

**Chadds Ford Township Board of Supervisors Meeting**

**June 2, 2004**

**MINUTES**

**OFFICIALS PRESENT:** George M. Thorpe, Chairman  
Deborah Love D'Elia, Vice Chairman  
Hugh A. Donaghue, Township Solicitor  
James C. Kelly, Township Engineer  
Richard J. Jensen, Building Inspector, CEO  
Maryann D. Furlong, Secretary/Treasurer

**CALL TO ORDER**

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

Mr. Thorpe pointed out the emergency exits. Mr. Paul was unable to attend the meeting.

**PUBLIC COMMENT – CHADDS FORD RESIDENTS**

Mrs. Debbie Reardon of Tally Ho Drive asked once again if Mr. Thorpe had received any word regarding possible improvements at the corner of Heyburn and Ridge Roads from PennDOT officials. Mr. Thorpe has yet to hear back from PennDOT and will follow up this week and will also ask Mr. Tobin to cut back the grass in the area.

**STATE POLICE REPORT**

There was no report available.

**APPROVAL OF MINUTES – April 29, 2004**

Mrs. Furlong had prepared and circulated minutes of the April 29, 2004 meeting of the Board of Supervisors for review and comment. Mr. Thorpe had suggested minor revisions which had been made on May 17<sup>th</sup>.

***MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF APRIL 1, 2004***

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors approved the minutes of April 29, 2004, draft of 5/17/04.

**REPORTS**

**SUPERVISORS' REPORT**

Mr. Thorpe reported on various times throughout the past month when two or more Supervisors had been together:

- May 10, 2004  
updates on Toll Brother

Mr. Thorpe and Mr. Paul had met to discuss  
activities.

- May 11, 2004  
met with Jim Kelly, Hugh

Mr. Thorpe, Mrs. Love D'Elia and Mr. Paul had  
Donaghue and Richard Jensen to prepare for a  
Toll Brothers meeting.

- May 13, 2004

The three Supervisors, Jim Kelly, Hugh Donaghue

and Richard Jensen

attended a meeting with representatives from Toll Brothers.

Ms. Love D'Elia also reported that she had met with Township Auditor Peter Barsz to review the 2003 audit results.

### **TREASURER'S REPORT**

Mrs. Furlong reported the following figures as of May 31, 2004, further stating that disbursements were unusually high because the Township was issuing checks for 2004 tax revenues collected to Concordville Fire, the Rachel Kohl Community Library, and to the Township's Capital Improvement Fund:

Total all deposits to General Fund:	\$ 49,079.09
Total disbursements General Fund:	\$ 110,369.00
Cash Account Balance	\$ 995,494.79

Mrs. Love D'Elia suggested that pursuant to discussion at a recent Financial Advisory Board meeting, the bill payment for Kelly Engineers be reduced by \$2500 pending further information from the firm regarding invoicing for the Act 167 Stormwater Ordinance. Mr. Thorpe concurred.

### **MOTION TO APPROVE TREASURER'S REPORT**

Upon motion and second (D'Elia, Thorpe), the Supervisors present unanimously voted to approve the Treasurer's Report for May, 2004, and authorized payment of bills in the amount of \$ 107,869.00 as listed in the Disbursement Report.

### **ROADMASTER'S REPORT**

Phil Wenrich was unable to be in attendance. Mr. Thorpe presented the Roadmaster's Report, a copy of which follows.

### **PLANNING COMMISSION**

Mr. Taylor presented the Planning Commission report for the meeting of May 12, 2004. In response to a question from Mr. Murray, Mr. Kelly explained that a model sewer ordinance had recently been distributed for review purposes only.

### **ZONING HEARING BOARD**

Mr. Wandersee was on vacation and therefore not present at the meeting, however, Mr. Jensen reported that the only scheduled Zoning Hearing Board meeting had been continued at the applicant's request.

### **HARB**

Mr. Jensen stated that there had been no meeting during the month of May, but a hearing is scheduled for June.

### **SEWER AUTHORITY**

Mr. Murray presented the Sewer Authority report for the month of May, 2004, a copy of which follows.

### **BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Mr. Jensen reported as to the number of permits that had been issued during the month of May, 2004. A written report and fee checks had been submitted to the Supervisors.

Mr. Thorpe questioned Mr. Jensen regarding the current code violations at Garnet Volkswagen. Mr. Jensen responded that he had spoken to Mr. Hendrixson earlier in the day and expected the situation to be resolved quickly.

### **TOWNSHIP ENGINEER**

Mr. Kelly presented the Engineer's Report dated June 2, 2004 and recommended the release of escrow for Carmine Rapucci at Woodland Road and Route 202, and Carrabba's Restaurant/Henderson Group. Mr. Kelly also circulated copies of a proposed "Act 167 Stormwater Management Ordinance" for review. The Supervisors and Mr. Kelly discussed various ways that the Township might meet the requirements of NPDES II regulations over the five year period. Mrs. Love D'Elia asked Mr. Kelly to submit estimated engineering costs for 2005 DEP requirements as soon as possible for budgeting purposes.

Mr. Kelly presented the proposed scope of work for the 2004 Road Program. Mrs. Love D'Elia added that a meeting had been held with herself, Phil Wenrich and J.P. Kelly to address the issues. There was discussion regarding uncompleted work from the 2003 program. Mr. Donaghue recommended that the BOS approve the scope of work, then authorize the Township Engineer to put the project to bid.

### ***MOTION TO APPROVE 2004 ROAD PROGRAM and AUTHORIZE KELLY ENGINEERS TO ADVERTISE FOR BIDS***

Upon motion and second (D'Elia, Thorpe) the Supervisors present accepted the scope of work for the 2004 Road Program as suggested by the Township Engineer in the amount of \$132,372.10 and authorized Kelly Engineers to advertise the project for bids.

Also, upon the suggestion of the Jim Kelly, the Board authorized Kelly Engineers to submit an Application for County Aide in the amount of \$15,000, if such has not already been done.

### **MOTION TO APPROVE THE RELEASE ALL SURETY – CARMINE RAPUCCI**

Upon motion and second (D'Elia, Thorpe), the Supervisors present authorized the termination of the letter of credit for Carmine Rapucci, subject to satisfaction of any outstanding obligations to the Township.

### **MOTION TO APPROVE RELEASE OF LETTER OF CREDIT and DEVELOPER'S ESCROW FOR CARRABBA'S ITALIAN GRILL/HENDERSON GROUP**

Upon motion and second (Thorpe, D'Elia) the Supervisors approved the release of the Letter of Credit and the Developer's Agreement escrow for Carrabba's Italian Grill/Henderson Group.

Mr. Donaghue asked that the Township Secretary be authorized to advertise the following three items:

- The June 17<sup>th</sup> meeting, 7:00 PM, Township Hall to announce the Board's decision on Toll Brother's PRD application;
- A public meeting on July 1<sup>st</sup>, 7:00 PM, Township Hall to review the proposed Chadds Ford Township Building Code Ordinance, and
- A public meeting on July 1<sup>st</sup>, 7:15 PM, Township Hall to review the proposed Act 167 Stormwater Management Ordinance.

The Supervisors so authorized the Township Secretary.

### **OPEN SPACE COMMITTEE**

Mrs. Reardon presented the Open Space Committee's report for the month of May, 2004, and also announced that the June meeting has been changed to June 22<sup>nd</sup> at 7:00 PM.

### **TOWNSHIP PROPERTIES COMMITTEE**

Mr. Thorpe reported that a location for the historic marker sign for Mother Archie's Church had been approved. Committee members had also met to discuss the restoration of tombstones at the site.

Mr. Prabel asked if there has been any action on the Turner's Mill project. Mr. Thorpe responded that a survey will be completed. Mr. Jensen reported on his recent activities with John Milner and in obtaining various proposals.

Ms. Love D'Elia reported that in late May, the Township had submitted two grants applications to the Department of Community and Economic Development. The Township is seeking a \$150,000 grant on behalf of the Sewer Authority and a \$200,000 grant for renovation/construction of Turner's Mill.

### **FINANCIAL ADVISORY BOARD**

Mrs. Love D'Elia reported that the Financial Advisory Board had met on May 24, 2004. A copy of the minutes follows.

### **OLD BUSINESS**

There were no issues to address.

### **NEW BUSINESS**

#### **2004 ROAD PROGRAM**

Ms. Love D'Elia reported that the Township's signal service contract had expired on June 1, 2004. Two proposals for coverage had been submitted to the Township, one by the current contractor, Signal Service, at an annual cost of \$2,125, and another by LOBEC, Inc., at an annual cost of \$1,375.00. The Supervisors discussed the terms of both contracts.

MOTION TO APPROVE AWARDING OF SIGNAL SERVICE CONTRACT TO LOBEC, Inc.

Upon motion and second (D'Elia, Thorpe), the Supervisors moved to enter into a one year contract (June 2, 2004 – May 31, 2005) with LOBEC, Inc., for signal service maintenance of the Township's five (5) traffic signals at an annual cost of \$1,375.00.

ADOPTION OF ORDINANCE 102 – BRANDYWINE DRIVE PARKING PROHIBITION

A public hearing had been conducted just prior to this evening's Board meeting for the purpose of public comment on the proposed ordinance. The only public comment was made by Mr. Thomas Hannum, of Hannum Harley Davidson, who asked the Supervisors for assistance in controlling the crowd for an annual rally, to take place this year on Sunday, August 29th, with most of the crowd to be present between 8:00 AM through 10:00 AM. Mrs. Love D'Elia commented that some twenty Hannum Harley Davidson employees and their families had helped with the recent Township clean up day.

MOTION TO ADOPT ORDINANCE 102 – BRANDYWINE DRIVE PARKING PROHIBITION

Upon motion and second (D'Elia, Thorpe), the Supervisors present moved to adopt Ordinance 102, amending Chapter 125 of the Code of Ordinances of Chadds Ford Township, Vehicles and Traffic, by adding thereto Section 125-17, prohibiting parking at any place along the length of Brandywine Drive.

RESOLUTION 2004-11 ADOPTING THE DELAWARE COUNTY SEWAGE FACILITIES PLAN – WESTERN PLAN OF STUDY

Mr. Donaghue had reviewed the resolution, a proposed draft of which had been submitted by John Pickett of Delaware County Planning.

MOTION TO ADOPT RESOLUTION 2004-11 – DELAWARE COUNTY SEWAGE FACILITIES PLAN – WESTERN PLAN OF STUDY

Upon motion and second (D'Elia, Thorpe) the Board approved Resolution 2004-11, the Delaware County Sewage Facilities Plan – Western Plan of Study, adopting same as an official plan revision in compliance with the Pennsylvania Sewage Facilities Act of 1966.

HENDERSON/TOLL BROTHERS ZONING HEARING BOARD APPLICATION

Susan Line Boswell, Esquire, presented a joint proposal of both Toll Brothers and the Henderson Group which would connect an access road from the Camp Sunset Hill site to Hillman Drive. A Zoning Hearing Board Application has been submitted. Several areas of relief are being requested including side yard requirements, impervious coverage, sign easements, road access and limits to the length of the zoning relief.

Mr. Thorpe stated that the presentation was being made to determine if the Board of Supervisors will oppose the application. Ms. Love D'Elia questioned the size of the sign, which Mrs. Boswell reported at fifty (50) square feet. Township ordinances allow twenty (20) square feet. Mr. Thorpe he did not object to the presence of the sign, but also questioned the size. Mr. Jensen suggested that the Supervisors give Toll Brothers the opportunity to rework the size of the sign. Mr. Prabel suggested that the sign be readable from both sides. The Board decided not to send the Township Solicitor to the Zoning Hearing Board meeting, however, both Mrs. Love D'Elia and Mr. Thorpe were opposed to any sign that exceeds the size permitted under Township ordinances.

## CUNO MUSEUM PRESENTATION

Mr. Thorpe announced that this presentation was being made to inform Board members of the specifics of a proposal and what relief will be requested from Township zoning ordinances so that a decision may be made as to whether or not to oppose the request. Robert H. Linn, AIA, presented a proposal on behalf of Charles and Rena Cuno to create a boutique type museum and to display over 3000 pieces of artwork, along with print making equipment at 1763 Creek Road. The applicant has submitted a Zoning Hearing Board application with a hearing to be scheduled for July. Relief from various Township ordinances is being sought.

Mr. Jensen questioned the present location of the septic system. Mr. Cuno showed the location on the map and reported the system to be ten to twelve years old. Mr. Cuno has owned the property since 1999.

Mr. Thorpe stated that his major concern was egress onto Creek Road with the speed of traffic along that stretch. Mr. Kelly added that PennDOT would have to be contacted because of the proposed change.

Both Supervisors expressed an interest in walking the property. Ms. Love D'Elia asked if the museum will be similar to the Sanderson Museum and also if there are any plans for signage that might be erected. Mr. Donaghue suggested that the applicant report back to the Supervisors in August.

## NEW HORIZON FELLOWSHIP SPECIAL EXCEPTION

Michael Lyons, Esquire, Jonathan Sutton, AIA, and Reverend Timothy Pierce were present to inform the Supervisors of an Zoning Hearing Board application for special exception that had been filed on behalf of New Horizons Fellowship. Mr. Sutton reviewed a sketch of the proposal site and Reverend Pierce spoke briefly. Neither Mr. Thorpe nor Mrs. Love D'Elia saw any reason to oppose the application, therefore, Mr. Donaghue will not be sent to the Zoning Hearing Board meeting.

## ESCROW RELEASES

Mrs. Furlong suggested the Board approve the following escrow releases, all of which are Zoning Hearing Board escrows:

<u>Applicant:</u>	<u>Amount of Escrow:</u>
Family Chrysler Jeep	\$900.00
Sovereign Bank	\$900.00
Brandywine Conservancy/Kuerner Farm	\$900.00

The accrued interest will be calculated and refunded in July.

## MOTION TO APPROVE ESCROW RELEASES

Upon motion and second (Thorpe, D'Elia), the Supervisors present approved the release of Zoning Hearing Board escrows for Family Chrysler Jeep, Sovereign Bank, and the Brandywine Conservancy/Kuerner Farm, conditioned upon payment of all outstanding bills.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 9:28 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary