

Draft of 06/27/13

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Meeting  
Wednesday, June 5, 2013  
7:00PM

Officials Present:

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

Call to Order

Deb Love called the meeting to order at 7:01PM

Public Comment

Samantha Reiner, Webb Road, commented that she had heard from Dan Cohen who reported that six Municipalities within Delaware County have joined the Consortium of Government in the effort to negotiate their individual Comcast Franchise Agreement Contracts with Comcast; Chadds Ford Township's Act 537 Plan and whether or not certain survey's or studies can be done separately to save the Township money; and, the 2013 Road Program and the Township awarding the contract to Alan Myers and dismissing A.F. Damon because of not renewing their PENNDOT prequalification.

Bill Delany, Creek Road, commented on public comment during meetings and offered the Board a suggestion to allow public comment before and after an introduction of a topic, and that discussion between the Board and residents will only offer better solutions to Township issues.

Vice Chairman Thorpe and Chair Love both responded to Mr. Delany that the Board used to allow comment before and after and that the Workshop meeting Mr. Delany alluded to is a meeting to prepare for the regular monthly meeting so the Board has asked the public to limit comment to what's on the agenda.

Supervisor Klaver acknowledged that the Board should give thought to Mr. Delany's comments; however, ground rules during meetings are necessary to ensure mutual respect.

Tom Kerwin, Webb Road, agreed with Mr. Delany and reiterated that the Board should allow public comment before and after topics to be discussed.

Paul Koch, Baltimore Pike, asked about the timeline concerning the proposed Neighborhood Commercial Overlay Zoning District Ordinance, and whether or not the Township has incurred charges for the proposal.

Solicitor Donaghue responded and explained the process. Manager Lizza assured Mr. Koch that the developers have reimbursed the Township for all charges associated with the process.

Rhona Klein, Ridings Way, also explained the process pertaining to how developers approach Townships and the billing procedures. She also asked about the Woodlawn Trustees proposed development in neighboring Township of Concord and if they are selling portions of their land to continue to fund open space than would this include selling the open space in Chadds Ford Township.

Engineer Mastronardo responded that Woodlawn has expressed every intent of maintaining their property in Chadds Ford as open space.

Valerie Hoxter, Painters Crossing, reported that she was recording the meeting.

Engineer Mastronardo responded to earlier questions pertaining to the 537 Plan, explaining the process, procedures and reasoning for the study, and that the proposed cost is a higher estimate than was is hoped to be expected.

Samantha Reiner, Webb Road, commented that conducting a 537 Plan invites developers.

Supervisor Klaver commented that the Township is required to provide sewage planning for the community and that the 537 Plan is needed since the last comprehensive update was over 15 years ago. The cost will in all likelihood be reduced since a portion of the study will benefit the Sewer Authority and that portion will be reimbursed to the Township. Also, the study contemplates an inter municipality agreement which it is expected that such cost will be reimbursed by developers.

#### State Police Report

A written report was submitted.

#### Approval of Minutes

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved the April 3, 2013 Regular Meeting minutes.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved the April 18, 2013 Special Meeting minutes.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved the May 1, 2013 Regular Meeting minutes.

## Supervisors' Report

The Supervisors reported an Executive Session on June 4<sup>th</sup> after the Workshop dealing with LST and BPT collections, the Comcast Contract, personnel issues and sewer related requests.

The Supervisors also reported an Executive Session prior to tonight's Regular Meeting, June 5<sup>th</sup>, dealing with the 2012 Audit, pending litigation and continued conversation regarding LST and BPT collections.

Solicitor Donaghue recommended the Board to rescind the March 26, 2013 motion to authorize the collection of LST and BPT taxes not paid between 2007 and 2012, and to entertain a motion to collect BPT taxes between 2007 and 2012, and LST taxes for 2012 only.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved to rescind the Board motion of March 26, 2013 authorizing collections of LST and BPT taxes between the years of 2007 and 2012.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved to authorize the collection of BPT taxes not paid for the period of 2007 until 2012.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved to authorize the collection of LST taxes not paid for the year 2012 only.

Supervisor Klaver commented that the Board should go back and collect unpaid taxes for fairness to those businesses who have paid the taxes and for fiduciary responsibility reasons. He also discussed the burden upon employers concerning LST collections and that only going back one year, 2012, to collect is easier for employer's to identify what they owe.

## Manager's Report

Manager Lizza submitted a written report. She announced upcoming Zoning Hearing Board applicants, and event attendance with the Fire Marshal.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved extending the Higgins Signal Maintenance contract.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved the Allpower Generator contract.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved the proposed Bamboo Ordinance before the Planning Commission.

Manager Lizza reported on the following topics: the Township Budget, Stonebridge – 681 Webb Road and unpermitted uses, and Pescatore's – 1810 Wilmington Pike unpermitted work. There was further discussion about Pescatore's, 1810 Wilmington Pike.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved the requirement to receive a Subdivision and Land Development application from Pescatore's, 1810 Wilmington Pike before any continued work can take place.

Treasurer's Report

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

GENERAL FUND

General Fund Unrestricted Balance: \$787,356.87

RECEIPTS

Miscellaneous Collections and TWP Reimbursements: \$41,870.73  
Real Estate Tax Collections (March 20 – 31, 2013): \$167,576.56  
Real Estate Transfer Tax (March 2013): \$5,631.57  
Verizon Franchise Fees (2013, 1<sup>st</sup> Qtr.): \$11,871.91  
Comcast Franchise Fees (2013, 1<sup>st</sup> Qtr): \$12,119.69  
TOTAL RECEIPTS: \$239,070.46

DISBURSEMENTS:

Bills, Wages and ACH Payments: \$76,251.30  
CFT Open Space Fund from Real Estate Tax Collections \$56,705.58  
CFT Capital Improvement Fund “ “ \$18,429.27  
TOTAL DISBURSEMENTS: \$151,386.15

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved General Fund Disbursements in the amount of \$151,386.115.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved additional General Fund Disbursements for the following bills which arrived after the formal financial reporting: PECO Electric, Chester Water Authority, Allpower Generator and the removal of the PennPower Generator Contract fee from the reported disbursements.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously approved the Capital Fund Disbursement in the amount of \$2,700.00 to BMSI for permitting software.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved the release of an SEO Escrow held for 441 Ring Road returning \$357.50 to the homeowner and retaining \$592.50 to reimburse the Township for unpaid engineering invoices.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously approved the release of a Grading Escrow held for 154 Heyburn Road retaining the total amount of \$800.00 to reimburse the Township for unpaid engineering invoices.

### Engineer's Report

Engineer Matsronardo submitted a written report. He discussed the bidding procedure and award for the 2013 Road Program.

Upon motion and second (Thorpe/ Klaver) the BOS unanimously moved to award the 2013 Road Program Contract to Alan Myers, the lowest qualified bid in the amount of \$161,997.00.

### Old Business

The Comcast Franchise Agreement Contract and options was presented by Solicitor Donaghue.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously decided to accept the Cohen proposal and join the Consortium of Government pertaining to the Comcast Franchise Agreement Contract.

The Alternate Energy Ordinance was presented for action.

Upon motion and second (Klaver/ Thorpe) the BOS unanimously authorized to advertise the Alternate Energy Ordinance.

### New Business

The HARB Ordinance was discussed. A court reporter will be present at the next Regular Meeting for adoption of the Ordinance.

### Committee Reports

Debbie Reardon, Chair, Open Space, reported that the Brandywine Valley Scenic Byway was featured in a local magazine.

### Adjournment

Upon motion and second (Klaver/ Thorpe) the meeting was adjourned at 8:50PM.

Respectfully submitted,

Matt DiFilippo, Secretary