

Draft of 6/30/16

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Regular Meeting  
Wednesday, June 1, 2016  
7:00PM

Call to Order

The Board of Supervisors' Regular Meeting was called to order at 7:00PM. Chairman Frank Murphy, Vice Chair Samantha Reiner and Supervisor Noelle Barbone were present. Ms. Amanda Serock, Manager, Mr. Michael Maddren, Esq., Solicitor, Mr. Michael Schneider, PE, Engineer and Mr. Matt DiFilippo, Assistant to the Manager and Township Secretary. Fifteen (15) people from the public were present.

Announcements

Chairman Murphy announced a joint meeting on Wednesday, June 8<sup>th</sup> at 6:00PM between the Board of Supervisors and the Planning Commission prior to the regular Planning Commission meeting at 7:00PM. Chairman Murphy also announced that the Workshop scheduled at the end of June would be cancelled on June 29<sup>th</sup> and rescheduled to an earlier date of June 22<sup>nd</sup>.

Approval of Minutes

Supervisor Barbone's motion to approve the Workshop minutes of April 27, 2016 was seconded by Vice Chair Reiner and passed unanimously.

Supervisor Barbone's motion to approve the Regular Meeting minutes of May 4, 2016 was seconded by Vice Chair Reiner and passed unanimously.

Supervisor Barbone's motion to approve the continued Regular Meeting minutes of May 10, 2016 was seconded by Vice Chair Reiner and passed unanimously.

Supervisors' Report

Vice Chair Reiner reported participating in the Strategic Action Committee's bus tour of the Township, a recent Sewer Authority Board meeting and a recent Zoning Task Force Committee meeting. Supervisor Barbone reported attending a recent HARB meeting. Chairman Murphy reported attending a Ridings community HOA meeting, Chadds Ford Historical Society's annual meeting, a recent Sanderson Museum Board meeting and a Civic Association meeting. He also announced that the Board of Supervisors held an executive session prior to tonight's regular meeting to discuss litigation and real estate items.

### Manager's Report

Manager Serock submitted a written report. She announced that the Township received a Green Light Go grant to off-set the costs of upgrading the traffic signal at Brintons-Bridge Road and Wilmington Pike (US 202). She also announced that a link to the new floodplain maps published by FEMA are available on the Township's website, and any resident who wishes to appeal the new floodplain maps can do so by contacting the Township but the appeal must be scientific in nature and submitted before the end of August. Manager Serock also announced the upcoming Township Committee meetings and their respective agendas: Planning Commission on June 8<sup>th</sup>, Open Space on June 9<sup>th</sup>, Comprehensive Plan Committee on June 22<sup>nd</sup> and Zoning Hearing Board on June 28<sup>th</sup>.

Chairman Murphy announced the following ordinances being drafted: I&I, Special Events and Outdoor Dining. Vice Chair Reiner commented that a draft of the Outdoor Dining Ordinance should be sent to the County for review. Chairman Murphy commented on a complaint from a resident that was noted in the Manager's report about direction or clarity on target practicing with an air soft gun/ BB gun.

### Public Comment

Ms. Gail Force, Southpoint, asked about executive session and what was discussed. Solicitor Maddren responded that executive session is an exception to the Sunshine Laws allowing the Board to discuss litigation, personnel and real estate issues. He added that decisions are not made in executive session.

Kendall Reynolds, Chadds Ford Historical Society, expressed concern over the possibility of a burdensome special events permit process in the future in Chadds Ford Township. She specifically pointed out a section in the Township's draft special events ordinance about signage and clean-up after the event. She expressed concern over cleaning up immediately after an event asking for further clarification stating that it usually takes a couple of days for the Historical Society to clean up after an event. Ms. Reynolds also inquired whether or not there would be special exceptions or "grandfathering" for certain events like Chadds Ford Days. Another concern she expressed is the possibility of a special events permit being denied and not being allowed to hold an event.

