

**Chadds Ford Township Board of Supervisors Meeting  
December 7, 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 7:36 PM. The Pledge of Allegiance was recited and emergency exits were identified. Three public hearings were held prior to this meeting for the purpose of taking comments on proposed Ordinances 111, 112 and 81A.

**STATE POLICE REPORT**

No report was available.

**APPROVAL OF MINUTES – November 2, 2005**

Minutes of the November 2, 2005 Board meeting were circulated. Minor revisions were made.

**MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF November 2, 2005**

Upon motion and second (Thorpe, D'Elia), the Board approved minutes of the November 2, 2005 meeting, draft of 12.6.05, as revised.

**REPORTS**

**SUPERVISORS' REPORT**

Mrs. Love D'Elia announced that she attended a Delaware County Council meeting where a resolution was passed to designate Thursday, December 15<sup>th</sup> as "DUI Victims Remembrance Day." A special commemorative tribute will be conducted at the Memorial Garden in Harrisburg.

On December 6, 2005 all three Supervisors met to review budget matters.

Chairman Thorpe asked Committee Chairmen to pick up a draft of suggested 2006 meeting dates from Mrs. Furlong for review and comment.

**RACHEL KOHL COMMUNITY LIBRARY**

A faxed report was received and reviewed by the Board.

**TREASURER'S REPORT**

Mrs. Furlong reported the following figures for the month of November, 2005:

Total deposits to General Fund:	\$	47,597.69
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Total disbursements General Fund:	\$	336,065.86
Escrow disbursements	\$	103,704.27
Cash Accounts Balances	\$	1,132,162.36

**MOTION TO APPROVE TREASURER'S REPORT**

Upon motion and second D'Elia, Paul), the Supervisors unanimously voted to approve the Treasurer's Report for November, 2005, and authorized payment of bills in the amount of \$336,065.86.

Turner's Mill expenses for November totaled \$211,526.59.

The Supervisors gave an early thank you to Tax Collector Bruce Prabel for making the tax bills look good and for the many hours spent on refining the fire hydrant districts.

**FIRE MARSHALL**

No report was available.

**EMERGENCY MANAGEMENT COORDINATOR**

No report was available.

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**ROADMASTER'S REPORT**

Joe Barakat, Roadmaster, summarized highlights from his report dated November 30, 2005. A copy follows.

Lana Sheer, Atwater Road, noted that there are still potholes in the road between certain homes on Atwater Road. Mr. Barakat will address the problem with Bob Martin. The road program contractor was asked to patch all holes, but only those at the bottom of the road were repaired.

**BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

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

Mr. Prabel asked for help in preventing Toll Brothers from tracking mud down Heyburn Road once construction starts at Camp Sunset Hill. Mr. Jensen will follow up.

Mrs. Reardon expressed concerned regarding a yellow "deli type" sign on the corner of Ridge Road and Route 202 posted by St. Cornelius Church. She has also seen signs on telephone poles announcing Christmas services. Joe Barakat will contact the Church regarding the signs in Chadds Ford.

Ms. Sheer asked if Township codes offer any relief in efforts to keep Atwater Road clean during construction by Newlin Homes. Ms. Sheer also stated that the contractors are working during non-permitted hours. Mr. Jensen said that the road was dirty and needs to be cleaned, but that Mr. McLaughlin already knows of the problem. Mr. Jensen will confirm.

Charles Bulla, Atwater Road, suggested that truck traffic is contributing to further

deterioration of Atwater Road. A videotape of the road was made prior to construction and a condition of the development agreement states the road will be restored to its preconstruction state. Mr. Paul added that plans are underway to fund the repaving of Atwater Road once construction is complete.

Keith Klaver, Atwater Road, also commented on work hours and truck traffic.

**TOWNSHIP ENGINEER**

Mr. Kelly presented the Engineer's report dated December 7, 2005. A copy follows the minutes.

The following improvement security escrow releases were recommended:

\$6,600 (letter of credit) - Bunch Auction House – final release

\$5,000 (cash plus interest) - Lindry/Cornerstone Development – final release

\$315,000 (letter of credit) - Henderson/Endo II – final release

Release of the Wawa/Oakland Road improvement security escrow was tabled pending investigation of the amount of the letter of credit. Mr. Jensen questioned if anything is to be held on the Henderson escrow. Mr. Kelly replied that nothing will be held.

