

**Chadds Ford Township Board of Supervisors Meeting  
September 2, 2008  
MINUTES**

**OFFICIALS PRESENT:**

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

**CALL TO ORDER**

The meeting was called to order at 7:53PM with the Pledge of Allegiance. Mr. Thorpe pointed out emergency exits. The continuation of a conditional use hearing for applicant Donald Weiss, 681 Webb Road was reconvened at 6:30 PM.

**STATE POLICE REPORT**

No report was available.

Mr. Thorpe announced agenda items would be taken out of order to facilitate schedules of attorneys present.

**OLD BUSINESS**

**DAVID D. ADAMS – OAKLAND ROAD MINOR SUBDIVISION EASEMENT ISSUE**

On June 4, 2008, Supervisors approved Township Resolution 2008-12 granting approval of the minor subdivision application of David D. Adams for 30/40 Oakland Road. A question regarding easements as required pursuant to the resolution was before the Board tonight.

Steven Polaha, Esquire, representing the Estate of Lester Adams, suggested an easement agreement to run with ownership of the land rather than perpetuity. After discussion regarding ownership and uses for the two lots, Supervisors agreed to permit a conditional easement to be terminated under any of three conditions as proposed by Mr. Polaha.

Easement agreements will be drafted and submitted to Mr. Donaghue for review prior to recording.

**MOTION TO APPROVE EASEMENT AGREEMENTS – ADAMS SUBDIVISION 30/40 OAKLAND RD.**

Upon motion and second (Love D'Elia, Thorpe) Supervisors granted permission for a conditional easement for the Adams property at 30/40 Oakland Road, subject to review and approval by the Township Solicitor.

**681 WEBB ROAD CONDITIONAL USE DECISION**

Each of the Supervisors voiced their opinion regarding testimony presented on the conditional use application of Donald Weiss, seeking approval for a Bed and Breakfast designation for the property at 681 Webb Road.

Mrs. Love D'Elia served on the Open Space Committee when historic properties in the Township were being identified, then on the Board of Supervisors when the Bed & Breakfast ordinance was adopted. She felt the importance of maintaining historically significant properties superceded the minimum acreage requirement. Additionally, any flooding issues will be addressed during restoration of the property.

Mr. Paul agreed with Mrs. Love D'Elia and although not a Supervisor at the time, was aware of the creation of a Bed & Breakfast ordinance to preserve star properties. Mr. Paul felt it was the clear intent of the ordinance to encourage preservation of historic properties. Disputes over a fraction of an acre were not intended to jeopardize the preservation of a historic property. Any flood plain issues will be addressed at the time permits are issued. HARB approval is also necessary.

Mr. Thorpe was on the Board when the Bed and Breakfast Ordinance was adopted and devoted many hours reviewing the intent. HARB information on all properties that could be considered historic was also considered. The prior owners of 681 Webb Road sought adoption of the Ordinance and Supervisors sought to preserve the structure. There will not be any significant visual change when traveling Route 1 or Webb Road. Mr. Thorpe did not think the Supervisors had heard anything to dissuade from granting Bed and Breakfast approval.

Supervisors will require the applicant to establish public sewage for both properties instead of on-site systems. Other restrictions and conditions are established by state codes and applicant would need to adhere. The property line will remain as is. Mr. Pinto will prepare a written conditional use decision.

**MOTION TO APPROVE CONDITIONAL USE APPLICATION – 681 WEBB ROAD**

Upon motion and second (Love D'Elia, Paul), Supervisors granted conditional use for the property at 681 Webb Road (previously known as 1551 Webb Road) to be operated as a Bed and Breakfast establishment conditioned upon applicant connecting to public sewage on both lots and compliance with all conditions specified on the plan and as discussed in testimony taken during conditional use hearings. Applicant will also be required to comply with all Township, County and State codes.

**APPROVAL OF MINUTES**

**MOTION TO APPROVE BOARD OF SUPERVISORS MINUTES OF AUGUST 6, 2008**

Upon motion and second (Love D'Elia, Paul), Supervisors approved minutes of the August 6, 2008 meeting, draft dated 8.25.08.

**TREASURER'S REPORT**

Mrs. Furlong reported the following figures as of August 31, 2008:

Total deposits to General Fund	\$	72,876.23
Total disbursements General Fund	\$	68,452.32
Total disbursements Escrow Fund	\$	10,700.00
Cash Accounts Balances	\$	2,361,728.57

**MOTION TO APPROVE TREASURER'S REPORT**

Upon motion and second (Love D'Elia), Supervisors approved the Treasurer's Report for August, 2008 and authorized payments in the amount of \$68,452.32.

Mrs. Furlong asked Supervisors to approve transfer of all funds, approximately \$540,000.00, in the General Fund Monies account at Sovereign Bank to a thirty-six month certificate of deposit at DNB First back at a rate of 4.05% APY. There is no penalty for early withdrawal and funds will be collateralized pursuant to Act 72 requirements. The Supervisors approved transfer of those funds.

**ESCROW RELEASES**

Upon motion and second (Paul, Love D'Elia the Supervisors present released twenty escrows as follows:

<b>APPLICANT/TWP</b>	<b>ESCROW TYPE</b>	<b>ESCROW AMOUNT</b>	<b>CHECK AMOUNT</b>
Gizi	Grading	\$ 800.00	\$ 800.00
Anthony & Sylvan	Grading (Evans)	\$ 800.00	\$ 800.00
Anthony & Sylvan	Grading (Newman)	\$ 800.00	\$ 800.00
Anthony & Sylvan	Grading (Reagoso)	\$ 800.00	\$ 800.00
Blue Haven Pools	Grading (Ganudous)	\$ 800.00	\$ 800.00
Middleton	Grading	\$ 800.00	\$ 676.07
Chadds Ford Twp	Reimbursement for o/s invoices Middleton		\$ 123.93

<b>APPLICANT/TWP</b>	<b>ESCROW TYPE</b>	<b>ESCROW AMOUNT</b>	<b>CHECK AMOUNT</b>
Guille	Grading	\$ 800.00	\$ 800.00
Anthony & Sylvan	ZHB (showroom)	\$ 900.00	\$ 754.92
Chadds Ford Twp	Reimbursement for o/s invoices	Anthony & Sylvan	\$ 145.08
Imagepoint	ZHB	\$ 900.00	\$ 446.16
Chadds Ford Twp	Reimbursement for o/s invoices	Imagepoint	\$ 453.84
Ridge Road Partners	ZHB	\$ 750.00	\$ 604.92
Chadds Ford Twp	Reimbursement for o/s invoices	Ridge Road	\$ 145.08
Petrikin, Wellman	ZHB (Village at Painter's)	\$ 900.00	\$ 668.04
Chadds Ford Twp	Reimbursement for o/s invoices	Petrikin	\$ 231.96
Megill Homes	ZHB (5 Foxtail)	\$ 750.00	\$ 482.50
Chadds Ford Twp	Reimbursement for o/s invoices	Megill	\$ 267.50
Henderson Group	ZHB (Endo III)	\$ 900.00	\$ 379.86
Chadds Ford Twp	Reimbursement for o/s invoices	Henderson	\$ 520.14

#### **FIRE MARSHALL REPORT**

No report was available from the Fire Marshall.

#### **ROADMASTER'S REPORT/EMERGENCY PREPAREDNESS**

Mr. Barakat submitted a written report for activities during August (copy follows).

#### **EMERGENCY PREPAREDNESS**

Please refer to Mr. Barakat's written report.

#### **TOWNSHIP ENGINEER REPORT**

Mr. Mastronardo presented a report for August (copy follows).

#### **MOTION TO APPROVE CERTIFICATE FOR PAYMENT and CHANGE ORDER #1 - 2008 ROAD PROGRAM**

Upon motion and second (Love D'Elia, Thorpe) Supervisors approved a Certificate for Payment and Change Order #1 for Long's Asphalt in the amount of \$93,949.76.

#### **ESTATES AT CHADDS FORD - IMPROVEMENT SECURITY RELEASE #7**

Mr. Mastronardo recommended a reduction in the Improvement Security escrow for completed public improvements.

#### **MOTION TO APPROVE IMPROVEMENT SECURITY ESCROW RELEASE #7 - TOLL BROTHERS ESTATES AT CHADDS FORD**

Upon motion and second (Love D'Elia, Paul), Supervisors approved Improvement Security Escrow release #7 for Toll Brothers Estates at Chadds Ford in the amount of \$243,900.52. The escrow is in the form of a letter of credit.

#### **MARSHALL ESTATES (DICKINSON)**

Mr. Mastronardo received a request for a Certificate of Total Completion and release of all Improvement Security escrow funds for the Marshall Estates project. There was discussion of various matters including stormwater issues and landscaping. Supervisors passed the matter until the October meeting. Mr. Mastronardo will contact the applicant.

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

Mr. Jensen submitted a written report and accompanying checks for the month of August. A decision was received on the Ming Village litigation. The Henderson Group was cited for working outside

of permitted hours. Residents from Painters Crossing Condominiums in audience week said they would be available to testify regarding the time of noise violations if necessary.

#### **PLANNING COMMISSION**

Mr. Taylor submitted a draft of minutes for the meeting held on August 13, 2008 (copy follows).

#### **ZONING HEARING BOARD**

There were no hearings scheduled for August and there are no new applications.

#### **HARB**

There were no outstanding applications during August.

#### **SEWER AUTHORITY**

Mr. Klaver presented a written report (copy follows).

#### **OPEN SPACE COMMITTEE**

The Committee does not meet during August.

#### **RECYCLING TASK FORCE**

Rhona Klein, Chairman asked that the Township publicize the upcoming Recycle Event as much as possible. A written report was issued (copy follows)

#### **NEW BUSINESS**

##### **SEWER AUTHORITY APPOINTMENT**

Mr. Paul announced Supervisors were ready to appoint a member to the Sewer Authority to fill the vacancy created by Vincent DelRossi's resignation.

##### **MOTION TO APPOINT SEWER AUTHORITY MEMBER**

Upon motion and second (Paul, Love D'Elia) Supervisors appointed James Egan, Atwater Road, to serve on the Sewer Authority, term to expire December 31, 2008.

#### **SUPERVISORS REPORT**

Mrs. Love D'Elia said the Township's representative to the Rachel Kohl Community Library has resigned. Any resident interested in serving on the Library Board may submit a resume to any of the Supervisors or directly to the Library.

#### **PUBLIC COMMENT**

Vicky Hoxter, a resident of Painters Crossing Condominiums asked for information regarding the Hillman Drive extension of the Loop Road. Concerns included property value and quality of life issues. A meeting with the Supervisors was requested. Discussion included a brief history of easement documents among Henderson, Painters Crossing and the Township and whether or not the road would be dedicated to Township.

Laura Fraser, also a resident of Painters Crossing, also expressed concern and asked for a sound and light barrier. Mr. Thorpe suggested residents schedule a meeting with him.

Rhona Klein, the Ridings, expressed concern over the litigation with Ming Village.

Dennis Houseman, 47 Woodland Drive, asked for information regarding the status of the 51 Woodland Drive application. Preliminary approval for the project was granted at the August Board meeting. The applicant has filed final land development plans and will be on Planning Commission's agenda for October. Mr. Paul asked Bill Taylor, Chairman of Planning Commission, to instruct the applicant to schedule a review by the Sewer Authority. Mr. Houseman voiced concern over the neglected condition of the property and asked that the owner maintain the property. Mr. Jensen will issue a citation tomorrow.

Keith Klaver, Atwater Road, commended the road contractor for the paving of Atwater Road.

There being no further business, the meeting was adjourned at 9:19 PM.

Respectfully submitted,

MARYANN D. FURLONG  
Township Secretary