

Chadds Ford Township Board of Supervisors Meeting
October 9, 2002

M I N U T E S

OFFICIALS PRESENT: James E. Shipley, Chairman
Deborah Love D'Elia, Vice-Chairman
George Thorpe

OTHERS PRESENT: Donald T. Petrosa, Esquire, Township Solicitor
James P. Kelly for James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector/CEO
Bruce Prabel, Roadmaster
William Taylor, Chairman, Planning Commission
Ed Wandersee, Chairman, Zoning Hearing Board
Kathy Wandersee for HARB

Jim Murray, Chairman, Sewer Authority
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Shipley called the meeting to order at 7:32 PM. The Pledge of Allegiance was said.

PUBLIC COMMENT

Mr. Shipley welcomed the public and commented that it appeared everyone was aware of the revised date of the meeting.

Susan Darrell of 101 Bell Fair something?? stated that both she and her husband were unequivocally opposed to the widening of Brinton's Bridge Road. Mr. Shipley acknowledged the opposition, but replied that PennDOT is the moving authority on that project. Mr. Prabel will address the issue in his Roadmaster Report.

STATE POLICE REPORT: No Report was available.

APPROVAL OF MINTUES:

Mr. Shipley asked Mrs. Furlong if she had been able to make corrections to the proposed the Minutes as suggested by Mr. Thorpe. Mrs. Furlong responded that she had made those corrections.

MOTION TO APPROVE MINUTES

Upon motion and second (Thorpe, D'Elia) the Supervisors unanimously approved Minutes of the Board of Supervisors Meeting of September 9, 2002.

REPORTS:

SUPERVISORS – DEBORAH LOVE D'ELIA:

Mrs. Love D'Elia reported that during the month of September, Supervisors had attended the following meetings:

- v On September 10, 2002, there was a meeting of the Sewer Authority, the Financial Advisory Board of the Township and Michael Wolfe, financial planner of Dolphin and Bradbury, to outline what the Township would want with a 537 Plan with the existing plant at the Ridings. There was also discussion as to what financial actions Chadds Ford might need to take to insure proper cash flow and insure that the correct financial decisions are being made with that plant. Those in attendance agreed that a five year growth plan be defined by a consultant that the Sewer Authority had used in the past.
- v On September 26, 2002, there was a second meeting on the Route 1 Feasibility Study. In attendance were Mrs. Love D'Elia, one other Supervisor, a member of the Planning Commission, a member of the Sewer Authority, the Township Engineer and the Code Enforcement Officer. The meeting was to more specifically clarify what benefits the study will provide the Township. It was determined that the study will provide the beginnings of a Comprehensive Plan, the last of which was revised in 1972. Land use and sewer infrastructure will be incorporated to provide a unified plan for future growth and development as related to the Route 1 corridor.
- v On October 3, 2002, a meeting was held in Mr. Kelly's office. In attendance were Mr. Shipley, Mrs. Love D'Elia, Mr. Prabel and the Township Traffic Engineer. The purpose of the meeting was to seek assistance from PennDOT to keep the now temporary light at Ring Road in operation permanently. As a result of the meeting, Mrs. D'Elia has drafted a letter to PennDOT addressing safety matters, school bus issues, poor design of the intersection, etc. Mrs. Love D'Elia asked that the Board approve same. Expediency is necessary with the near completion of the Route 100 bridge and PennDOT's plan to disassemble the light. There is significant support from both the community and the School Board. The Board members voiced their agreement and directed Mrs. Love D'Elia to send the letter.
- v The second meeting of the Financial Advisory Board was held on October 8, 2002. Attending were Mrs. Love D'Elia, Mrs. Mary Kot and Mrs. Maryann Furlong. Representatives from two banks presented information on municipal packages their institutions offer that would improve interest income and eliminate bank charges for the Township. The banks also offer interest bearing escrow management accounts that would simplify that responsibility for the Township Secretary. A decision will be made prior to the next Board of Supervisors meeting.
- v Delaware County Drug and Alcohol Advisory Committee has identified the week of October 23rd-October 31st as Red Ribbon Week to support drug and alcohol awareness in the schools. The Committee has asked all municipalities in Delaware County to adopt a resolution supporting same.

MOTION TO ADOPT RESOLUTION NUMBER 8 – RED RIBBON WEEK

Upon motion and second (D'Elia, Shipley) the Supervisors unanimously approved the motion to declare October 23rd – October 31st Red Ribbon Week in Chadds Ford Township via Resolution Number 8.

SUPERVISORS – GEORGE THORPE:

Mr. Thorpe made a presentation to the Township as a member of the Board of Directors of the Brandywine Battlefield Park Associates. In appreciation for Chadds Ford Township's donation of funds to the Capital Campaign and the use of the Ring Road field for the event on September 22nd, Richard Bowers, President, had sent a letter of special thanks to the Supervisors. Mr. Thorpe read the letter into the record and a copy is attached hereto for review. Mr. Thorpe presented a special Battlefield flag to the Township. Mr. Shipley expressed his thanks.

TREASURER:

Total of all funds as of September 30, 2002	\$ 931,522.88
Total of all receipts as of September 30, 2002	\$ 95,133.49
Total of all disbursements as of September 30, 2002	\$ 91,883.41

A typographical error had been discovered in the Engineer's Report which reduced that expenditure to \$27,245.10, thus the corrected total of all disbursements was \$ 83,725.18.

MOTION TO APPROVE TREASURER'S REPORT

A motion was made (Thorpe, D'Elia) and unanimously passed by the Supervisors to approve the Treasurer's Report of October 9, 2002, and disburse funds as presented therein with the noted adjustment.

ROADMASTER:

Mr. Prabel presented the following Roadmaster's report:

- v Route 100 Bridge - Construction remains on schedule for opening to traffic by November 5th.
- v Rt 1 & Ring Road Signal Retention – Action with PennDOT to convert this traffic signal from temporary to permanent status upon completion of the Rt 100 bridge project is as follows: the Board of Supervisors plan to forward a letter to PennDOT formally requesting conversion of the Ring Road signal to permanent status, and confirm instructions to Kelly Engineers to provide the appropriate signal permit application confirming our previous verbal communications with PennDOT; we have requested letters of support from our State Representative Stephen E. Barrar, the Unionville/ Chadds Ford School District, St. Cornelius Church (School), and the Brandywine Battlefield organization, and enlisted support from our newly elected State Senator, Dominic Pileggi. Mr. Prabel asked that Kelly Engineers submit the appropriate signal application permit to PennDOT. Mr. Shipley expressed the strong support on behalf of the Board for this action, including the Township's paying for the maintenance of the light because of its benefit to the community. Mr. Shipley further stated that it would be appreciated if anyone in the audience would write a letter to State Representative Barrar or PennDOT in support of this effort.

MOTION TO APPROVE SIGNAL APPLICATION – ROUTE 1 and RING ROAD

Upon motion and second (Thorpe, D'Elia) the Supervisors unanimously directed Kelly Engineers to submit the appropriate signal application permit to PennDOT in reference to the traffic signal at Route 1 and Ring Road and to accept responsibility on behalf of the Township to maintain same.

- v Hillman Drive Signal – A DUI auto crash damaged the control box and components for the new signal at Hillman Dr. & Rt 202. The signal is temporarily operational, and Signal Service Inc. has been dispatched to repair the signal equipment to original condition. Preliminary indications are the repairs will be extensive, and we will need to recover these repair costs from the responsible party's insurance company. A police report is being provided to the Township's Solicitor for that purpose. Mr. Petrosa suggested that Mrs. Furlong make the appropriate claim to the Township's insurance company.
- v Applied Card Way Signal (at Re. 202) – This new signal has been added to our contract with Signal Service Inc. According to previous agreements with Applied Card Systems, the continuing operational and maintenance costs for this signal will be provided by them.
- v Turner's Mill Entrance Paving – It is planned that paving the entrance to the Township's Turner's Mill Property be included in the current "Heyburn Road Culvert" construction contract, and that the Board of Supervisors are to confirm that action this evening.

There is approximately twenty feet to driveway to pave with a high spot estimate of \$1500.

MOTION TO APPROVE PAVING COSTS FOR TURNER'S MILL PROPERTY

Upon motion and second (Thorpe, D'Elia) the Supervisors unanimously approved inclusion of the cost to pave the entrance driveway, approximately twenty feet, to the Turner's Mill property in the costs of the Heyburn Road Culvert Replace contract.

Loop Road Liquid Fuels Funds – Although PennDOT personnel would be responsive to including these funds in the current audit, the requirements for formal dedication and supporting documents by their modified October 14th deadline is impractical for the estimated \$800.00 involved. Mrs. Love D'Elia commented that the hold up on the opening of the Loop Road hasn't been on Township's side, either legal or engineering. The developers have agreed to reimburse the Township for any amount lost in Liquid Fuel reimbursement if the deadline is missed.

- v Brinton's Bridge Road Impact on George Brinton House Historic Property – The potential eminent domain acquisition of a portion of this property by PennDOT is being considered as part of the long term planning for the major "Rt 202 Corridor" project. Delaware County Planning Department is a continuing, very pro-active participant in promoting alternative planning to protect the historic area of Chadds Ford. Kathy Wandersee of DCPD offers her opinion that a letter from the Board of Supervisors to PennDOT contributing Chadds Ford Township comments of support for specific historic preservation related to this long term project would be helpful. She has offered to assist in drafting such a letter for the Supervisors to consider authoring.

Mr. Shipley asked Mrs. Wandersee if the letter would address specific locations. Mrs. Wandersee replied that it could be very specific and that she will forward same to the Supervisors for their review. Mr. Thorpe stated that he has been involved in this plan for a number of years and it is apparent that PennDOT wants to eliminate all cross traffic by the installation of jug handles at various intersections. Mr. Shipley suggested that the Township go on record and identify specific areas. Susan Darrell, local property owner, added that she had already written to PennDOT suggesting many alternatives to a jug handle at that intersection. Mr. Shipley thanked her for that effort. The Supervisors agreed to support an effort to ask PennDOT to consider preservation of historic lands at specific intersections within Chadds Ford Township. In order to ensure the Township's representation, Mr. Shipley directed Mrs. Furlong to apply to PennDOT to add Mr. Thorpe's name as a consulting party pursuant to Section 106 to insure receipt of all future notices of PennDOT meetings. Mr. Taylor is to designate an alternate member from the Planning Commission to attend those meetings.

- v Webb Road Traffic Study Request – A request from the Fox Hollow Homeowners Association has been received requesting a traffic study of Webb Road relating to speed limits as well as placement of stop signs at Hunters Lane. Webb Road is a state secondary road under PennDOT's jurisdiction. Consulting with Birmingham Township with whom we share Webb Road, they have offered to provide the necessary support letter if we choose to request a traffic study from PennDOT. As the Board of Supervisors considers whether to request a PennDOT traffic study, however, they offer the following comments: Birmingham Township has had few resident complaints and

recorded only one accident in this area; stop signs cannot be justification for speed control; the sight distances in both directions likely cannot meet the PennDOT warrant requirement for stop signs at that intersection; and their current request for a traffic study on a short section of Brinton's Bridge Road is over a year old without PennDOT action, in spite of repeated follow-up.

Mr. Shipley asked for Mr. Prabel's suggestions as to what realistically could be done.

Mr. Prabel suggested a

request for a speed limit reduction and perhaps signage along the road that doesn't presently exist. Mr. Shipley suggested that if the Township requests a traffic study of that road, perhaps the results would include speed reduction. Mrs. Love D'Elia suggested that reduction of the speed limit is only as good as the enforcement, and that might be questionable considering the limited resources of the State Police. Mr. Shipley stated that he would support requesting the State Police to monitor the area during school bus stops.

PLANNING COMMISSION:

Mr. Taylor presented the Planning Commission's Report for the meeting of September 25, 2002.

The Planning Commission of Chadds Ford Township met in the Township Building on Wednesday, September 25, 2002. Present were William J. Taylor, Maurice Todd, Fred Reiter and new member, Anthony Cutrona. Also in attendance were J. P. Kelly of Kelly Engineers and Sabina J. Taylor, Secretary Pro tem. The meeting was called to order at 7:40 p.m.

PUBLIC COMMENT - None

MINUTES - The minutes of the August 28, 2002 meeting were approved on a motion by Maurice Todd, seconded by Fred Reiter.

ROBBINS SUBDIVISION - Kathleen Farrell, Esq., representing Susan Robbins, reviewed the plans, last revised September 20, 2002, for the Robbins property located at the northwest corner of Harvey Road and Route 1. Ms. Farrell noted that staff comments from the Delaware County Planning Department recommend that the proposed subdivision be approved.

The revised plan addresses comments made in Kelly Engineers' review letter dated August 19, 2002. Kelly Engineers' review letter dated September 20, 2002 was discussed. Fourteen waivers have been requested. The items under Subdivision/Land Development have been addressed. Items numbered 20 and 21 under Additional Comments need to be resolved. Mr. Kelly said that the intent of comment number 20 regarding the location of the well in question is to have an accurate plan for recording with the Delaware County Recorder of Deeds. He also noted that the typographical error on the zoning tables relating to rear yard setbacks appears to be corrected on the revised plans dated September 18, 2002. Additionally, one of the side yard indicators is labeled as a rear yard setback. Although minor, this typographical error should also be corrected.

Mr. Reiter inquired about access to Route 1. Mr. Kelly explained that no Penn Dot driveway permit has been issued for access to and from Lot 1 to Route 1.

It was determined that the color rendering of the plan has been received by

the township as required. In response to a question from Mr. Taylor, Ms. Robbins agreed that, although the barn is pretty, she will see that it is removed upon final plan approval by the Township Board of Supervisors. It was explained that the barn must be removed because it will encroach on the required rear yard setback of Lot 1.

On the condition that the well be shown and the minor typographical error corrected on the plans submitted to the Supervisors, Maurice Todd recommended approval of the Robbins subdivision. Mr. Cutrona seconded the motion and it passed unanimously.

CORNERSTONE - Tim Smith, of Chester County Innovation, discussed Kelly Engineers review letter dated September 20, 2002. Most of the issues have been resolved. Mr. Smith noted that, after they are finalized, easement agreements for the driveway seepage bed on Lot 1 and the common driveway will be sent to the Township Solicitor for his review. Comment number 13 relating to the planting of replacement trees will be referred to the Supervisors for their consideration. Discussion followed regarding necessary tree removal. Maurice Todd motioned to recommend approval of the Cornerstone Subdivision providing all remaining items are completed before the plans are submitted to the Supervisors for their approval. Fred Reiter seconded the motion and it passed unanimously.

66A BULLOCK ROAD - Gary Scheivert, representing William F. Mahoney, current owner of this property, presented a sketch plan for subdividing the 7 acres into three 2 acre lots. Mr. Mahoney plans to sell the property and, to help establish the value, he would like feedback from the Planning Commission regarding the possibility for subdivision. The Planning Commission discussed their concerns relating to the fact that Township Subdivision and Land Development Ordinance limits the number of properties that may access a private lane or driveway, and Old Orchard Lane currently far exceeds the limit of four on a private lane. This existing condition predates the ordinance limiting the number to four. Possible solutions were discussed. Mr. Scheivert thanked the Planning Commission and said he will relay their comments to Mr. Mahoney.

On a motion by Fred Reiter, seconded by Maurice Todd, the meeting adjourned at 9:00 p.m.

ZONING HEARING BOARD:

Ed Wandersee, Chairman, reported that the Zoning Hearing Board met on September 18, 2002, at 7:00 PM at the Township Building for a continuation of the August 21st meeting on a variance request on the Mantchouris property on Marshall Road regarding a front yard set back in connection with an existing residence which is currently non-conforming and a planned addition to the house. No testimony was entered in opposition or by any other party. The variance was granted upon conditions to be set forth by solicitor Francis Sbandi. The next meeting is scheduled for October 16, 200, at 7:00 PM in the Township Building.

HARB:

Reporting for HARB was Mrs. Kathy Wandersee. A meeting had been held on Monday evening, October 7, 2002. Elections were held with Gary Sharp being selected to serve as Chairman and Kathy Wandersee as Secretary.

The first review was an application made by Jeffrey Yamas of the Brandywine River Hotel. The owner had requested to put shutters on the front of the hotel. The Board granted a certificate of appropriateness by a 4-3 vote.

MOTION TO APPROVE APPLICATION OF BRANDYWINE RIVER HOTEL

Upon motion (Thorpe, D'Elia) the Supervisors unanimously approved application of the Brandywine River Hotel for the installation of shutters, the specifications of which had been presented to the Historic Architectural and Review Board of Chadds Ford Township.

The second application was on behalf of the Brandywine Conservancy for a building on Route 1 known as the John Smith???? House, currently under restoration. The Bureau of Labor and Industry has requested an exterior fire escape. HARB denied certificate of appropriateness to this application as to the fire escape on the Route 1 side. Mr. Shipley directed Mrs. Wandersee to write a letter to Mr. Duff on behalf of the Township stating HARB's findings.

The third application heard was again made by the Brandywine Conservancy for the storage barn being built across the street from the Township building. The request was to change previous plans for the exterior finish to beige stucco. HARB had no objection to this change to the original plan that had already received a certificate of appropriateness.

Discussion also ensued as to the barn on the Robbins property that is pending demolition and whether or not there was any historic significance to the structure. It could not be determined that the barn was a historic structure.

SEWER AUTHORITY:

Mr. Jim Murray presented the Sewer Authority report for the month of September, 2002.

RIDINGS STP - The plant's thruput for the month was 657,000 gallons. The average gallons per day was 21,900 and the average over the past three months was 21,062 gallons per day. The September volume includes forty (40) new connections to the plant, with a balance of twelve (12) connections to be resolved for total completion.

ST. CORNELIUS – SCHOOL – The above thruput volume includes 16,000 gallons transfers from the school's holding tanks in the month of September, or five (5) truck loads at 3,200 gallons.

RIDGE ROAD SEWER CONSTRUCTION PROJECT – An invitation was advertised to bidders through the Delaware County Daily Times and The Business Exchange and in addition, thirty (36) faxed invitations to bid were issued by the Sewer Authority. All construction permits are now in hand. A Pre-bid conference was held in the Township Hall on October 4th. The bid opening is scheduled for October 11th at 3:00 PM. Notice of the award will be issued at the Sewer Authority's public meeting on October 15, 2002, pending responsive receipt and legal review of the bids.

OTHER ISSUES – There was no activity on Marshall Road nor was there any on the Village projects.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER:

During the month of September, 2002, the following permits were issued:

Zoning Permits	-	6
Building Permits -	7	
Plumbing Permits	-	7
Grading Permits -	2	
Sign Permits	-	2
Demolition Permits	-	1
Sewer Lateral Permit	-	3

ENGINEER'S REPORT:

James P. Kelly presented the Engineer's Report for the month of September, 2002. 2002 ROAD PROGRAM – As built elevations were taken along Summit Road in response to a complaint regarding drainage from the road onto the properties. It was determined that the crown has been re-established and drainage conditions along Summit Road have been improved. Plans were available for the Supervisors review.

HEYBURN ROAD DRAINAGE STUDY – Nine bids were received and opened on September 20 for this project. The low bidder was Rittenbaugh, Inc., at the bid price of \$54,135.00. A bid tabulation sheet is available at the Township office for review. Mr. Kelly had reviewed the references and recommends that the contract be awarded to Rittenbaugh, Inc.

MOTION TO AWARD BID FOR THE HEYBURN ROAD CULVERT REPLACEMENT PROJECT

Upon motion and second (Thorpe, D'Elia) the Supervisors unanimously voted to award the contract for the Heyburn Road Culvert Replacement Project to Rittenbaugh, Inc., of Phonexville, Pennsylvania, in the amount of \$54,135.00

APPLIED CARD SYSTEMS – We have received record plans of this project for recording. However, the affidavit as not been completed, signed and notarized. Therefore we cannot recommend the plans be signed until proper signatures and seals are affixed.

SOLICITOR'S REPORT:

Developers Agreements had been prepared for three different developments, but the only one ready for signature was Dr. Gray's, which had been properly signed and accompanied by checks for \$76,600 representing the improvement cost escrow and \$5,000 representing the security deposit escrow under the agreement.

As to the Applied Card situation, Mr. Petrosa didn't have an objection to the plans being signed and released to the Township Engineer, but the plans could not be released to the applicant for recording until a number of issues are addressed. Mrs. Love D'Elia stated that there apparently is a question of urgency involved because Concord Township will not issue a certificate of occupancy until Chadds Ford has agree that all obligations have been fulfilled. Mr. Petrosa stated that the primary issue the Township needs to be concerned about is that the traffic signal will be maintained and the electricity paid for by Applied card. The amount of escrow needs to be determined to enter into the agreement. Applied Card will issue a letter of credit. Mr. Petrosa also wants a memorandum of the Development Agreement and the Security Agreement to be recorded with the Recorder of Deeds Office so that if the property transfers in the future, any and all obligations will move with the land. Mr. Shipley suggested and the Supervisors agreed that they will make

arrangements during the month to sign the necessary documents once the outstanding issues have been addressed.

Mr. Petrosa further stated that monies have been included in escrow to cover Applied Card's obligation to remove the traffic light when the Loop Road goes through. Separate records of Signal Service's cost for maintenance and insurance costs will have to be kept.

OPEN SPACE COMMITTEE:

The Open Space Committee met on September 12th with four members in attendance. Members present discussed Township properties currently under subdivision, the Delaware County Open Space survey and a model ordinance which would require tracts of land zoned for two acre lots to set aside forty percent open space or else meet certain restrictions. The Township Supervisors had been asked at the September 9th meeting to send a letter to the County, which had been drafted by the Open Space Committee, concerning mapping. Mrs. Love D'Elia will see that it is sent and revisions regarding the reimbursement issue. The next Open Space meeting was scheduled for October 10th at 7:00 PM.

TOWNSHIP PROPERTIES COMMITTEE:

Mr. Thorpe reported that there had been no recent meetings. The agreement with the Kachele Group was ready to be signed on the Turner's Mill study. The Committee was also awaiting finalization of the report from Kelly Engineers. Mr. Wandersee and Mr. Thorpe also have to meet to work on Mother Sister Archie's Church property. Once the documentation is in order, meetings can be scheduled.

EMERGENCY MANAGEMENT COORDINATOR:

Mr. Prabel reported in Mr. Wenrich's absence that Phil had completed 120 hours of FEMA course work, which is the entire course and has received all of the appropriate certificates. This gives Mr. Wenrich federal status to act in any state of the country.

FIRE MARSHALL COMMITTEE:

Mr. Shipley reported that there had been two meetings of the Fire Marshall committee with input from a variety of people from other townships and information as to how they approach the Fire Marshall and open burning regulations. It is hoped that a meeting this month will produce recommendations for the Supervisors to consider on those two items.

FINANCIAL ADVISORY BOARD:

Mrs. D'Elia reported that the Township's accountant had presented a proposal as to financial training for the Treasurer, but that after discussion with Mrs. Furlong, the hourly recommendations in the proposal had been decreased. Mrs. Furlong will meet with a representative of Elko Associates next week to see exactly what services are needed before Mrs. Love D'Elia recommends payment.

Members of the Board are also asking neighboring municipalities for cost comparisons for services provided by their auditors. The Board is waiting for that information before appointing an auditor for Chadds Ford for the upcoming year.

OLD BUSINESS

LOOP ROAD:

Mrs. Love D'Elia reported that the Township has done everything necessary to facilitate the opening of the Loop Road, however, there remain legal problems among the various developers. Those developers are accepting responsibility for the Township missing the Liquid Fuel deadline for that length of road and have agreed to reimburse the Township for the monetary amount involved.

APPLIED CARD SYSTEMS: Previously covered.

ROUTE 1 CORRIDOR FEASIBILITY STUDY: Previously covered

ROAD RENUMBERING PROGRESS REPORT:

Mrs. D'Elia wanted to publicly state that now she, too, in addition to the other Supervisors, has been advised that her address is to be changed.

Mr. Thorpe stated that Township Tax Collector, Charles Weigold, had undergone surgery and Mr. Thorpe had been out of town, but within the next few weeks they will try to get everything finalized for the mailing of official notification of the new numbers. Mr. Thorpe suggests that people wait for official notification from the Township before changing numbers. He plans to contact not only Chadds Ford, but also Glen Mills and West Chester post offices to advise them of the changes.

Clara Todd reported that on her way to the meeting earlier that night, an ambulance had been lost on Harvey Road. It went up and turned around in someone's driveway, then came back down and found the right driveway. The Supervisors asked that this be noted in the minutes.

Mr. Thorpe will also respond to a request by Delaware County Emergency Management Systems for the name of a contact person for a complete listing of addresses.

Mrs. Furlong will notify residents that changes should not yet be effectuated. She will also notify the Postmistress at Chadds Ford Post Office.

NEW BUSINESS

ROBBINS SUBDIVISION:

Kathleen Farrell, Esquire, was present on behalf of Susan Robbins and reviewed the application for a lot line change that had been before the Planning Commission. Mr. Petrosa stated that the plan suggested that the barn will be removed, which normally would not require a Development Agreement, but typically the removal of a structure is the same as if someone were adding improvements, necessitating an escrow fund. Mr. Jensen asked if Mrs. Farrell has any idea of the age of the barn. She replied that it appears to be no more than twenty-five years old. Mr. Jensen suggested that if he can physically look at the barn, the Township could probably handle the removal by the issuance of a demolition permit to expedite matters. This would satisfy the HARB Board and had been discussed at Monday night's meeting. Mr. Jensen is to look at the barn to make a determination.

Mr. Kelly spoke to two issues still outstanding. One being verification of well

placement on the plan and a minor typo that had not been corrected, an S should be an R.

Mr. Taylor stated that Planning Commission had made it clear that those revisions needed to be made prior to the Board granting approval. Mrs. Farrell will sign an extension form and the Supervisors tabled approval until the November 13th meeting.

TRAMMELL CROW RESIDENTIAL RE-ZONING REQUEST:

Lawrence Strohm, Esquire, made a presentation on behalf of Trammell Crow, a premier multi-family real estate company based in Atlanta, Georgia. The company specializes in the development, construction and management of quality multi-family rental housing. Trammell Crow is considering development of a sixteen acre parcel currently owned by the Lenz family with frontage on both Brinton's Bridge Road, Oakland Road and Route 202. At the present time, two-thirds of the property is zoned PBC and the western one-third portion along Oakland Road is zoned R1 residential to the depth of 350 feet. Apartment use is not permitted in either the PBC or the R1 zoning districts. Mr. Strohm's intent was to determine the Township's interest in the re-zoning of the property to permit Trammell Crow to develop the parcel into a high-end apartment complex. Mr. Strohm proceeded to summarize the current use of surrounding sites.

Mr. Shipley asked for specific information regarding the adjoining property owners. Mrs. Darrell, a local resident, offered information regarding the site map.

Mr. Strohm introduced Chip Bay, Regional Development Partner for Trammell Crow, operating out of the Washington, DC office, to review a concept plan. The plan calls for building 200 apartment units. An amenity package would include club house, pool, game room and conference room. Trammell Crow has developed in Thornbury Township, with the Cherry Farm development ongoing at the present time.

Mr. Shipley asked if there has been any attempt to get reactions from neighbors. Mr. Bay replied not as yet. There was discussion as to the availability of public water and sewer, traffic problems that already exist at nearby intersections, and the effect that the development would have on adjoining municipalities. Mr. Strohm stated that there was no intention of building without the availability of public sewer and water.

Mr. Shipley stated that his initial reaction towards zoning changes is normally towards the negative, but that he is not beyond considering different options. Mr. Strohm will discuss the issues further with Township Solicitor Don Petrosa.

WAWA APPLICATION FOR ZONING VARIANCE TO ALTER SIGN PACKAGE:

Mr. Petrosa summarized the application of WAWA, Inc., regarding four signs that are currently at the store in the Village area of Chadds Ford and a proposal to replace those signs. Mr. Jensen stated that the two signs already in existence can be maintained as non-conforming, but not altered, thus the request for variance. Mr. Jensen further stated that HARB has no input on signs.

Mr. Shipley asks if there is a consensus among the Supervisors to send Mr. Petrosa to the hearing to oppose the request. Mr. Shipley favors opposition and would ask that WAWA make a proposal that falls within the Township's existing sign ordinance. Mr. Murray also suggested that the Township be careful to set precedents for the future. Mr. Jensen says height issue may not be an issue because of the variance that had been granted the Sunoco property.

Mr. Thorpe suggested that the Supervisors inform WAWA of their dissatisfaction with the request and ask for a revision that would come closer to specifications in the

ordinance. Mr. Shipley and Mrs. Love D'Elia both agreed. Mr. Shipley further stated that if the company wants to pursue the request as now presented, the Board will oppose it.

Mr. Petrosa was authorized to communicate the sense of the Board to the applicant and if WAWA wants to move forward with the application as currently presented, Mr. Petrosa should oppose same on behalf of the Township. WAWA will have the opportunity to present to the Board at the November 13th meeting.

COMCAST FRANCHISE CABLE AGREEMENT:

Mr. Shipley stated that he was prepared to move forward on the adoption of the agreement. Mr. Thorpe commented on the issue of consumer satisfaction. Mr. Shipley stated that there is an opportunity to receive reports from Comcast's complaint log which would be reflective on the level of service being provided. Mrs. Furlong is to contact Comcast for copies of any and all reports available. Mr. Petrosa presented a Resolution to Supervisors for review.

MOTION TO ADOPT RESOLUTION NUMBER 9 – CABLE FRANCHISE AGREEMENT

Upon motion (Thorpe, Shipley) the Supervisors unanimously approved Resolution Number Nine that approves the cable franchise agreement between Chadds Ford Township and Comcast Cablevision of Pennsylvania.

PROPOSED BED and BREAKFAST ORDINANCE:

Mr. Petrosa reviewed the proposed ordinance and spoke to parking, signage, historical significance, number of employees, minimum acreage, length of stays, record keeping, etc. He stated that the proposed ordinance would allow a Bed and Breakfast to operate in any residential zoning district in the Township. Mr. Thorpe asked if he was correct in that food service would be provided only to registered guests. Dr. Sabanayagam replied that was correct.

Mr. Shipley expressed his personal feelings that the Township should move forward with such an ordinance, but would most likely favor an increase in the minimum acreage requirement. Mr. Petrosa suggested that a proposed zoning amendment could be sent to the Planning Commission for review. Mr. Shipley suggested the informal route and asked the Planning Commission to review. It also appeared that the Delaware County Planning Commission would be amenable to making informal comments on the proposal.

Mr. Thorpe suggested that it would be useful to ascertain which properties within the Township might qualify for such use. Mr. Jensen stated that the signage requirements should be removed and added as an amendment to the existing sign ordinance.

Dr. Sabanayagam stated that he and his attorney had reviewed the ordinances of both Pennsbury and Thornbury Townships (Delaware County) in creating the proposed ordinance and their submission was a hybrid of both. The Supervisors appreciated the withdrawal of the independent dining option.

PLANNING COMMISSION SECRETARY THANK YOU

Mr. Shipley expressed his appreciation to Mrs. Sabina Taylor for her service as Secretary for both Planning Commission and Sewer Authority over the past many months.

ADJOURNMENT:

Upon motion (Thorpe, Shipley) the meeting was adjourned at 10:04 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary