

December 28, 2006

**Chadds Ford Township Board of Supervisors Meeting
December 6, 2006
M I N U T E S**

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

PUBLIC HEARING ON PROPOSED VERIZON FRANCHISE AGREEMENT

Joshua N. Dillon, Franchise Manager and R. Stanley Schuck, Director of Internal Affairs, presented an overview of proposed Verizon FIOS services to Chadds Ford Township. The eastern portion of the Township will receive service first with the remainder of the Township to be wired within a five year period. Verizon will ultimately provide cable TV, telephone and high speed internet service. Mary Kot, Carnation Lane, Debbie Reardon, Tally Ho Drive, Bruce Prabel, Heyburn Road and Bonnie Taylor, Webb Road offered comments. Ed Wandersee, Walnut Ridge, voiced objections to the time schedule and suggested two separate franchise contracts.

There was no comment made as to the application having any adverse effect on the safety, health or welfare of the citizens of Chadds Ford Township.

Mr. Thorpe suggested further review of the agreement prior to approval. Mr. Donaghue proposed the Board table the matter for no more than two weeks.

MOTION TO CLOSE VERIZON FRANCHISE HEARING

Upon motion and second (Thorpe, Paul) the hearing was closed.

CALL TO ORDER

Chairman Deborah Love D'Elia called the meeting to order at 7:55 PM. Three public hearings had been held prior to the regular Board meeting. The pledge of allegiance was recited. Mr. Thorpe identified the two exits to be used in an emergency.

STATE POLICE REPORT

Corporal **Morgan**, Pennsylvania State Police, Media Barracks, reviewed incidents during the month of November, 2006.

Chairman Love D'Elia received a question regarding the safety of teenage employees at the Arby's, Painter's Crossroads Shopping Center. Corporal **Morgan** said that on November 25th the State Police responded to a disturbance call and found nothing out of the ordinary. Patrols have been increased due to the holiday season.

Mr. Thorpe commented on hunting issues. The Corporal said residents should call the State Police with complaints. Trespass complaints are handled by the State Police with other matters referred to the Pennsylvania State Game Commission. Mr. Donaghue contacted Toll Brothers regarding hunting on the Camp Sunset Hill property. Toll does not permit hunting and will post new signs.

The State Police will perform house checks while residents are away for an

extended period if requested to do so.

NEW BUSINESS

VERIZON CABLE FRACHISE AGREEMENT

A public hearing was held at 7:15 PM this evening.

MOTION TO SCHEDULE SPECIAL MEETING

Upon motion and second (D'Elia, Thorpe) a special meeting of the Board of Supervisors will be scheduled for Friday, December 15, 2006, at 4:00 PM, to vote on the proposed franchise agreement.

DNB FIRST BANK LAND DEVELOPMENT APPLICATION

Michael J. Lyons, Esquire, reviewed the land development application for DNB First Bank at

Board of
Supervisors

December 6, 2006

Page

Two

Oakland Road and Route 202. Several variances were required and the Zoning Hearing Board had granted relief. The bank will agree to contribute to improve the traffic signal at the intersection with costs not to exceed \$2,000.

Buffering and security issues were discussed. Mr. Thorpe asked if the bank would consider the "Adopt-a-Highway" Program, administered by PennDOT, to improve the condition of Oakland Road in that area. A DNB representative said the bank would consider the request.

Mr. Donaghue read the conditions of the resolution into the record. A copy of the resolution follows the minutes. Mrs. Love D'Elia asked that a condition be added regarding improvement of the traffic control signal, specifically the purchase and installation of LED lights. The applicant agreed that the PennDOT HOP permit will not be changed.

MOTION TO APPROVE DNB FIRST PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION – RESOLUTION 2006-21

Upon motion and second (Paul, D'Elia) the Board of Supervisors approved the land development application of DNB First Bank, subject to conditions of the Resolution, zoning relief as granted by the Zoning Hearing Board (Exhibit "A") and comments of the Township Engineer in the Pennoni review letter of November 8, 2006 (Exhibit "B").

PROPOSED EMS TAX ORDINANCE

A public meeting was held at 7:00 PM this evening to take public comment on the provisions of the proposed ordinance. The proposed Emergency and Municipal Services (EMS) tax will be levied on each occupation engaged in by individuals within the corporate limits of the Township during each fiscal year in the amount of \$52.00. There will be a low income exemption for individuals earning less than \$12,000 in a calendar year.

