

**Chadds Ford Township Board of Supervisors Meeting
January 3, 2005**

MINUTES

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

STATE POLICE REPORT

A report was not available.

CALL TO ORDER – ORGANIZATION MEETING

Mr. Thorpe called the annual organization meeting of the Board of Supervisors to order at 7:40 PM. A public meeting was held at 7:30 PM for the purpose of taking public comment on a proposed Fire Marshall ordinance. The Pledge of Allegiance was recited and Mr. Thorpe pointed out emergency exits.

CALL TO ORDER

Mrs. Love D'Elia, acting as temporary Chairman, said that the Board was meeting tonight in compliance with second class Township code which requires the organization of municipalities on the first Monday of every January.

CHAIRMAN – BOARD OF SUPERVISORS

Mrs. Love D'Elia opened the floor for nominations for the position of Chairman of the Board of Supervisors. Mr. Paul nominated George M. Thorpe.

MOTION FOR APPOINTMENT OF CHAIRMAN – BOARD OF SUPERVISORS

Upon motion and second (Paul, D'Elia), George M. Thorpe was appointed to serve as Chairman of the Board of Supervisors.

VICE CHAIRMAN – BOARD OF SUPERVISORS

Mr. Thorpe opened the floor for nominations for the position of Vice Chairman of the Board of Supervisors. Mr. Thorpe nominated Deborah Love D'Elia.

MOTION FOR APPOINTMENT OF VICE CHAIRMAN

Upon motion and second (Thorpe, Paul), Deborah Love D'Elia was appointed to serve as Vice Chairman of the Board of Supervisors.

ROADMASTER

Mr. Thorpe opened the floor for nominations for the position of Roadmaster. Mrs. Love D'Elia nominated Joseph Barakat for the position.

MOTION TO APPOINT ROADMASTER

Upon motion and second (D'Elia, Paul), the Board of Supervisors appointed Joseph Barakat to serve as Roadmaster.

OTHER APPOINTED POSITIONS

Mr. Thorpe opened the floor for various other appointed positions.

Mrs. Love D'Elia made the following nominations:

Board of
Supervisors
January 3, 2005
Page Two

- To continue to employ the firm of Donaghue and Bradley, specifically Hugh A. Donaghue, Esquire, as Township Solicitor. Retainer is to be \$400.00 per month and \$135.00 per hour
- To continue to employ Robert L. Pinto, Esquire, of Levis & Pinto, as secondary counsel with fees to remain the same
- To continue to employ Francis T. Sbandi, Esquire, as Solicitor for the zoning Hearing Board. The basis for fees is to remain the same
- To continue to employ James C. Kelly of Kelly Engineers as the Township's principal engineering consultant, with fees to remain the same
- To continue to employ Kelly Engineers, specifically Will McBeth and John Ibach, as the Township's Sewage Enforcement Officers.
- To continue to employ the Brandywine Conservancy, or equivalent consultant, for land development review services.
- To continue to designate Commerce Bank as the primary depository for Township funds.

MOTION TO APPROVE OTHER APPOINTED POSITIONS

Upon motion and second (D'Elia, Paul) the Board of Supervisors appointed the individuals and firms as indicated above.

ADOPTION OF RESOLUTIONS and CONTRACTS

RESOLUTION 2004-1 – Appointment of Township Auditor

Mrs. Love D'Elia explained that the purpose of the resolution was to officially replace the elected Township Auditors with the firm of MervesAmon&Barsz for the purpose of performing the 2004 Township audit.

MOTION TO APPROVE RESOLUTION 2005-1

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors adopted

Resolution 2005-1, appointing the firm of MervesAmon&Barsz as the Township auditors for the purpose of performing the 2004 audit and to perform all other duties as specified in Sections 901 and 917 of the Second Class Township Code.

Concordville Fire and Protective Services Annual Contract

Mr. Thorpe announced that the Supervisors approved renewing the annual contract with Concordville Fire and Protective Services for coverage of the Township. The exact monetary amount will be based on real estate tax millage previously set at .075. The contract had been reviewed by the Township Solicitor and would be executed by the Board.

INDIVIDUAL APPOINTMENTS

Mr. Thorpe opened the floor for various individual appointments.

EMERGENCY MANAGEMENT COORDINATOR

Mr. Paul nominated Sharon Wenrich to serve as Emergency Management Coordinator. There were no other nominations.

MOTION TO APPROVE APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR

Upon motion and second (Paul, D'Elia), the Board of Supervisors moved to appoint Sharon Wenrich as Emergency Management Coordinator.

Supervisors

Board of

January 3, 2005
Page Three

BUILDING INSPECTOR, CODE ENFORCEMENT OFFICER, ZONING OFFICER and PLUMBING INSPECTOR

Mr. Paul nominated Richard J. Jensen to continue to serve as Emergency Management Coordinator. Mr. Jensen's retainer is to be \$860.00 per month with fees as follows:

Fees	% of Fees Collected
Zoning	70%
Building	35%
Plumbing	60%
Grading	70%
Certificates of Occupancy (w/o permits)	70%
Certificates of Occupancy (w/permits)	35%

MOTION TO APPROVE APPOINTMENT OF BUILDING INSPECTOR, CODE ENFORCEMENT OFFICER, ZONING OFFICER and PLUMBING INSPECTOR

Upon motion and second (Paul, D'Elia), the Board of Supervisors voted to continue to employ Richard J. Jensen as Building Inspector, Code Enforcement Officer, Zoning Officer and Plumbing Inspector with fees as set forth above.

TOWNSHIP SECRETARY

Mr. Paul nominated Maryann Furlong to continue to serve as Township Secretary with compensation to be \$2500 per month. There were no other nominations.

MOTION TO APPOINT TOWNSHIP SECRETARY

Upon motion and second (Paul, Thorpe), the Board of Supervisors voted to continue to employ Maryann Furlong as Secretary/Treasurer.

PLANNING COMMISSION SECRETARY

Mr. Paul nominated Gail Force to continue to serve as Planning Commission Secretary with compensation to be \$100 per meeting and \$20.00 per hour. There were no other nominations.

MOTION TO APPOINT PLANNING COMMISSION SECRETARY

Upon motion and second (Paul, Thorpe), the Board of Supervisors voted to continue to employ Gail Force as Planning Commission Secretary.

ANIMAL CONTROL OFFICERS

Mr. Paul nominated Allen Strickler and David Schlott to continue to act as Township Animal Control Officers in their respective areas.

MOTION TO APPOINT ANIMAL CONTROL OFFICERS

Upon motion and second (Paul, D'Elia) the Board appointed Allen Strickler and David Schlott as Animal Control Officers for a one year term to run January 3, 2005 through December 31, 2005.

VACANCY OFFICER

Mr. Paul nominated Sigurd S. Swenson to serve as Vacancy Officer for a one year term.

MOTION TO APPOINT VACANCY OFFICER

Upon motion and second (Paul, D'Elia) the Board appointed Sigurd S. Swenson as Vacancy Officer for a one year term to run January 3, 2005 through December 31, 2005.

Board of
Supervisors
January 3, 2005
Page Four

APPOINTMENTS TO COMMITTEES

Mr. Thorpe opened the floor for nominations to fill vacancies on various Township committees.

PLANNING COMMISSION

Mr. Paul nominated Gary Whelan to fill an expired term on Planning Commission.

MOTION TO APPOINT PLANNING COMMISSION MEMBER

Upon motion and second (Paul, D'Elia) the Board appointed Gary Whelan to serve on Planning Commission for a one year term to run January 3, 2005 through December 31, 2005.

SEWER AUTHORITY

Mrs. Love D'Elia nominated Fred Hodapp to fill an expired term on the Sewer Authority.

MOTION TO APPOINT SEWER AUTHORITY MEMBER

Upon motion and second (D'Elia, Thorpe) the Board appointed Fred Hodapp to serve on the Sewer Authority for a one year term to run January 3, 2005 through December 31, 2005

ZONING HEARING BOARD

Mr. Paul nominated Robert Reardon to be reappointed to the Zoning Hearing Board.

MOTION TO APPOINT ZONING HEARING BOARD MEMBER

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved the reappointment of Robert Reardon to serve on the Zoning Hearing Board, with a term to run from January 3, 2005 through December 31, 2007.

OPEN SPACE

Mrs. Love D'Elia nominated Debbie Reardon and Kathy Wandersee to be reappointed as members of the Open Space Committee.

MOTION TO APPOINT OPEN SPACE COMMITTEE MEMBERS

Upon motion and second (D'Elia, Paul), the Board of Supervisors appointed Debbie Reardon and Kathy Wandersee to serve on the Open Space Committee with terms to run from January 3, 2005 through December 31, 2007.

UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

Mr. Thorpe nominated Garry Paul, Gary Sharp and Joseph Vaites to be reappointed as members of the UCC Board of Appeals.

MOTION TO APPOINT UCC BOARD OF APPEALS MEMBERS

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors appointed Garry Paul, Gary Sharp and Joseph Vaites to serve on the UCC Board of Appeals with terms to run from January 3, 2005 through December 31, 2005. Mr. Paul abstained from voting.

HARB

Mr. Thorpe stated that a vacancy exists on the Historical and Architectural Review Board and that the Board will accept letters of interest from Township residents through January 15th.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Paul nominated John Rahner to fill a vacancy on the Township Properties Committee.

Board of
Supervisors
January 3, 2005
Page Five

MOTION TO APPROVE APPOINTMENT TO TOWNSHIP PROPERTIES COMMITTEE

Upon motion and second (Paul, D'Elia), the Board of Supervisors appointed John Rahner to serve on the Township Properties Committee.

Mr. Thorpe announced the members of the Township Properties Committee as being himself, Ed Wandersee, Jim Duff, John Rahner and Richard Jensen.

ANNOUNCEMENTS

Members of the Financial Advisory Board are Deborah Love D'Elia, Mary Kot, Valerie Hoxter and Maryann Furlong. Members of the Emergency Preparedness Committee are Sharon Wenrich, Joe Barakat, Bruce Prabel, the Fire Marshal (to be appointed) and Mr. Thorpe acting as the Board liason.

The Treasurer's Bond was established at \$900,000 and Commerce Bank will continue to be the primary depository for Township funds.

AUTHORIZATION TO PUBLISH 2005 MEETING DATES

2005 meeting dates were circulated and approved by Committee chairmen. The Board authorized Mrs. Furlong to publish the dates in accordance with Second Class Township Code requirements and to also post the information on the website and outside Township Hall.

The Board thanked all Committee members for the work performed on behalf of the Township during the past year. The organization portion of the meeting was concluded.

APPROVAL OF MINUTES – December 1, 2004

A draft of the minutes of December Board meeting had been circulated for review. Revisions were made by Mr. Thorpe.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF December 1, 2004

Upon motion and second (D'Elia, Paul), the Supervisors approved the minutes of December 1, 2004 Board of Supervisors' meeting, draft dated 12.21.04.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that two or more Supervisors had been together for the following three meetings:

- On 12/26 Garry Paul and George Thorpe met to review personnel matters;
- On 12/27 Garry Paul and George Thorpe met with Township resident Gary Whelan;
- On 12/28 all three Supervisors attended an organization meeting of the newly formed Township Emergency Preparedness Committee, and
- On 12/28 all three met to discuss personnel matters.

TREASURER'S REPORT

Mrs. Furlong reported the following figures as of December 31, 2004:

Total all deposits to General Fund:	\$	49,540.59
Total disbursements General Fund:	\$	78,544.85
Cash Accounts Balances:	\$	751,770.76

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (D'Elia, Paul), the Supervisors unanimously voted to approve the Treasurer's Report for December, 2004, and authorized the payment of bills in the amount of \$78,544.85 as listed in the Journal Report.

Board of
Supervisors
January 3, 2005
Page Six

ROADMASTER'S REPORT

Joe Barakat, Township Roadmaster, summarized the Roadmaster's report for the month of December. A copy follows these minutes.

Additional comments were made regarding traffic light timing problems at Route 1 and 202; the removal of railroad tracks on Ring Road; PECO work on Route 1, and road repairs to Longview Drive and Station Way Road where the Chester Water Authority had opened the street.

PLANNING COMMISSION

Mr. Taylor presented the Planning Commission report for the meeting that had been held on Wednesday, December 8, 2004. A full copy of the minutes follows.

ZONING HEARING BOARD

Mr. Wandersee reported that members met on December 15, 2004, for one application. A summary of the meeting follows.

Mr. Wandersee commented that an application has been filed by David Goodman concerning a zoning enforcement notice issued by Mr. Jensen. Both Mr. Thorpe and Mrs. Love D'Elia indicated that they want the Township Solicitor to attend all future hearings on the Goodman matter to oppose the appeal.

HARB

Mr. Jensen stated that there had been no meeting during the month of December.

SEWER AUTHORITY

Mr. Murray, Sewer Authority Chairman, presented the Sewer Authority report for

the month of December, 2004, a copy of which follows.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen gave the Building Inspector/Code Enforcement Officer's report for the month of December. A written report and accompanying checks had been submitted to the Board for review.

In response to a question from Mrs. Love D'Elia, Mr. Jensen stated that he was aware of numerous small signs that have been illegally placed at various locations within the Township. Mr. Jensen and Mr. Thorpe had already removed many.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report for the month of December. A copy of the report, dated January 3, 2005, follows the minutes.

Additionally, Mr. Kelly recommended that the Board approve the Application for County Aid so that the Township may begin preparation for the 2005 Road Program.

MOTION TO AUTHORIZE TOWNSHIP SECRETARY TO SUBMIT APPLICATION FOR COUNTY AID

Upon motion and second (D'Elia, Paul), the Board of Supervisors authorized the Township Secretary to complete and submit the annual form for County Aid for funds to be used for the 2005 Road Program.

Mr. Kelly had suggested final release of the improvement security escrow for the Keystone Plaza project on Route 202. Mr. Donaghue and Mr. Jensen had concerns regarding landscaping work. Board members agreed to approve the release subject to further review by the Township Engineer.

MOTION TO APPROVE FINAL RELEASE IMPROVEMENT SECURITY ESCROW – ENZO'S SOUTH

Upon motion and second (Paul, D'Elia), the Board moved to approve the second improvement security escrow release in the amount of \$27,900 to Antimo Enterprises.

Supervisors

Board of

January 3, 2005

Page Seven

Mr. Thorpe explained an outstanding problem with the Hoffman subdivision application regarding street numbering of the new lot. The property fronts on Bullock, but to reduce environmental impact, access from Carriage Path is being suggested. No numbers are available on Carriage Path and Delaware County Emergency Services cannot handle letters added to numbers. The applicant's engineer has been asked to confer with the Township's Engineer regarding possible solutions.

OPEN SPACE COMMITTEE

Chairman Debbie Reardon stated that although no official meeting had been held during December, work continued on By-Laws. A complete Land Trust application should

be finished within the next few weeks.

Mr. Donaghue reviewed time lines for the proposed ordinance.

Mrs. Reardon publicly thanked Mrs. Alma Forsyth for her recent efforts of on behalf of the Township for both the Pennsylvania Scenic By-Ways application and Open Space.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe stated that no meetings had been held, with the Committee meeting on an as needed basis.

FINANCIAL ADVISORY BOARD

The Financial Advisory had not met during December.

PUBLIC COMMENT

- Mrs. Reardon thanked the Supervisors for their efforts to have PennDOT place a four-way stop sign at the corner of Heyburn and Ridge Roads.
- Bruce Prabel, Heyburn Road, questioned if PennDot is going to paint stop lines at the intersection and further asked if the state agency will review speed limits in both directions. Speed limit changes along Route 1 were also discussed. Mr. Barakat will contact PennDOT.

NEW BUSINESS

111 MARSHALL ROAD

Michael Lyons, Esquire, Timothy Smith of Chester County Innovations and John McMahon appeared before the Board representing owners of the property at 111 Marshall Road. A sketch plan for the site was submitted proposing a 3500 square foot one story office building. Mr. McMahon indicated that the proposed building would serve as the real estate offices of Zommick McMahon. Mr. Smith briefly reviewed the plan. Mr. Lyons submitted copies of a traffic study by Pennoni Associates that had been completed for a former applicant.

There was a discussion as to the proposed structure, variances, and improvements to Marshall Road and Route 202. Mr. Lyons had been in contact with Lawrence Strohm, Esquire, legal representative for Raymond Dodge, and there was no objection to the application.

Discussion ensued as follows:

- Mrs. Love D'Elia had several questions regarding the type of office being proposed and stormwater management.
- Mr. Paul questioned if the applicant has contacted the Glen Eagle Shopping Center to discuss a possible connection between the properties.
- Mr. Paul further asked if neighbors are still amenable to the development. Board members will want proof of this.
- Mr. Jensen suggested that use as a real estate office should be acceptable, but a future change in use could possibly increase parking and traffic volume. Possible zoning restrictions as to type of use were discussed.

Board of

- Mr. Murray questioned the improvements to be made to Marshall Road.

Mrs. Love D'Elia thought favorably of the application if a current traffic study is satisfactory. Mr. Lyons will submit further specific information regarding same. Board members would also like to see more information as to possible use restrictions for the property.

ORDINANCE 106 – FIRE MARSHALL

Mr. Thorpe entertained questions from residents regarding the proposed Fire Marshall ordinance. Mrs. Reardon asked if it would be a voluntary or paid position. The Chairman replied that the Fire Marshall will be reimbursed for costs, but not salaried.

MOTION TO APPROVE ORDINANCE 106 – FIRE MARSHALL

Upon motion and second (Paul, D'Elia), the Board of Supervisors adopted Ordinance 106, amending the Chadds Ford Township Code by Adding Chapter XIV, Fire Marshall, creating the office of Fire Marshall, providing for the appointment, powers and duties thereof and prohibiting interference with the exercise of same.

Mr. Thorpe asked that anyone interested in the position should submit a resume to the Township Secretary by January 15th.

PROPOSED CHANGE IN NOTIFICATION TO ADJOINING PROPERTY OWNERS – SUBDIVISION/LAND DEVELOPMENT APPLICATIONS

Mr. Donaghue reviewed current notification policies for subdivision/land development applications. Developers are responsible for notifying adjoining land owners of the application.

At the December Board meeting, Supervisor Garry Paul Suggest suggested changing the requirement notice to all property owners within either 250 or 500 feet of a subject property, which would be consistent with zoning requirements. There are no specific requirements under Municipal Planning Code. Mr. Paul supported the 500 foot requirement with the developer being responsible for sending said notices. Mr. Jensen and Mrs. Love D'Elia supported the suggestion.

Gail Force questioned the notification process to condominiums where residents don't own the ground. Mr. Donaghue suggested that he draft an ordinance incorporating the 500 foot requirement and further research procedures for Springhill Farms, Painters Crossing, Southpoint and Chadds Ford Commons.

Mr. Reiter suggested that it might present problems if individual condo owners are not notified.

NEW PRECINCT STATUS REPORT

Mr. Donaghue had prepared a report suggesting how the Township could be divided into two electoral districts so as to comply with regulations of the Delaware County Board of Elections. The proposal would divide the Township into a Northeast and Southwest

districts. The Delaware County Court of Commons Please would have to approval the split.

There was general discussion regarding the suggestion, with some of the issues being:

- finding volunteers to work the polls;
- confusion when both districts eventually vote at Turner's Mill;
- new officials for the primary, and
- notification as to where to vote.

MOTION TO APPROVE PETITION TO ESTABLISH A NEW VOTING PRECINCT

Upon motion and second (D'Elia, Paul), Board members directed the Township Solicitor to submit the proposed redistricting plan to the Delaware County Board of Elections.

Board of
Supervisors
January 3, 2005
Page Nine

AUTHORIZATION TO ADVERTISE ORDINANCE APPROVING COMMERCE BANK FINANCING

Board members authorized the Township Secretary to place the appropriate legal ad regarding a proposed ordinance for the Commerce Bank loan for Turner's Mill.

Mr. Donaghue distributed materials on a Right to Know resolution and discussed establishing fees for open space.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:48 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary