

## **CHADDS FORD TOWNSHIP**

### **Board of Supervisors Meeting Minutes**

**February 6, 2002**

The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, February 6, 2002. The meeting was called to order at 7:35pm. Present were Jim Shipley, Deborah Love D'Elia and George Thorpe. Also present were Solicitor Donald Petrosa and James C. Kelly of Kelly Engineers and Richard Jensen.

Mr. Shipley opened the meeting by introducing PA Representative Stephen Barrar, in attendance to make a presentation to Amanda Wenrich. Representative Barrar presented the Township with a United States and Pennsylvania state flag. Mr. Barrar then presented eighth grader Amanda Wenrich with a Pennsylvania state flag. He also presented Amanda with a citation prepared by the House of Representatives of the Commonwealth of Pennsylvania for her achievements and awards in karate, along with a letter from the Governor of Pennsylvania. Mr. Shipley offered congratulations to Amanda.

Stephen Barrar then addressed the audience by reminding all that we should be thankful to Representative Matt Ryan for helping to push the schedule forward on the Route 100 bridge repairs. He then gave his web address ([www.barrar.com](http://www.barrar.com)) and invited everyone to contact him with any problems or questions.

### **PUBLIC COMMENT**

Mr. Shipley opened the floor for public comment and started by inviting attending representatives of PennDot to address the audience regarding the Route 100 bridge closure. In attendance from PennDot were Madeleine Fausto (Project Manager) and Tim O'Brien (Project Management Administrator), along with Ted Genusca from Panoni Associates (Engineers for the project design). Ms. Fausto informed all that there have been additional signs installed at Smithbridge Road and that additional signs were on order for installation within the next week at Twadell Mill Road. She then discussed the installation of a temporary traffic light at the intersection of Route 1 and Ring Road. Ms. Fausto said that, based on PennDot's traffic signal warrant analysis, a temporary traffic signal is warranted at that location and will be installed within the next couple of weeks. The traffic signal will be in place as long as the bridge is closed. Once the bridge repairs are complete, the signal will be removed. Mr. Thorpe asked how the signals would operate. Mr. O'Brien answered that the signals will not be tripped, but that they were not prepared to discuss the timing, etc. at this meeting. They will send a copy of the operating plans to the Supervisors. Ms. Fausto then informed all that the adjustment of the Ring Road turning radius was completed the week before this meeting. The only outstanding item is the laying out of the wearing course. This was delayed due to cold weather, and will be completed as soon as there is a break in the weather.

Mr. O'Brien then handed out copies of the project schedule for the Route 100 Bridge repairs. He reviewed the schedule informing all that the projected finish date is fall of 2002 (20 months earlier than the original date). Mr. Shipley asked if there would be warning flashers on Route 1 leading up to the temporary light at Route 1 and Ring Road. Mr. O'Brien stated there would be no flashers, but that the light would be on flash for a period of fifteen days prior to its use. They will also put up "new signal" signs. Mr. Shipley also asked about the bridge further south on Route 100. He asked what the schedule was for repairing that one. Mr. O'Brien said that it is not on their list of repairs now. It is inspected on a 2 year cycle and is not in as deteriorated a condition as one might think by looking at it. Mr. Shipley said that he would like to make sure that what happened with the current bridge closing does not happen again – meaning the sudden closure. Mr. Shipley also suggested putting in an acceleration lane for the turn from Harvey Road onto Route 1 south. Mr. O'Brien said that would probably not happen. A resident then asked what it would take to make the temporary traffic light at Route 1 and Ring Road permanent. Mr. O'Brien said that the volume of traffic on Route 1, as well as that coming from Ring Road, must meet warrant analysis requirements. It meets the requirements now, but probably won't meet it once the bridge is opened. He also said that the Township would have to own and maintain a permanent signal. Harvey Kliman mentioned that there is still a serious problem with motorists turning into Chadds Ford Tavern from Route 1 south. Cars sit in the left lane going south waiting to turn into the Tavern. There is yellow striping on the road indicating that you should not turn there, but people are still doing it. He suggested putting up reflector poles to keep cars from making that turn. Mr. O'Brien gave his email address for any further comments or suggestions as [tobrien@dot.state.pa.us](mailto:tobrien@dot.state.pa.us).

Harvey Kliman asked for the agenda on the website as well as the PennDot project schedule. Mr. Shipley said that we would get the agenda out next time.

**STATE POLICE REPORT** – There was no report. Mr. Shipley said that beginning in March we will try to have the State Police report.

### **APPROVAL OF MINUTES**

**December 28, 2001** - Mr. Shipley noted that there was an effort made since the January meeting to find the tape recordings of the December 28<sup>th</sup> meeting, but as the tapes were not marked or dated, we could not find any tapes of that meeting. As such, it was not possible to confirm or deny the comments in question. Memory is what will have to serve for this approval. Mr. Shipley moved to approve the December 28, 2001 minutes subject to his comment from last meeting that the budget vote only was for approval of a summary budget as no budget details were distributed. Ms. Love D'Elia seconded. Mr. Thorpe said that he had copies of details for the budget that he believes everyone got on October 14<sup>th</sup>. Mr. Shipley asked if these details were distributed to the public. Mr. Thorpe was not sure. Ms. Love D'Elia said she was at the December 28<sup>th</sup> meeting as a member of the public, and the details were not distributed. Mr. Shipley and Ms. Love D'Elia voted yes, Mr. Thorpe abstained and the Board approved the minutes of the December 28, 2001 meeting with the qualification that the budget vote was for approval of a summary budget only as no budget details were distributed.

January 7, 2002 – Mr. Shipley called for a motion to approve the minutes from the January 7, 2002 meeting. Mr. Thorpe said that he could not approve them as he had just received them and had not yet read them. Mr. Shipley asked if they had been emailed and when. He also stated that he had received them and sent comments back. He asked Ms. Love D’Elia if she had read them and whether she made any changes. Ms. Love D’Elia said she had received them and sent back two comments. Mr. Shipley moved to approve the minutes as distributed. Ms. Love D’Elia asked Mr. Thorpe if he would like to postpone the vote until the next meeting. Mr. Thorpe said he would so he could have a chance to read them since he only received them right before the meeting. Ms. Hoxter said that she had emailed the minutes marked “draft” to all three Supervisors for their review and changes no longer than three or four days prior to this meeting. Mr. Thorpe asked Ms. Hoxter to check her emailing date and said he would check his email as well to see if he received them. Mr. Shipley said that the vote would be postponed until the next meeting.

## **REPORTS**

### **Supervisors**

Mr. Shipley asked that the minutes reflect that there was a meeting between Mr. Shipley, Ms. Love D’Elia and the Sewer Authority on January 18, 2002 to discuss St. Cornelius. He also informed all that he and Mr. Thorpe met with the Properties Committee on February 1, 2002.

### **Treasurer**

Mr. Shipley informed all that there would be no Treasurer’s report given at this meeting, but that it would be rolled in with the March report. Ms. Love D’Elia moved to pay the bills as presented. Mr. Thorpe seconded. Mr. Shipley, Ms. Love D’Elia and Mr. Thorpe voted yes and the Board approved payment of the bills as presented.

### **Roadmaster**

Bruce Prabel delivered his Roadmaster’s report (see attached). Mr. Shipley asked if there were any complaints about snow removal. Mr. Prabel said he received several. He also said he hoped after he had a chance to meet with Mr. Thorpe in the next month or so (as well as PennDot), he would be able to compile a snow removal process and priorities summary for residents. Ms. Love D’Elia suggested putting the summary on the website. Mr. Prabel said he would put them on the website and also hoped to have the Civic Association put them out as well as perhaps something in the paper. Mr. Thorpe mentioned that he included a similar summary in one of his reports last year that could be referenced.

### **Planning Commission**

William Taylor highlighted the minutes of the January 30, 2002 Planning Commission meeting

### **Zoning Hearing Board**

Ed Wandersee reported on a hearing held on January 16, 2002. This was the annual reorganization meeting resulting in voting of Ed Wandersee as Chairman and Diane Pendelton as Vice-Chairman.

The application of Tom McCann and Ken Sammut for a variance from Chadds Ford Zoning Code 12.31 6(g) and (n) concerning side and rear yard setbacks was the first order of business. There was no testimony from the public or other interested parties. Requests for relief were approved unanimously.

Also heard was a request from George and Roseann Mehring for setback variances applied to historic structures and current drive in the proposed subdivision of their 32.84 acre parcel into four parcels. Neighbors testified in support of granting the variances, and there was no negative input. The requests for relief were approved unanimously.

### **HARB**

HARB had nothing to report.

### **Sewer Authority**

Plant waste for January 2002 was 596,100 gallons which is 19,229 average gallons per day. The Longview Woodland Summit Sewer project should be completed by the end of February 2002. The pump station and generator should be on-line in early March 2002.

The Chester Water Authority project and hydrants are complete and on-line. The Sewer Authority is waiting for the results of the 547 Plan study from Mr. Kelly on the proposed plan to extend the sewer collection system on Ridge Road to the Heyburn Road intersection. Assuming all necessary approvals by March 2002, Mr. Murray projects a construction start date in early April. Phase I will be the Ridge Road collection line. Phase II will be the Raven Crest residential development.

Re: Chadds Ford Village Sewer project, the Sewer Authority has received maps of all Conservancy ground within the project area that may be available for land application of treated waste water as well as Township open area near Turner's Mill. The project will be designed for water recharge in wetlands and Conservancy owned open space. Mr. Heisler mentioned that over the next few weeks, the Sewer Authority will be revisiting the 537 Plan (which was designed and written in 1990-91) and new technologies that are available. They may also hire a feasibility engineer and intend to present new information to the public for debate. Mr. Heisler also asked the Solicitor to look into refinancing the loan at a lower interest rate and possibly borrowing more money to begin the Village project.

Mr. Heisler also requested an additional \$400-500 monthly stipend from the Township as the Authority is falling short of finances each month. In addition, they would like to put out a

quarterly newsletter, which would run approximately \$400. They miscalculated their Longview Summit charges (with 20-30 EDUs that will not pay for a while), therefore they would also like for the Township to cover the interest charges until the Authority receives the money. Ms. Love D'Elia suggested coordinating and distributing the proposed newsletter via road captains or similar means in an effort to save on costs. Mr. Shipley also suggested putting the information on the website immediately. Mr. Shipley introduced Paul Linsen as the newest member of the Sewer Authority.

### **Building Inspector/Code Enforcement Officer**

Mr. Jensen reported the issuance of the following permits during the January: 4 zoning permits, 3 building permits, 1 plumbing permit, 14 certificates of occupancy.

### **Engineer**

#### **St. Cornelius**

Engineer is preparing preliminary sanitary sewer plans for extension along Ridge Road to serve St. Cornelius Church property and some of the Raven's Crest properties and extension into Raven's Crest in the area of the Raven's Crest sewage pumping station and treatment plant service area.

#### **Bunch Auction House**

The Sewerage Permit for the on lot disposal system has been issued as noted in the SEO Report. The Engineer has also reviewed the draft of the Operation and Maintenance Agreement submitted by the applicant. Mr. Kelly recommended the agreement be amended to include a specific statement that the property will be connected to the Knight's Bridge sewerage system as soon as the parties can resolve the terms of sewerage service agreement. These amendments have been made and we are submitting the original and three copies for Township signature.

#### **Building Renumbering**

Mr. Kelly has revised the plan pursuant to comments received at the public meeting held last November and meetings with Supervisors Kliman and Thorpe in December. Copies of the plan are being submitted to Supervisors and the Solicitor for review and comment. The Engineer suggests that one more public presentation of the plan be scheduled before taking formal action to adopt the plan. Mr. Kelly has prepared a draft of an ordinance requiring house numbering for consideration.

Mr. Shipley asked if the Engineer could make 8.5 x 11 copies of the plan to hand out to residents at the next meeting. It was agreed that the Engineer would produce 11 x 17 sheets of various sections of the plan for handout at the next meeting. Mr. Shipley suggested one additional public meeting after the plans are handed out next month, and then hopefully we could approve the plans. Ms. Love D'Elia suggested also having the plans and handouts available during Township office hours for public review. Mr. Shipley agreed, but also wants to see the handouts at the next meeting. Mr. Thorpe mentioned that the areas that are currently marked "no change" should be revisited due to subsequent comments and suggestions.

A resident of Rocky Hill Road asked about presenting proposed numbering for his neighborhood. Mr. Shipley said that would be welcome, but suggested that he gather his neighbors together and come up with a consensus to present. The resident commented that the neighbors are putting something together to present. Mr. Shipley told him to present the suggestions to Mr. Kelly.

#### 2001 Road Program

The payment certificate for the road program that was submitted at the January 7<sup>th</sup> meeting has been amended to reflect withholding 10% until certain sections of the road are cleaned. Copies of the revised certificate were provided to the Township Secretary on January 30, 2002.

#### 537 Plan Amendment

As previously reported, the Engineer has received a letter from PaDEP approving the Plan of Study with some comments that will require expansion of the scope of work to address some unresolved issues in the present 537 Plan. PaDEP has extended the scope of study to include the service area of the Knight's Bridge Sewage Treatment Plant. We will concentrate on the Ridge Road and the Marshall Road sewage service areas first and then review the additional areas as stated in the PaDEP approval letter.

#### SEO Activity Report (see attached report for the period January 1 – 31, 2002)

Mr. Kelly had one item not on his report. He received an application for the traffic signal permit for Hillman Drive and Route 202. It requires a Resolution by the Township. Mr. Thorpe mentioned that this had been approved years ago when Henderson volunteered to put the light in, so all that is necessary is to re-approve the light that is there because it will now be installed. Mr. Thorpe also reminded that the Township is responsible for operating and maintaining this signal once it is installed. Mr. Thorpe moved to adopt Resolution 2002-1, which is the application for permit to install and operate a traffic signal at the Wilmington West Chester Pike Route 202 and Hillman Drive intersection. Ms. Love D'Elia seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board adopted Resolution 2002-1.

#### Solicitor

There is a zoning hearing scheduled for February 20<sup>th</sup> at 7pm to hear the application of William and Margaret Day who are requesting a variance for land at 402 Ring Road to erect a freestanding carriage shed. The shed will not be any closer to Ring Road than the dwelling currently is. Mr. Shipley said to let the Zoning Hearing Board handle this matter.

#### Open Space Committee

Lois Saunders informed everyone that the Committee attempted to meet in January but did not have a quorum. She also mentioned that the Chairwoman was not present at the January meeting. Ms. Saunders asked if the Board had received the revised ordinances from the Conservancy and the Natural Lands Trust. Mr. Shipley said the Board has a summary which they are waiting for the Open Space Committee to review and then discuss with the Board. Ms. Saunders said there had been no communication with anyone for a while, and they were

wondering where things stood. Mr. Thorpe mentioned that there was a summary distributed that was supposed to be re-worked after some suggestions made by the Board. Mr. Shipley said he hoped the Committee would meet in February and decide which direction they wanted to take. Ms. Saunders said the Committee was last instructed to wait on reaction from the Board based on revisions that the Conservancy and Lands Trust made. After some discussion on whether or not the Conservancy had submitted their revisions and to whom, Mr. Shipley asked Ms. Saunders to call the Conservancy and request a copy of their revisions. He then asked that they be reviewed at February's Open Space meeting and that the Committee present their comments to the Board. Ms. Love D'Elia asked Ms. Saunders if she was Acting Chair of the Committee. Ms. Saunders said she was not. Ms. Love D'Elia informed all that she communicated to Samantha Reiner who the new Committee members were after the Board's reorganization meeting in January. However, after the problem with attendance at the January Open Space meeting (as well as lack of communication), Ms. Love D'Elia wondered if the Board should communicate with Ms. Saunders until the Committee reorganizes. Ms. Saunders said that would be helpful, and Ms. Love D'Elia agreed to email new member information to Ms. Saunders.

