



Board of Supervisors Meeting Minutes
Monday, November 14, 2016, 7:30 P.M.

Attendees: Supervisors – Elaine DiMonte, Alice J. Balsama; Township Consultants – Amanda Sundquist, Solicitor and Kevin Matson, P.E., Engineer.

Absent: Ricki Stumpo, Supervisor

Public in attendance: 7

1. **Call to Order:** DiMonte called the meeting to order at 7:30 P.M. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** DiMonte noted for the record that Board members exercised their civic duty and participated in the general election on November 8th and as such were present at various times at the polling place.
3. **Announcements:** DiMonte noted that on November 16th Westtown Township Planning Commission will hold a public meeting to discuss Toll Brothers plans to develop Crebilly Farm. She encourages residents to attend the meeting as it is anticipated that this development will have a significant impact on the roads and infrastructure in the area.
4. **Public Comment on Non-Agenda Items:** Chris Larsen, Township Representative to the Kennett Library Board of Trustees, commented upon the success of distributing the printed form of the Library Visioning Survey at the polling place. The survey is still available online and the survey results will be shared with the Township following final tabulation.
5. **Ducklings Final Subdivision Plan:** DiMonte acknowledged that this agenda item is to complete an administrative task to execute the following documents: (a) Final Land Development Plan for Ducklings Early Learning Center dated October 26, 2015 and last revised June 29, 2016 ("Final Plan"); and (b) Stormwater Management Best Management Practices Operation & Maintenance Agreement. DiMonte noted that the Solicitor is working with the Developer to finalize the particulars for the Letter of Credit which will require signature by the Township. The Solicitor will coordinate the exchange of legal documents as the Closing details for Parcel A are made known. DiMonte called for Public Comment. Following is the exchange regarding concerns raised during the Public Comment period:
 - a. Bruce Hwang expressed concern regarding what he believes to be miscommunication on the part of the Developer as to completion of a current traffic study. He raised concern that a traffic study referenced by the Developer is based on data completed more than a decade ago as part of the 2004 Land Settlement Agreement. The traffic study was submitted based on a daycare structure significantly smaller in square footage than the structure in the Final Plan. The square footage on the Final Plan allows for an increase in the number of employees and users of the facility thereby increasing the traffic. He noted concern that the Board may not be fully aware of the facts of the project as set forth in the letter from the Riverside at Chadds Ford Homeowners Association ("HOA") dated November 9, 2016. He noted that the Township should have included Unionville-Chadds Ford School District (UCFSD) in

the Final Plan review process to assure the safety and well-being of the children who use that portion of Winston Lane as a bus stop.

- b. DiMonte stated that the Board is in receipt of the letter from the HOA dated November 9, 2016. She noted that this matter has been listed for previous public meetings but that the HOA has not been active at those meetings. The Board is required to process the subdivision plan and documents in accordance with the timeline of the Municipalities Planning Code.
- c. Mike Scott reviewed components of the November 9th HOA letter noting that given the size of the proposed facility, the traffic calculations are severely off. He asked the Board to please delay signing the Final Plan until such time that a traffic study can be completed based on the footprint depicted on the Final Plan before them. He noted that Riverside represents 20% of the Township population. He echoed the concerns raised by Hwang and added that traffic flow will increase when the Route 926 Bridge Project begins. He commented that the detours in effect for that Project will cause gridlock. DiMonte expressed a similar concern with regard to traffic flow associated with the 926 Bridge Project and appreciates that the construction project may add to the traffic concerns.
- d. Ann Egger commented that the traffic study completed a decade ago was not a full blown study and a comprehensive study should be completed.
- e. Kevin Matson, P.E., provided a response to public comment with an overview of the regulatory process engineers use when analyzing a plan for ingress, egress, and traffic flow. He added that the academic manuals and regulations governing the review put safety first and foremost. Traffic engineers for the Township and the Developer spent a considerable amount of time reviewing the Final Plan and found that a traffic study was not warranted. He explained that the review process requires the reviewer to first identify trip generations based on usage, not square footage or zoning classification. The number of trip generations, total entry and total exit count, correlates with usage (i.e., a convenience store, pre-school, etc.) and the raw number of identified trips is the generating factor that warrants the next step in the process which would then be a traffic study. Hwang asked if the trip generation data was available. Matson responded that it would be available via submission of a PA Open Records Request. Matson added that traffic concerns were reviewed by the County and the Township Planning Commissions. The Commissions recommended the change to move the driveway and realign it to a point in relation to access to Sloan Road as is shown.
- f. Alice Balsama responded that Board Chairman Ricki Stumpo communicated with Marie Wickersham, the Transportation Coordinator for the UCFSD during the preliminary plan review process. UCFSD was made aware of the components of the Developer's plan. Balsama noted for the record that going forward, the Board would be amenable to sitting down with a representative of the HOA, UCFSD, the Developer, and Township Consultants. The purpose of the meeting would be to address any and all real-time concerns during the build-out.
- g. Amanda Sundquist, Township Solicitor, responded that regulatory guidance from the state is available for UCFSD with regard to location of a bus stop and to mitigate dangerous bus stop conditions. Because the Township is not an authorized agency to address or monitor bus stops, residents should contact the school district to institute a review. She also noted that the Final Plan was approved by the Board, the lawsuit brought by the HOA has been decided by the Court of Common Pleas and upheld, and finally, no appeal taken. For these reasons, the Board has no discretion to set aside authorization to sign the Final Plan and associated documents. Sundquist stated that the Board has discretion, going forward, to authorize a traffic study or review of real-time conditions during construction or post-buildout if concerns are raised with regard to traffic congestion during peak pick-up or drop-off times or if safety concerns or issues are raised.

MOTION: DiMonte moved, Balsama seconded, to authorize executing the Final Land Development Plan for Ducklings Early Learning Center dated October 26, 2015 and last revised June 29, 2016 and all associated documents; motion carried.

MOTION: DiMonte moved, Balsama seconded, to direct that the Township Solicitor hold The Final Land Development Plan in escrow until such time that a Letter of Credit acceptable to the Township Solicitor is received for signature; motion carried.

At 8:01 P.M., Board thanked the Solicitor and the Engineer for their attendance and granted their request to be excused.

6. **Public Works Report:** no action required.
7. **Barnard House:** DiMonte reported that the request for proposal for a feasibility study for the Barnard House and Township Administrative Office as previously authorized by the Board has been finalized and will be distributed.
8. **Report from the Zoning Official:** Board reviewed the report dated November 9, 2016 summarizing tasks performed from September 8, 2016 to November 8, 2016.
9. **Planning Commission Report:** Board reviewed the report summarizing the regular meeting held on October 19, 2016.
10. **Old Business:**
 - a. Emergency Management Coordinator – Board acknowledged receipt of the confirmation letter from Governor Wolf confirming the appointment of Kevin Gosselin as the Township Emergency Management Coordinator. Board approved the text of a memorandum of understanding to be sent to Gosselin outlining terms of the appointment.
 - b. Winterwood Subdivision – Board noted that the Winterwood HOA and the developer have come to an agreement with regard to the public improvements. No action required by the Board.
11. **New Business:** no new business before the Board at this time.
12. **Correspondence:** DiMonte suggested and the Board agreed to send a letter to the Westtown Township Board of Supervisors to share concerns regarding the traffic impact of the potential development of Crebilly Farm. She reiterated that the public meeting is Wednesday, November 16th at 7:30 P.M. and encouraged the residents to attend.
13. **Treasurer's Warrants:** DiMonte moved, Balsama seconded, to approve the Bill Payment Lists for November 1 – 14, 2016 recommended for payment by the Treasurer; General Fund: 22 bills paid totaling \$14,261.31; 6 debit card charges totaling \$1,288.39; Capital Reserve: 1 bill paid for \$85,132.00; Facilities: 1 bill paid for \$323.00; Highway Aid: 2 bills paid totaling \$1,477.18; Parks, Recreation & Trails: 2 bills paid for \$312.27; motion carried.
14. **Approval of Meeting Minutes:** DiMonte moved, Balsama seconded, to approve the October 31, 2016 public meeting minutes as amended; motion carried. DiMonte moved, Balsama seconded, to approve the October 6, 2016 and October 26, 2016 Budget Work Session Minutes; motion carried.
15. **Adjournment:** At 8:11 P.M. DiMonte moved, Balsama seconded, to adjourn the meeting; motion carried.

Susan Simone, Administrative Secretary

Elaine DiMonte, Vice Chairman