

MINUTES OF THE BOARD OF SUPERVISORS

OF KENNETT TOWNSHIP

801 Burrows Run Road

August 17, 2009

Chairman Hammaker called the meeting to order at 7:30 p.m., with Vice-Chairman Falcoff and Supervisor Elling both present.

Mr. Hammaker moved that the minutes of the July 20, 22 and 29, 2009 and August 5 and 12, 2009 be approved as distributed. Mr. Elling seconded the motion and it carried with both Supervisors in favor.

SWEARING IN FIRE POLICE

Mr. Hammaker made a motion to confirm the following two (2) Longwood Fire Company Special Fire Police to be sworn in: John Bowers and Joshua Mallory

Mr. Falcoff and Mr. Elling both agreed and the motion was carried.

Mr. Hammaker read the pledge to the Fire Police and asked for their promise to perform. He presented them both with Fire Badges and congratulated them.

ANNOUNCEMENTS AND REPORTS

- 1) Mr. Hammaker announced that the Deer Management Committee will hold an information meeting on September 9, 2009 at 7:30 p.m. at the Red Clay Room in the Kennett Fire Company Building.
- 2) Mr. Falcoff presented the public safety information data, gave the August 2009 Accident Summary as follows:

July, 2009 accidents:

- 98 accidents YTD vs. 125 last year- a 21.6% reduction
- 12 accidents during July vs. 14 last July.
- 4 accidents on Kaolin Rd. (1 at Chandler Mill intersection.)
- There were 3 accidents at the Kaolin/Chandler Mill intersection, to date, vs. 12 last year, during the corresponding period.

Miscellaneous:

- We have advertised for bids for Rt. 52/Hillendale signalization. Assuming receipt of responsive bids, the construction contract will be awarded at our September 21, public meeting.
- The township engineer has submitted a 5-way traffic signal proposal to PennDOT for the Cedarcroft/Rt. 82/US1 intersection. Also, PennDOT has asked for additional ROW information for the Michigan

left/U-turn proposal. Apparently, further south of the intersection, the ROW widens and minimizes usage conflict.

- There has recently been a series of flagger traffic control incidents typically involving inattention at road construction locations by Chester Water Authority or their subcontractors. Our police department has encouraged the CWA to follow proper procedures.
- There is concern that undocumented soliciting within the Township is resulting in an increase in daytime burglaries. We had recently passed a Soliciting Ordinance that required a permit for this activity. However, considering the difficulty of enforcement we are now considering completely banning soliciting within the Township. Be aware that any door-to-door soliciting currently requires a Township permit; Please call the Township police department if there is any question about solicitors.

Kennett Township Police activity (July, 2009)

- 76 calls responded to from Chester County Police Radio.
- 3 criminal investigations.
- 51 routine assignments.
- 19 alarm activation calls (25% of total incidents).
- 3 automobile accidents responded to.

These resulted in:

- 8 traffic arrests or citations.

87 State police response incidents are in addition to those of the Township police (of which 18% were false alarms).

- 3) Mr. Hammaker announced that a Conditional Use Hearing will be held for the Shepherd Property on September 21, 2009 at 6:30 p.m.
- 4) Mr. Hammaker reaffirmed the appointment of Elizabeth Allman as a Township Representative to the Bayard Taylor Library Board.
- 5) Mr. Elling made the following statement regarding the Chandler Mill bridge:
 - The Chandler Mill bridge is owned by Chester County, not by Kennett Township and in Pennsylvania, bridges can be owned by the State, County or local municipality. There are severe financial and liability issues involved with bridge ownership; as such, no government entity wants to be the owner of a bridge structure. These issues fall into 3 categories: ongoing maintenance, ultimate replacement due to ageing and catastrophic replacement such as caused by a flooding wash-out.
 - PennDOT and County engineering studies have shown that the existing bridge can not be rehabilitated. Also, the existing structure is currently weight restricted because of structural issues.
 - Although the County offered the Township the opportunity for a turn-back, they were not willing to underwrite the liability issues noted above, so the township declined to take over ownership. As owners of the bridge, future bridge design and construction is a County issue.

- The Township gave the bridge consortium the opportunity to underwrite the above liability issues for a municipal bridge take-over, but this activity has gone nowhere.
- Since it appeared that the bridge was to be replaced, we endorsed the concept of replacement with a 1-lane, 2-way, yield-controlled span (similar to the traffic control system at the Smith Bridge in Centreville, DE and the bridge over Red Clay Creek on Hillendale Rd., in Kennett Township). This concept has been rejected by the County since their engineering consultants would not approve a 1-lane span.
- We arranged with the County and PennDOT that new bridge aesthetics be consistent with desires from local residents and with the ambiance of the area.
- The concern that a new two lane bridge would encourage additional truck traffic remains to be seen. If the new bridge and/or Chandler Mill Rd. meet engineering certification for truck restriction due to safety issues, the Township will implement the restriction for the Township owned road. (Over the past year we have truck restricted three roads within the Township.)

The Township is unwilling to saddle our taxpayers with unfunded costs associated with bridge ownership. Based upon previous poor experience with the few bridges we do own, *including having to replace a bridge washed out in a storm some years back*, we will not take ownership of this bridge; This is the only prudent fiscal decision we can make.

NEW BUSINESS

Mr. Hammaker moved to approve the Kendal Conditional Use Decision as presented. Mr. Elling seconded the motion and it carried with all in favor.

Chet McCabe, Zoning Officer, announced that the Kendal Zoning Hearing Board Case is scheduled for September 30, 2009 at 7:30 p.m.

ROADWORK

Mr. Elling stated that the roadcrew has finished all mowing for the summer, they are handling all PA One calls and installed a new generator at Five Points intersection for use during storms, cleaning up after storm damage, cleaned up loose stones at intersections due to oil and chip, blacktopping patches on roads, Chester Water Authority has almost completed the hydrant and water main installations, yard dumpsters have decreased due to roadcrew chipping debris, the radios for the roadcrew will need to be changed by 2013 due to FCC changes, line painting is currently underway and paving in place will be done the first week of September.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

KENNETT BUSINESS PARK - FINAL – LAND DEVELOPMENT

Mr. Falcoff presented this property located on Mill Road in the LI Zoning District identified as Tax Parcel No: 62-3-81 containing 5.7 acres. The applicant is proposing to build three (3) office buildings. Two of the buildings will contain 66,700 s.f. each and one building will contain 62,300 s.f. The Preliminary Plans were recommended for approval by the Planning Commission on July 1, 2008. **Mr. Falcoff moved to recommend**

approval of the Final Plans dated 2/28/2008, last revised 3/13/09 prepared by Advanced GeoServices containing 26 sheets with the following conditions: 1) Address all issues in the Gilmore & Associates letter dated 7/30/09, 2) Address all issues from Anne Walters, Township Landscape Architect, letter dated 8/3/09, 3) Address URS letter dated 8/2/09, 4) Approval from Kennett Borough for Final Land Development, 5) Applicant must sign the Rules and Regulations for Site Development, 6) Applicant must establish an escrow account for public improvements and a cash escrow account for engineering inspections, and; 7) The applicant must pay \$309,560.00 (based on 193,485 s.f. = 77.39 units @ \$4000/unit) for the Fee-In-Lieu of land dedication. Lastly, the Board of Supervisors requests a contribution of \$69,651.00 (77.39 units @ \$900 per unit) to the Township's Facility Development Fund. Mr. Elling seconded the motion and it carried with all in favor.

D'AGOSTINO PROPERTY – PRELIMINARY - SUBDIVISION

Mr. Falcoff presented this proposal located on Union Street in the R-4 district. It is identified as Tax Parcels 62-3-124, 129, 129.1 & 129.2 and consists of 9.33 acres. The applicant is proposing to create 24 townhouses. Approvals have been received from Chester County Planning, Gilmore Associates and Anne Walters. The Planning Commission recommended Preliminary approval on August 4, 2009. **Mr. Falcoff moved to recommend Preliminary approval of the Preliminary subdivision plan prepared for D'Agostino Builders drawing prepared by EB Walsh & Associates dated 1/28/04, last revised dated 6/18/09 containing 16 sheets with the following conditions: 1) Address outstanding issues from all consultants. 2) Prior to Final plan signing the applicant will pay a fee in lieu of \$92,000.00 (\$4,000 per lot x 23 lots), 3) The applicant will sign the Kennett Township Rules and Regulations for Site Development, 4) The applicant will submit an electronic copy of the final subdivision plans showing the road layout to the Township for the Fire Companies, 5) The applicant will establish an escrow account for public improvements and a cash escrow account for engineering reviews, and; Lastly, the Supervisors request a contribution to the Kennett Township Development Fund of \$900 per lot for a total of \$20,700 (23 Lots).** Mr. Elling seconded the motion and it carried with all in favor.

Extensions

Mr. Hammaker moved to approve the following extensions: 1) Greenwood Mushroom Property until 11/30/09, 2) Hionis Property until 10/30/09, and; 3) Kennett Business Park Property until 11/30/09. Mr. Falcoff seconded the motion and it carried with all in favor.

OTHER BUSINESS

Per Capita Tax

Mr. Hammaker moved to accept the Per Capita Tax exonerations per memos dated July 21, 2009 and August 11, 2009. Mr. Elling seconded the motion and it carried with all Supervisors in favor.

ADJOURNMENT

Mr. Hammaker acknowledged receipt of the financial statement for the prior month. **Mr. Hammaker moved that the bills be approved for payment, seconded by Mr. Falcoff, with all Supervisors in favor.**

The meeting adjourned 8:00 p.m.

Respectfully submitted,

Lisa M. Moore
Secretary-Treasurer