**MOTION TO APPROVE FINAL RELEASE/IMPROVEMENT SECURITY ESCROW – BUNCH AUCTION HOUSE**

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved final release of the improvement security escrow for Bunch Auction House in the form of a \$6,600 letter of credit.

**MOTION TO APPROVE FINAL RELEASE/ IMPROVEMENT SECURITY ESCROW – LINDRY/CORNERSTONE DEVELOPMENT**

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the final release of the improvement security escrow for the Cornerstone Development on Webb Road in the form of a \$8,494.93 check plus accrued interest.

**MOTION TO APPROVE FINAL RELEASE/IMPROVEMENT SECURITY ESCROW – HENDERSON/ENDO II**

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved final release of the improvement security escrow for Henderson/Endo II in the form of a \$315,000 letter of credit.

The Township Engineer also recommended as follows:

**MOTION TO APPROVE FINAL RELEASE/DEVELOPER'S AGREEMENT ESCROW – LINDRY/CORNERSTONE DEVELOPMENT**

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Upon motion and second (Paul, D'Elia), the Board of Supervisors approved final release of the improvement security escrow for the Cornerstone Development in the form of a \$5,000 check plus accrued interest.

**MOTION TO APPROVE FINAL PAYMENT TO COUSZINS, Inc. – Heyburn Road Culvert Replacement**

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved payment in the amount of \$13,492.40 to Couzins, Inc., for work completed on the Heyburn Road and Tally Ho Drive culvert replacement project.

**MOTION TO APPROVE PAYMENT TO KELLER & WOLF, Inc. – 2005 Road Program**

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved payment in the amount of \$130,862.16 to Keller & Wolf, Inc., for work completed on the 2005 Road Program. \$58,574.24 from the liquid fuel fund was used to pay portion of the bill.

**PLANNING COMMISSION**

Mr. Taylor, Planning Commission Chairman, read from a draft of minutes of the meeting held Wednesday, November 9, 2005.

**ZONING HEARING BOARD**

Mr. Wandersee informed the Board that there was no meeting in November, thus there was no report.

**HARB**

Mr. Jensen reported that HARB members met on Monday, November 7, 2005. Several applications were considered and recommendations as follows:

**MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – WOODEN KNOB**

Upon motion and second (D'Elia, Paul) the Board of Supervisors approved issuance of a Certificate of Appropriateness for the Wooden Knob building, Route One and Creek Road, regarding Finnaren & Haley paint colors, proposed removal of stucco and re-pointing of stone and installation of a new cedar roof, as specifically recommended by HARB.

**MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – BALDWIN BUILDING**

Upon motion and second (Thorpe, D'Elia) the Board of Supervisors approved issuance of a Certificate of Appropriateness for the Baldwin Building, Route One, regarding replacement of the building's roof with Certainteed Roofing materials, and painting of the front metal roofs with Finnaren & Haley Jamestown Red paint color, as specifically recommended by HARB.

**MOTION IN SUPPORT OF STUCCO REPLACEMENT – BALDWIN BUILDING**

Upon motion and second (Thorpe, D'Elia) the Supervisors approved HARB's recommendation for the replacement of stucco that had been removed from the Baldwin Building, subject to color approval of HARB.

The Supervisors reviewed HARB's comments regarding proposals for the Chadds Ford Inn, including the denial of nano walls across the front of Inn.

**MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – CHADDS FORD INN/  
Exhibit 1**

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved HARB'S recommendations as to the architectural concept only regarding the sketch labeled "HARB 12.5.05 Exhibits 1."

**MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – CHADDS FORD INN/  
Exhibit 2**

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved HARB'S recommendations as to the architectural concept only regarding the sketch labeled "HARB 12.5.05 Exhibits 2."

**MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – CHADDS FORD INN/  
Exhibits 3  
and 4**

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Upon motion and second (Paul, D'Elia), the Board of Supervisors approved HARB'S recommendations as to the architectural concept only regarding the sketch labeled "HARB 12.5.05 Exhibits 3 and 4," as depicted on sketches A3 and A4 from the stairway of the new entrance to the Chadds Ford Inn back to the rear of the building. The proposal was not approved for the portion from the new entrance steps towards Route 1 and across the front of the building as depicted on exhibits A3 and A4.

In response to a question from Mrs. Love D'Elia, Mr. Jensen suggested that the Township would litigate if the owner does not comply with the Board's request to replace the stucco on the Baldwin Building.

**SEWER AUTHORITY**

Mr. Paul presented the report on behalf of Mr. Del Rossi. A copy follows. Township Solicitor Hugh Donaghue reported that the Ravens Crest litigation has been settled in principal. An agreement will be drafted and executed.

**OPEN SPACE COMMITTEE**

Chairman Debbie Reardon submitted the November, 2005 report. A copy follows. Copies of the final draft of documents for the Scenic By-Ways Committee were given to the Supervisors. The Committee is working towards executing all documents by February, 2006, to facilitate a grant application submission.

Vice Chairman D'Elia read a note of apology to Open Space members regarding comments made at the November Supervisors' meeting.

## **EMERGENCY PREPAREDNESS**

No report was available.

## **TOWNSHIP PROPERTIES COMMITTEE**

A meeting was not held during November.

## **FINANCIAL ADVISORY BOARD**

A meeting was not held during November.

## **PUBLIC COMMENT**

Mrs. Reardon noted that stop bars have helped slow traffic at the intersection of Heyburn and Ridge Roads.

## **OLD BUSINESS**

Approval of the 2006 Township budget was moved to later on the agenda.

## **NEW BUSINESS**

### **TOLL BROTHERS AMENDED FINAL PLAN/CAMP SUNSET HILL**

An amended subdivision/land development plan was submitted by Toll Brothers that removed half of the sidewalks on all internal streets. The reduction in the amount of impervious coverage on the amended plan does not affect the stormwater design. The plan was reviewed by Mr. Kelly, Mr. Donaghue, Mr. Jensen and the Supervisors.

### **MOTION TO APPROVE RESOLUTION 2005-28 TO APPROVE AMENDED PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLANS – TOLL BROTHERS CAMP SUNSET HILL**

Upon motion and second (Paul, D'Elia), the Supervisors approved the amended plan for Camp Sunset Hill.

### **TOLL BROTHERS DEP PLANNING MODULE RESOLUTION and OPERATION & MAINTENANCE AGREEMENT**

The Board reviewed a form DEP Resolution allowing the submission of a planning module for Camp Sunset Hill.

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### **MOTION TO APPROVE RESOLUTION 2005-27 REGARDING DEP PLANNING MODULE SUBMISSION/CAMP SUNSET HILL**

Upon motion and second (Paul, D'Elia), the Supervisors approved Resolution 2005-27, authorizing submission of the Camp Sunset Hill Planning Module application to DEP.

Toll Brothers also sought approval of a holding tank operation and maintenance agreement with the Township and the Sewer Authority. The agreement sets forth standards for the storage and removal of waste materials until the public sewer system goes on line.

**MOTION TO APPROVE THE OPERATION & MAINTENANCE AGREEMENT FOR CAMP SUNSET HILL**

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved execution of the Operation and Maintenance agreement for Camp Sunset Hill and forwarded the agreement to the Sewer Authority for consideration.

**PROPOSED GRINDER PUMP ORDINANCE 111**

At a public hearing held prior to the Board meeting, no comments were made regarding the proposed ordinance. The purpose of the ordinance is to facilitate the installation of public sewage at the Turner's Mill WWTP.

**MOTION TO ADOPT ORDINANCE 111 – GRINDER PUMPS**

Upon motion and second (Paul, D'Elia), the Board of Supervisors adopted Ordinance 111 regarding installation of grinder pumps in association with the proposed Turner's Mill Waste Water Treatment Plant.

**PROPOSED NOISE ORDINANCE 81A**

At a public hearing held prior to the Board meeting, no negative comments were made regarding the proposed Noise Ordinance. Mr. Donaghue reviewed the proposal and specifically noted a few regulations that may be somewhat difficult to enforce. Mr. Paul responded that it is the Board's hope that good citizens will adhere to the requirements of the revised Ordinance without the need for enforcement. Mr. Donaghue also suggested that on page 3, subsection D, the word "harboring" be removed.

**MOTION TO APPROVE ORDINANCE 81A NOISE ORDINANCE**

Upon motion and second (D'Elia, Paul), the Board of Supervisors adopted Noise Ordinance 81A, with removal of the word "harboring" on page 3, subsection D.

Charles Bulla, Atwater Road, suggested posting the revised ordinance on the Township website to make it easily available to the public.

**PROPOSED FIRE HYDRANT TAX ORDINANCE 112**

Mr. Donaghue drafted a proposed ordinance for consideration by the Board that would establish fire hydrant districts for homes within 780 feet of a fire hydrant. Homeowners within those areas typically receive discounts on insurance premiums due to their proximity to a fire hydrant.

**MOTION TO APPROVE FIRE HYDRANT TAX ORDINANCE 112**

Upon motion and second (D'Elia, Paul), the Board of Supervisors adopted Fire Hydrant Tax Ordinance 112, establishing fire hydrant districts and assessing a special fire hydrant tax for properties within 780 feet of a fire hydrant in Chadds Ford Township.

**2006 TAX LEVY RESOLUTION**

Mr. Paul reviewed provisions of the 2006 tax levy resolution. Totals tax milage will be .782 mils for properties within fire hydrant districts and .687 mils for all other properties.

**MOTION TO APPROVE 2006 TAX LEVY - RESOLUTION 2005-26**

Upon motion and second (Paul, D'Elia), the Supervisors approved Resolution 2005-26, setting forth Township tax milage for 2006.

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**MOTION TO AUTHORIZE ADVERTISEMENT REGARDING APPOINTMENT OF AN AUDITOR**

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors authorized the Township Secretary to place the necessary legal ad to facilitate adoption of a resolution at the February Board meeting to replace the Township's elected auditors with a professional auditor for the purpose of conducting the 2005 Township audit.

**OPERATION & MAINTENANCE AGREEMENTS**

Mr. Jensen presented two Operation & Maintenance Agreements for consideration by the Board of Supervisors. Agreements for Currie Hair, Skin and Nails and Keystone Plaza had been reviewed and executed by both the applicants and the Chadds Ford Township Sewer Authority.

**MOTION TO APPROVE EXECUTION OF OPERATION & MAINTENANCE AGREEMENTS – Currie Hair, Skin and Nails and Keystone Plaza**

Upon motion and second (Thorpe, Paul), Mr. Thorpe and Mr. Paul approved execution of the Operation & Maintenance Agreements as noted above.

**TGIF/CARLSON RESTAURANTS WORLDWIDE LAND DEVELOPMENT APPLICATON**

Mr. Donaghue reviewed for the Supervisors the conditions of a proposed resolution granting approval of the land development application of TGIF for the Painters Crossroads Shopping Center. Donald T. Petrosa, Esquire, represented the Henderson Group. There was discussion as to outstanding items in Kelly Engineer's review letter dated November 9, 2005. Chadds Ford Township Planning Commission recommended approval at their meeting of November 9, 2005.

Mr. Paul questioned available capacity at the Knight's Bridge WWTP considering increased flows from the proposed restaurant, now with a liquor license, and the eventual construction of Endo III. Mr. Petrosa responded that plans included an approximate 4400 gallon a day increase over prior use and that the Henderson Group is convinced they will be well within capacity for now. Mr. Thorpe added that the eventual rental of vacant stores in the Crossroads Shopping Center will also increase flow. Mark Eisenhardt of the Henderson Group suggested incorporating in the resolution recommendations of an I and I study being performed by their consultant.

There was discussion as to how the liquor license was obtained. Mr. Petrosa

responded that the liquor license was purchased within the Township.

**MOTION TO APPROVE RESOLUTION 2005-29 TGIF/CARLSON RESTAURANTS  
WORLDWIDE**

Upon motion and second (Paul, D’Elia), the Supervisors approved Resolution 2005-29 granting the land development application of TGIF/Carlson’s Restaurants Worldwide, subject to compliance with the eight conditions contained therein and incorporating the recommendations of the Infiltration and Inflow as performed by applicant’s consultant.

**HENDERSON PAINTERS CROSSING BUILDING THREE/ENDO III LAND  
DEVELOPMENT APPLICATION**

Donald T. Petrosa, Esquire, representing applicant Henderson Group, reviewed the eleven conditions and four waiver requests regarding the Endo III land development application. Jeff Nagorny, PE, Vollmer Associates, was asked to address the waiver request regarding the fifty-foot riparian buffer. Mr. Nagorny responded that denial of the waiver request would significantly cut into parking areas with a projected 30 – 50 spaces lost. The buffer did not exist when the original subdivision was approved, but was adopted later in August of 2004. Mr. Petrosa stated that Planning Commission recommend the waiver be granted.

The Henderson representatives discussed steps that were taken to address stormwater management issues via an underground system. The proposal will significantly infiltrate groundwater, hold back peak discharge rates and serve to rehydrate wetlands. The Henderson Group will also provide emergency access between Endo III and Calvary Chapel.

Mr. Thorpe suggested that more information is needed before the application can be approved. Supervisors asked to have plans submitted showing the actual areas of encroachment into the riparian buffer rather than just a blanket waiver. Mr. Paul expressed concern as to setting a precedent for future applications. Mrs. Love D’Elia questioned how the subdivision was originally planned, suggesting that an office building can be sized in various ways.

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Mr. Thorpe stated that the only option was to ask for more time to review various options or to deny the application tonight. Mr. Paul was willing to review the application again at the next meeting on January 3, 2006. All Supervisors expressed their responsibility to do what is correct for the entire Township. Mr. Petrosa suggested that the applicant return on January 3, 2006 at 8:30 PM. An extension of the MPC deadline will be granted.

Fred Reiter, Atwater Road, asked several questions regarding the application.

**2006 BUDGET**

Mr. Paul reviewed the proposed budget, which reflected the adoption of the Fire Hydrant Tax Districts. The budget is balanced and copies are available for review.

**MOTION TO APPROVE 2006 TOWNSHIP BUDGET**

Upon motion and second (Paul, D'Elia) the 2006 Township Budget, draft of 12.6.05, was approved.

**ESCROW RELEASES**

Mrs. Love D'Elia reviewed purposed escrow releases for the Board's consideration as follows:

Applicant	Type of Escrow	Original Amount	Amount
Refunded			
Henderson Group	LD Application Lot #10	\$ 4,000	\$ 4,104.88
Henderson Group	LD Application Lot #11	\$ 4,000	\$ 4,104.88
Henderson Group	LD Application Lot #12	\$ 4,000	\$ 4,104.88
Toll Brothers	SD/LD Application	\$23,500	\$ 23,947.55
Toll Brothers	SD/LD Application	\$38,000	\$ 38,421.29
Montgomery	Grading	\$ 800	\$ 800.00
Brandywine Conservancy	LD Application	\$ 4,750	\$ 4,750.00
Becker	SD/LD Application	\$ 3,000	0
Becker	Developer's	\$ 5,000	\$ 1,494.40
Verderese	Grading	\$ 800	\$ 800.00
Lindry/Cornerstone	Developer's	\$ 5,000	\$ 5,325.92
Lindry/Cornerstone	Accrued Interest (SIE)		\$ 1,410.77
DiSabatino Construction	Grading	\$ 700	\$ 700.00
Ford Draper	ZHB	\$ 700	\$ 523.62
Montchanin Design	ZHB	\$ 700	\$ 584.10
Draper	Grading	\$ 700	\$ 700.00
Regester Associates	SD/LD Application		\$ 1,684.13
Epp	Lot Line Change	\$ 750	0

**MOTION TO APPROVE ESCROW RELEASES**

Upon motion and second (D'Elia, Paul), the Supervisors approved the escrow releases as noted above, totaling \$103,704.27.

**ADJOURNMENT**

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

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary

