

Draft of 6/4/2014

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Meeting
Monday, May 12, 2014
7:00PM

Officials' Present

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

The regular meeting was preceded by the continuation of a Conditional Use hearing for the applicant, Audi, regarding their intent to open and operate an Audi car dealership at 1421 Wilmington Pike.

Exhibits were entered into testimony and Solicitor Donaghue confirmed that there was no opposition to the Audi dealership's plans for 1421 Wilmington Pike.

Upon motion and second (Murphy/ Klaver) the Board closed the hearing. Motion passes.

Call to Order

Chairman Klaver called the regular meeting to order at 7:15PM.

Approval of Minutes

Upon motion and second (Murphy/ Klaver) the Board approved the workshop minutes of March 26, 2014. Motion passes.

Upon motion and second (Murphy/ Klaver) the Board approved the regular meeting minutes of April 2, 2014. Motion passes.

Supervisors' Report

The Supervisors reported executive session meetings on April 30 about personnel and legal matters and again on May 12 about legal matters. A public meeting was held May 13 regarding the 537 Plan. Chairman Klaver also urged residents to donate to Concordville Fire and Protection in their recent appeal.

Manager's Report

Manager Lizza submitted a detailed written report. She announced the following: upcoming CPR and AED training, attendance at April's PSATS conference and workshops attended, 537 Plan

update, Township inspector Barb Kearney's departure and recent committee meetings held. She requested the following motion to formalize the recommendation from the Auditor, Maillie, Inc.

Upon motion and second (Klaver/Murphy) the Board adopted to expense all items less than \$5,000.00 as our capital program as recommended by our outside auditors. Motion passes.

Treasurer's Report

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

GENERAL FUND

April 2014 General Fund Unrestricted Balance: \$510,275.51

RECEIPTS

Miscellaneous Collections and TWP. Reimbursements:	\$29,978.24
March 2014 Monthly Deed Reconciliation:	<u>\$14,768.15</u>
TOTAL RECEIPTS:	\$44,746.39

DISBURSEMENTS

Bills, Wages and Vendor Payments:	\$71,022.14
Arthur J. Gallagher Insurance Renewals:	<u>\$16,236.60</u>
TOTAL DISBURSEMENTS:	\$87,258.74

Upon motion and second (Murphy/ Klaver) the Board approved total disbursements out of the General Fund for the month of April 2014 in the amount of \$87,258.74. Motion passes.

OPEN SPACE FUND

The April 2014 Open Space Fund balance was reported as being \$1,280,025.28.

ESCROW FUND

Upon motion and second (Klaver/ Murphy) the Board authorized the release of a \$6,392.39 land development escrow pertaining to New Horizon's Church on Baltimore Pike. Motion passes.

Upon motion and second (Klaver/ Murphy) the Board authorized the release of a \$950.00 SEO escrow pertaining to septic work completed at 3 Carriage Path. Motion passes.

Upon motion and second (Klaver/ Murphy) the Board authorized the release of a \$950.00 SEO escrow pertaining to septic work completed at 350 High Ridge Road. Motion passes.

Engineer's Report

Engineer Mastronardo submitted a detailed written report. He announced the following: the

status of the environmental cleanup at 1751 Wilmington Pike. He requested the following motion.

Upon motion and second (Klaver/ Murphy) the Board authorized escrow release #2 for Garnet Ford, Wilmington Pike, subject to completion and review by the engineer of additional landscaping, specifically 4 trees within 60 days. Motion passes.

Chairman Klaver inquired about the stormwater pipe through the berm at 500 Brandywine Drive. Engineer Mastronardo reported that the stormwater pipe was not on the approved plan and needs to be removed to which he issued a memo and suggested the Zoning Officer issue an enforcement notice. Chairman Klaver requested Manager Lizza to confirm that the memo and enforcement notice are sent to Calvary Chapel, 500 Brandywine Drive.

Old Business: HARB Recommendation – Standards and Guidelines (Buildings & Signs)

Upon motion and second (Klaver/ Murphy) the Board approved HARB's recommendations of Standards and Guidelines for Buildings and Signs. Motion passes.

Old Business: Resolution 2014 – 16: Not Your Average Joe's Restaurant Liquor License

Upon motion and second (Murphy/ Klaver) the Board approved Resolution 2014 – 16, Not Your Average Joe's Restaurant Liquor License R-6316.

Discussion

Solicitor Donaghue confirmed that any and all alcohol sales are restricted to the interior of the building. Bill Keffer, attorney for applicant, requested to have outdoor dining addressed at an upcoming Supervisors' meeting. Chairman Klaver responded that will be considered taking into consideration neighboring Springhill Farms' residents' concerns. Supervisor Murphy suggested signs be displayed that no alcoholic beverages are allowed outside and that employees need to be aware of this condition as well as restricting the language more within the resolution clarifying that the service and consumption of alcoholic beverages must take place within the building. Mr. Keffer confirmed that he will follow through and Solicitor Donaghue confirmed the language within the resolution will be changed. MaryAnne Booth, Springhill Farms resident, inquired as if there were restrictions on the liquor license for outdoor dining to which Solicitor Donaghue responded that outdoor dining is a separate issue and that will be dealt with by the Township's Planning Commission and then in front of the Board of Supervisors at a later date.

Resolution 2014 – 16: Motion passes.

New Business: Resolution 2014 – 17, Audi, 1421 Wilmington Pike, Preliminary Plan Approval

Upon motion and second (Murphy/ Klaver) the Board approved Resolution 2014 – 17, Preliminary Plan Approval for Audi at 1421 Wilmington Pike. Motion passes.

New Business: Resolution 2014 – 18, Brian McFadden, 1516 Wilmington Pike, Sewage Facilities Planning Module

Upon motion and second (Murphy/ Klaver) the Board approved Resolution 2014 – 18, Sewage Facilities Planning Module for Brian McFadden at 1516 Wilmington Pike. Motion passes.

New Business: Resolution 2014 – 19, Ruggeri’s, 1546 – 1550 Wilmington Pike, Conditional Use and, Ordinance 127: Map Amendment

Upon motion and second (Murphy/ Klaver) the Board approved Resolution 2014 – 19, Conditional Use approval for Ruggeri’s Cadillac at 1546 – 1550 Wilmington Pike, and Ordinance 127 the Map Amendment changing the parcel from a Business (B) zone to a Business-1 (B-1) zone allowing an auto dealership by conditional use. Motion passes.

New Business: Resolution 2014 – 20, Dickinson & Epp, 1244 – 1250 Baltimore Pike, Lot Line Change

Upon motion and second (Murphy/ Klaver) the Board approved Resolution 2014 – 20, a lot line change for 1244 – 1250 Baltimore Pike, Dickinson & Epp.

Discussion:

Supervisor Murphy requested the motion be tabled because the item wasn’t on the Supervisors’ Workshop agenda. Lou Dickinson, applicant, Dickinson & Epp, explained that he requested this item be on the agenda because he’s going to settlement on the property. Manager Lizza explained that this resolution is re-affirming the resolution passed at the end of 2013. Because the older resolution is outside of the 90-day time period allowed by the MPC to record the plan, a re-affirmation is needed. Chairman Klaver confirmed that all conditions will continue to apply, and that this is just a re-affirmation of an old resolution.

Resolution 2014 – 20: Motion passes.

New Business: Ambulance Run Card

Upon motion and second (Murphy/ Klaver) the Board approved the updated ambulance run card. Motion passes.

New Business: Authorization to Provide the 2014 Commercial Rental List to Keystone Collects for Processing and Approval of BPT for Renters for 2014 and Prior Years

Upon motion and second (Murphy/ Klaver) the Board authorized the Manager to provide the 2014 Commercial Rental List to Keystone Collects for processing and approval of BPT for renters for 2014 and prior years.

Discussion:

Chairman Klaver reported that input was received from the Township’s newly formed finance committee, and that the committee didn’t reach a consensus on collecting prior years. Supervisor

Murphy expressed that he wanted to hold off his decision as to whether to collect prior years BPT on commercial rental properties.

Motion passes with amendment: to not seek prior years BPT at this time and just collect 2014 and forward.

New Business: Motion to Create an Operating Reserve Fund allocating within the General Fund \$250,000

Upon motion and second (Murphy/ Klaver) the Board approved to create an operating reserve fund allocating within the General Fund \$250,000.

Discussion:

Chairman Klaver explained that this operating fund would only be used to cover expenditures after approval from the Board.

Motion passes.

New Business: Motion to Create a Maintenance Open Space Fund allocating within the Open Space Fund \$37,000

Upon motion and second (Murphy/ Klaver) the Board approved to create a maintenance open space fund allocating within the Open Space Fund \$37,000.

Discussion:

Chairman Klaver explained that this operating fund would be used to maintain a property if a property were acquired using Open Space Funds.

Motion passes.

New Business: Comcast Contract: Request Authorization to advertise the ordinance to adopt the Contract on June 4, 2014

Upon motion and second (Murphy/ Klaver) the Board approved advertising the ordinance to adopt the Comcast Contract on June 4, 2014. Motion passes.

New Business: Request the Planning Commission to Perform the Following: Update Township Ordinances and Review the Comprehensive Plan and Make Recommendations

Supervisor Murphy announced that the Board of Supervisors would like the Planning Commission to update the Township's ordinances and review the Township's Comprehensive Plan and make recommendations to the Board of Supervisors.

New Business: Not Your Average Joe's Request for Vestibule Expansion Waiver

This item was tabled until next month's meeting.

New Business: Intermunicipal Wastewater Service Agreement with Concord Township

Upon motion and second (Murphy/ Klaver) the Board approved the Intermunicipal Wastewater Service agreement with Concord Township.

Discussion:

Chairman Klaver explained the agreement with Concord Township and that it is being set-up because of the Brandywine Mills development which straddles both Townships. Concord Township will be taking the development's wastewater thus an intermunicipal agreement was formed. Engineer Mastronardo explained that a corresponding Sewage Facilities Planning Module for the applicant needs to be incorporated and approved in conjunction with the intermunicipal agreement.

The motion was tabled until the next meeting.

Committee Reports: Planning Commission

Craig Huffman, Chairman of the Township's Planning Commission reported on the Planning Commission's activities, specifically reviewing or addressing the following plans and projects: Not Your Average Joe's restaurant, J. Grace Development plans, Ruggeri Cadillac, Audi and consulting with Delaware County Planning Department and the Township's Zoning Task Force regarding the Township's zoning map.

Both Chairman Klaver and Supervisor Murphy thanked the Planning Commission for their work and summarizing the meetings.

Public Comment

Bill Kirkpatrick, Birmingham Township Supervisor, commented that he has significant reservations about the proposed J. Grace Co. development of Oakland and Brintons Bridge Roads, and Wilmington Pike primarily because of traffic. The Board assured him that the Planning Commission and the Board of Supervisors is taking everything into consideration regarding the J. Grace Co. development sketch plan submitted and that when formal plans are submitted Birmingham Township will receive them.

Adjournment

Chairman Klaver adjourned the meeting at 9:15PM.

Respectfully Submitted,

Matt DiFilippo
Secretary