

**Chadds Ford Township Board of Supervisors Meeting  
September 6, 2005  
M I N U T E S**

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

**CALL TO ORDER – REGULAR MEETING**

The meeting was called to order at 7:34 PM and the Pledge of Allegiance was recited. A moment of silence was observed for the victims of Hurricane Katrina. Mr. Thorpe thanked all for attending and pointed out emergency exits.

**STATE POLICE REPORT**

No report was available.

**APPROVAL OF MINUTES – August 3, 2005**

Minutes of the August 3, 2005 meeting were previously circulated for review. Mr. Thorpe made two corrections.

**MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF August 3, 2005**

Upon motion and second (D'Elia, Thorpe), the Board approved minutes of the August 3, 2005 meeting, draft of September 6, 2005, as revised.

**REPORTS**

**SUPERVISORS' REPORT**

Mrs. Love D'Elia reported that on August 25, 2005, she and Supervisor Garry Paul met with representatives of the Spring Hill Farms Waste Water Treatment Plant to discuss DEP Act 537 issues.

Mrs. Furlong announced that the Rachel Kohl Community Library was holding the second annual Family Fun Day on Saturday, September 10, 2005, 4:00 PM – 7:00 PM, at the Concord Township Building grounds. Darlington Fine Arts will provide entertainment from 7:00 PM to 8:00 PM, with fireworks to follow. All are welcomed to attend.

**TREASURER'S REPORT**

Mrs. Furlong reported the following figures and balances for the month of August, 2005:

Total all deposits to General Fund:	\$	55,021.90
Total disbursements General Fund:	\$	332,674.09
Cash Accounts Balances	\$	793,185.25

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

Upon motion and second (D'Elia, Thorpe), the Supervisors unanimously voted to approve the Treasurer's Report for August, 2005, and authorized payment of bills in the amount of \$332,674.09, including \$249,045.16 for Turner's Mill expenses.

## **FIRE MARSHALL**

Mr. Jensen reported that Mr. Wenrich was unable to be in attendance, but he has addressed one residential complaint on Webb Road.

## **EMERGENCY MANAGEMENT COORDINATOR**

No report was available.

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## **ROADMASTER'S REPORT**

Joe Barakat, Township Roadmaster, thanked Laura Kot for her help in organizing Roadmaster files last month. Transportation is needed for someone from Chadds Ford Township to Elwyn on a daily basis. Anyone interested should contact Emily Myers of the Chadds Ford Business Association. The August Roadmaster's report was reviewed. A written copy follows.

Mrs. Love D'Elia asked if Mr. Barakat has been in contact with the School District regarding Atwater Road at the Stone Brook development. The Roadmaster was aware of the situation and in touch with residents, but further advised that School District buses will not travel on private roads.

Dr. Charles Bulla, Atwater Road, questioned culvert work to take place on Atwater Road.

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

Mr. Jensen presented the Building Inspector/Code Enforcement Officer's report for the month of August. A written report and accompanying checks were submitted. Mr. Jensen and Mr. Thorpe appeared at District Court on August 30, 2005, prosecuting violations regarding the sale of fireworks. The Township was awarded a \$5,000 judgment.

Two Zoning Hearing Board matters are pending. The Walker hearing was continued from last month. The Board had decided to oppose the application. John Milner, AIA, was present on behalf of the Walkers. Mr. Milner reviewed newly revised plan for the Supervisors. The greatest encroachment was reduced to 5 feet. Mr. Jensen added that the revised plan removed a terrace, to be replaced with a grass terrace. Mrs. Love D'Elia voiced her opinion that once an existing, non-conforming dwelling is demolished, any new building needs to be built in accordance with Township ordinances. After further discussion, the Supervisors agreed to allow the Zoning Hearing Board handle the matter and will not send the Township Solicitor to oppose the variance request.

A variance application has been filed by Toll Brothers to post two off premises real estate signs for Camp Sunset Hill, one on the Bunch property and one on the Henderson property. Both signs would be larger than the sixteen square feet permitted. Mr. Jensen questioned if Toll Brothers has standing to apply for such a variance in the absence of lease agreements. The Supervisors saw no compelling reason to allow larger signs. If Toll Brothers gains standing, the Board will send the Township Solicitor to oppose the request.

## **TOWNSHIP ENGINEER**

Mr. Kelly presented the Engineer's report dated September 6, 2005. A copy follows the minutes.

Mr. Kelly recommended a \$42,231.60 payment to Cousins, Inc., for work completed on the Heyburn Road and Tally Ho Drive culvert replacement.

Mr. Kelly suggested that two resolutions regarding amendments to the Township's Act 537 be placed on the Board's October agenda for consideration. Copies were circulated for review.

## ***MOTION TO APPROVE PAYMENT OF COUSINS, INC.***

Upon motion and second (Paul, D'Elia), the Supervisors approved the release of \$42,231.60 to Cousins, Inc., which is 90% of the value of completed work for the culvert replacement at Heyburn Road and Tally Ho Drive.

## **PLANNING COMMISSION**

Mr. Taylor, Planning Commission Chairman, read from the draft of minutes for the meeting of Wednesday, August 13, 2005.

Mr. Taylor has made arrangements with Michael Kirlin of Concord Township to attend the next Planning Commission meeting to discuss Ridge Road Associates' land development application.

## **ZONING HEARING BOARD**

Mr. Wandersee reviewed his report for hearings held on August 17, 2005. A written report follows.

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## **HARB**

HARB met earlier this evening to consider an application for painting at the Tipping property, 1743 Creek Road. Colors were approved and Mr. Jensen prepared a Certificate of Appropriateness for the Board's consideration.

## **MOTION FOR CERTIFICATE OF APPROPRIATENESS – 1743 CREEK ROAD**

Upon motion and second (D'Elia, Paul), the Supervisors accepted the recommendation of HARB and signed a Certificate of Appropriateness, approving emerald

green and okra paint colors for the property at 1743 Creek Road.

### **SEWER AUTHORITY**

Chairman Vince DelRossi presented the Sewer Authority report for the meeting held on August 23, 2005.

### **OPEN SPACE COMMITTEE**

Lois Saunders stated that the Committee does not normally meet during August.

### **EMERGENCY PREPAREDNESS**

No report was available.

### **TOWNSHIP PROPERTIES COMMITTEE**

No meeting had been held during August.

### **FINANCIAL ADVISORY BOARD**

Mrs. Love D'Elia reported that although the Board did not meet, she has directed Mrs. Furlong to start preliminary work on the 2006 Township budget.

### **PUBLIC COMMENT**

Kathleen Goodier asked Richard Jensen what Township firework regulations are.

Mr. Jensen

replied that the recent violation didn't deal directly with the sale of fireworks, but rather the lack of an

occupancy permit and other violations.

Mr. Thorpe announced that there will be a commemoration of 9/11 at the

Brandywine Battlefield

next Sunday at 6:00 PM. The Brandywine Baptist Church ensemble will perform.

On September 25<sup>th</sup>, Revolutionary Times will be celebrated at the Brandywine Battlefield.

Paul Vernon reminded all of the second annual Community pig roast scheduled for 4:00 PM,

September 17<sup>th</sup> at the King residence, 89 Ring Road, rain or shine. This is a joint effort by the

Brandywine Baptist Church and the Chadds Ford Civic Association.

### **OLD BUSINESS**

#### **CHADDS FORD BUSINESS CAMPUS LOTS 10, 11 and 12 FINAL PLAN AMENDMENT**

Acting Township Solicitor Jim Bradley asked the Supervisors to amend Township Resolution

2005-6, adopted February 18, 2005, for the purpose of clarification of the waivers. A specific revision

deals with Lot 11 and a waiver granting the reduction of freeboard from two feet to one foot. This

modification will effect work performed on the berm for the retention basin.

Mr. Jensen stated that signature plans need to be submitted for signature as soon as possible.

**MOTION TO ADOPT 2005-20 CHADDS FORD BUSINESS CAMPUS LOTS 10, 11 and 12**

Upon motion and second (Paul, D’Elia), the Board of Supervisors amended Township Resolution 2005-6 by adopting Resolution 2005-20 and the waivers therein, which will supersede Resolution 2005-6, regarding Henderson Birmingham Associates, owner of Lot 10 in the Chadds Ford Business Campus and Wilbur C. Henderson & Son, owner of Lots 11 and 12.

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**NEW BUSINESS**

**MARSHALL ESTATES SUBDIVISION/LAND DEVELOPMENT PLAN**

Luren Dickinson and Scott Dickinson of Dickinson Development and William D. Teate, Jr., property owner, were in attendance regarding a proposed five lot subdivision on Marshall Road. Mrs. Love D’Elia asked for information regarding the public sewer easement and the amount of land available for subdivision. The developers had investigated connecting to the Spring Hill Farm WWTP. There must 100% approval to join anyone else into the facility, thus seven other people who reside on Marshall Road would have to agree.

There was discussion as to whether or not Township Ordinance 110 applies to the subdivision application. Since the application was filed o April 5, 2005 and the Ordinance not passed until June, the provisions of the Ordinance are not applicable. Mr. Jensen stated that the intent of Overlay Ordinance is not to penalize small subdivisions. Relief can also be sought from the Zoning Hearing Board.

After further discussion as to the possibility of connecting to the Spring Hill Farms WWTP, it was the Supervisors’ general consensus that Mr. Dickinson should make another attempt to pursue public sewage for the site.

**NOISE ORDINANCE**

Mr. Thorpe said that Planning Commission members have spent many hours preparing a draft of a noise ordinance for the Township. Some further clarification of terms still needs to be done. There was discussion regarding generators, power tools and construction hours. Mr. Jensen suggested the Board members make recommendations regarding changes and send a red-lined copy back to Planning Commission and the Township Solicitor. Mrs. Love D’Elia asked Mr. Taylor to add the noise ordinance to the October 12<sup>th</sup> agenda, with an intention to consider adoption at the Board’s November

meeting. Lois Saunders stated that if the ordinance amends the zoning code it will need to be reviewed by Delaware County Planning.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:24 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary