

Draft of 3/28/14

Chadds Ford Township  
Delaware County, PA

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

Officials Present

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

The regular meeting was preceded by two hearings. The first hearing was held at 6:30PM regarding the transfer of a liquor license from 1421 Wilmington Pike to 564 Wilmington Pike for the applicant, Not Your Average Joe's. The second hearing was for the renewal of the Comcast Franchise agreement. Solicitor Donaghue introduced and led both hearings. Court Reporter notes of testimony for both hearings are on file with the Township. On hand for the Not Your Average Joe's liquor license transfer hearing were: Bill Keffer, Solicitor representing Not Your Average Joe's and Dennis Mayer, Vice President of Development for Not Your Average Joe's. Not Your Average Joe's plans for a restaurant with a liquor license and outdoor patio at 561 Wilmington Pike, Glen Eagle Shopping Center were discussed. The Comcast Franchise Renewal Hearing was opened and closed with no public testimony.

Call to Order

Chairman Klaver called the regular meeting to order at 7:00PM

Approval of Minutes

Upon motion and second (Murphy/ Thorpe) the Board approved the Workshop Minutes of January 29, 2014.

Upon motion and second (Murphy/ Klaver) the Board approved the Regular Meeting Minutes of February 5, 2014. Vice Chairman Thorpe abstained.

Supervisors' Report

The Supervisors reported meeting on the following dates to deal with personnel and legal issues: February 26 and March 4, 2014.

### Manager's Report

Manager Lizza submitted a written report and announced the following: a meeting held on February 26, 2014 to discuss sewage flow with neighboring Thornbury Township; the PennDot meeting to discuss completing the Hillman Drive segment of the Loop Road on March 26, 2014 at 7:30PM at the Municipal Building; a joint road program with the Township of Concord; an intermunicipal sewer agreement with Concord; recent Zoning Hearing Board applications and decisions; HARB Guidelines updates; CERT committee activity; Harvey Run Trail progress; February winter storms, damage and possible FEMA reimbursement funds; the Township's snow plowing and salt budget; Township policy regarding damaged mailboxes and lawns from plowing the roads – Vice Chairman Thorpe, who is also the Township's Roadmaster, discussed that the Township will follow the state's policy which is not to reimburse for damaged mailboxes or lawns due to snow plowing, which Chairman Klaver concurred that the priority is to clear the roads and that PennDot's policy of non-reimbursement will be maintained; recent land development applications for the Board's consideration; the Planning Commission's review of the Township's Gun Range Ordinance; the Finance Committee; the audit performed by Maillie; the Township's certificates of deposit;

Concerning the Harvey Run Trail, Manager Lizza asked for a motion to pursue an Act 13 grant in the amount of \$250,000 which offers funds from the Marcellus Shale drilling activity throughout the state. The grant requires matching funds in the amount of 20% of the total grant award, which will be split between the Township and the Brandywine Conservancy. \$38,000 would be incurred by the Township and Conservancy, together.

Upon motion and second (Thorpe/ Murphy) the Board agreed to participate in the Act 13 grant application with the Brandywine Conservancy to benefit the Harvey Run Trail.

Debbie Reardon, Tally Ho, Open Space Chairwoman, thanked the Board of Supervisors, Engineer Mastronardo and Rob King.

Regarding current certificates of deposit with Bryn Mawr Trust, Manager Lizza requested a motion to remove Garry Paul and Deb Love as signers from the certificates. She also requested a motion to deposit the Open Space certificate of deposit at DNB Bank into a money market with DNB, and a Bryn Mawr Trust infrastructure certificate of deposit into the DNB Bank infrastructure money market account.

Upon motion and second (Murphy/ Thorpe) the Board approved removing Garry Paul and Deb Love as signers of a certificate of deposit held at Bryn Mawr Trust.

Upon motion and second (Murphy/ Klaver) the Board approved depositing the maturing DNB Open Space CD into a money market account with DNB.

Upon motion and second (Murphy/ Thorpe) the Board approved depositing a maturing infrastructure CD with Bryn Mawr Trust into the DNB Bank infrastructure money market account.

Manager Lizza reported in detail Ruggeri Cadillac's intentions for operations at 1550 Wilmington Pike which is currently Fenceworks. A zoning map amendment would be necessary to re-zone the area as B-1 to consider the car dealership by Conditional Use. Solicitor Donaghue commented on setbacks. Vice Chairman Thorpe spoke about the history of the dealerships in the Township and the B-1 zone allowing dealerships in the Township by Conditional Use hearing. Solicitor Donaghue suggested an informational meeting be set-up with the applicant, a Planning Commission member, the Manager, the Township's professional staff and a Supervisor from the Board.

#### Treasurer's Report

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

#### GENERAL FUND

February 2014 General Fund Unrestricted Balance: \$615, 513.45

#### RECEIPTS:

Miscellaneous Collections & TWP. Reimbursements:	\$81,409.75
January 2014 Monthly Deed Reconciliation:	\$12,426.40
Comcast Franchise Fee (4 <sup>th</sup> Qtr, 2013):	\$11,990.54
Verizon Franchise Fee (4 <sup>th</sup> Qtr, 2013):	<u>\$13,407.75</u>
TOTAL RECEIPTS:	\$119,234.44

#### DISBURSEMENTS:

Bills, Wages and Vendor Payments:	\$76,256.00
Rachel Kohl Library Tax Payment (2014 Twp Assess):	\$6,467.53
Martin Brother's Snow Removal:	<u>\$25,590.00</u>
TOTAL DISBURSEMENTS:	\$101,846.00

Upon motion and second (Thorpe/ Murphy) the Board approved total disbursements out of the General Fund for the month of February 2014 in the amount \$101,846.00.

#### OPEN SPACE FUND

The February 2014 Open Space Fund balance was reported as being \$1,276,436.35.

#### ESCROW FUND

Upon motion and second (Murphy/ Thorpe) the Board authorized the release of an \$800.00 grading escrow and to retain \$273.00 for unpaid engineering invoices returning \$527.00 to the property owner of 1810 Wilmington Pike.

### Engineers Report

Engineer Mastronardo reported on compliance with the Township's MS4 permit to be renewed on March 16, 2014 and various aspects for compliance by the Township for the program.

### Old Business

There was no old business to report.

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

Solicitor Donaghue reported that a resolution for Not Your Average Joe's Liquor License transfer will be presented at April's regular Board meeting.

### New Business: Finalization of Committee Formations

It was agreed to advertise the search for members for the Township's Zoning Task Force on the Township's website.

Supervisor Murphy reported the purpose of the Strategic Advisory Committee and introduced candidates for the committee.

Upon motion and second (Murphy/ Klaver) (Vote: 2 – 1, Thorpe opposed) the Board appointed the following residents to the Strategic Advisory Committee: Noelle Barbone, Debbie Reardon, Valerie Hoxter, Margaret Faia and Samantha Reiner for a 1 calendar-year term.

Vice Chairman Thorpe commented that some qualified people for the committee weren't properly interviewed or discussed and that he recommended the vote be postponed to the next meeting so the personnel matters could be discussed in executive session since personnel matters shouldn't be discussed in front of the public.

It was confirmed that the term would be for 1 "calendar-year."

There was further discussion about qualifications of members for the strategic planning committee, enough time to review the candidates and submission of lists from the Board members of their candidates.

There was an addition to the Township's newly formed Finance Committee.

Upon motion and second (Klaver/ Thorpe) the Board approved the addition of Pat Sullivan to the Township's Finance Committee.

### New Business: DCPD Brandywine Battlefield Strategic Landscapes Task Force

Upon motion and second (Klaver/ Murphy) (Thorpe abstained) the Board approved the following residents: Debbie Reardon, Dave Poston, George Thorpe and Bob Craig, to work with the Delaware County Planning Department on the Brandywine Battlefield Strategic Landscapes, involving non-invasive archeological studies.

### New Business: Conference Room Access

Chairman Klaver commented that there must be a level of trust and integrity among the Township's staff, committee members and elected officials.

Upon motion and second (Klaver/ Murphy) the Board reversed the decision made at the regular meeting of Wednesday, March 6, 2013, restricting access to the conference room by Township committee members and elected officials.

### Committee Reports

Written committee reports and minutes were submitted. Fire Marshal Mike Daily gave a presentation of his duties and responsibilities and Chadds Ford Township's Fire Marshal. He detailed the following: liaison to Concordville Fire and Protective Services; submitted reports to the Delaware County Fire Board; conducting investigations, inspections and retrieving emergency contact information for businesses; reviewing plans; hosting fire prevention programs at schools and the goal of CPR classes at the Township's municipal building; his relationship with the PA State Police; reviewing residential burn, blasting and special events permits (such as fireworks); developing a fire alarm permit, special burn permit, inspection report and emergency contact sheet for businesses; and, discussed goals.

### Public Comment

Dean Camp, Baltimore Pike, thanked the Board and Solicitor Donaghue for their findings against 681 Webb Road hosting corporate events at their residential home. He also said that he understands the appeal process and hopes that the Township vigorously defends its side.

Anna Marcotte, Webb Road, echoed Mr. Camp's opinion with agreement.

Gail Force, Southpoint, reported a hugh tree leaning across the road on Webb Road. She also reported seeing car(s) parked in the Township's municipal parking lot when it is apparent that no one is occupying the building.

Vicki Hoxter, Painters Crossing, asked for clarification between the workshops and regular meetings. She also inquired if the Township's municipal building could be used as a warming station in the future if power failure is experience again as it was during the recent February ice storm. Manager Lizza explained that the workshop is informational and the regular meeting is judicial. She also reported that plans are in the works to set-up the Township's municipal building as a warming station for future hazardous weather events. Manager Lizza also stated that the county must inspect warming stations every time they are set up. There was additional discussion about using CodeRed to get the message out to the residents.

### Adjournment

Upon motion and second (Murphy/ Thorpe) the regular meeting was adjourned at 8:52PM.

Respectfully submitted,  
Matt DiFilippo, Secretary