Chairman Love D'Elia asked for public comment. Mr. Prabel suggested contact information regarding the EMS and Business Privilege tax be added to the website. Jim Hunt, Berkheimer Associates, will work with the Township to provide all necessary information.

PROPOSED BUSINESS PRIVILEGE TAX

Mr. Donaghue reviewed provisions of the proposed Mercantile and Business Privilege Tax. The tax will be imposed on every person engaging in a business in the Township in the amount of \$100.00 per calendar year. There will be an exemption for businesses that generate less than \$15,000.00 in gross receipts.

There was no additional public comment.

MOTION TO ADOPT ORDINANCE 115 EMERGENCY and MUNICIPAL SERVICES TAX

Upon motion and second (Thorpe, Paul), the Board of Supervisors adopted Ordinance 115 establishing an Emergency and Municipal Services Tax.

MOTION TO ADOPT ORDINANCE 116 MERCANTILE and BUSINESS PRIVILEGE TAX

Upon motion and second (Thorpe, Paul), the Board of Supervisors adopted Ordinance 116 establishing a Mercantile and Business Privilege Tax.

APPOINTMENT OF BERKHEIMER TAX ADMINISTRATOR AS EMS and BUSINESS PRIVILEGE TAX COLLECTOR

Chairman Love D'Elia stated that Berkheimer was contacted regarding collection of both the EMS and Business Privilege Taxes. The firm performs this service for neighboring municipalities. Representative Jim Hunt was in the audience to answer any questions. Mr. Hunt briefly described how the firm coordinates efforts with Township personnel.

MOTION TO ADOPT RESOLUTION 2006-23 APPOINTING BERKHEIMER TAX ADMINISTRATOR AS TOWNSHIP BUSINESS PRIVILEGE TAX COLLECTOR FOR 2007

Board of
Supervisors

December 6, 2006

Page

Three

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved Resolution 2006-23 and appointed Berkheimer Tax Administrator as Township Business Privilege Tax Collector for 2007.

MOTION TO ADOPT RESOLUTION 2006-24 APPOINTING BERKHEIMER TAX ADMINISTRATOR AS TOWNSHIP EMERGENCY and MUNICIPAL SERVICES TAX COLLECTOR FOR 2007

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved Resolution 2006-24 and appointed Berkheimer Tax Administrator as Township EMS Tax

Collector for 2007.

HANNUM HARLEY DAVIDSON FLAG POLE REQUEST

Anthony Pertantozzi of Hannum Harley Davidson requested the Supervisors' permission to install a flagpole at the left front corner of the building located at Route 1 and Brandywine Drive. After discussion, the Supervisors had no objection. However, if the flagpole is to be illuminated further approval will be necessary.

MOTION TO APPROVE INSTALLATION OF FLAG POLE – HANNUM HARLEY DAVIDSON

Upon motion and second (Thorpe, Paul), the Board of Supervisors approved the installation of a flagpole at the Hannum Harley Davidson site located at Route 1 and Brandywine Drive, conditioned upon the display of only the United States, Commonwealth of Pennsylvania, Delaware County or Township flags. Further Board approval will be necessary if the pole is to be illuminated.

OLD BUSINESS

PROPOSED 2007 TOWNSHIP BUDGET

Supervisor Garry Paul reviewed the provisions of the proposed 2007 Township Budget, Draft "A." There is net income of \$385. Taxes collected from the EMS tax will go into an EMS fund for use as required by law.

The budget has been on display for public inspection in excess of twenty days as required by the Commonwealth.

MOTION TO APPROVE 2007 TOWNSHIP BUDGET Draft "A"

Upon motion and second (Paul, Thorpe), the Supervisors approved the 2007 Township Budget Draft "A," dated 12/6/06.

TAX LEVY RESOLUTION 2006-25

There are no proposed changes in Township milage rates for 2007. Chairman Love D'Elia read the milage rates into the record. A copy of the resolution follows the minutes.

MOTION TO APPROVE 2007 TOWNSHIP MILAGE RATES RESOLUTION 2006-25

Upon motion and second (Thorpe, Paul), the Supervisors approved Resolution 2006-25, setting forth Township milage rates for calendar year 2007.

EMERGENCY PREPAREDNESS

Mr. Barakat described several County initiatives to provide emergency services in various instances. The Township will continue to pursue this area in 2007.

OPEN SPACE

Debbie Reardon presented a brief summary of recent activities including the meeting on November 9th and the public meeting on December 4th. Chariman Love D'Elia congratulated Mrs. Reardon for the wonderful job last Monday night at the public meeting. Mr. Paul thanked the Brandywine Conservancy staff also.

SEWER AUTHORITY

Keith Klaver reviewed Sewer Authority activities during November. Correspondence from DEP and approval of the PennVEST application to provide low interest rate financing for partial financing of the Turner's Mill WWTP was discussed. Companies are being interviewed to run the new plant. Mr. Klaver thanked Mrs. Love D'Elia for streamlining efforts with the Delaware County Office of Housing and

Board of
Supervisors

December 6, 2006

Page

Four

Redevelopment concerning applications for zero interest loans. Mr. Paul thanked Keith Klaver and Vince Del Rossi for all their efforts.

HARB

There are no pending applications.

ZONING HEARING BOARD

The application of T-Mobile, scheduled for December 12, 2006, has been continued at the applicant's request.

First Keystone Bank has filed an application for new signage. Mr. Jensen summarized the application for the Supervisors adding that any change would also need to be reviewed by HARB. Mr. Donaghue will not be required to attend the hearing on behalf of the Township.

PLANNING COMMISSION

Mr. Taylor, Planning Commission Chairman, reported on the meeting of Wednesday, November 29, 2006. A draft of the minutes follows.

Mr. Taylor would appreciate suggestions by the Board for additional members of the Comprehensive Plan Task Force. All Planning members and Lois Saunders, Open Space, have volunteered to serve.

There was discussion of receiving plans in electronic format. Chairman Love D'Elia suggested a condition of final approval be that recorded plans be submitted in electronic format. The applicant's engineer will be asked to provide same.

TOWNSHIP ENGINEER REPORT

Joseph Mastronardo presented the Engineer's report for November, 2006. A copy follows.

Bids for the Turner's Mill Emergency Generator were opened on November 6, 2006, with the low bidder being Penn Power Systems.

MOTION TO ACCEPT BID OF PENN POWER SYSTEMS FOR TURNER'S MILL EMERGENCY GENERATOR

Upon motion and second (Thorpe, Paul), the Supervisors accepted the bid of Penn Power Systems and awarded the contract in the amount of \$19,500 contingent upon their execution of the contract and the required bonds and insurance.

The Township Engineer recommended reductions in improvement security escrows in the following amounts for the following projects and the Board moved accordingly:

MOTION TO APPROVE ESCROW RELEASE #6 STONEBROOK I

Upon motion and second (Thorpe, Paul), the Supervisors approved Stone Brook I Escrow Release #6 in the amount of \$8,367.93, reducing the balance of improvement security escrow funds in the letter of credit to \$157,763.25.

MOTION TO APPROVE ESCROW RELEASE #4 STONEBROOK II

Upon motion and second (Thorpe, Paul), the Supervisors approved Stone Brook II Escrow Release #4 in the amount of \$17,192.47, reducing the balance of improvement security escrow funds in the letter of credit to \$35,640.56.

MOTION TO APPROVE ESCROW RELEASE #1 STONEBROOK III

Upon motion and second (Thorpe, Paul), the Supervisors approved Stone Brook III Escrow Release #1 in the amount of \$21,564.00, reducing the balance of improvement security escrow funds in the letter of credit to \$22,336.00.

Board of
Supervisors

December 6, 2006

Page

Five

MOTION TO APPROVE ESCROW RELEASE #4 TOLL BROTHERS BALTIMORE PIKE LOW PRESSURE SEWER /ESTATES AT CHADDS FORD

Upon motion and second (Thorpe, Paul), the Supervisors approved Toll Brothers, Inc. – Baltimore Pike Low Pressure Sewer Escrow Release #1 in the amount of \$714,255.20, reducing the balance of improvement security escrow funds in the letter of credit to \$160,979.80.

MOTION TO APPROVE ESCROW RELEASE #2 TOLL BROTHERS TURNER'S MILL WWTP

Upon motion and second (Thorpe, Paul), the Supervisors approved Toll Brothers, Inc. – Turner's Mill WWTP – Escrow Release #2 in the amount of \$495,322.50, reducing the balance of improvement security escrow funds in the letter of credit to \$952,380.75.

MOTION TO APPROVE ESCROW RELEASE #4 TOLL BROTHERS ESTATES AT CHADDS FORD

Upon motion and second (Thorpe, Paul), the Supervisors approved Toll Brothers– Estates at Chadds Ford – Escrow Release #4 in the amount of \$1,746,457.67, reducing the

balance of improvement security escrow funds in the letter of credit to \$2,869,430.98.

The Supervisors also considered a final escrow release for the Brandywine Conservancy's Hoffman's Mill project.

MOTION TO APPROVE FINAL ESCROW RELEASE BRANDYWINE CONSERVANCY/ HOFFMAN'S MLL PROJECT

Upon motion and second (Thorpe, Paul) the Supervisors approved the final escrow release for the Hoffman's Mill Project in the amount of \$10,000.

Alternate Township Engineer Jim Fritsch recommended a reduction in the improvement security escrow for Olde Ridge Village Shopping Center Phase I as follows.

MOTION TO APPROVE ESCROW RELEASE #1 OLDE RIDGE VILLAGE PHASE 1

Upon motion and second (Thorpe, Paul) the Supervisors approved a reduction in the letter of credit of \$100,926.00 to Parkside Associates Olde Ridge Village Phase 1, conditioned upon there being a sufficient amount in the escrow fund to cover remaining improvements.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen presented the Building Inspector/Code Enforcement Officer's report for the month of November, 2006.

There was discussion of acoustical improvements to the meeting room. Mr. Prabel said sound was much improved at the Open Space meeting of December 4th. Completion of the job has stopped pending resolution of a problem with the fabric provided by the supplier. The Supervisors asked Mr. Jensen to continue work.

Mr. Donaghue has contacted Tom Kessler, Toll Brothers, regarding replanting of the buffer area with evergreen trees. Mr. Kessler said that the job "would be done." Chairman Love D'Elia asked for an update within two weeks.

ROADMASTER'S REPORT

Roadmaster Joe Barakat presented a report for the month of November, 2006. A copy follows the minutes.

FIRE MARSHALL REPORT

No report was available.

TREASURER'S REPORT

The Treasurer reported the following figures for the month of November, 2006:

Board of
Supervisors

Total deposits to General Fund:	\$	94,078.17
Total disbursements General Fund:	\$	104,626.49
Total disbursements Escrow Fund:	\$	4,700.00
Cash Accounts Balances	\$	1,753,659.56

Mrs. Furlong asked the Supervisors to approve an additional \$7,179.33 in disbursements for bills that were just received in today's mail.

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Thorpe, D'Elia), the Supervisors approved the Treasurer's Report for November, 2006, and authorized payment of bills in the amount of \$104,626.49 plus the additional \$7,179.33, for a grand total of \$111,805.82.

REPORTS
SUPERVISORS

The three Supervisors met with the Roadmaster, Mr. Jensen and Mrs. Furlong on Wednesday, November 16th to review road issues.

Prior to tonight's special meeting, the three Supervisors met with representatives of Verizon.

APPROVAL OF MINUTES – November 1, 2006

Minutes of the Supervisors' meeting of November 1, 2006 were submitted for review.

MOTION TO APPROVE SUPERVISORS MINUTES OF NOVEMBER 1, 2006

Upon motion and second (Paul, Thorpe), Mr. Paul and Mr. Thorpe approved minutes of the November 1, 2006 meeting with a correction to the reference of America Samoa.

PUBLIC COMMENT

There was no public comment.

ESCROW RELEASES

The Township Secretary recommended five escrow releases. Mrs. Love D'Elia announced the releases as follows:

APPLICANT/TWP AMOUNT	ESCROW TYPE	ESCROW AMOUNT	CHECK
Trigg \$ 800.00	Grading	\$ 800.00	
Pennland Contractors, Inc. \$ 800.00	Grading	\$ 800.00	
Newlin Homes \$ 800.00	Grading	\$ 800.00	
Montchanin Design	Grading	\$ 800.00	

\$ 800.00		
deGrazia	ZHB	\$ 750.00
\$ 505.66		
Chadds Ford Township	Reimbursement for o/s bills deGrazia	
\$ 244.34		
TAJ Zorab	ZHB	\$
750.00	\$ 454.94	
Chadds Ford Township	Reimbursement for o/s bills Zorab	
\$ 295.06		

MOTION TO APPROVE RELEASE OF ESCROW FUNDS

Upon motion and second (D'Elia, Thorpe), the Supervisors authorized release of the escrow funds listed above conditioned upon payment of all outstanding bills.

There being no further business, the meeting was adjourned at 10:31 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary