

**Chadds Ford Township Board of Supervisors Meeting
February 4, 2004
M I N U T E S**

OFFICIALS PRESENT: George M. Thorpe, Chairman
Deborah Love D'Elia, Vice Chairman
Garry Paul, Member
Kathryn Luce Labrum, Esquire, Acting Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

ADJOURNMENT OF JANUARY 5, 2004 MEETING

Mr. Thorpe called for a motion to adjourn the January 5, 2004 meeting of the Board of Supervisors. The meeting had been convened rather than adjourned to allow the Board to address issue regarding an Open Space Referendum.

MOTION TO ADJOURN

Upon motion and second (D'Elia, Paul), the January 5, 2004 meeting of the Board of Supervisors was adjourned.

Mr. Thorpe introduced Kathryn Luce Labrum, substituting for Hugh Donaghue as Township Solicitor for the evening.

CALL TO ORDER

Mr. Thorpe called the meeting to order at 7:38 PM. The Pledge of Allegiance was recited.

PUBLIC COMMENT – CHADDS FORD RESIDENTS

Mr. Thorpe briefly explained the recent rearrangement of the interior of Township Hall in order to facilitate Board members and members of the audience in being able to better hear and to provide a more suitable presentation area.

Fred Reiter, Atwater Road, thanked Roadmaster Bruce Prabel for his prompt action in providing deicing materials for that area.

Debbie Reardon, Tally Ho Drive, asked Mr. Thorpe if he had received any information from PennDOT regarding the intersection of Heyburn and Ridge Roads. Mr. Thorpe had not yet received any further information from PennDOT.

STATE POLICE REPORT

A report was not available.

APPROVAL OF MINUTES – January 5, 2004

Mrs. Furlong had prepared and circulated minutes of the January 5, 2004 meeting of the Board of Supervisors for review and comment.

MOTION TO APPROVE MINUTES OF JANUARY 5, 2004

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the minutes of the January 5, 2004 meeting, draft dated January 3, 2004, which included revisions by Mr. Thorpe.

MOTION TO APPROVE MINUTES OF DECEMBER 17, 2003 – Continuation of Board of Supervisors' Meeting of December 3, 2003

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the minutes of the December 17, 2003 meeting, which had been a continuation of the Board's meeting of December 3, 2003.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that the Supervisors had been together on January 7th with Debbie Reardon to discuss the possibility of an Open Space referendum for the spring primary. The Open Space Committee had decided it best to postpone the matter for the present time. On February 3rd, Mr. Thorpe and Mr. Paul were in the Township Hall to

rearrange furniture. On February 4th, Mr. Thorpe and Mr. Paul met with Jim Kelly, Township Engineer, to discuss various matters.

Mr. Thorpe asked all those who have volunteered to serve on Township Committees to make every effort to attend meetings. In that effort, Board members had decided to implement a seventy percent attendance requirement, at which time the Chairman of the committee, after discussion with the Board of Supervisors, could ask that member to step down. Mr. Murray questioned if any thought had been given to illness, etc., and if the requirement would hurt the ability to attract quality members. Mr. Paul suggested that the policy would be somewhat flexible, with Mrs. D'Elia adding that the Chair's input would be an important consideration. The majority of Chairmen in attendance were in agreement. Mr. Paul suggested that Chairmen inform their members of the new policy.

TREASURER'S REPORT

Mrs. Furlong reported the following balances as of January 31, 2004:

Total all deposits to General Fund:	\$ 62,990.27
Total disbursements General Fund:	\$ 82,936.74

The Account Balance report was not available, but will be presented next month. Mrs. Furlong also announced that an invoice had just been received from Oceanport Industries, the salt supplier for the Township, thus, a check had been written to address that invoice, but did not appear on the disbursement report. The expenditure will appear on the February Treasurer's Report.

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Paul, D'Elia), the Board of Supervisors voted to approve the Treasurer's Report for January, 2004, and authorized payment of bills in the amount of \$51,952.22, as listed in the Disbursement Report dated February 3, 2004, with the addition of check number 3474 to Oceanport Industries in the amount of \$2,401.74.

ROADMASTER REPORT

Mr. Prabel, acting for Phil Wenrich, presented the Roadmaster's report for the month of January, 2004, a copy of which follows.

PLANNING COMMISSION

Mr. Taylor reviewed the January 12, 2004 Minutes of the Planning Commission, a copy of which follows.

Mr. Thorpe questioned the current status of the recent Baltimore Pike Feasibility Study prepared by Spotts, Stevens and McCoy. Mr. Kelly stated that all comments from both Delaware County Planning and Chadds Ford Township Planning Commissions be reviewed prior to the Board adopting the study as an amendment to the Township's Comprehensive Plan. Mr. Kelly suggested that it would also be necessary to adopt a zoning ordinance reflecting the intent of the comprehensive plan amendment to allow for enforcement of same.

ZONING HEARING BOARD

Mr. Wandersee reported that a hearing had been held on Wednesday, January 24, 2004, for the reorganization of the Board and the continuation of a hearing for applicant Family Jeep Chrysler Plymouth. The zoning application of Ronald and Marie Brittingham was also heard. A full copy of Mr. Wandersee's report follows.

HARB

Gary Sharp reported that HARB had met on Monday, February 2, 2004. Owners of two homes on Station Way Road had presented plans for renovation and made application for Certificates of Appropriateness. Mr. Sharp said that after review, HARB members recommended approval of both applications by the Board of Supervisors.

MOTION TO APPROVE CERTIFICATES OF APPROPRIATENESS – 6 Station Way Road and 2 Station Way Road

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved Certificates of Appropriateness for the Brandywine Conservancy, 6 Station Way Road, and also for Sotirios and Alice Trivellas, 2 Station Way Road.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for the month of January, 2004, which included a comprehensive report from the Sewer Authority's engineer, Angelika Forndran.

Mr. Thorpe addressed issue of the distribution to Chadds Ford residents of the pamphlet, "When It Rains, It Drains" to meet DEP compliance requirements for public education as included in Phase II of Act. Mr. Kelly presented a memo suggesting various ways the Township might meet the requirements.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported the number of permits that had been issued during the month of January, 2004. A written report reflecting same has been submitted.

Mr. Jensen also reported that Applied Card Way has been negligent in not installing areas of landscaping that should have been completed during the fall of 2003. Mrs. Labrum will draft a letter to Applied Card asking them to forward copies of any contracts that have been entered into for said landscaping.

An action has been filed in District Court regarding outstanding invoices for the Darley residence at 379 Ring Road.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated February 4, 2004, a copy of which follows.

Mr. Kelly reported on problems with Joseph E. Sucher and Sons in the completion of specific items. He suggested a second payment of \$11,746.80 be approved and that the contract be terminated. Discussion ensued with Ms. Love D'Elia asking if the Township might be liable for the remaining balance of the contract and also asked if another bid procedure would be necessary for completion of the outstanding work. Mr. Kelly responded that some of the items can be added into the 2004 Road Program, with the remainder to be bid by telephone, such as the line striping. Mr. Paul questioned the appropriateness of a check in the suggested amount be issued directly to Sucher or whether it should be issued to his bonding company. Mr. Kelly responded that he had not received notification of the need to make checks payable to a bonding company. Mrs. Labrum suggested that since the amount in question would be a final payment, it would be advisable to issue the check to Sucher and not the bonding company. In response to a question from Mr. Jensen regarding problems with the quality of Sucher's work, Mr. Kelly responded that both a maintenance bond and a performance bond are in place.

Mr. Kelly also reviewed requirements of NPDES MS4 and Act 167 Chester Creek Watershed Ordinance, with the intent to present a draft of an ordinance that addresses the requirements of both issues at the March Supervisors' meeting.

MOTION TO APPROVE SECOND PAYMENT TO JOSEPH E. SUCHER & SONS – 2003 ROAD PROGRAM

Upon motion and second (Paul, D'Elia) the Board of Supervisors approved the second payment to Joseph E. Sucher and Sons in the amount of \$11,746.80.

Mr. Jensen reported that James Bergin, owner of Cavallo Auto Body, has been cited by DEP for various violations in Chadds Ford Township. Mr. Jensen and the Township SEOs had been on the site several times. Mr. Jensen also reported on problems

with construction on Bellefair Lane with property owner Eric Goodman.

Ms. Love D'Elia asked if anything needed to be done with the property at the corner of Oakland Road and Britton's Bridge Road, which is now being used as an apartment in a R-1 zone. Mr. Thorpe suggested that the matter be investigated to see what the development requirements were and then proceed to enforce compliance with current Township ordinances. Mrs. Labrum will draft a violation notice after receiving further information from Mr. Jensen to bring the issue to resolution.

OPEN SPACE COMMITTEE

Mrs. Debbie Reardon reported on the activities of the Open Space Committee during the month of January, 2004. A copy of the report follows.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that the Committee had not met during January, however, Phyllis Nolan had received permission to use a picture of Mother Archie for the sign which will eventually be placed at the site.

Mr. Wandersee questioned the status of the Turner's Mill renovation. Mr. Thorpe responded that he and Mr. Jensen are working on revisions that need to be made to the site plan with the real question being the need to determine how much money the project will cost and how much money the Township has available. Mr. Jensen did not think that possible requirements of Labor and Industry would add appreciable cost to the estimate. The current cost estimate is approximately 1.2 million, but further review is necessary. Susan Darryl suggested that information regarding the projected costs of the Turner's Mill project continue to be made public.

FINANCIAL ADVISORY BOARD

Ms. Love D'Elia commented that work is ongoing in preparation for an audit of the Tax Collector for year 2003.

OLD BUSINESS

GRACE-RIDGE ROAD PRELIMINARY/FINAL SUBDIVISION APPROVAL

Mr. Kelly reported that there were still outstanding issues regarding sewage and that revised plans had just been received by Kelly Engineers the day before, February 3, 2004. Mr. Ginter was present on behalf of Joe Grace, owner of the property. It was his understanding that both Mr. Donaghue and Mr. Kelly had everything necessary to recommend approval to the Board. Discussion ensued as to test results and the timely submission of same to Kelly Engineers. Mr. Thorpe asked Mr. Ginter to arrange to meet with Jim Kelly and Hugh Donaghue prior to the next Board meeting in order to work out all details so that a complete application might be presented. Mrs. Labrum added that the applicant's attorney had been unaware of the most recent plans that include an easement for septic systems.

TREMONTE SUBDIVISION PRELIMINARY/FINAL SUBDIVISION APPROVAL

Robert Flinchbaugh, PE, present for applicant John Tremonte, reported that the Planning Commission had recommended approval of the subdivision subject to various

conditions. Mr. Thorpe's concerns were the issues of ownership of the sewage lines and set backs within the building envelopes. Mr. Jensen asked what had been done in the final stages to protect the building envelopes and also asked if anything had been done regarding access to the power lines for the Carter residence. Mr. Flinchbaugh responded that the power line had been determined to be private and the poles are not located on the applicant's property. Further, he said that building footprints had been provided to the Planning Commission and note 45 on Sheet 5 had been added regarding a deed restriction. There was discussion as to proposed easements that had been submitted by Alan W. Flenner, Esquire, attorney for the applicant. Mr. Thorpe stated that it was the Board's sentiment that more time was necessary for all issues to be resolved as outlined in the Resolution prior to approval. The applicant agreed to grant an extension of time pursuant to the Municipal Planning Code if necessary.

Mr. Murray commented that the respective engineers need to make sure everything is in order and that the Sewer Authority had applied for a Highway Occupancy Permit on behalf of the applicant. A separate agreement will be entered into with the Sewer Authority.

CONCORDVILLE NISSAN SUBARU RE-APPROVAL

Mr. Kelly reported as to an application for re-approval of final land development plans that had been submitted by Thomas Schocklin, engineer for Concordville Nissan Subaru, Wilmington West Chester Pike. Mr. Kelly stated that any re-approval could only be granted with conditions. Mr. Paul said that several documents had been missing from what had been provided. Mr. Murray added that the septic field in Chadds Ford Township had been abandoned and that Concordville Nissan was supposedly waiting for development at the corner of Ridge Road and Wilmington West Chester Pike. Mr. Paul suggested that as long as the septic situation is currently under control, the Township need not act immediately. Mr. Thorpe directed Mr. Kelly to determine the current status of the system. Board members were in agreement not to re-approve the plan at this time.

RENUMBERING UPDATE

Mr. Thorpe asked residents to post new numbers immediately if they have not already done so. Owners of rental properties are responsible to notify tenants of the numbers designated within shopping centers, etc.

NEW BUSINESS

APPOINTMENT OF ANIMAL CONTROL OFFICERS

Mr. Thorpe reported that the Pennsylvania Game Commission has re-instituted a policy of removing highway killed deer on all local and some state roads within 50 feet of the traveled portion. Remaining roads are maintained by PennDOT, such as Route 1 and Creek Road. The two appointed animal control officers are for problems occurring on private property and private roads within the Township. Allen Strickler will be available for wildlife and deer removal services and Dave Schlott for all other small wildlife and domestic pets. Mrs. Taylor commented that there will be no cost to the Township for removal performed by the Pennsylvania Game Commission.

MOTION TO APPOINTMENT ANIMAL CONTROL OFFICERS

Upon motion and second (Paul, D'Elia), Allen Strickler and David Schlott were appointed Animal Control Officers for Chadds Ford Township, term running through December 31, 2004.

TAX COLLECTOR FEES

Mr. Thorpe reviewed a proposed to establish fees to be assessed by the Tax Collector for services beyond the scope of work performed for the Township, such as tax certifications for title companies, duplicate bills, etc. Said fees will be paid directly to Mr. Prabel.

MOTION TO APPROVE RESOLUTION 2004-5 ESTALISHING FEES FOR TOWNSHIP TAX COLLECTOR

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved Resolution 2004-5, establishing fees to be charged by the Township Tax Collector.

ACT 167 CHESTER CREEK ORDINANCE

The topic had been previously discussed.

COMPREHENSIVE PLAN REVISION

This topic had been previously discussed.

HARB SIGNAGE REVIEW RESPONSIBILITIES

Mr. Jensen suggested that revision to local ordinances might be necessary to allow HARB to adequately review signage. The issue will be addressed next month.

ANNUAL AUDITORS REPORT

Elected auditors Fred Hodapp, Valerie Hoxter and Gary McAnelly had met on the evening of January 14, 2004. Minutes of the meeting have been filed with the Township.

SOVEREIGN BANK PROPOSAL

Michael Lyons, Esquire, attorney for Sovereign Bank, summarized the status of a proposal to construct a Sovereign Bank branch office at the corner of Marshall Road and Route 202. The applicant proposed various improvements to both Route 202 and Marshall Road to provide ingress and egress to the site. Raymond Dodge would be amenable to granting a small easement to allow for widening for Route 202. Ms. Love D'Elia asked if the applicant would still be willing to make an additional contribution for future improvements to Marshall Road. Mr. Lyons stated that offer was made before the applicant had most recent suggested improvements

The applicant would ask for relief from numerous Township ordinances and submitted a list of same. Mr. Lyons will ask Mrs. Forwood, an adjoining property owner, for a letter of non-opposition. Sewage is to be connected to the Springhill Farm Plant. Mr. Thorpe stated that both he and Jim Shipley previously voiced objections to the development of the corner, but the suggested improvements would make the road much safer. Mr. Thorpe further stated that the suggested use would be suitable for the corner and he did not have any objections at this point. Ms. Love D'Elia said the same. Mr. Paul stated that he had walked the site and it seemed that many of the troublesome issues had

been addressed.

CHILD SAFETY WEEK

Mr. Thorpe had been asked by the Delaware County Safety Board to adopt a resolution in support of Child Safety Week, however, due to the shortness of time prior to the Board meeting, a resolution had not been drafted. Board members expressed the desire to show support of the initiative by motion.

MOTION TO SUPPORT NATIONAL CHILD SAFETY WEEK

Upon motion and second (D'Elia, Paul), the Board of Supervisors moved to support local efforts for National Child Safety Week.

PA ONE CALL SYSTEM

Mr. Kelly will research the need for the Township to become a member of the system. The Chadds Ford Township Sewer Authority is already compliant with the requirement.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:35 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary