



Board of Supervisors Meeting Minutes  
740 Denton Hollow Road, West Chester, PA 19382  
Monday, March 14, 2016, 7:30 P.M.

Attendees: Supervisors – Ricki Stumpo, Elaine DiMonte, Alice J. Balsama; Planning Commission (PC) – Gary Summers, Chairman; Township Consultants – Amanda Sundquist, Solicitor; Brittany Hackman, P.E., Engineer; Rich O'Brien, Keystone Municipal Services, Building Inspector.

Public in attendance: 17

1. **Call to Order:** Stumpo called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.
2. **Sunshine Announcements:** DiMonte announced that the Board met in Executive Session on February 22<sup>nd</sup> regarding a personnel matter. Board authorized the Township Engineer to work with PennDOT on the particulars for a traffic light at West Creek/Lenape/Pocopson Roads. Board completed correspondence as follows: letter of support for the Kennett Library VPP Grant, thank you for services rendered and response to a resident. Balsama and DiMonte accepted an invitation to visit Spring Brook Farm on February 27<sup>th</sup>. Balsama and DiMonte completed personnel evaluations on March 2<sup>nd</sup>.
3. **Announcements:** DiMonte reported that she and the Secretary attended the Chester County Association of Township Officials ("CCATO") Conference on March 10<sup>th</sup>. The Conference was worthwhile. On March 11<sup>th</sup>, Stumpo met with the consultant for the EMS Task Force Study. Stumpo noted 4 responses received to date for the Kennett Library Board appointment. PennDOT will conduct a public meeting on March 30<sup>th</sup> at Pocopson Elementary School regarding the Route 926 Bridge replacement project.
4. **Public Comment:** no public comment on non-agenda items.
5. **Riverside at Chadds Ford Homeowners Association ("HOA") Request to Purchase Roadbeds:** Scott Kirkland, HOA President, and Adam G. Marcus, Attorney representing the HOA, appeared before the Board regarding a unique request from the HOA to purchase Winston Lane from the Township. The request was presented as a concept with the notion that the Township would require a legal opinion from the Solicitor on this request. Balsama raised concern with regard to the diminution in property value if the Daycare is blocked from having access to Winston Lane should it become a private road owned by the HOA. Generally, it is thought that without access via Winston Lane, the Daycare would be required to seek access via Route 52 and it is not likely PennDOT would issue a highway occupancy permit for that purpose. DiMonte asked if Daycare Parcel A is determined to be landlocked, would an easement be required by law. Substantiating an easement as necessary to access a property might be addressed in the legal opinion from the Solicitor. The current Preliminary Plan does not include a design for access via Route 52. Stumpo asked if the HOA took the steps necessary to inform all of the residents of Riverside that the HOA seeks to purchase the roadbed. Kirkland responded that meeting notices went out to the community and during a community meeting, residents asked the HOA to pursue a course of action to protect

home values. It was not possible to raise funds to purchase Parcel A from the landowner; therefore, other strategies were discussed. Public Comment/Riverside Residents: Juan Restrepo indicated that he was not aware of the HOA's interest in taking back ownership of Winston Lane. He is concerned that taking back Winston Lane will create access issues for school buses using Winston as a public road. Mike Spillane indicated that he was not aware of the HOA proposal. Kirkland will provide the Board with copies of the community notices as confirmation that all residents were notified accordingly. MOTION: Balsama moved, DiMonte seconded, to authorize the Township Solicitor to prepare a Professional Services Agreement to be executed by the Riverside HOA along with an escrow to cover the costs incurred for the Township Solicitor to provide a legal opinion for the Township to sell Winston Lane to the HOA; motion unanimously approved.

6. **Riverside Daycare Partnership Preliminary Plans; 1390 Lenape Road/Tax Parcel 63-4-495 (Commonwealth Engineers, Inc.):** Victor Kelly, Jr., P.E., ("Applicant") appeared to discuss the Preliminary Land Development Plans prepared by Commonwealth Engineers, Inc., dated October 26, 2015, and last revised February 2, 2016 ("Plan"), subject of the following review and comment letters: Township Engineer dated February 22, 2016, Township Zoning/Code Official dated February 12, 2016, and Chester County Planning Commission dated February 16, 2016. The matter was previously before the PC on June 17, 2015 (Sketch Plan), November 18, 2015, and February 17, 2016, at which time the PC recommended that the Board grant approval of waivers and the Preliminary Plan as discussed condition upon completing all revisions noted by Township Consultants. The following individuals appeared with the Applicant: Jodi Thompson, Ducklings Early Learning Center; Scott Risbon, Earthcare Landscaping. Applicant presented that a 10,000 square foot building will be constructed on the 2 acre parcel to accommodate approximately 120 children pending state authorization, with normal hours of operation being from 7:00 AM to 6:00 PM. The Applicant would like to begin construction this summer with the facility operational sometime in 2017. Applicant is working through plan revisions with the Township Engineer in accordance with the Review and Comment Letter. Discussion: DiMonte asked and Applicant provided information regarding the status of the NPDES permit and plan review by emergency management services. Balsama asked and the Applicant explained the waiver request for 178-25.B(19) noting that the stormwater as designed will actually improve the flow of water on the site. Likewise, the Applicant answered Stumpo's question as to waiver of 190-21.A(1) regarding plan scale. Stumpo asked what accommodations would be made for special needs children. Thompson responded that there is programming for autism spectrum children but it is not a mandate that the therapist shadow each child for a full day. There are appointment times for the shadow therapist to be on site. Thompson spoke to issues regarding the drop-off and pick-up process noting that of the number of enrolled children, many are from the same family and arrive in the same vehicle; special events such as Halloween, Christmas, and parent-night programs include remote parking with shuttle service. As with all the centers, Thompson keeps the community informed as to scheduled events. HOA Attorney Marcus submitted an official Memorandum to the Board describing opposition to the Preliminary Land Development Plan. He explained that the Applicant is proposing a school not a daycare center and as such, it is a large facility that may have significant issues from a zoning standpoint that the Applicant has not addressed. Stumpo noted that the Memorandum should have been sent to the Board in advance. Lacking opportunity to review the Memorandum in advance, the Board agreed not to address the issues set forth therein. Marcus indicated the HOA does not dispute that a daycare can be built on the site, rather, they suggest only a 6,000 square foot building will accommodate parking requirements. Public Comment: Juan Restrepo asked and

Thompson responded that the prime times for drop-off and pick-up are 6:00 to 7:00 AM and 3:00 to 4:00 PM. Mike Scott voiced concern regarding the signage. Summers noted that the Township Code Sign Ordinance will negate any misgivings that the daycare will install anything but signage that accentuates the community. There was general discussion as to the location of the dumpsters, heating fuel tanks, and type of fencing for the outdoor play area given that these areas are adjacent to townhomes in the community and Route 52 neighbors. Kirkland requested that the Applicant remediate the stand of bamboo on the property prior to construction as the HOA has spent considerable money to eradicate a stand of bamboo on the HOA open space. Township Solicitor Sundquist noted that the Applicant has an extension for plan review through May 30<sup>th</sup> and offered that at this time, the Board did not have to approve, approve with conditions, or deny the Plan. Stumpo noted and the Board agreed that the matter will be listed for the April 25<sup>th</sup> Board meeting following submission of Plan revisions and Memo of Opposition to the Planning Commission for their April 20<sup>th</sup> meeting.

7. **Public Works Report:** MOTION: DiMonte moved, Balsama seconded, to approve Resolution 2016-6 authorizing the purchase of a 2016 Bandit 250 XP Chipper from Stephenson Equipment, Inc., purchase price \$48,285.00 with funds from the Capital Reserve Account; motion unanimously approved.
  - a. West Creek Road Bids - Knightly reported that 7 bids were received for the West Creek Road Slope Repair Segmental Retaining Wall. The bids ranged from \$53,585.00 from Bi State Construction Co., Inc. to \$99,504.00 from KEL-CON, and as more fully and completely described in the Review Letter dated March 11, 2016 submitted by McCormick Taylor. MOTION: Balsama moved, DiMonte seconded, to accept the bid from Bi State Construction Co., Inc., as the lowest responsible bidder in the amount of \$53,585.00, condition upon immediate contract review by the Township Solicitor, such contract to be signed by all parties on or before March 24, 2016 in accordance with the terms of the bid contract documents; motion unanimously approved.
8. **Barnard House:**
  - a. **Phase 1 Project Update** - Rich O'Brien, Keystone Municipal Services reported that inspections were completed on February 22nd. Updated structural engineer plans (as-built) have been provided confirming changes to the supports in the basement. This submission was a follow-up to a building permit that was issued in 2011. As to the park restroom and office building permit (Phase 1) O'Brien asked that the Township provide the final sign-off confirming exterior improvements have been completed. He stated that the hot water heater is not functioning. A final electrical inspection cannot be completed until the hot water heater is repaired or replaced. Knightly responded that the vendor will replace the hot water heater. DiMonte noted that a lock must be installed on the 1<sup>st</sup> floor interior access door between the KURC space and the 1<sup>st</sup> floor before the Township accepts the certificate of occupancy. Stumpo stated that in accordance with the lease, the Township must provide a security system before KURC can use the space.
  - b. **Proposals for Windows and Doors** - Knightly was able to obtain 2 proposals as follows: M.R. Cockerham Painting Contractors, Inc., for exterior and interior painting; Carrie Construction, Inc., for replacing 1<sup>st</sup> and 2<sup>nd</sup> floor windows and doors. The Board, in reviewing the proposals, recognized replacing the windows and doors will require the Township to go out for bids. The Cockerham Proposal does not include work necessary to make the windows functional or to repair them. DiMonte suggested that until the County Commissioners can provide insight as to amending the restrictive covenant, it is difficult to make a decision as to replacement or repair of the windows and doors. Stumpo indicated that moving forward with windows

and doors does not have an effect on KURC moving into the building. The Board is aware of the timeline for completion of the Keystone Grant.

9. **Old Business:** Board approved and signed the procurement pre-approval request for the expenditure of \$300.00 from the Historical Committee Account for purchase of materials and possibly lunches for the May 19<sup>th</sup> XL Catlin "Day of Service" to prime coat the interior walls and ceilings of the Locust Grove Schoolhouse.
10. **New Business:**
  - a. **Scaleby Farms 18-month Maintenance Bond** - no action taken.
  - b. **Proposed Drone Ordinance** - DiMonte attended a workshop at the CCATO Conference on the subject of ordinances provisions regulating the use of drones. She asked that the PC take the steps necessary for a pre-draft of a drone ordinance.
11. **Correspondence:**
  - a. **Chester County Planning Commission VPP Contract Terminated** - Board reported that as of February 26<sup>th</sup>, the County terminated the VPP Contract for the historic resource inventory and survey. A thank you letter was sent to Jane Dorchester acknowledging her work on the project.
12. **Treasurer's Warrants:** Stumpo moved, DiMonte seconded, to approve the Bill Payment Lists for February 23 - March 14, 2016 recommended for payment by the Treasurer; General Fund: 28 bills paid totaling \$27, 420.88; 6 debit card charges for \$476.50; Highway Aid: 5 bills paid totaling \$11,724.27; Township Facilities: 1 bill paid for \$380.00; motion unanimously approved.
13. **Approval of February 22, 2016 Meeting Minutes:** DiMonte moved, Balsama seconded, to approve the Board of Supervisor Meeting Minutes dated February 22, 2016; motion unanimously approved.
14. **Adjournment:** At 9:00 p.m., Balsama moved, DiMonte seconded, to adjourn the meeting.

  
Susan Simone, Administrative Secretary

  
Ricki Stumpo, Chairman