 2014 – 12, National Engineer’s Week

Upon motion and second (Murphy/ Klaver) the Board approved Resolutions 2014 – 10, 2014 – 11 and 2014 – 12.

New Business: Estates at Chadds Ford Basin #5

Manager Lizza reported that the information request was procured for the Township and provided to the solicitor regarding the estates’ bylaws and HOA. Solicitor Donaghue reported that the request from the board of the estates’ HOA is exploratory in nature and that the Township’s Board should table the matter and not engage in the decision until there a vote taken by the homeowners on the subject of removing the fence from stormwater basin #5 at the estates. Chairman Klaver commented that there seems to be a difference in views within the estates community and the estates need to settle their differences before the Township Board takes action.

Upon motion and second (Murphy/ Klaver) the Board tabled the issue of rendering advice or a decision on the removal of the fence around stormwater basin #5 at the Estates at Chadds Ford until additional details are worked out within the estates community.

Joanne Ceballos, Estates at Chadds Ford, requested clarification from the Township’s Solicitor regarding the Township’s authority extending through the maintenance agreement period with Toll Brother’s, the developer. Solicitor Donaghue commented that the Township will have input as to how these basins will be maintained, and at some point, it will be the complete responsibility of the HOA.

Ira Zuchi-Tripathi, Estates at Chadds Ford, expressed disappointment in the Township’s Board and requested better guidance from the Township as to what the HOA could or could not do.

Henry Sea, Evergreen Place, applauded the Township Board for showing restraint on the issue and protecting the residents of the estates.

New Business: Roadmaster Compensation

Upon motion and second (Klaver/ Murphy) the Board approved to retroactively increase the Roadmaster’s compensation to \$1,500.00 for 2014.

New Business: Finance Committee

Upon motion and second (Klaver/ Murphy) the Board appointed the following residents to the Township’s newly formed Finance Committee: Vince Delrossi, Garry Paul, Mary Kot, Bruce Prabel, Bill Delany and Bob Fischer.

New Business: Township Retention Record for Meeting Recordings

Upon motion and second (Klaver/ Murphy) the Board approved retaining recordings of Township workshops and regular meetings for 2 years, which will be discussed again at the August 2014 regular meeting.

Committee Reports

Dennis Henry, Citizens' Emergency Response Team (CERT) Chairman gave a presentation and discussed the objectives of the group and the groups activities.

Public Comment

Katharine King, Ring Road, respectfully requested the Board to rescind the decision to limit the use of the conference room at the Municipal Building. Chairman Klaver responded that he would give the topic due consideration.

Adjournment

Upon motion and second (Murphy/ Klaver) the Board adjourned the meeting at 9:00PM.

Respectfully submitted,

Matt DiFilippo, Secretary