

**Chadds Ford Township Board of Supervisors Meeting  
October 5, 2005  
M I N U T E S**

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

**CALL TO ORDER – REGULAR MEETING**

The regular meeting of the Board of Supervisors was called to order at 7:52 PM after a special hearing on the Conditional Use application of Calvary Chapel Church. The Pledge of Allegiance was recited and emergency exits were identified.

**STATE POLICE REPORT**

No report was available.

**APPROVAL OF MINUTES – September 6, 2005**

Minutes of the September 6, 2005 meeting were circulated. Mr. Thorpe made two corrections.

**MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF September 6, 2005**

Upon motion and second (D'Elia, Thorpe), the Board approved minutes of the September 6, 2005 meeting, draft of October 5, 2005, as revised.

**BRANDYWINE CONSERVANCY STORMWATER SEWER EXTENSION**

Timothy Barnard, Esquire, appeared on behalf of the Brandywine Conservancy to ask the Supervisors to reduce a \$50,000 improvement security escrow that had been posted for various Conservancy building projects several years ago. The Township had not released the escrow because the size of a drainage line at the corner of Station Way and Creek Roads differed from the size designated on the approved land development plan.

To resolve the problem, the Conservancy offered to reconstruct site. An estimate of \$6,000 had been obtained from the Township's 2005 road program contractor. Mr. Kelly will provide Mr. Barnard with a copy of the estimate.

After discussion as to how much escrow will be retained by the Township and who will perform the work, it was decided to release the entire letter of credit in the amount of \$50,000, with the Conservancy simultaneously giving the Township a check in the amount of \$10,000 to be held as a special escrow until the corrective work is satisfactorily completed. Mr. Kelly will coordinate the specifics with Mr. Barnard.

**MOTION TO APPROVE RELEASE OF LETTER OF CREDIT – BRANDYWINE CONSERVANCY**

Upon motion and second (D'Elia, Thorpe), the Supervisors approved the release of the Brandywine Conservancy's improvement security escrow in the form of a letter of

credit. Mr. Barnard will provide the Township with a \$10,000 check to be held in escrow pending completion of the stormwater sewer extension work.

## **REPORTS**

### **SUPERVISORS' REPORT**

Mr. Thorpe reported the meetings during September where two or more Supervisors were present:

On September 16, 2005, and again on September 20, 2005, Mr. Thorpe and Mr. Paul met with Toll Brothers to review agreements;  
On September 21, 2005, Mr. Thorpe and Mr. Paul reviewed sketch plans for Joe Grace's Village area project. Counsel for Mr. Grace and a representative of the Brandywine Conservancy was also present.

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The Township has been notified of the awarding of a \$20,000 grant through the Department of Community and Economic Development. The funds will be used to purchase an emergency generator for Turner's Mill so that the site can function as a command center in case of emergency. Mr. Thorpe thanked Senator Dominic Pileggi for his efforts on behalf of the Township.

### **RACHEL KOHL COMMUNITY LIBRARY**

Township Library Board representative Sandy Paul reported that the recent Family Fun Day was a great success. Recent statistics show that Chadds Ford Township contributes 2% of the Library's funding, but residents account for 8% of circulation. Mrs. Paul said it is truly a bargain for the Township residents.

### **TREASURER'S REPORT**

Mrs. Furlong reported the following figures for the month of September, 2005, noting the annual "pass through" Foreign Fire Relief payment in the amount of \$43,383.60. Approximately \$165,700 was for Turner's Mill expenses.

Total all deposits to General Fund:	\$	130,047.13
Total disbursements General Fund:	\$	255,873.78
Escrow disbursements	\$	13,613.43
Cash Accounts Balances	\$	828,659.07

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

Upon motion and second (D'Elia, Paul), the Supervisors unanimously voted to approve the Treasurer's Report for September, 2005, and authorized payment of bills in the amount of \$255,873.78.

**FIRE MARSHALL**

No report was available.

**EMERGENCY MANAGEMENT COORDINATOR**

No report was available.

**ROADMASTER'S REPORT**

Joe Barakat, Township Roadmaster, submitted a monthly status report dated October 3, 2005. A copy follows.

Mr. Paul asked when corrective measures will be taken to fix areas on Atwater Road left unfinished by the Township's road contractor. Mr. Barakat will check into the matter.

**BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Mr. Jensen presented the Building Inspector/Code Enforcement Officer's report for the month of September. A written report and accompanying checks were submitted.

A cease and desist order was issued for the Tremonte development, Ridge Road, for various violations of the developer's agreement

District Justice Cappelli has not yet issued a decision in the firework sale violation action brought by the Township.

**RIDGE ROAD SUBDIVISION/LAND DEVELOPMENT APPLICATION**

Although this project was not on the agenda for review, Ross Unruh, Esquire, representing Foulk Road Associates, asked for a status update regarding the subdivision application. Mr. Donaghue stated that there is significant concern regarding stormwater runoff, additional discharge into the creek and overflow onto Ridge Road. Additionally, there has been no testing in the field to verify the design of the seepage beds. Kevin Matson of Kelly Engineers had suggested a meeting, but same has not occurred. Mr. Donaghue suggested that since the Supervisors are not under immediate time constraints to grant approval and considering the outstanding stormwater issues, the project be placed on the November

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Agenda for preliminary approval consideration. Mr. Kelly suggested meeting in the field to discuss testing. Mrs. Love D'Elia will be in touch with Mr. Unruh's office and Kevin Matson. Mrs. Love D'Elia further stated that the matter should be on the Boards' November agenda as long as there is action towards resolving the issues in question. Mr. Thorpe commented that he does not want to see any plan unless there are only a few minor unresolved issues, such as street names and state permits.

**TOWNSHIP ENGINEER**

Mr. Kelly presented the Engineer's report dated October 5, 2005. A copy follows the minutes.

### **PLANNING COMMISSION**

Mr. Taylor, Planning Commission Chairman, read from a draft of minutes for the meeting held Wednesday, September 14, 2005.

At the time Planning Commission recommended approval of the Ridge Road Associates subdivision plan the only outstanding issue was stormwater.

### **ZONING HEARING BOARD**

Mr. Wandersee reviewed his report for hearings held on September 21, 2005. A written report follows.

### **HARB**

HARB members met on Monday, October 3, 2005, to consider an application for replacement windows at the Kenneth Blackburn property, 5 Station Way Road. Members unanimously approved the proposed replacement windows. Paint colors had been previously approved. Mr. Jensen prepared a Certificate of Appropriateness for the Board's consideration.

### **MOTION FOR CERTIFICATE OF APPROPRIATENESS – 5 STATION WAY ROAD REPLACEMENT WINDOWS**

Upon motion and second (Paul, D'Elia), the Supervisors accepted the recommendation of HARB and issued a Certificate of Appropriateness to approve installation of replacement windows.

### **SEWER AUTHORITY**

Chairman Vince DelRossi presented the Sewer Authority report for the meeting held on September 22, 2005. A copy of the report follows.

### **PROPOSED GRINDER PUMP ORDINANCE**

Mr. Donaghue suggested that the Supervisors review a proposed Grinder Pump Ordinance, as prepared by Kelly Engineers regarding the Village of Chadds Ford low pressure waste water treatment plant. The Township Secretary was authorized to place the necessary legal advertisements with an intent to schedule a public hearing prior to the December Board meeting.

### **OPEN SPACE COMMITTEE**

Lois Saunders submitted a written report for September, 2005. A copy follows these minutes.

### **EMERGENCY PREPAREDNESS**

No report was available.

### **TOWNSHIP PROPERTIES COMMITTEE**

A meeting was not held during September.

## **FINANCIAL ADVISORY BOARD**

Mrs. Love D'Elia said that Mrs. Furlong is working on a preliminary budget for presentation at the November Board of Supervisors meeting.

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## **PUBLIC COMMENT**

Mr. Carl Doerr, 1706 Painters Crossing, commended the Supervisors for their ongoing work in drafting a Noise Ordinance and commented that Chadds Ford is a community where all respect quiet. However, Mr. Doerr was having a specific problem with Dr. Gray's veterinary hospital adjacent to his Painters Crossing home. Noise from the kennel between 6:00 – 7:00 AM was annoying and disruptive. He suggested a change in hours, perhaps an 8:00 AM opening during the week, then 9:00 AM on weekends and holidays. Most of the problems occurred during the summer when windows were open.

Mr. Thorpe responded that the Supervisors are trying to review hours so that "quiet times" are uniform for all activities. Mr. Jensen added that Dr. Gray's use of his property is pre-existing to the ordinance and also to the construction of the condominiums.

Jerry Heisler, Ardmoor Lane, expressed concerns, especially with enforceability. He spoke of a dusk to dawn policy with neighbors and hoped that there would be a warning system for dog owners before sanctions were imposed. Mr. Heisler also suggested the Township invest in a Township wide module for stormwater control to predict the outcome of future development. Mrs. Love D'Elia asked Mr. Heisler to submit his noise ordinance comments in writing for the Planning Commission's review. Planning Commission members are still working on a final draft of the noise ordinance. Lois Saunders asked if a noise ordinance is currently in place. Mr. Jensen responded that it is, but is not enforceable.

Paul Koch, on behalf of the Chadds Ford Historical Society thanked those who helped with Chadds Ford Days and reminded all that the Great Pumpkin Carve will be on October 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>. The carving will be done on Thursday evening with a preview cocktail party.

## **OLD BUSINESS**

This topic had been discussed earlier.

## **NEW BUSINESS**

### **MARSHALL ESTATES SUBDIVISION/LAND DEVELOPMENT PLAN**

At last month's meeting, the Supervisors asked the applicant, Luren Dickinson, to investigate a sewer hookup with the Springwater Farm WWTP for the proposed subdivision. Mr. Dickinson has received response letters regarding the utilization of the plant, but apparently, Jesse Lucas, Springhill Farm sewer board president, intends to tie into Concord Township sewer lines. Mrs. Love D'Elia stated that she had received a verbal

indication from Concord Township that they are not interested in accepting this wastewater. Mrs. Love D'Elia thanked Mr. Dickinson for following up on request.

The Township Solicitor presented a proposed resolution for approval of the subdivision application. The conditions set forth therein were reviewed. Condition number 6. was changed to indicate possible utilization of the Ridings WWTP by Marshall Estates. If that is not feasible, the new homes will be served by onsite sewage. Mr. Paul commented the Supervisors are trying to pursue every opportunity for public sewage without delaying the development. Mr. Paul further suggested that Mr. Dickinson contact Vince DelRossi regarding a formal request to tie-in to the Ridings WWTP.

**MOTION TO APPROVE RESOLUTION 2005-22 PRELIMINARY/FINAL MAJOR SUBDIVISION APPLICATION**

Upon motion and second (Paul, D'Elia), the Board of Supervisors unanimously approved the Preliminary/Final Major Subdivision application for the property located at 40 Marshall Road, known as Marshall Estates, subject to compliance with the 2 waivers and 8 conditions set forth therein.

**NOISE ORDINANCE**

The Planning Commission will finalize definitions/clarifications at their next meeting. Mr. Thorpe has suggested unified times for noise restrictions. Mr. Donaghue made general comments regarding loitering, freedom of speech and the freedom to congregate, with enforcement issues becoming a matter for the police. Mrs. Love D'Elia asked Mr. Taylor to have Planning Commission members consider Mr. Doerr's comments.

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**HENDERSON PAINTERS CROSSING III**

Jeffrey Nagorney, PE, Vollmer Associates, representing Henderson Associates, asked the Supervisors to approve a Planning Module Resolution to allow the septic application to be sent to DEP for review. Mr. Nagorney reported that the actual land development application is still not ready for presentation to the Board. The intention is for details regarding stormwater issues to be resolved within the month so that the project may be included on the Boards' November agenda. There was discussion as to I and I issues and capacity of the plant considering the proposed TGIF Restaurant. Mr. Kelly indicated that further applications will trigger a DEP review of the plant's capacity.

Stormwater issues were discussed with Mr. Paul questioning what the applicant is doing to reduce the effect on Harvey Run. Quality of the runoff, the location of the emergency pond and emergency access connections were discussed. Mr. Jensen stated that the fire company doesn't want to see development the emergency provisions. Utilizing Lot 4 as a recharge area was discussed. Mr. Jensen thought that a good idea, but the applicant does not have to do it and moreover, Mr. Jensen didn't think Lot 4 could handle it.

Mr. Kelly assured the Supervisors that his office had met with Mr. Nagorney and determined it appropriate to request an amendment to the Township's Act 537 plan for this. Adoption of the standard DEP resolution merely allows the planning module proposal package to be sent to DEP for review. I and I issues can be addressed through the Developer's Agreement.

Mrs. Love D'Elia voiced her concerns that the Supervisors were not being informed of proposed resolutions prior to the Board meeting to allow them sufficient time for review. Such is the intent of the "ten day" rule. Since Mrs. Love D'Elia had misgivings as to approval since she had not previously seen the proposed resolution and that consultants are expected to provide the Board members with copies of proposed resolutions well in advance of the meeting.

**MOTION TO APPROVE RESOLUTION 2005-23 FOR PLAN REVISION FOR NEW LAND DEVELOPMENT – HENDERSON PAINTERS CROSSING III**

Upon motion and second (Thorpe, Paul) Mr. Thorpe and Mr. Paul approved the DEP Resolution for Plan Revision for Henderson Painters Crossing III. Mrs. Love D'Elia abstained.

**RED RIBBON WEEK**

Mrs. Love D'Elia presented information regarding the upcoming Red Ribbon Week, which will run October 23<sup>rd</sup> through October 31<sup>st</sup>.

**MOTION TO APPROVE RESOLUTION 2005-21 RED RIBBON WEEK**

Upon motion and second (D'Elia, Paul), the Supervisors declared October 23<sup>rd</sup> through October 31<sup>st</sup> to be designated Red Ribbon Week in Chadds Ford Township, commending the work of individuals and groups for their efforts to eliminate alcohol and other drug abuse and to promote a drug free society.

**ADJOURNMENT**

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

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary