

CHADDS FORD TOWNSHIP
Board of Supervisors Meeting
October 7, 2009

MINUTES

OFFICIALS PRESENT:

George M. Thorpe, Chairman
Deborah F. Love, Vice-Chairman
Garry Paul, Supervisor
Joseph Barakat, Township Manager
Joseph A. Mastronardo, Township Engineer
Christine Ferry, Secretary/Treasurer

CALL TO ORDER

The meeting was called to order at 7:30 PM with the reciting of the Pledge of Allegiance. Mr. Thorpe pointed out emergency exits.

STATE POLICE REPORT

Trooper Acosta reported there were 66 incidents in the PSP district for the month of September, 2009. Out of those incidents 18 were false alarms and 20 were burglaries – 6 were in Chadds Ford. Most of these incidents occurred in the Birmingham/West Goshen area.

There have been some cat burglaries – a perpetrator knocks on the door, if someone answers they make up an excuse and move on; if no one answers they go to the rear and break in. There appear to be more now that school is in session. The Trooper suggested that all residents should pay attention to activity at their neighbors' homes.

APPROVAL OF MINUTES

Upon motion and second (Paul/Love) the Supervisors approved the minutes of the September 2, 2009 meeting, drafted 10.07.09.

SUPERVISORS' REPORT

Mr. Thorpe reported that the three Supervisors met on 10/7 to review several pending legal issues.

MANAGER'S REPORT

Mr. Barakat provided a written report and offered the following comments:

- Paving started on the Township parking lot, Ridings Blvd. and Walnut Ridge Road. Paving on Atwater Road is complete. Line striping will start sometime this week at the Township building.

Mr. Barakat requested approval of PennDOT resolution to allow on-line access to Liquid Fuels accounting on their dotGrants website. Chairman Thorpe suggested that Mr. Barakat be on as the first signer and that Ms. Ferry be on as the second signer. Upon motion (Love/Paul), the resolution was adopted.

Mr. Barakat offered the following Escrow Release requests:

1. \$800.00 to Raymond Johnson for a grading permit for their pool.
2. \$800.00 for Waterbury Construction
3. \$800.00 for Pierittis Landfeatures, a pool permit on Fawn Lane. This applicant has not paid the Township for engineering fees which is approximately \$790.00 including finance charges. Therefore this escrow money is being used to pay off his delinquent account.
4. \$7000.00 for Ruggiero Land Development. Out of this \$7000.00 in escrow he has failed to pay his engineering fees for the past six months and has not responded to written requests. \$2,031.05 to pay off his delinquent account; leaving balance in escrow.
5. \$12,000 in funds was provided to the Township by Henderson Group for construction engineering for the Hillman Drive Loop Road. These funds were put into escrow. Work is now complete and township has paid Pennoni Associates for work. With interest, the account now is \$12,018.30. Funds will be withdrawn and paid to the Township

Mr. Thorpe recommends that the Supervisors handle these after Mr. Mastronardo gives his report.

TREASURER'S REPORT

Ms. Ferry reported the following for September 2009:

Deposits as of September 30th	\$110,523.40
Bills for September from General Fund	\$102,616.24
Foreign Insurance Fire Fighter Relief Funds	<u>\$44,371.79</u>
Total Net Disbursements	<u>\$58,244.45</u>
Balance in all Township Accounts, after bills	\$2,848,550.48

The Treasurer explained that the \$44,371.79 was from the Department of the Auditor General in accordance with the Duty to Administer the Foreign Fire Insurance Tax Distribution Law – Act 2-5 of 1984. As required, the proceeds from this amount must be paid to the 'Fire Relief Association' of the Fire Company recognized by our municipality who provides fire service to our citizens. For Chadds Ford Township that is the Concordville Fire Fighters Relief Association. Motion to pay invoices totaling \$102,616.24 and second (Thorpe/Love), was passed unanimously.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER REPORT

Mr. Jensen has provided a written report. Mr. Thorpe asked about the status of Ming Village Restaurant.

- Mr. Jensen stated that he has no idea what the status of the Ming Village Restaurant is but he faxed a copy for the file a few months ago to Kathy and Atty. Donaghue said that he would check on the status of that report. Mr. Jensen stated that he was at the Ming Village last week to inspect the grease traps and spoke with Mike Henderson about the grease filters which are a serious issue and could pose a fire hazard. It was suggested that the Ming Village Restaurant be cited on this matter.
- Mr. Jensen wants to get Mike Oberschmidt from Henderson to take charge of the clean up because the restaurant is not performing the needed maintenance. Another issue is that the exit is always blocked and this has to be addressed. After more discussion on this matter it was decided that Richard Jensen write a citation stating the violations, how they are to be corrected and request a reply within a certain time frame.

ENGINEER'S REPORT

Joseph A. Mastronardo, PE provided a written report and offered the following comments:

- Calvary Chapel request Escrow Release #5 in the amount of \$109,817.79 leaving a remaining balance of \$857,764.52. Upon motion and second (Paul/Love) The Supervisors approved the escrow release as recommended by Mr. Mastronardo.
- The Henderson Group – Endo 3/Painters Crossing requested Release of Developer's escrow in the amount of \$20,000.00. Mr. Barakat stated that Henderson Group asked for this release back in July, but was delayed due to the departure of Mrs. Furlong. Mr. Mastronardo requested an inspection and Mr. Renzo found everything in order. Upon motion and second (Thorpe/Love) the Supervisors approved the release of escrows as recommended by Mr. Mastronardo and Mr. Barakat including the 4 presented earlier by the Township Manager.

Ms. Love asked Mr. Mastronardo about the Toll Bros. dumping site. Toll submitted a restoration plan and included a testing procedure for all materials to be dumped. Mr. Mastronardo, Mr. Barakat and Mr. Paul visited the site and determined that it was inadequate. There was a violation and a second notice was to be issued. Mr. Barakat stated that Mr. Donaghue reviewed the Developers agreement and that we have quite a bit of latitude whereby enforcing Toll to comply.

Mr. Barakat asked for a summary of how much soil they have there, any analysis of where it came from and what the sourced was. As of a week ago, Mr. Kessler said that he was waiting for the environmental report. We expect that information in a couple of days.

Another point was brought by Mr. Jensen regarding Toll Bros was that there is only one access to the property coming up Heyburn. Mr. Jensen asked that the road be improved and opened to allow use as an emergency access way.

Ms. Love asked if we will be holding back building permits. Mr. Thorpe said that the answer is no, we are not holding any permits and that we will give them time to answer us within reason.

Supervisors decided to wait for an answer from Toll and will take action at that time.

One more question by Mr. Mastronardo was that Calvary Chapel is requesting release of escrow to pay for engineering fees that occur during the construction process and if the Supervisors wish to develop a policy on such matters. Mr. Donaghue said that Developers want to get their money back sooner, especially in this economy, and that we run a risk if we release this money that the township would be at risk. Mr. Donaghue went on to say that in the past, it has always been Township practice not to release these funds.

Mr. Thorpe requested a letter to see what they want. Ms. Love doesn't think we should entertain this request especially in these economic times. As Mr. Thorpe understands, this money has to be returned because it is not a legal or engineering bill. Mr. Barakat asked if this was a releasable line item. Mr. Mastronardo said that any line item is a releasable line item.

The matter was tabled for further investigation.

OLD BUSINESS

No old business.

NEW BUSINESS

Zoning Hearing Board Vacancy: With the departure of Mr. Wandersee, the Board had appointed Paul Koch as a regular member leaving the position of Alternate ZHB member open. Mr. Thorpe nominated Amanda Konyk, Esq. as Alternate Zoning Hearing Board Member. Mr. Paul seconded. The appointment was approved unanimously.

COMMITTEE REPORTS

Written reports or minutes were provided by the following:

- Financial Advisory Board**
- CFT Sewer Authority**
- Planning Commission**
- Rachel Kohl Community Library**
- Concordville Fire & Protective Association**
- Open Space**

HARB COMMITTEE REPORT

Richard Jensen said that there are two applications for review:

- A wall sign on One Station Way
- The McFadden property located at Britons Bridge Road. The original building was torn down and the owners plan on building a garage. The only real issue is that they have two separate tax parcels on this property. The suggestion is that they should be reassigned. There is no sewage but they have a right to rebuild. They need every kind of variance – front yard, side yard, rear yard for the garage. Mr. Jensen proposes that they make it one

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lot. Atty. Donaghue said that Mr. Jensen could make a suggestion to the property owners. Mr. Barakat mentioned that last month the Marcottes got a reverse subdivision. Mr. Thorpe recommended that Mr. Jensen be encourage to suggest the reverse subdivision.

Public Comment:

Ms. Gail Force inquired as to various administrative matters at the Township Building.

The meeting was adjourned at 8:55pm.