### **Properties Committee**

The Committee met on January 18, 2002. All members of the Committee were present except for Phyllis Nolan and John Milner. Invited guests Mike Wolf and Ed Murray of Dolphin & Bradbury discussed options for funding any construction of the Turner's Mill property. They reviewed tax-free bonds and funds from organizations such as New Garden General Authority.

The Committee also met on February 1, 2002 to review what they had heard at the January meeting and to review options for the property – some of which were new ideas. The Committee agreed that what they need now is an economic estimate of any proposals in order for them to evaluate what should be done. Jim Duff volunteered to contact the contractor that the Conservancy uses to get the cost estimates. The next meeting will be scheduled after they get those estimates.

Mr. Shipley informed all that the Properties Committee is looking at all property owned by the Township, as well as what the needs of the Township are. Mr. Shipley's feeling has been for some time that the Township building may not provide all of the capability that is needed to function well as a Township. He then explained the plans for the back room – to have a desk for the Secretary-Treasurer to work at and keep current files. He also informed everyone that the Township has files stored at Shurgard. He said that they need to look at ways to satisfy the needs of the Township with the property that we have. Turner's Mill is one site that is being considered for some use. He hopes that the Properties Committee will eventually come up with a recommendation for Township residents to consider.

### **OLD BUSINESS**

#### **Brandywine Conservancy/SEPTA Subdivision**

##### **Brandywine Conservancy Subdivision Land Development**

John Mezzanotti appeared on behalf of the Conservancy. Mr. Mezzanotti reviewed the plan for the Board. He then reviewed a couple of items that required the Board's attention. The first

being the request for a cupola on the maintenance building. The cupola will cause the building height to exceed the requirements. However, the ordinance allows the Board to exempt the cupola from the height limitation. Mr. Mezzanotti informed all that HARB favors inclusion of the cupola. (See attached minutes with recommendations from the December 3, 2001 HARB meeting). Mr. Kelly informed all that he is satisfied with the plans as revised according to his recommendations. He recommends that the Board approve and sign the plans for him to take, and he will release them once he reviews and is sure that all issues have been addressed. Mr. Shipley asked for an explanation for the height as proposed. Mr. Mezzanotti then introduced Mr. Hume to discuss the details of the cupola. Mr. Hume informed everyone that the idea was to come up with a building that looked as much like an area barn as possible. When the Conservancy went before HARB, they actually recommended two cupolas – commonly found in this area. Mr. Shipley asked if the building's roof line is within the Township's ordinance height limitations. Mr. Jensen responded that the Conservancy was granted a variance on height of 1.5 feet – since the building is in a flood plain, the total building height is 7 feet above legal limit to the highest point of the roof. This does not include the cupola. Mr. Thorpe mentioned that the Board's history has been to try and stay within the ordinances so as not to start allowing towers, etc. Whether or not the cupola is objectionable to the Board, it may be objectionable to other people. Ms. Love D'Elia asked where the cupola would fall in relation to the tree line. Mr. Hume said the building has been placed away from the tree line and that the placement of the cupola centers the building on a large lot reducing the perception of the building's height. Mr. Thorpe confirmed that there was no bell in the cupola, but that it is merely decoration. Mr. Hume said that was correct. Ms. Love D'Elia asked about HARB's recommendations. Rich Jensen said they felt two would be more appropriate than one. Mr. Thorpe asked if the cupola would be lighted or be used for any other purpose. Mr. Hume said it would not, in fact that is why the issue falls before the Board because it is not a habitable or usable space.

After some discussion among the Supervisors, Ms. Love D'Elia moved to approve the SEPTA Subdivision plan as presented (sheets 1 through 3, dated 11/30/01, last revised 1/31/02), subject to final review and approval of the Township Engineer. Mr. Thorpe seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

Mr. Shipley moved to approve the Land Development plan (dated 1/15/02, sheets 1 through 16) subject to final review and approval by the Township Solicitor and the Township Engineer. Mr. Thorpe seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

Also relating to the Land Development plan, Mr. Shipley moved to allow the Township Code Enforcement Officer to issue permits for the Maintenance building with up to 2 cupolas (as determined by the Conservancy for aesthetic reasons) not to exceed 12 feet in height excluding the weathervane. Mr. Thorpe wanted to make clear that his support of this motion was solely because the design and the cupola(s) fit in with the area's architecture and will add to the aesthetic value of the specific area in which the building is located. He added that had this building been on top of a hill, or in any other area, it might not be considered in the same way. Having made his feelings on the height exception clear, Mr. Thorpe seconded the motion. Ms. Love D'Elia also mentioned that HARB's support of the cupola(s) was very important in this

decision. Mr. Thorpe agreed that the Board has taken the recommendation of HARB as they are responsible for reviewing and approving anything that is in the historic district. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

#### **Longview Builders (Heyburn Road)**

Mr. Jim Aiken from Register Associates appeared on behalf of Longview Builders and presented and reviewed the plans. The Board discussed the Engineer's review letter and Mr. Kelly recommended approval. Mr. Thorpe moved to approve the preliminary/final subdivision plan for the development off of Heyburn Road (originally dated 10/04/01, last revised 12/27/01, sheets 1 through 9) with the following provisions: that the Developer satisfy the Township Solicitor with any necessary agreements; that they satisfy the comments from the Engineer's review letter dated 1/30/02; and that they meet all other required 3<sup>rd</sup> party approvals. Mr. Shipley seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

#### **Auditors Engagement Letter Approval**

Mr. Thorpe moved to authorize the Chairman to sign the engagement letter from Elko and Associates to perform the audit for the calendar year 2001 at the fee of \$6,000. Mr. Shipley seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

#### **Consideration of Agreement with St. Cornelius**

Mr. Shipley moved that the Board sign the agreement titled Sanitary Sewer Agreement St. Cornelius Church as presented, or with one modification if requested by St. Cornelius Church in 4.4 to allow both contributed and purchased EDUs to be placed in escrow. Ms. Love D'Elia seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

Mr. Shipley confirmed that if there are any other changes to the Agreement, the motion fails and it will have to come back for approval.

#### **NEW BUSINESS**

#### **Designation of Agent Resolution (for PEMA)**

Mr. Shipley moved to make Ms. Hoxter agent to make application to PEMA for state disaster relief funds. Mr. Thorpe seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the Board approved.

Mr. Shipley asked for other comments. Harvey Kliman asked about the Animal Control Ordinance. Mr. Shipley informed all that there was a meeting with the Chester County SPCA, and they have some modifications to the Ordinance. The Board will also be scheduling a meeting with a private company this month. Mr. Shipley hopes to have it ready to go in March.

Ann Pounds mentioned that the property appraisal is ready to be released soon on the Girl Scout Camp. She asked if the Supervisors could give some information on any interaction with the Girl Scout Council, the Natural Lands Trust and the Brandywine Conservancy. Ms. Love D'Elia said that she met with Andy Reilly (Delaware County Council), representatives of the Natural

Lands Trust and the Conservancy on the last Friday in January. A potential purchaser called the meeting; however, the interested party did not show up. Andy Reilly informed Ms. Love D'Elia that there are 8 to 10 parties interested in portions of the property for various uses - one being a camp for children. None of the interested parties are developers/builders. Mr. Reilly will spend the next couple of weeks re-contacting those who have expressed interest. Ann Pounds asked if the parties were all non-profit. Ms. Love D'Elia did not recognize all of the groups.

**ADJOURNMENT**

Mr. Thorpe moved to adjourn the meeting. Ms. Love D'Elia seconded. Mr. Shipley, Ms. Love D'Elia and Mr. Thorpe voted yes and the meeting was adjourned at 11:25pm.