Peter Alois, Chadds Ford Historical Society, expressed concern about being required to apply for a permit to hold an event on one's own property, and noted that the Historical Society has already begun advertising Chadds Ford Days. He also inquired about the permit fee and what kind of expenses an organization holding an event would have to reimburse Township professionals for.

Donna Gormel, Brandywine Conservancy and Museum of Art, expressed concern about the process and asked that a "blanket" event permit be considered. She also inquired about the process for special events that are set-up on short notice such as the memorial for Frolic Weymouth.

Supervisor Barbone responded that Chadds Ford looked at many surrounding Townships' examples of special events permits such as East Goshen and the City of Philadelphia. She

added that the ultimate goal is to protect the safety, health and welfare of the community by having a special events permit application process.

Solicitor Maddren also commented that the draft Special Events ordinance was an amalgamation of surrounding communities' special events permit ordinances. He added that it was important for Ms. Reynolds to bring up her concerns. Solicitor Maddren also pointed out the section in the draft ordinance setting forth reasons to deny a special events permit application, stating that an organization needs to be able to show that vehicular traffic will move in a safe manner and that the event will create no dangers or no hardships to the surrounding community. He also added that memorial services and funerals are exempt from the permitting process.

Chairman Murphy commented that the whole point of the special events permit is designed to protect the health, safety and welfare of Township citizens. He added that public events with more than 225 people in attendance will need to have a permit when the ordinance is in place.

Vice Chair Reiner responded to Ms. Reynolds concerning clean up after an event saying that maybe certain components of cleaning up after an event such as trash removal could be immediately addressed within 12 hours after the event. She added that the permit fee covers administrative costs such as a review by the zoning officer. She also added that if a traffic engineer is required for any reason, then taxpayer dollars shouldn't have to pay for that service and a special events permit applicant would have to complete a reimbursement agreement and pay for such services. She also said that the permit is to control outdoor events that attract large crowds, and not indoor events that can only hold a certain number of people.

Manager Serock explained that the fee has currently been set at \$150.00 in the draft special events ordinance, but that a reimbursement agreement would need to be completed as well in case additional Township professionals' time was necessary.

#### Treasurer's Report

Manager Serock submitted a written Treasurer's Report reflecting the Township's financial status for the Month of May 2016. Secretary DiFilippo presented the report.

Vice Chair Reiner's motion to approve General Fund expenditures to pay bills in the amount of \$56,959.90 was seconded by Supervisor Barbone and passed unanimously.

Vice Chair Reiner's motion to approve Open Space Fund expenditures to pay bills in the amount of \$8,688.80 was seconded by Supervisor Barbone and passed unanimously.

Vice Chair Reiner's motion to approve a transfer from the Fee in Lieu Fund to the Open Space Fund in the amount of \$3,000.00 was seconded by Supervisor Barbone and passed unanimously.

Vice Chair Reiner's motion to roll over the Meridian Bank infrastructure CD for 12 months was seconded by Supervisor Barbone and passed unanimously.

Vice Chair Reiner's motion to table the release of a Conditional Use escrow in the amount of \$1,000 held on behalf of Concordville Motorcar, Inc. (Subaru) at 1719 Wilmington Pike was seconded by Supervisor Barbone and passed unanimously. More information was requested on what escrows are on file with the Township on behalf of the applicant.

#### Engineer's Report

Engineer Schneider submitted a written report. He reported a status update on this year's road program, a number of land development applications in which he is conducting reviews, and preparing a punchlist for items to be completed at the Brandywine Mills project site.

Vice Chair Reiner's motion to approve escrow release #2 in the amount of \$83,913.38 for Audi of West Chester at 1421 Wilmington Pike was seconded by Supervisor Barbone. Chairman Murphy inquired about the section of the site in Thornbury Township and whether or not punch list items were completed on that end of the project, which Engineer Schneider confirmed. The motion passed unanimously.

#### Old Business: Act 537 Plan Update

Chairman Murphy commented that the Township is considering converting the Ridings Wastewater Treatment Plant, which currently handles 80,000 gallons a day, into a pumping station. Engineer Schneider commented that any additional development in the Township without reserved capacity would need to conduct major upgrades to the sewer infrastructure. Manager Serock commented that the Township's Planning Commission will be discussing the draft Act 537 Plan update at their next meeting.

#### New Business: Ordinance 143, Special Events

Chairman Murphy tabled Ordinance 143 reporting more work needed to be done to the draft ordinance.

New Business: Massage Establishment Application, 1631 Baltimore Pike, Holly Fickes  
Solicitor Maddren reported reviewing the application for a massage establishment at 1631 Baltimore Pike, and recommended the Board of Supervisors approve the application contingent upon receiving supplemental information from the applicant, Ms. Holly Fickes. The supplemental information required two previous addresses where Ms. Fickes performed massage therapy, physical description of the masseuse, and the same information for any other masseurs who will be working for Ms. Fickes. Vice Chair Reiner confirmed the location and name of the establishment with Ms. Fickes as 1631 Baltimore Pike, Brandywine Massage and Wellness, LLC.

Chairman Muprhy's motion to approve the massage establishment application for Ms. Holly Fickes, Brandywine Massage and Wellness, LLC, to be located at 1631 Baltimore Pike, was seconded by Supervisor Barbone and passed unanimously.

New Business: Summer Meeting Schedule

Chairman Murphy announced that the next Workshop would be re-scheduled from June 29<sup>th</sup> to an earlier date of June 22<sup>nd</sup>. He added that the change needs to be advertised and that possible action may be taken at that Workshop.

New Business: HARB Certificate of Appropriateness, 9 Station Way, Rear Dormer Addition; and, 1631 Baltimore Pike, Massage Establishment Sign

Vice Chair Reiner's motion to approve Certificates of Appropriateness for the construction of rear dormers at 9 Station Way and the installation of a permanent sign at 1631 Baltimore Pike, was seconded by Supervisor Barbone and passed unanimously.

New Business: ZHB Application, June 15<sup>th</sup>, 7 Pin Oak Lane, Deck, Impervious Coverage  
Manager Serock announced that a Zoning Hearing Board application has been received asking for relief from impervious coverage to enlarge a deck at 7 Pin Oak Lane.

New Business: Delaware County Act 247 Review Application, SALDO & CU, 1170, 1770, 1778 Wilmington Pike, Assisted Living Facility

Chairman Murphy commented that anytime an application is sent to the county for an Act 247 review that it will be noted on the agenda, and that the application being sent for 1170, 1770, 1778 Wilmington Pike needs no further action at this time.

Public Comments

Bruce Prabel, Heyburn Road, inquired about the bids for the Harvey Run Trail bridges and whether or not a bid had been chosen. He also asked if the trail ends at Creek Road. Additionally, he inquired about the Brandywine Conservancy and Museum of Art applying for permits for the bridge and the trail. Bruce expressed concern about walking trails on residential properties and said that adjacent property owners should receive notification before a precedent is set of allowing trails on residential properties without proper notification. He added that Ordinance 136, Stormwater Management, must be adhered to, specifically, the riparian buffer guideline.

Manager Serock responded that the original bids were very high so all of the bids were denied and the Township used the Keystone Purchasing Network (KPN) to purchase the bridges in three parts, the bridge, the base of the bridge and the installation of the bridge. She added that the Brandywine Conservancy and Museum of Art is building or installing its own bridge separate from the Township's bridge over the Harvey Run. Manager Serock continued explaining that the trail project is being done in phases. She added that a zoning permit for the bridge would be reviewed by the Township's Engineer to assure adherence to Township ordinances, and that the Department of Environmental Protection (DEP) has approved the bridges over the Harvey Run tributary into the Brandywine Creek.

Adjournment

Vice Chair Reiner's motion to adjourn at 8:22PM was seconded by Supervisor Barbone and passed unanimously.

Respectfully submitted,

**Matt DiFilippo**  
Assistant to the Manager/ Township Secretary