

CHADDS FORD TOWNSHIP

Minutes – Board of Supervisors

July 3rd, 2002

The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, July 3rd, 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 from Chadds Ford residents.

Dave Ingram complained about the vandalism of mailboxes on Bullock Road. He would like the renumbering plan to be passed quickly so the residents in his neighborhood could move the mailboxes closer to their homes.

Jim Murray stated that the Chadds Ford Civic Association, in conjunction with the state’s Growing Greener Program, would like to clean up Harvey Run. He congratulated Painters Crossing on the work they have done so far to clean up Harvey Run.

Phil Wenrich said on behalf of the Chadds Ford Civic Association he would like to point out that there are still some *Birmingham Township, Delaware County* signs posted around the township. Jim Shipley asked the Roadmaster, Bruce Prabel, to check the locations of these signs and see if they can be replaced.

Fred Reiter asked if anyone is checking that fire hydrants in the township are working properly. Mr. Shipley asked the Emergency Coordinator, Phil Wenrich, to check into this and see if Chester Water Authority regularly inspects hydrants.

Debbie Reardon stated her concern that the intersection of Heyburn and

Ridge Roads is a safety issue. Jim Shipley asked Roadmaster, Bruce Prabel, to look at this.

Road Renumbering

Mr. Thorpe reported, in response to the Public Comment above from Dave Ingram, that he had met with the fire marshal today, July 3rd to go over the proposed Road Renumbering Plan. He still needs to meet with the Postmaster who has been on vacation, but the plan as an ordinance should be ready to be advertised for adoption at the August Supervisor's meeting and the ordinance adopted by the September meeting at the latest.

APPROVAL OF THE MINUTES

Mr. Thorpe motioned that the June 5th, 2002 meeting minutes, revision date July 3rd, be approved. Ms. Love D'Elia seconded this and the motion passed unanimously.

REPORTS

Supervisors

Ms. Love D'Elia said that the Township auditing firm has requested an increase in their fee for next year from the \$5,500 they have received each year for the last three years to \$9,000 per year. They provided documentation that for the last three years their cost was, \$9,800 - \$9,900 per year. Mr. Petrosa recommended that the proposal for an increase in fees should be looked at further and a decision made as to whether the amount is appropriate.

Ms. Love D'Elia stated that the Township had received a letter from Gary Sharp, a resident, a member of HARB, and an Elder at the Brandywine Baptist Church in Chadds Ford. The church would like to announce that on September 11th, 2002, in light of what happened last September 11th, they will be opening their doors for prayer and

reflection in honor of our public servants.

On June 13th Ms. Love D'Elia attended a breakfast sponsored by the Delaware County Council for elected officials of municipalities. As a model for ways to preserve and save open space they displayed maps produced by our Open Space Committee working with Natural Lands Trust. They lauded the work done by our Open Space Committee.

On June 18th, with Mr. Kelly, Ms. Love D'Elia attended the annual meeting of DELCORA, a regional municipal water quality control authority. She has a brochure she will leave at the township building that lists what services are available to municipalities through DELCORA.

Treasurer

Total of all funds for June: \$ 875,258.04. Total of all receipts for June: \$ 81,183.86. Bills presented for payment in June totaled \$ 43,246.34. Mr. Shipley asked for a motion to approve to pay this month's bills of \$43,246.34 as presented. Mr. Thorpe motioned to approve the bills as presented and Ms. Love D'Elia seconded. The motion passed.

Account balances as of June 30, 2002

State Funds

Checking	284.99
Savings	11.69

Township Funds

Checking	173,477.23	<u>296.68</u>
Savings	836.07	<u>174,313.30</u>

Escrow Fund

564,641.23

Total

739,251.21

Certificates of Deposit opened December 12, 2000 - 14 months at 6.5%

Building Fund	110,824.44
Sewer Fund	7,693.63
Land Trust	10,770.98

Money Market opened December 12, 2000 - 30 days at 6.05%

Township Fund	6,717.78
Total Certificates of Deposit & Money Market	<u>136,006.83</u>
TOTAL ALL FUNDS	875,258.04

Receipts for June 2002

General Fund

Richard J. Jensen	10,033.00
C. Weigold - tax collection	4,424.39
SEO	500.00
Engineering	23,466.82
Legal	3,876.00
Sales of maps and ordinances	12.00
Application fees	605.00
Del Co Treasurer- deed reconcil. 5/02	21,637.91
Del Co Treasurer - tax claim remit 4/02	1,510.05
District Court - fines	392.56
Road opening permits	270.00
Total Receipts - General Fund	<u>66,727.73</u>

Interest - State Fund 0.72

Interest - General Fund 0.00

Interest - Money Market 5.41

Escrow Fund

PF Properties - Saunders Estate	3,750.00
Newlin Homes - Twin Magnolias	5,000.00
Henderson Group - Lot 11	5,000.00
Barbone - GP	700.00
Total Receipts - Escrow Fund	<u>14,450.00</u>

TOTAL ALL RECEIPTS **81,183.86**

June 2002 bills (for payment on July 3, 2002)

General Fund

S. Ahlstrom	60.00
Jim Shipley	125.00
D. Love D'Elia	156.25
George Thorpe	125.00

Valerie Hoxter - Secty/Treas June	1,000.00
Valerie Hoxter - addn'l work June	483.75
Valerie Hoxter - postage advance for July	130.00
Valerie Hoxter - P.O. box rental reimburse	36.00
Bruce Prabel - June	75.00
Ralph Jennings - mowing	480.00
Kelly Engineers	22,789.17
Petrikin, Wellman	4,500.00
Chadds Ford Sewer Authority	2,333.33
DelCo Daily Times - secty ad, Ord 64(O),2002 Rd. bid	785.67
DelCo Daily Times - Chadds Ford Dev zoning hearing	193.36
Peco	833.16
Shurgard - August advance	146.78
Verizon	128.84
Rich Jensen - phone and postage reimbursement	57.19
Rich Jensen - June 02	4,641.07
Reinos - envelopes	59.50
Earthlink	17.95
Boca Intn'l. - Membership renewal	120.00
Signal Service	536.26
Omaha Property & Casualty - flood insurance	985.00
Levis & Pinto - Henderson Lot 11	960.00
Nancy Toner - Garnet Ford zoning court reporter	305.00
United States Treasury - 941	962.33
PA Dept. of Revenue - PA with.	145.73
Tri-County Pest Control	75.00
Total Bills - General Fund	<u>43,246.34</u>

Escrow Fund

Blanton Properties	8,750.00
Watkins Systems	<u>3,500.00</u>
Total Bills - Escrow Fund	<u>12,250.00</u>

TOTAL ALL BILLS **55,496.34**

Roadmaster

Bruce Prabel delivered his report. It is attached.

Planning Commission

Bill Taylor gave the Planning Commission Report for June. It is attached.

Mr. Shipley expressed the Board's appreciation for Bonnie Taylor's agreement to take on secretarial duties for the Planning Commission for the next three months.

Sewer Authority

Jim Murray presented the Sewer Authority report. The average gallons treated per day were 21,000 gallons compared to the last five-month average of 18,000 gallons per day. 35 homes were connected last month. The increase in flow per month was 2,915 gallons. The Sewer Authority hopes to have the Brandywine Summit Commercial Properties completed in the next three days.

Building Inspector/Code Enforcement Officer

Mr. Jensen reported the issuance of the following permits during June: 7 plumbing permits, 2 commercial alteration, 2 grading permits, 4 sign permits, 1 basement alteration, 1 demolition permit, 2 residential additions, 1 pool permit, 2 new home permits, 1 C.O. for new business, 2 C.O.s for completed projects.

Engineer

CHADDS FORD TOWNSHIP ENGINEER'S REPORT July 3, 2002

**C H A D D S
WOODS
BMT-100-Ey-01**

F O R D

The developer has submitted a request for release of escrow for this project in the amount of \$108,969.00. We have inspected the site and determined that 90 percent of the value of the work completed for this release is \$98,072.10.

Therefore we recommend that a reduction in the amount of the Letter of Credit to \$85,818.50 be approved.

**B U N C H
HOUSE
BMT 100 Fn**

A U C T I O N

Pursuant to the Developer's Improvement Funding Agreement the Developer is required to post security in the amount of 15% of the public improvements for the above-mentioned project. After reviewing the Public Improvements Cost Estimate we have determined that security should be provided to guarantee the function of the Stormwater Management facilities at the site. The total cost of construction of these facilities is \$35,300.00, 15% of which is \$5,500.00.

Therefore, we recommend that a balance of \$6,600 be maintained in the escrow account until an 18 month bond in that amount is provided. This security will be provided to ensure the placement of permanent monuments at the site and to secure the maintenance bond.

**L O N G V I E W
ROAD)
BMT 100 Fo**

B U I L D E R S

(H E Y B U R N

The developer has submitted the first request for release of escrow for this project in the amount of \$9,350.00. We have inspected the site and determined that 90 percent of the value of the work completed for this release is \$8,415.00.

Therefore, we recommend that a reduction in the amount of the Letter of Credit to \$81,710.00 be approved.

C O N C O R D V I L L E

N I S S A N

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 plan was approved by the Township at the May meeting subject to satisfactory resolution of the sewerage issue.

There has been no activity on this application during the past month. We are still waiting to receive plans that address the sewage disposal issues.

G A R N E T V O L K S W A G E N

BMT-100-Eg-02

Final plans for this project have been reviewed signed and were delivered to the Township Building last week.

2002 ROAD PROGRAM

BMT-110-02

The bids for this project were opened Tuesday, July 2, 2002. We recommend that the project be awarded to A.F. Damon Company Incorporated, who is the low bidder for this project at a bid price of \$98,845.70.

Mr. Thorpe motioned to reduce the amount of escrow to \$85,818.50 for Chadds Ford Woods and return the remainder to them. Mr. Shipley seconded and the motion passed unanimously.

Mr. Thorpe motioned to approve the release of escrow funds for Bunch Auction House above the balance of \$6,600 that the township is holding. Ms. Love D'Elia seconded and the motion passed unanimously.

Mr. Thorpe motioned to approve the release of \$8,415 in escrow funds for Longview Builders, the amount recommended by Kelly Engineers and reduce the Letter of Credit to \$81,710. Mr. Shipley seconded and the motion passed unanimously.

Mr. Thorpe motioned to approve the bid from A.F. Damon Company in Upland, PA for the amount of \$98,845.70 for the 2002 Road Program as listed in the Engineers Report. Ms. Love D'Elia seconded and the motion passed unanimously.

Solicitor

Mr. Thorpe moved to adopt resolution 2002-6 which is the approval for the application for conditional use and preliminary/final subdivision and land development of the Sykes property at the northwest corner of Rt. 202 and Painters Crossing by Garnet VW. Ms. Love D'Elia seconded and the motion passed unanimously.

Mr. Petrosa said that a Massage Ordinance has been prepared requiring individuals that give massages to be licensed by the township and to have attended an accredited school. He said this does not require a public hearing. The public meeting to vote on this must be advertised and a summary of the ordinance must go in the newspaper. An annual licensing fee will be required for individuals giving massages.

Mr. Thorpe moved to advertise the Massage Ordinance for possible adoption at a special meeting to be held on Thursday, July 18th at 7:30. Ms. Love D'Elia seconded and the motion passed unanimously.

OLD BUSINESS

Cavallo Auto Body – Clock Tower

Mr. Shipley and Mr. Thorpe stated they had looked at the renderings of the clock tower that are within the township height restrictions and think the drawings of this look fine.

Mr. Thorpe moved that Township Ordinance 12.121 Q **does** apply to the Cavallo Auto Body clock tower (thereby denying the variance request). Ms. Love D'Elia seconded and the motion passed unanimously.

Dr. Sabanayagam Property

Dr. Sabanayagam asked the board for a sense of their feelings concerning the possibility of converting his property at Rt. 1 and Webb Road to a Bed and Breakfast and also a restaurant.

The board replied that they do not object to a Bed and Breakfast, but have serious concerns about a restaurant. If they were to give a restaurant license the Township would not be able to control the hours or size of the restaurant and they are concerned that this might negatively impact the nearby residences.

Animal Control Ordinance

Mr. Shipley suggested that they allow one more month for comments concerning the proposed Animal Control Ordinance and then publish it for possible adoption.

Ordinance 64(O)

Mr. Shipley declared this part of the meeting to be a public hearing to consider adoption of Ordinance 64(O).

Mr. Petrosa said that Ordinance 64(O) is an amendment to the Zoning Ordinance that says if our Zoning Ordinance fails to include any other use which we are lawfully required to have and which it would be exclusionary for us not to have, then that use is permitted in the light industrial district. He said that notice of this public hearing had been published two times in the Delaware County Times as the proof of this he is submitting Exhibit T-1. Exhibit T-2 is submitted as proof that the Township Planning Commission reviewed and approved this ordinance. Exhibit T-3 is a letter, dated June 20th, from the Delaware County Planning Commission. Exhibit T-4 is a letter, dated June 27th, by Mr. Petrosa concerning this.

Mr. Shipley asked for public comment. Fred Reiter stated that it sounded good to him. Mr. Shipley closed the hearing when there was no further public comment.

Mr. Thorpe moved that the board adopt Ordinance 64(O) which will amend the Township Zoning Ordinance to permit by conditional use in the LI district, light industrial district, any use required by law not permitted in any other district. Ms. Love D'Elia seconded and the motion passed unanimously.

Fire Marshal Ordinance

Mr. Shipley moved to appoint a Fire Marshal Ordinance Study Committee with himself as chairman and members Bruce Prabel, Phil Wenrich, Rich Jensen, and from Concord Fire Department, Fred Fields and Tim Green, for the purpose of making a recommendation to the Board of whether a Fire Marshal is needed in the Township and the

scope of the Fire Marshal Ordinance if they determine one is needed. Ms. Love D'Elia seconded and the motion passed. Mr. Thorpe voted against the committee saying he felt it was unnecessary to form a committee because we already have been provided with plenty of information to justify a fire marshall's position.

Open Space Appointment

Mr. Shipley asked for nominations for the Open Space Committee vacancy, term ending at the end of the year. He nominated Sig Swensson, long-time resident, former Township Supervisor and a former chairman of the Board of Supervisors. Ms. Love D'Elia seconded and the motion passed. Mr. Thorpe abstained saying that he had nothing against Mr. Swensson but felt Holly Harper should have been reappointed due to her knowledge and experience in this area.

HARB Appointment

Mr. Shipley nominated Allison Lee for the vacancy on HARB. Ms. Love D'Elia seconded and the motion passed unanimously. Fred Reiter commented that he had worked with Ms. Lee on the Chadds Ford Historical Society Board and felt that she was a very good choice.

Loop Road

Ms. Love D'Elia said that the township had received a letter, dated June 26th, from Mike Lyons, who is representing the developers, stating that the developers will put \$40,000, which is over and above the usual 15%, in an interest-bearing account that will accrue interest to cover road repairs and maintenance following the eighteen months after road dedication.

Mr. Thorpe stated that opening the Loop Road would encourage more development, which would increase the value of the land, resulting in more tax revenue for the Township and the school district. He generated some numbers that indicated that the estimated tax revenue for developed land in the Loop Road area would be \$375,000 - \$400,000

per year.

Mr. Shipley said that the estimated annual cost of maintaining the Loop Road would be \$10,000 and he strongly feels this road is a state road and the state should take responsibility rather than have the taxpayers of Chadds Ford Township pay to maintain it. He does not believe that the increased taxes will offset the expense of the road and he believes that 99.9% of the benefit of this road will be to people outside the Township. Also he believes that when repairs are done to the intersection of Rt. 1 and Rt. 202 the state will use the Loop Road as a detour around the construction, benefiting the state, so the state should step up and take responsibility for it now.

Mr. Thorpe said he had been opposed to the Township taking responsibility for the road but he does not believe the state will ever take responsibility for this road and if the road is not opened the land will remain undeveloped. He is also concerned that the Township will be taken to court over this and incur huge legal fees that will result in a tax increase to Township residents.

Mr. Shipley asked if the Township could make an agreement with the commercial developers to allow a special assessment to the commercial developers for the expense of repairing the road since they are the ones benefiting.

Ms. Love D'Elia said dedication would need to take place by October 1st, to take advantage of the liquid fuel tax.

Ms. Love D'Elia moved that the Township continue discussion with the developers, at that site to take dedication of the road pending work with our Township Solicitor and Engineer to come to an agreement on the terms of the contract as well as the financial amounts that we have verbally agreed upon to maximize the benefit to the Township. Mr. Thorpe seconded. The motion carried. Mr. Shipley voted against the motion.

New Business

Novakis Subdivision

Mr. Novakis applied to subdivide his property at Springwater Plaza Shops on Rt. 202 into two parcels, one residential and one commercial, in order to get two separate tax deeds as recommended by his accountant. No development will take place and he has no plans to sell.

Mr. Thorpe moved to approve the planned Novakis subdivision on Rt. 202 southbound, just before Smithbridge Road, along the lines of the current zoning as proposed subject to the approval of the Township Engineer and Township Solicitor. Ms. Love D'Elia seconded and the motion passed unanimously.

Financial Advisory Board

Ms. Love D'Elia stated that in light of the multiple page document from the auditors of ways to tighten up the handling of financials within the Township, put more financial controls in place, and to automate more functions, there has been a suggestion to set up a board to work with the auditors. She recommended Valerie Hoxter, outgoing Secretary/Treasurer, Mary Kot, an accountant, and herself, an MBA. Mr. Shipley suggested she put this in the form of a motion.

Ms. Love D'Elia motioned that a Financial Advisory Board be set up, reporting to the Board of Supervisors, for the purpose of tightening up the financial management within the Township, the Board to be comprised of Valerie Hoxter, Mary Kot, and Ms. Love D'Elia. Mr. Shipley seconded and the motion passed unanimously.

Chadds Ford Development – Parsonage House

Mary Ann Rossi, an attorney representing Chadds Ford Development said they are applying to the Zoning Hearing Board for a variance from the R-1 zoned district for the Parsonage House at Rt. 1 and Heyburn Road so Charter Financial Group can use it as a professional office. Charter Financial Group is currently subletting from Keystone Bank in

the Township but needs more space.

They will be going to the Zoning Hearing Board to request a zoning variance and they would also like a sign variance. Mr. Shipley asked Mr. Petrosa to attend the Zoning Hearing Board meeting in order to obtain satisfactory limitations on the variance and object to any sign not in compliance with Township ordinances.

Rt. 1 Feasibility Study

The purpose of the Rt. 1 Feasibility Study is to design a comprehensive sewage plan for the village area and Rt. 1.

Ms. Love D'Elia motioned that the Township award the Rt.1 Feasibility Study to Spotts, Stevens, and McCoy. Mr. Thorpe seconded and the motion passed unanimously.

Escrow Releases

Watkins Subdivision Escrow

Mr. Shipley moved that the board release the Watkins Subdivision escrow of \$3,500 subject to payment of all bills owed the Township. Ms. Love D'Elia seconded and the motion passed unanimously.

Blanton Escrow

Mr. Shipley moved that the board release the remaining Blanton escrow of \$8,750. Mr. Thorpe seconded and the motion passed unanimously.

September Supervisors Meeting - Date Change

Ms. Love D'Elia requested the September 4th Supervisors' Meeting date be changed because she will be attending a municipal meeting in Washington.

Mr. Shipley moved that the September Supervisors' Meeting be changed

to Monday, September 9th at 7:30 pm. Ms. Love D'Elia seconded and the motion passed unanimously.

Adjournment

Ms. Love D'Elia motioned to adjourn the meeting and Mr. Shipley seconded. The motion passed unanimously. The meeting was adjourned at 10:24 pm.