

## CHADDS FORD TOWNSHIP

### Minutes – Board of Supervisors

May 1, 2002

The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, May 1, 2002. The meeting was called to order at 7:31 pm. Present were Jim Shipley, Deborah Love D'Elia and George Thorpe. Also present were Solicitor Donald Petrosa and James C. Kelly of Kelly Engineers, Richard Jensen and Valerie Hoxter.

#### **PUBLIC COMMENT**

Mr. Shipley opened the meeting for public comment. There was no comment.

Mr. Thorpe pointed out that the township clock was five minutes fast. Mr. Shipley noted the state police were not yet here and their report would be given when they arrived.

#### **APPROVAL OF THE MINUTES**

March 6, 2002 – Mr. Shipley asked if the Supervisors were prepared to approve these minutes. Mr. Thorpe said he had two changes:

1] ~~Page 1, the last sentence is missing the word "asked". It should read,~~  
" Mr. Shipley *asked* him to give that information..."

2] ~~Page 2, Approval of January 7<sup>th</sup> Minutes, first paragraph, third line up:~~  
change to, "Mr. Thorpe mentioned, *otherwise* (instead of but) to change the first draft according to the email ..."

Mr. Thorpe moved the minutes be approved with the above mentioned changes. Mrs. Love D'Elia seconded. The motion passed.

April 3<sup>rd</sup> Minutes - Mr. Thorpe stated that he had not received the minutes by email, therefore was not able to review them. Mr. Shipley said both he and Mrs. Love D'Elia had received the minutes via email a week or two ago from Mary Kot, who was substituting for Valerie while she was on vacation. Mr. Shipley said that for the last two months they had not been able to approve the previous month's minutes because one or more Supervisors had not received them a week in advance and that they hope to get the minutes approved and on the web site as soon as possible. Mr. Shipley asked if Mr. Thorpe could look them over during the evening and come back to the approval of the April 3<sup>rd</sup> minutes at the end of the meeting. Mr. Thorpe agreed to try to do this.

#### **REPORTS**

##### **Supervisors**

Mr. Thorpe stated that on April 16<sup>th</sup>, that he, Ms. Love D'Elia, and Phil Wenrich met with Jim Kelly in his office with Kevin Matson. concerning renumbering. On April

19<sup>th</sup>, he, Ms. Love D'Elia and Mr. Shipley met with the Chadds Ford Properties Planning work group for the presentation of the cost estimate for Turner's Mill. On the 29<sup>th</sup> of April he met with Tom Schocklin of BVE on the Cappelli site on the entrance to Rt. 1. Today he said they met in Jim Kelly's office on the update of the April 16<sup>th</sup> meeting for renumbering. There are still a few problems to resolve.

In addition to the meetings Mr. Thorpe mentioned, Ms. Love D'Elia said there was a meeting this morning in Don Petrosa's office with representatives of Concord Township and the attorney for Applied Card, the new business located in Concord Township near the intersection of Rt. 202 and Rt. 1. Concord Township wants Chadds Ford Township to sign off on the exit from Applied Card into Chadds Ford Township on Rt. 202, before issuing a C.O. They will be issuing a temporary C.O. to give Chadds Ford Township a week to review this.

### **STATE POLICE REPORT**

Corporal Ted Malone from the Media barracks of the state police presented a report stating, that in the Township, during the month of April, there were 126 incidents: 14 accidents, 18 thefts, 1 commercial burglary, 4 criminal mischief, 3 motor vehicle accidents, 29 false burglar alarms, 1 disorderly conduct, 2 arrests for driving under the influence. Remaining 54 incidents were misc. requests, disabled motorists.

Corporal Malone introduced Sergeant Fasy of the Criminal Investigation Unit of the Media barracks to talk about the raid the State Police conducted on the Lucky Spa in Chadds Ford. Sergeant Fasy said they had received many complaints from residents concerned about the type of activity occurring at the Lucky Spa. The Lucky Spa opened as a massage parlor, but this was a guise for a house of prostitution. On January 25<sup>th</sup> they raided the spa and arrested three females for prostitution and took customers into custody. The Lucky Spa opened again within two days of the raid. The landlord and his attorney are very concerned about the activities there. On April 25<sup>th</sup> the police again raided the Lucky Spa. Mr. Jensen and Mr. Wenrich were present during the raid so as to determine if the spa was in violation of any township codes or ordinances. One prostitute was arrested and the police took electronic equipment and money hoping to make it more difficult for them to reopen. Sergeant Fasy said he hopes they will not open again, but he will be unable to stop them if they do.

William Bunch stated that his property on Rt. 202 had two shrubs and trees stolen. Sergeant Fasy said a ring of construction site burglars had recently been arrested. He will have more police patrols checking the area now that they know there is a problem.

Sergeant Fasy said it is important and helpful to notify the police concerning anything suspicious.

Mr. Thorpe said the new State Police non-emergency number is 484-840-1000. Mrs. Love D'Elia asked if alarm companies should be notified of this. Sergeant Fasy said each alarm company is responsible for updating their information and should be aware of this. Mr. Shipley suggested the Civic Association might want to report this.

Rich Jensen said that he would like to compliment Sergeant Fasy on the raid conducted last week. It was very professional and we are lucky to have these policemen in our township.

Mr. Shipley said that the township is considering passing an ordinance that requires massage parlor employees to have a license to practice in the township.

Sergeant Fasy said that identity thefts are rising rapidly. Protect your birth date, social security number and guard all personal information.

**Treasurer**

Total of all funds for April: \$764,223.34. Total of all receipts for April: \$161,068.28. April bills presented for payment totaled \$42,636.92.

Account balances as of April 30, 2002

**State Funds**

Checking	284.99
Savings	-11.69

**Township Funds**

Checking	83,420.18	<u>296.68</u>
Savings	864.54	<u>84,284.72</u>

**Escrow Fund**

543,791.23

**Total**

628,372.63

**Certificates of Deposit opened December 12, 2000 - 14 mo**

Building Fund	110,661.52
Sewer Fund	7,682.07
Land Trust	10,770.98

**Money Market opened December 12, 2000 - 30 days at 6.0**

Township Fund	6,736.14
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**Total Certificates of Deposit & Money Market**

135,850.71

**TOTAL ALL FUNDS**

764,223.34

Receipts for April 2002

**General Fund**

Richard J. Jensen	25,699.50
SEO	5,750.00
Engineering	360.75
Sales of maps and ordinances	96.00
Application fees	2,995.00
Del Co Treasurer- deed reconcil. 2/02 & 3/02	43,198.28
Del Co Treasurer - 2001 County Aid	2,700.00
District Court - fines	75.97
Comcast - franchise fees	8,255.50
EMC Insurance Co. - safety dividends	58.02
DVRFA transfer for loan payt due 4/2002	48,211.25
<b>Total Receipts - General Fund</b>	<b><u>137,310.27</u></b>

**Interest - State Fund** 0.85

**Interest - General Fund**

**Interest - Money Market**

**Escrow Fund**

Osborne Place	3,750.00
Garnet VW - conditional use	700.00
Henderson	8,000.00
Garnet VW	3,500.00
Longview Builders - Chadds Ford Woods	5,000.00
Anthonsen	700.00
Grace	700.00
Carlton Pools	700.00
Cavallo Auto Body	700.00
<b>Total Receipts - Escrow Fund</b>	<b><u>23,750.00</u></b>

**TOTAL ALL RECEIPTS** 161,068.28

April 2002 bills (for payment on May 1, 2002)

**General Fund**

S. Ahlstrom	60.00
AT&T	17.47
Caruolo Associates	105.00
Chadds Ford Sewer Authority	2,333.33
Chester Water Authority	858.00
DelCo Daily Times - auditor	363.50
D. Love D'Elia	156.25
Valerie Hoxter - Secty/Treas April	1,000.00
Valerie Hoxter - postage reimbursement	18.02
Valerie Hoxter - exp reimbursement	32.58
Valerie Hoxter - postage advance for May	150.00
Mary Kot - copy paper reimbursement	49.96
Peco	840.94
Petrikin, Wellman	4,017.50
Bruce Prabel	75.00
Jim Shipley	125.00
Shurgard - June advance	189.74
Spotts, Stevens, McCoy - Ridings Flow Dist	1,292.74
George Thorpe	125.00
Turney Media Fuel	75.00
Verizon	153.01
Rich Jensen - phone	69.15
Rich Jensen - postage reimbursement	35.56
Rich Jensen - April 02	4,580.62
Rocklynn Construction - flooring, etc	714.10
Kelly Engineers	20,845.40
Earthlink	17.95
Chadds Ford Masonry-Mother Archie's Church	2,580.00
Signal Service	234.10
Martin Bros. Excavation	732.00
Total Bills - General Fund	<u>41,936.92</u>

**Escrow Fund**

Ryan Service Group- Lot 1 Dansfield	<u>700.00</u>
Total Bills - Escrow Fund	<u>700.00</u>

**TOTAL ALL BILLS 42,636.92**

Mr. Shipley asked for a motion to approve to pay this month's bills. Ms. Love D'Elia motioned to approve the bills as presented and Mr. Thorpe seconded. The motion passed.

Ms. Hoxter thanked Mary Kot, Deb Love D'Elia and Rich Jensen for helping out while she was away.

**Roadmaster**

Bruce Prabel delivered his report. It is attached.

Mr. Shipley asked Mr. Prabel if the maintenance cost per intersection varies per traffic signal. Mrs. Love D'Elia said Concord Township pays \$500 per signal. Mr. Prabel said each of our signals is \$425. We are solely responsible for one light. We share responsibility with Concord Township with the other light. Samantha Reiner asked if we got bids for our signals because Edgemont pays less than \$300 per intersection. Mr. Prabel said no - this was just a renewal but he could check into that for next year.

### **Planning Commission**

Bill Taylor gave the Planning Commission Report for April 24<sup>th</sup>. It is attached.

### **Zoning Hearing Board**

Zoning Hearing Board did not meet this month, but should meet next month concerning a variance for Garnet Ford's non-conforming sign that they want to replace with another non-conforming sign. The requested sign, compared to the current sign, would decrease from 52 sq. ft. to 50 sq. ft. and increase in height from 19'8" to 21'5". Mr. Shipley suggested that the Zoning Hearing Board should decide this and Ms. Love D'Elia agreed. Mr. Thorpe asked if the new sign was flashier. Mr. Jensen showed him a picture but it was hard to tell from the picture. Mr. Petrosa said the hearing must be within 60 days of receipt of the request. Mr. Jensen said the request was received on April 15<sup>th</sup>. Mr. Thorpe said we should let them know we have reservations. Mr. Shipley stated that the township is very sensitive to signage and the precedent of approving a non-conforming sign. The Supervisors agreed that they would not send their Solicitor and that they would like the Zoning Hearing Board to consider it critically.

### **HARB**

Rich Jenson reported that HARB needs a new member. Mr. Shipley said he had not seen a formal resignation from Debbie Danby and he was waiting for that before acting. He said they would try to have a new member by next month. Ms. Hoxter said the written resignation was received but it may just have been put in Mr. Shipley's mailbox.

### **Sewer Authority**

Jim Murray presented the Sewer Authority report. 17,000 gallons per day were treated last month. The Brandywine Center Office Building is still not hooked up. We have awarded the contract to design the Ridge Road line to Spotts, Stevens, and McCoy. On the 14<sup>th</sup> of May we will go to the next step and award the construction design permit.

Mr. Shipley stated that the township engineer has said that the Spotts, Stevens, McCoy bill relating specifically to St. Cornelius does not relate to the Township 537 plan. Mr. Shipley said it is his opinion that this is a Ridings Plant expense because it specifically addresses the issue of how much one particular customer, St. Cornelius, is going to put into the plant and he recommends that the bill be returned to the Sewer Authority to be paid. Mr. Heisler said he believes it is related to the 537 Plan. Mr. Thorpe asked

Mr. Kelly if he thinks this bill is reimbursable. Mr. Kelly said he does not feel it is. Jim Murray suggested the township pay the bill. Ms. Love D'Elia asked what the downside of paying the bill would be. Mr. Shipley said if there is any chance of us being reimbursed, we should pay it with the understanding that the amount that is not reimbursable to the Township, the Sewer Authority would reimburse the township for that amount. Mr. Thorpe stated that Spotts, Stevens and McCoy has done the work, somebody needs to pay them and the bill should be broken down better to list time spent per operation. Ms. Love D'Elia asked how many days out the bill was. Mr. Thorpe replied that the bill was dated November 19<sup>th</sup> and we have received a past due notice. Mr. Shipley suggested we pay it on that basis. Ms. Love D'Elia moved that the township pay the outstanding bill to Spotts, Stevens, McCoy based on its overdue status with the condition that the Sewer Authority reimburses the township for the amount that may not be reimbursable based on 537 work. Mr. Thorpe seconded and the motion passed unanimously.

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

Mr. Jensen reported the issuance of the following permits during April: 5 sign permits, 1 temporary sign permit, 2 grading permits, 2 commercial alterations, 2 residential alterations, 16 plumbing permits, 1 swimming pool permit.

Mr. Thorpe asked Mr. Jensen if he felt confident that based on what he observed at the Lucky Spa we would be able to write up strong violations to take them to court on. Mr. Petrosa replied that a zoning enforcement notice telling them they are in violation of the zoning ordinance has been issued and we will have to wait to see how they respond.

### **Engineer**

Mr. Kelly gave the report that follows on the next page.



KELLY ENGINEERS  
CONSULTING ENGINEERS & SURVEYORS

**CHADDS FORD TOWNSHIP  
ENGINEER'S REPORT  
May 1, 2002**

**HENDERSON LOT NO. 3**

**BMT-100-An-07**

The Preliminary / Final Subdivision Land Development Plans for the Henderson Office Building, dated March 3, 2002 last revised April 11, 2002 prepared by Brandywine Valley Engineers have been recommended for approval from the Planning Commission. This approval recommendation is conditioned upon resolving the comments in a review letter from our office dated April 23, 2002.

**ST. CORNELIUS**

**BMT-100-Ck-01**

We understand that the CFTSA has authorized their engineer to proceed with preparation of the design and construction drawings for the sanitary sewer extension in Ridge Road. Since neither the Township nor the Sewer Authority has a Developer's Agreement at this time it is premature to begin this work because the source of funding for the project has not been established. In my opinion this is a critical issue. There is no critical urgency to build this pipeline without proper planning and agreements being put into place because the applicant (St. Cornelius Church) has already entered into an agreement with the Township and the Authority to send the effluent to the Ridings WWTP and, furthermore, the applicant has also entered into a contract with a licensed septage hauler to convey the waste to the WWTP.

The following paragraph is repeated from the April Engineer's Report:

*It appears to me that the simplest way to handle this issue is for the Developer (Saint Cornelius Church) to prepare plans for the sewer extension, submit them to the Authority for review and approval by the Authority Engineer. The Developer would then enter into a Developer's Agreement with the Authority; provide escrow as provided in the Pa MPC, and build the line with inspection being provided by the Authority Engineer. Upon satisfactory completion of the construction the line would then be dedicated to the Authority. Under this scenario the Authority does not have to expend any funds until further plans are developed to extend the sewer service area. At that time the Authority would reimburse the Developer a proportionate share of the Tapping Fees to be realized from the expanded service area that would flow through this line.*

19 Resency Plaza 65 Routes 1 & 322

Glen Mills, Pennsylvania 19342



*The cost of the project would be less if it were done with private funds rather than public funds and it also would give the Authority some time to develop plans for sewerage the rest of the area.*

**MEHRING SUBDIVISION**

**BMT-100-Fr**

The plans titled "Preliminary / Final Subdivision Land Development Plans for Mehring Property", dated February 6, 2002, last revised March 15, 2002, prepared by Brandywine Valley Engineers have received approval of the Planning Commission.

**SAUNDERS SUBDIVISION**

**BMT-100-Fs**

The revised Final Lot Line Adjustment Plan, Property of Estate of Robert H. Saunders dated March 28, 2002, last revised April 22, 2002 prepared by G.D. Houtman and Son, Inc. has received approval from the Chadds Ford Planning Commission.

**CONCORDVILLE NISSAN**

**BMT 100 Fv**

This is a Brandywine Valley Engineers land development plan for property in both Concord and Chadds Ford Townships.

~~The Planning Commission recommended conditional approval on February 27, 2002 subject to adequate resolution of sewage overflow on property in Chadds Ford Township within 6 months of the Planning Commission meeting.~~

The sewage disposal system is in Chadds Ford Township therefore ***we recommend that the Township not approve the plan*** until sewage issues are resolved. Your attention is directed to item number five of the SEO report. ***Thomas Schocklin, of BVE, presented an update to the Chadds Ford Township Planning Commission on April 24, 2002.***

**GARNET VOLKSWAGEN**

**BMT-100-Fx**

The plans titled "Preliminary / Final Subdivision Land Development Plans for Garnet Volkswagen, dated March 5, 2002 prepared by Brandywine Valley Engineers have received a recommendation of approval from the Planning Commission.

**OSBORNE SUBDIVISION**

**BMT-100-FY**

**OSBORNE SUBDIVISION**

**BMT-100-FY**

~~We have received the revised Preliminary / Final Plans of the Osborne Subdivision prepared by Register Associates, Inc.~~

~~dated March 5, 2002, last revised April 10, 2002. The Planning Commission recommended conditional approval of this plan subject to the satisfaction of our review letter dated April 23, 2002.~~

**BUILDING RENUMBERING**

**BMT-103-M**

~~George Thorpe, Deborah D'Elia, Kevin Matson, Phil Wenrich and I met to compile all of the comments we had received on the House Numbering Plan. A field survey of some of the streets has been conducted to verify selected building numbers.~~

**2001 ROAD PROGRAM**

**BMT-110-01**

~~We recommend release of the retainage of the 2001 Road Program contract in the amount of \$3,649.68. The Final Payment Certificate was included in last months Engineers report. The Township has received a Maintenance Bond for this project. Sucher advised us that he will repair the speed bump Thursday.~~

**2002 ROAD PROGRAM**

**BMT-110-02**

~~The plans and specifications for the 2002 Road Program are being prepared.~~

**HEYBURN ROAD**

**CULVERT REPLACEMENT**

**BMT-115-I-01**

~~We are drafting the contract documents and the project manual. Easement agreements with the affected property owners must be executed before the contract can be awarded.~~

~~Mr. Petrosa agreed to write a Developer's Agreement for St. Cornelius connection to the sewer system as suggested by Mr. Kelly.~~

~~Mr. Shipley asked who will instruct Ms. Hoxter to release the check for the 2001 Road program of \$3,649.68 pending the resolution of the Hunter's Lane tar cracks and one speed bump on Bullock Road. Mr. Thorpe asked Mr. Prabel to look at these. Mr. Shipley asked Mr. Kelly to check on these two things and let Ms. Hoxter know when she can release the checks.~~

A resident asked if speed bumps could be put on Heyburn Road in the area of # 56A. Mr. Shipley asked Mr. Kelly to look at this section of Heyburn and report back with his opinion at the next meeting.

Mr. Kelly presented two letters that he received this week. One was concerning the Longview building project on Heyburn Road. He has reviewed it and believes the cost estimate for this should be \$90,123.50. The other was for an escrow release for Mr. Bunch. Kelly Engineers is recommending an escrow release of \$27,368.50, which will require action by the board. The remaining balance in the escrow account is \$72,901.50, which they feel is adequate to cover the completion of the project.

Mr. Kelly requested that if these types of letters were not received by the Wednesday before the Supervisor's Meeting they will not be discussed until the following month. He needs time to review the letters adequately. Mr. Shipley said he would like to adopt this as a requirement. Mr. Petrosa said there is no rule that requires the township to adopt a developer's agreement within a certain time period and Mr. Kelly should accept the letter but say he does not have time to review before the next Supervisor's meeting. All the Supervisors agreed this was reasonable.

Mr. Kelly suggested a motion to authorize the release of \$27,368.50 from the William Bunch escrow account pursuant to the recommendation of the Township Engineer. This motion was adopted by Mr. Thorpe and seconded by Ms. Love D'Elia. This motion passed unanimously.

Mr. Thorpe stated the Supervisors had received a letter from a resident on Bullock Road concerning construction at Bullock and the Pruitt private lane. Mr. Jensen said the project is not out of compliance. It is not wetlands and no mud went into the stream. Ms. Love D'Elia asked if someone was responding to the resident. Mr. Shipley asked Mr. Kelly to respond to the resident.

### **Solicitor**

Mr. Petrosa announced that the county and state are recognizing Suicide Awareness Week

May 6 – May 12. The county asked the township to adopt a resolution acknowledging this and Mr. Petrosa has put this together. Resolution 2002-4 says that whereas Monday, May 6<sup>th</sup> through Sunday, May 12<sup>th</sup>, 2002 has been designated Suicide Awareness Week nationally and in Delaware County and whereas the County of Delaware has requested all municipalities located in Delaware County proclaim Monday, May 6<sup>th</sup> through Sunday, May 12<sup>th</sup>, 2002 as Suicide Awareness Week. Therefore, be it resolved that Monday, May 6<sup>th</sup> through Sunday, May 12<sup>th</sup>, 2002 be recognized as Suicide Awareness Week in Chadds Ford Township. Mr. Thorpe moved to adopt this resolution, Ms. Love D'Elia seconded and the motion passed unanimously.

Mr. Petrosa said, with regard to the Longview Development, he has prepared a Developer's Agreement with Exhibit D (Mr. Kelly's improvement cost estimate) attached. The only thing we are missing is a revised letter of credit. so at the end of

the meeting if the Supervisors are so inclined to sign the agreement he will hold the signed agreement until he has received the subsequent letter of credit and at this point it could be released to the builder. Mr. Jensen asked if the insurance issue had been resolved and Mr. Petrosa said he had believed he had the insurance certificates, but if the builder would forward a copy of the certificates to Mr. Jensen, Mr. Jensen could hold up on the building certificates until he had the right insurance certificates.

### **Open Space Committee**

Samantha Reiner gave the Open Space Committee report. The Open Space Committee met on April 11<sup>th</sup>, 2002. Supervisors Jim Shipley and Deborah Love D'Elia attended the meeting and discussed their positions in regards to the proposed Natural Resource Protection Ordinance Amendment. Mr. Shipley was supportive of a voluntary effort on the part of any developers to protect resources and opposed to mandatory protection of resources. Ms. Love D'Elia expressed a desire to see a fine or tariff imposed on a developer who did not work toward preservation of resources. Ms. Reiner supplied state forms for the committee to apply for 501C3 classification on behalf of a land trust that the Supervisors are interested in creating. Committee person Hugh Donaghue offered to pursue that effort.

The committee looks forward to the appointment of a new member. Next meeting is May 9<sup>th</sup>.

Ms. Love D'Elia asked the status of the scenic byway resolution that Pennsbury Township has asked us to support. They would like our Township to adopt a resolution supporting their efforts and declaring some of our roads as scenic byways as they have done. This makes potential grant money more of a possibility. Ms. Reiner said to date the committee has not be able to act on this. The Supervisors suggested she try to have action on this at the next Open Space meeting.

Mr. Shipley said candidates for the Open Space Committee are still being considered and he hopes to appoint someone next month.

### **Properties Committee**

Mr. Thorpe reported the Supervisors met with Bancroft Builders concerning their offer to give the Township a free estimate of building a new township hall from the ground up vs. redoing the Turner's Mill property. Bancroft estimated it would cost roughly \$700,000 for a building that would have a Brandywine Valley ambience. Mr. Shipley commented that the estimate was done by a professional builder and the significant point it brought out to him was that the cost to restore Turner's Mill as a township hall was \$50,000 less than to build from scratch. He thought it would be the reverse. He said that the Township is not presenting numbers tonight with any degree of accuracy, but is taking the proposal step by step to determine if we should make a proposal to the Township about restoring Turner's Mill and/or building a new township hall. Mr. Shipley continued that he believes Township residents would be proud to restore Turner's Mill and build a new township hall at the same time, especially if they believe as he does that the current township hall is inadequate. Mr. Thorpe said Turner's Mill is a historic building and money needs to be spent to keep it standing and preserve it. He believes it is a benefit to the township. Today is a good day to get cheap money so we need to move on to decision.

Ms. Love D'Elia stated that the artist's rendering of what a restored Turner's Mill would look like is very persuasive. Mr. Shipley said the exterior façade would look as similar as possible to the original mill. The Turner's Mill building would house the meeting room and it would be two and a half stories inside with exposed beams. Attached to that would be offices for the township. Mr. Kelly said in 1978 the township received a community development block grant to restore Turner's Mill.

### **Emergency Management Coordinator**

Mr. Wenrich reported that he had the opportunity to speak to Governor Schweiker the day that Tom Ridge and Curt Weldon visited the Concordville Fire Department. He spoke to him concerning emergency planning and the Governor stated that as Emergency Management Coordinator he had the ability to appoint a Deputy Emergency Management Coordinator. Mr. Wenrich read a letter from a qualified applicant interested in being the Deputy Emergency Management Coordinator. Mr. Wenrich stated that it was not necessary to get the Supervisors approval on this but that he would like to have their input. Mr. Shipley said they would consider it and talk about it.

### **OLD BUSINESS**

#### **Garnet Volkswagen**

Larry Strom representing Garnet Volkswagen presented a revised lighting and landscaping plan. This revised lighting plan complies with the ordinances and illumination standards and shows only two poles with three fixtures near the entrance and handicap ramp. He also brought another plan with only one or two light fixtures per pole, but this plan requires more light fixtures. The ordinance says fixtures with more than one light fixture per pole must be approved. The revised landscaping plan includes three berm areas ranging in height from 18" – 24" with 200 or so plants. The Supervisors agreed they like two fixtures per pole rather than any with three fixtures per pole. A "conditional use" meeting will be scheduled for 7:00 PM before the next Supervisor's Meeting and at the conclusion of the "conditional use" hearing the Supervisors agreed to proceed with the land development application approval rather than putting that at the end of the regular monthly meeting.

#### **Concordville Nissan**

Tom Schocklin from Brandywine Valley Engineers representing Concordville Nissan was charged by Concord Township to get the Supervisors to approve the Land Development agreement even though there really is no land development, just a small part of the sewer system located in Chadds Ford Township. Mr. Shipley asked Mr. Kelly for his opinion on the sewer system. Mr. Kelly read the paragraph in his report concerning this (on page 9 of these minutes). Mr. Petrosa said a legal agreement with Concord could be worked out. If we discover a problem with sewage Concord would work with us to fix it

Mr. Shipley moved that the board approve the land development plan dated 8/27/01, last revised 2/26/02 as presented, subject to receiving the follow conditions: 1. Concord Township also approves this land development plan, 2. that the sewage treatment in Chadds Ford Township treat only sanitary sewage, 3. an inter-municipal development agreement between Concord Township and Chadds Ford Township, relating to inspection and enforcement of this sewage facility be approved by Chadds Ford Township, 4. a satisfactory and specific new easement for the drain field be provided and shown on the plan with a narrative in recordable form, 5. appropriate industrial waste storage tanks be installed to prevent industrial waste from infiltrating the septic system. This motion was seconded by Ms. Love D'Elia and passed unanimously. Ms. Hoxter said she would draft a letter concerning this approval and have it approved by Mr. Petrosa.

### **Henderson – Lot 3/Endo 2**

Mr. Shipley asked the Henderson representative Joseph D'Amico to state what they were requesting and summarize it in one minute. Mr. D'Amico said they were requesting that the board approve a preliminary/final subdivision land development plan to subdivide a 9.6 acre parcel of land into two lots, one to be 4.3 acres to remain vacate for now, the other a 5.2 acre lot will have a three story, 67,000 square foot building, to be leased by Endo Pharmaceuticals. The Delaware County Planning Commission approved this plan on April 17<sup>th</sup>. Sewage will be discharged into the Knight's Bridge Treatment Plant. The project is scheduled to start in Fall 2002 with the building being occupied in August 2003. The plan includes a lot of evergreen trees for screening and the applicant said they would consider putting in a berm, but then would probably not be able to put in as many trees and maybe not the sidewalk. Mr. Shipley asked if Mr. Kelly approved this plan and the Henderson representative said they have addressed all the issues that Mr. Kelly requested they address.

Mr. Shipley moved to approve the preliminary/final subdivision land development plan for the Henderson Office Building, Painters Crossing dated 3/06/02, last revised 4/24/02, with Section 302 (submission of a primary plan), Section 405C8 (submission of environmental impact assessment report), and Section 510.11 (to allow the use of a type of polyethylene pipe only for storm sewers) waived, with up to only two fixtures per light pole permitted provided there is no glare outside of the property, and contingent upon installation of berms around the exterior if this doesn't interfere with placement and safety of the sidewalk installation, and upon approval by the board of a satisfactory development agreement. Mr. Thorpe seconded and the motion was passed unanimously.

### **Cavallo Auto Body**

James Bergin from Cavallo Auto Body requested a height restriction wavier to exceed the height ordinance of 37 feet by one foot to build a clock tower on his building. Discussions ensued with comments from the Supervisors: Ms. Love D'Elia said since it is on a commercial strip it should not bother residences. Mr. Shipley wondered if this clock would be a distraction to motorists, and said he was not inclined to approve an additional foot because it would set a precedent. Mr. Thorpe said the problem is that the property is already on a high area and he would like to first see the clock tower on Mr. Bergen's other auto body shop in Drexel Hill. The Supervisors decided to postpone the vote to give themselves the opportunity to see the clock in Drexel Hill. They will act on this at the next meeting.

### **Road Renumbering**

Mr. Thorpe would like everyone to understand that they are not renumbering because they want to, but because emergency people cannot find many of the houses in our Township and this is a serious safety

concern. He has lived in the same house but had five different addresses, and in spite of what people say it is not a costly, arduous task to change to a new address. He said the last review of the renumbering plan was today (May 1<sup>st</sup>) with the fire company's comments in mind. There are still two things to be resolved: addresses on Fawn Lane, and another meeting with the fire company after the changes to see if they can follow the new plan. Mr. Petrosa said the Township is required to have a public meeting to change an ordinance. The final plan must be sent to the newspaper with an advertisement of the public meeting at least seven days in advance. Mr. Thorpe said the plan should be final within the next two weeks. Mr. Shipley asked if the final plan could be sent to Mr. Petrosa in time to advertise it before the next meeting so that it could be voted on at the next Supervisor's Meeting.

### Loop Road/Light Activation

Ms. Love D'Elia said she hoped that by next month there will be a proposal from Ciccarone and the Henderson Group on how to open the loop road without the Township immediately bearing the expense. Mr. Shipley said he does not want to accept dedication of the loop road. It is expensive and it should be a state responsibility because the benefit is mainly non-township. It will cost (if the Concord Township numbers are anywhere close) \$10,000 - \$12,000 a year just to maintain the road and light. Related to this situation, Mr. Thorpe said when Heyburn Road is closed we need to make sure the Ring Road light is still in place.

### New Business

#### Osborne Place

Jim Fritch representing Osborne Place, a three lot subdivision, said they have been before the Planning Committee and have met all their conditions and satisfied Jim Kelly. They are requesting a waiver of submission of the preliminary land development plan to move on to the final land development plan. Mr. Petrosa said the motion made would say the plan dated 3/5/02 last revised 4/20/02, subject to the following conditions, that DEP give approval to the planning module, any necessary revisions required by the Delaware County Conservation District's review of the plans be met and that a declaration of easements or covenant conditions or restrictions be formed satisfactorily and submitted to the township solicitor. Mr. Thorpe adopted this motion. Ms. Love D'Elia seconded and the motion passed unanimously.

#### Mehring Subdivision

Mr. Schöcklin, representing the Mehring Subdivision stated that he was asking for final approval of the preliminary/final plan for the easement agreement and planning module. Mr. Thorpe adopted the following motion: that they approve the preliminary/final plan dated 2/6/02, last revised 4/25/02 subject to the following conditions; planning module approval, approval of the declaration of easements, approval of the deed restriction and the township engineer's satisfaction and final review of the plans to make sure that the revisions requested by his office have been complied with. Ms. Love D'Elia seconded and the motion passed unanimously.

#### Saunders Estate

Mr. Timothy Sullivan, representing the Saunders Estate on Bullock Road, asked for a lot line adjustment on the twelve acre piece of land. They would like to sell two acres to the abutting property owner.

which will be merged into their deed. This will leave 10 acres of the Saunders Estate and increase the other lot to about 4.85 acres. All the Township Engineer's comments have been addressed. Mr. Thorpe adopted the following motion: to approve a plan for the estate of Robert Saunders dated 3/28/02, last revised 4/25/02 conditional upon the submittal of a Form B non-building waiver. Ms. Love D'Elia seconded and the motion passed unanimously.

### **Signal Service Maintenance Contract Renewal**

Mr. Prabel presented a Signal Service Maintenance Contract to be renewed. It is for only one light at \$425 per year - the same amount as was paid last year. Mr. Thorpe moved to approve the contract as presented, Ms. Love D'Elia seconded and the motion passed unanimously.

### **Fire Marshal Ordinance**

Mr. Thorpe said that Mr. Wenrich had provided the Supervisors with reams of information on a Fire Marshal and that the Township has wanted to have a Fire Marshal for many, many years. Mr. Thorpe complimented Mr. Petrosa on the ordinance that he drew up based on Middletown Township's and his meeting with Mr. Wenrich and Ms. Love D'Elia. He went on to say that he has read the ordinance, thinks it looks good and should be advertised for adoption. Ms. Love D'Elia said she had validated the information by calling neighboring townships and likes the way the ordinance is written and at least it is a start. Mr. Thorpe motioned that we authorize the solicitor to advertise the ordinance, document numbered, DZ0731, of Mr. Petrosa's 4/24 email. Ms. Love D'Elia seconded, and the motion carried.

### **Masseuse Ordinance**

Ms. Love D'Elia said she thinks this ordinance is going to take more time than she originally thought. She thought the Township could get more direction from Harrisburg. She does not want to hurt legitimate businesses.

Ms. Love D'Elia said she had meant to submit the tax collector's bill and had not. She motioned that the Supervisors agree to pay his bill which is his normal monthly bill, without it being there. Mr. Thorpe seconded and the motion passed unanimously.

Mr. Shipley asked if Mr. Thorpe would now look over the April minutes and he agreed. A recess was taken at 11:02 pm for this.

The meeting was reconvened at 11:17 pm

A motion was made by Mr. Thorpe to release \$700 in escrow for a grading permit issued on Lot 1 of the Dansfield Subdivision that has been completed. Ms. Love D'Elia seconded and the motion passed unanimously.

### **APPROVAL OF THE APRIL MINUTES**

Mr. Thorpe said he had two corrections, 1) Page 7 of the April Minutes concerning the Spotts, Steyens, McCoy bill - the amount of the bill being discussed in this paragraph should be \$5,931.64; 2) on Page 13 under Open Space it should say "except for Mr. Thorpe" rather than "accept". Mr. Shipley moved to approve the April 3<sup>rd</sup> minutes with these two modifications, seconded by Mr. Thorpe and the motion passed unanimously.

Mr. Petrosa stated that in 1997 the Township adopted a sign ordinance outlawing off-premises signs. The only signs that are valid in Chadds Ford Township are signs that advertise a business, located on the same property as that business. There are many cases that say that is invalid. You cannot totally, lawfully, prohibit off-premises signs throughout the entire township. For the purpose of avoiding validity challenges Mr. Petrosa suggested the following motion which Mr. Thorpe adopted: A motion authorizing the solicitor to advertise an amendment to the zoning ordinance to allow, and by conditional use in the light industrial zoning district, any lawful use which we do not allow any place else in which we would be legally required to permit somewhere in the Township and which would make our ordinance invalid as being exclusionary. Ms. Love D'Elia seconded and the motion passed unanimously.

### **Adjournment**

Ms. Love D'Elia motioned to adjourn the meeting, Mr. Thorpe seconded and the motion passed unanimously. The meeting was adjourned at 11:38 pm.

**CHADDS FORD TOWNSHIP**  
Chadds Ford, PA

Minutes – Planning Commission

April 24, 2002

The Planning Commission of Chadds Ford Township met in the Township Building on Wednesday, April 24, 2002. The meeting was called to order at 7:30pm. Present were William Taylor, Maurice Todd, James Reamer, Fred Reiter and James Urie. Also present was J.P. Kelly of Kelly Engineers.

Mr. Reamer moved, Mr. Todd seconded, all voted yes and the Commission approved the minutes of the March 27, 2002 meeting.

Public Comment

There was none.

Garnet Volkswagen- Tom Schocklin of Brandywine Valley Engineers, representing the applicant, reviewed the revised plans. The revisions included the addition of 2-foot high berms. Mr. Schocklin requested an approval for conditional use. Mr. Urie moved, Mr. Reiter seconded, and the Planning Commission recommended that the Board of Supervisors approve the conditional use.

Concordville Nissan – Tom Schocklin of Brandywine Valley Engineers gave the Commission an update on the sewage issues surrounding this application. He was not seeking any approvals at this time.

Mehring subdivision – Tom Schocklin, appearing on behalf of the applicant, reviewed the plan. He informed the Commission that zoning variances have been obtained, and the septic system testing has been completed. They are awaiting approval from DEP. Mr. Todd moved, Mr. Urie seconded, and the Commission recommended the Supervisors approve the plan contingent upon approval by the DEP.

Saunders estate – Attorney Tim Sullivan appeared for the applicant and informed the Commission that the applicant is withdrawing its application for subdivision and requesting approval for a lot line adjustment only. They will re-apply for subdivision at a later date. Mr. Reiter moved, Mr. Urie seconded, and the Commission recommended the Supervisors approve the lot line change.

Osborne Place – Jim Fritsch of Register Associates appeared for the applicant and reviewed the plan by referring to the Engineer's review letter of April 23, 2002. Mr. Fritsch also submitted a color landscape rendering for the Supervisors' review. Mr. Urie moved, Mr. Reamer seconded, and the Commission recommended the Supervisors

approve the plan contingent upon approval from DEP and the Delaware County Conservation District.

Henderson Lot 3, Endo 2 – Jeff Nagorny of Brandywine Valley Engineers appeared representing the applicant. He reviewed the revised plan along with the Engineer's review letter dated April 23, 2002. Also present was Mark Eisenhardt of Henderson. At Mr. Kelly's request, Mr. Nagorny agreed to have eight sets of revised plans delivered to the Township Building on April 25, 2002. Mr. Reiter moved, Mr. Urie seconded, and the Commission recommended the Supervisors approve the revised plan contingent upon the satisfaction of the Engineer's review letter.

Mr. Eisenhardt then asked for feedback from the Commission regarding a request to amend the sign ordinance to address "campus signage." Mr. Eisenhardt said that he had proposed amending the ordinance approximately one year ago and had discussed the issue with the Supervisors at that time. The Commission suggested Mr. Eisenhardt come back before the Commission with a proposal - including drawings.

Mr. Urie moved, Mr. Todd seconded and the meeting was adjourned at 9:10pm.

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Valerie Hoxter, Secretary