

Chadds Ford Township Board of Supervisors Meeting  
November 13, 2002

M I N U T E S

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

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, Planning Commission  
Ed Wandersee, Chairman, Zoning Hearing Board  
Jim Murray, Chairman, Sewer Authority  
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER:

Mr. Shipley called the meeting to order at 7:30 PM. The Pledge of Allegiance was said.

SPECIAL PRESENTATION:

Ed Wandersee, Chairman of the Board of the Unionville-Chadds Ford School District, and Jim Shipley, Chairman of the Board of Supervisors, presented a special award to Jason Trigg, a freshman at Unionville-Chadds Ford High School, who placed third nationally in the 2002 Math Counts Competition in Chicago.

PUBLIC COMMENT

Chadds Ford resident Margot Waitz requested that the Board of Supervisors consider revising an existing Township restriction against plumbing in outbuildings. Mr. Shipley stated that the Board is not unsympathetic to problems that the restriction creates, but it is there to prevent the building of second family homes or rental properties in single family residential zoning areas. The Supervisors would most likely be receptive to revising the ordinance if an acceptable alternative is presented. Mr. Shipley asked Mr. Petrosa to draft a proposed revision and Dr. Waitz volunteered to serve on a committee to consider alternatives with George Thorpe as Chairman and Richard Jensen as a member.

STATE POLICE REPORT:

No report was available, however, it was reported that there has been a change in command at the Media Barracks and monthly reports should be forthcoming after the new year.

*MOTION TO APPROVE MINUTES:*

Upon motion and second (Thorpe, D'Elia) the Supervisors unanimously approved minutes of the Board of Supervisors meeting of October 9, 2002, draft dated 11/12/2002 –

9:49 PM.

REPORTS:

SUPERVISORS REPORT – MR. THORPE

Mr. Thorpe reported that a meeting had been held with the Sewer Authority to hear an updated presentation by a consultant regarding sewage treatment along the Route 1 corridor from the Village to Route 202. The feasibility study will review how many plants will be needed to service the corridor, effects upon zoning ordinances and feedback on Township economics, as well as other topics.

Mr. Thorpe also announced that a wine and cheese fund raising event sponsored by the task force to save Camp Sunset Hill was scheduled for November 17<sup>th</sup>. This is part of a community effort to save the site from development. Informational flyers are available.

SUPERVISORS REPORT – MRS. LOVE D’ELIA

Mrs. Love D’Elia reported that another meeting had been held to discuss the Loop Road on October 30, 2002. Legal issues between the dedicating entities still remain outstanding, but there has been progress.

A representative from Senator Pileggi’s office had contacted Mrs. Love D’Elia regarding the possibility of submitting a grant application for restoration funds for a building within the Township. With the help of Mr. Wandersee, a grant application was submitted. If approved, the grant, if granted, would provide \$5,000 towards the partial restoration of Mother Archie’s church.

Mrs. Love D’Elia further reported that if approved, a second grant application out of Representative Steven Barrar’s office would provide \$5,000 for fire company and \$5,000 for the Turner’s Mill feasibility study.

TREASURER’S REPORT:

Mrs. Furlong presented the Treasurer’s Report for the month of October, 2002, a copy of which is attached hereto.

	Total all funds as of October 31, 2000
\$935,820.04	
	Total all disbursements on November 13, 2002
\$ 94,006.42	
	Total all receipts for October, 2002
\$187,464.23	

*MOTION TO APPROVE TREASURER’S REPORT*

Upon motion and second (D’Elia, Shipley), the Board of Supervisors unanimously approved the Treasurer’s Report of November 13, 2002, and payment of bills as presented.

ROADMASTER’S REPORT:

Mr. Prabel presented the Roadmaster’s Report, a copy of which is attached hereto.

#### PLANNING COMMISSION:

Mr. Taylor updated the Supervisors with a review of Planning Commission minutes of the October 30, 2002, a copy of which is attached hereto. Mr. Shipley asked that the Planning Commission continue to work on the proposal for a Bed and Breakfast ordinance with Dr. Sabanayagam before same is presented to the Board of Supervisors.

#### ZONING HEARING BOARD:

Mr. Wandersee reported that the Board had met on Wednesday, October 16, 2002, at 7:00 PM at the Township building to review the variance application of Drs. Manin and Waitz, Top of the Oaks. The application sought relief from setback requirements in order to erect a detached garage, pool house and swimming pool in an R-1 residential district. After testimony was taken, the application was denied by a vote of 2-0.

#### HARB:

HARB had nothing to report for the month of October, 2002.

#### SEWER AUTHORITY:

Mr. Murray presented the Sewer Authority's Report, a copy of which is attached hereto. Mr. Thorpe asked if recent heavy rains had caused any problems created by increased flow. Mr. Murray replied that although he was starting to see an increase in flow, no problems were evident at this time. Mr. Shipley encouraged all interested to attend the monthly Sewer Authority meetings that are open to the public. Dates are available from the Township Secretary.

#### BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER:

Mr. Jensen reported that during the month of October, 2002, the following permits had been issued: 5 sign permits (1 denied); 1 demolition permit; 1 commercial alteration; 1 residential alteration; 1 new home; 1 for a shed and garage; 2 certificates of occupancy for new businesses (1 denied and 1 pending further information).

#### ENGINEER'S REPORT:

Mr. Kelly presented the Engineer's Report, a copy of which is attached hereto. A change order was attached for consideration for additional paving necessary to address residents' complaints regarding storm water flow on Summit Drive. Discussion ensued among the Supervisors.

#### *MOTION TO APPROVE CHANGE ORDER – SUMMIT DRIVE*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved a motion to approve the change order and increase the contract price by \$6,300 for repairs to Summit Drive in the areas so designated by Kelly Engineers.

Mr. Shipley asked the press to publish information regarding the closure of Heyburn Road through November 20, 2002, for the culvert replacement work.

#### SOLICITOR'S REPORT:

Mr. Petrosa reported that he is still attempting to conclude all necessary requirements on the Applied Card matter, but thus far, documents from counsel for the parties are still deficient in a number of areas. These problems are being addressed.

Mr. Petrosa had corresponded with State Farm Insurance Company regarding damage to the Hillman Drive traffic signal. State Farm had accepted responsibility on behalf of their insured.

Mr. Shipley asked Mr. Petrosa's opinion as to the dedication issue on the Loop Road and whether the Township should take fee simple versus right of way. Mr. Petrosa responded that based on prior discussions, the Township should seek fee simple. At present, an easement from Dickinson is an outstanding item and Henderson will be presenting a deed for the right of way. There apparently is a hold up on the part of in-house counsel for the Henderson Group. Mr. Shipley explained the legal ramifications of the procedure to those present.

#### OPEN SPACE COMMITTEE:

No report was available, however, Mrs. Love D'Elia reported that a letter had been redrafted for submission to Andrew Reilly of Delaware County Council requesting reimbursement of expenses incurred by the Township for mapping. As soon as Mrs. Love D'Elia receives a figure for the Township's expenses, the letter will be sent. Mr. Wandersee offered to provide the dollar amount.

#### PROPERTIES COMMITTEE:

Mr. Thorpe reported that site and building evaluations for Turner's Mill are ongoing.

#### EMERGENCY MANAGEMENT COORDINATOR:

Mr. Wenrich plans to attend an emergency response seminar presented by Delaware County on behalf of the Township.

#### FIRE MARSHALL COMMITTEE:

Mr. Shipley reported that the Committee had met in October and there was a consensus to recommend to the Board of Supervisors that an open burning ordinance be considered with certain restrictions, such as burning of natural vegetation only. There was also a recommendation that adoption of a Fire Marshall Ordinance be considered, to include both inspection and enforcement responsibilities by the Township. Mr. Shipley is attempting to prepare a first draft for review by the other Supervisors and the solicitor.

#### FINANCIAL ADVISORY BOARD

Mrs. Love D'Elia reported that the Board had met on November 6, 2002. At that time, it was the consensus to move bank accounts from First Union to Commerce Bank. A resolution to do so will be presented under New Business. Board members also recommended approving a proposal of Elko Associates to provide financial training in the areas of general fund monies and invoicing to recover engineering and legal fees. Total cost for those consulting costs will be \$2500. The appointment of Township auditors for 2003 will take place in January at the reorganization meeting after the requisite legal advertising has been accomplished. The recommendation of the Financial Advisory Board was to retain Elko Associates as auditors for 2003, with costs likely to run approximately \$9,000.

#### *MOTION TO APPROVE CONSULTING FEES – ELKO ASSOCIATES*

Upon motion and second (D'Elia, Shipley) the Board of Supervisors unanimously approved the expenditure of not more than \$2500 for Elko Associates to set up general accounts and automate invoicing.

#### *MOTION TO AUTHORIZE LEGAL ADVERTISING – 2003 AUDITOR*

Upon motion and second (D'Elia, Thorpe) the Board of Supervisors unanimously approved a motion to authorize the Township Secretary to place the necessary thirty (30) day legal advertisement regarding the intent of the Board of Supervisors to appoint an auditor to replace the elected auditors to perform the audit for the year ending December 31, 2002, and perform the duties of the elected auditors for the year 2003.

#### OLD BUSINESS

#### ROAD RENUMBERING

Mr. Thorpe reported that road renumbering is very near completion. However, the tax maps being used do not always show where structures are, thus making it difficult to find people on the properties where they are supposed to be. An official notification letter has been drafted and will be issued on Township letterhead. Distribution will start with roads where the renumbering is completed, such as Bullock Road, Ring Road, Oakland Road and Heyburn Road. Mrs. D'Elia stated that the Postmaster at Chadds Ford was agreeable to implementing new numbers after the holiday season and that it would take approximately two to three weeks to input the new numbers in the post office's computer. Mr. Wenrich will coordinate the new numbers with the Fire Board. Emergency Services in Delaware County also needs to see what we are doing in order to enact the plan. Letters should be sent out by end of the month.

#### FINAL APPROVAL ROBBINS SUBDIVISION – ROUTE 1 and HARVEY ROAD

Kathleen Farrell, Esquire, representing Ms. Susan Robbins, presented final subdivision plans to reset the dividing line between Lot 1 and Lot 2, which would reduce the size of Lot 2 to approximately 2 acres and increase Lot 1 to approximately 10 acres. Delaware County Planning Commission had raised the issue of possible historical significance of an existing barn that will need to be demolished. However, Ms. Farrell stated that the barn was clearly built at the time of the new construction and needs to be demolished to be in compliance with setback requirements. Mr. Petrosa and Mr. Kelly concurred that all minor corrections to the plan had been made. Mr. Jensen suggested that he will view the barn to make sure it is not in conflict with HARB, issue the demolition project, have Mrs. Robbins remove the barn as quickly as possible, then have the Board of Supervisors approve the plans and release same for recording.

#### *MOTION TO APPROVE ROBBINS SUBDIVISION PLAN*

Upon motion and second (Thorpe, D'Elia) the Board of Supervisors unanimously approved the subdivision plan of Susan Robbins dated August 6, 2002, last revised on November 12, 2002, changing the lot lines as set forth in the plan, with the provision that the Board hold the plans until the Zoning Officer has had an opportunity to inspect the existing barn to determine historical significance, if any, the issuance of a demolition permit to allow Ms. Robbins the opportunity to demolish and remove the structure, then the release of the approved plans.

## NEW BUSINESS

### 2003 PROPOSED BUDGET

Mrs. Love D'Elia presented a rough draft of the 2003 Township budget and explained how the new line item format would be an improvement over past years. The new format will also be used to produce monthly reports showing how actual costs are running against amounts budgeted. The Supervisors will continue to revise the budget, which was some \$15,000 shy of covering projected expenses. In formatting expenses, a ten percent increase had been added to current year expenses, but projected receipts had basically been kept the same. Mr. Shipley stated that the proposed budget will be posted for public inspection later in the month and the appropriate legal advertising will be made. Comments will be taken at the December Board of Supervisors meeting, revisions will be made and the final 2003 budget will be adopted before the end of December.

### *MOTION TO AUTHORIZE SECRETARY TO ADVERTISE THE 2003 BUDGET*

Upon motion and second (Shipley, D'Elia), the Township Secretary was authorized to advertise the 2003 budget as being available for public inspection as soon as so advised by the Board of Supervisors.

### WAWA SIGN PROPOSAL

A presentation was made by Michael Gill, Esquire, representing WAWA Corporation, Chuck Olivo of Brandywine Valley Engineers and Ivan Jackson from WAWA to replace two of the signs at the WAWA store located in the village of Chadds Ford. Current signage includes a roof mounted sign, a 14 square foot freestanding wooden sign (externally illuminated), a projecting sign outside the doorway, and a small wooden sign on the Route 100 corner. WAWA is proposing: replacement of the roof mounted sign from 24 square feet to 25 square feet (to be internally illuminated to increase visibility), and removal of the 14 square foot wooden sign to be replaced with a 27.4 square foot (internally illuminated) sign to stand at a height of 13.5 feet (current sign is 13.1 feet). Mr. Gill stated that the rationale moving the application is that going northbound on Route 1, the Sunoco sign blocks the WAWA sign from oncoming traffic. Mr. Shipley expressed his belief that WAWA should stay within the parameters of Township ordinance 64J, which allows for a 20 square foot sign on the building. It was the consensus of the Board that unless the application is amended to keep the signage square footage the same as it now exists or reduce it, the Township would oppose the variance request. The Supervisors had no objection to the internal lighting of the signs or the moving of the signs to make them more visible.

### *MOTION TO OPPOSE ZONING VARIANCE APPLICATION OF WAWA, Inc.*

Upon motion and second (Shipley, Thorpe) the Board of Supervisors unanimously agreed to have the Township solicitor attend the upcoming Zoning Hearing Board meeting to oppose the application for variance by WAWA, Inc.

### BRANDYWINE BATTLEFIELD MAINTAINANCE BUILDING EXPANSION

Mr. Jensen reported on a proposal of the Brandywine Battlefield to demolish the existing maintenance building and erect a new building on the same footprint. The expansion would occur away from the property line with existing homes. The Supervisors indicated preliminarily they had no objection.

RESOLUTION NUMBER 2002-10 - SEWER AUTHORITY WIRE TRANSFERS

Ms. Love D’Elia explained past procedures for payment of the Delaware Valley Regional Finance Authority loan. The Financial Advisory Board and the Sewer Authority had agreed that there was no need for the Township to act as an intermediary in this payment and suggested authorizing the Sewer Authority to transfer these funds by wire.

*MOTION TO ADOPT RESOLUTION 2002-10*

Upon motion and second (D’Elia, Thorpe) the Board of Supervisors unanimously adopted Resolution 2002-10, which would allow the Chadds Ford Township Sewer Authority to make direct wire transfer payment to the Delaware Valley Regional Finance Authority to satisfy the loan carried by Chadds Ford Township on their behalf.

RESOLUTION NUMBER 2002-11 – COMMERCE BANK

Mrs. D’Elia stated that Resolution 2002-11 would authorize Commerce Bank to become the depository for Township funds per the suggestion of the Financial Advisory Board.

*MOTION TO ADOPT RESOLUTION 2002-11*

Upon motion and second (D’Elia, Shipley) the Board of Supervisors unanimously authorized the change of the depository for Township funds from First Union Bank to Commerce Bank to be effective immediately.

APPOINTMENT OF ANIMAL CONTROL OFFICER

Mr. Shipley reported that a proposal and fee schedule had been received from Allen Strickler to act as Animal Control officer for wild animals within the Township. Payment of the fee will be the responsibility of the individual who calls Mr. Strickler.

*MOTION TO APPOINT ANIMAL CONTROL OFFICER*

Upon motion and second (Shipley, D’Elia) the Board of Supervisors unanimously appointed Allen Strickler to act as Animal Control officer for the Township to take care of wild animals, dead or alive.

RELEASE OF ESCROW FUNDS

Upon motion and second (Shipley, Thorpe) the Board of Supervisors unanimously approved the release of escrow funds as listed, subject to confirmation that all bills have been paid.

	Peter J. Brookes	-	\$ 700.00 Grading Escrow
	Gary G. Whalen	-	\$ 700.00 Grading Escrow
	Bunch Auction	-	\$ 5000.00 Developer’s
Agreement			
	Bunch Auction	-	\$ 700.00 Grading Escrow
	St. Cornelius Church	-	\$ 700.00 Zoning Hearing Board
Escrow			
	St. Cornelius Church	-	\$ 700.00 Grading Escrow
	St. Cornelius Church	-	\$ 4,000.00 Land Development
	Harry L. Gray	-	\$ 3,500 Land Development
	Carlton Pools	-	\$ 700.00 Grading Escrow

ADJOURNMENT:

Upon motion (Thorpe, Shipley) the meeting was adjourned at 9:42 PM.

Respectfully submitted,

MARYANN D. FURLONG  
Township Secretary