

1. Agenda

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AGENDA
KENNETT TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 17, 2016
@ 7:00 p.m.

PLEDGE OF ALLEGIANCE

MINUTES

February 3, 2016 minutes

PRESENTATIONS

Dan Maguire – KCSD Vision of Technology and Initiatives that impact the Kennett Community

ANNOUNCEMENTS/REPORTS

Chief of Police report
Roadwork Report
Kennett Fire Company report
Manager’s report

NEW BUSINESS

Pay Bills
Resolution PECO Grant - KAPRB
Kennett Township Park
MAP Resolution
Bayard Road RR Crossing
Brandywine Creek Greenway

Proposed Ordinance:

Amend Parking Stall widths and private street cart way

SUBDIVISIONS

Sweetbriar Conditional Use extension until April 30, 2016
Speakman/Lord Howe Subdivision extension until June 30, 2016
Longwood Gardens Parking Facility – Preliminary Plan
Pat’s Pizza – Preliminary Plan
Ravello – Final Plan

PUBLIC COMMENT

ADJOURN

TOWNSHIP REPRESENTATIVES

Scudder G. Stevens, Chairman Dr. Richard L. Leff, Vice-Chairman
Whitney S. Hoffman, Supervisor Lisa M. Moore, Township Manager/Secretary-Treasurer

**MINUTES OF THE BOARD OF SUPERVISORS
OF KENNETT TOWNSHIP**

**801 Burrows Run Road
Chadds Ford, PA 19317**

February 3, 2016

Stevens called the meeting to order at 7:00 p.m.

Present: Chairman, Scudder G. Stevens
Vice-Chairman, Dr. Richard L. Leff
Supervisor, Whitney S. Hoffman
Township Manager, Lisa M. Moore

MINUTES

Hoffman made a motion to approve the minutes from January 20, 2016. Leff seconded the motion.

Motion carried unanimously.

ANNOUNCEMENTS

Executive Session announcement

Lisa Moore announced that the supervisors met this evening for an executive session to discuss the possible acquisition of open space.

Township Resident Guide

Hoffman noted that she has worked on a township resident guide which is available as an I-Book and a PDF will be available on the township website which will especially be helpful for new residents. The guide will be updated periodically and if anyone has anything to add to it, please let her know.

NEW BUSINESS

Township Committee Policy

Lisa Moore presented a resolution establishing a policy requiring all persons appointed township boards, commissions and committees to have a working email account, computer and printer if the person does not have an email address, the township will provide one. This resolution will require that communications will be done via email and all documents will be stored in a drop box if they are large documents.

Hoffman made a motion to adopt the resolution. Leff seconded the motion.

Discussion:

Hoffman commented that she believes it will be convenient making sure that everyone is communicating electronically and that it will save township staff from having to make physical copies.

Leff commented that this policy will improve efficiency as well as the speed and timeliness of communications.

Stevens noted that this policy has been in effect unofficially over the last year but had not been adopted in an official policy, nearly everyone has conformed to the policy. Stevens noted that violation of this policy will could mean the removal of the person from their position if the board feels so.

Public Comment:

Cathy Burkett asked if a printer is really necessarily needed. Hoffman and Lisa Moore responded that the township is always willing to print out documents that committee members need hard copies

Lisa Moore noted that resolution reads that the members need to have a working printer but can change that to “access” to a working printer.

Leff made a motion to amend the resolution to read “access to a printer”. Hoffman seconded the motion.

Public Comment:

Art Kaiser asked if the township expects any extra expenses committee members will incur from this resolution. Stevens responded that he does not envision any additional expenses to committee members as it is not a significant change for most committee members.

Motion to amend the motion passes unanimously.

Motion as amended passes unanimously.

Appoint Rich Hicks-Assistant Fire Marshal

Lisa Moore asked that the Building Inspector, Rich Hicks be appointed as Assistant Fire Marshall to assist with Life Safety inspections that happen at businesses in the township. Lisa noted that Rich, who is currently the Township Building Inspector is trained and qualified for the position but needs the title to do the inspections legally.

Leff moved to appoint Rich Hicks as the Assistant Fire Marshall. Hoffman seconded the motion.

Leff asked if he will be doing the inspections at the same time that he is doing building inspections. Lisa Moore responded yes, this could save time and money in the end. Leff followed up asking Lisa Moore if fees need to be adjusted to which Lisa Moore responded no.

Motion passes unanimously.

Acquisition of Real Estate

Lisa Moore asked the Board of Supervisors to fund an open space easement acquisition up to the amount of \$265,000.00. Lisa Moore noted that if the property is acquired, the public will be notified of the property details, location and plans explaining that she cannot go into any further details or specifics about the property as it could jeopardize the sale.

Leff made a motion to allocate up to \$265,000.00 for the acquisition of open space. Hoffman seconded the motion.

Motion carried unanimously.

Acquisition of Real Estate

Lisa Moore asked the Board of Supervisors to make a commitment of funding for an open space easement to provide 50 % matching funds up to \$500,000.00.

Leff made a motion to commit funding up to \$500,000.00 for open space pending grants with 50% matching country and state grants. Hoffman seconded the motion.

Public Comment:

A resident asked if the Board can tell everyone where the property is.

Lisa Moore and Hoffman responded that if the property is acquired, the public will be notified of the property details, location and plans explaining that she cannot go into any further details or specifics about the property as it could jeopardize the sale.

Motion carried unanimously 2-0 with Stevens recusing himself from the vote due to a potential conflict of interest.

SUBDIVISIONS/LAND DEVELOPMENT APPLICATIONS

Lisa Moore presented the following subdivisions and land developments requesting extensions:

Ham Property extension until 8/19/2016, Cannery Row proposal extension until 4/30/16, North Walnut Holding CU Hearing extension until 3/16/16.

Hoffman made a motion to accept the extensions for the Ham Property extension until 8/19/2016, Cannery Row proposal extension until 4/30/16, North Walnut Holding CU Hearing extension until 3/16/16. Leff seconded the motion.

Leff questioned how long the Ham property has been on extension. Gwen Lacy responded that this was a development that came before the Planning Commission and the Land Conservancy was able to talk to them with the hope the result would be a conservation easement but they want to keep this active in case the easement does not go through. Leff asked how long do we keep extending. Lisa Moore responded it is up to the Board of Supervisors noting she has told the applicant that she would recommend to the Board of Supervisors that it not be extended further.

A resident questioned about the Smith property. Lisa Moore responded noting that the Smith Property/Boss Builders application was withdrawn noting it could be resubmitted at a later time. A resident noted that he received notification that the hearing would be held at 5pm tonight, Lisa Moore responded it was cancelled and notification was put on the townships website and Facebook page. Lisa Moore and the Board of Supervisors apologized.

Guthrie asked if the township has gotten a legal opinion on the subject of not extending. Lisa Moore noted that she spoke with the attorney and the township can use deficiency in the plans to deny an extension.

Lord Howe has an extension until the end of February and expects to be resolved in the next couple of months.

Guthrie asked if the township did deny, and the developer re-submitted, would they have to use existing ordinances. Lisa Moore responded that it is her understanding that they would have to use the ordinances as they are at the time of re-submittal.

Susan Singer asked where the Ham property is located, Lisa Moore responded Burnt Mill road and that she will begin placing addresses for the applications on the agendas.

Motion passes unanimously.

PUBLIC COMMENT

Nancy Hewes asked if the Use of the properties would be brought before the public for discussion at some point recognizing that it cannot be done during the acquisition.

Lisa Moore noted that depending on the type of property, public discussions and suggestions will be held but there are cases such as open space where there are limitations on what can happen with the property but noted that the Board of Supervisors has previously stated that they are committed to having trails and public access to all open space the township acquires.

Stevens noted that the problem about talking about Use prior to the acquisition is that it does not protect the anonymity of the property. Stevens noted that "Use" is protected by the structure of the whole system i.e. zoning.

Hoffman commented that public commentary and input is important in the process but initially when going through the process, it is important to keep the information confidential. Hoffman commented that she feels very strongly that there is a public benefit in the acquisitions the township makes.

Hoffman commented that she had a chance to ride along with the Public Works department during the recent snow storm and had a chance to take video and post updates, if there is positive feedback on this type of interaction, we will continue to do it.

ADJOURNMENT

**Leff made motion to adjourn. Hoffman seconded the motion.
Motion carried unanimously.**

The meeting adjourned at 7:34 p.m.

Respectfully submitted,

Michael O'Brien
Recording Secretary

Managers' Report 2/17/2016

- Soil seminar February 7th
- Website update
- Sidewalk project update
- Traffic Impact Fee – Land Use Assumption Report
- Economic Development Public Meeting follow up – next meeting April 7th
- Meadow care seminar
- Fussel House update
- Sustainable Development and Alternative Transportation Plan update
- Trail consultant update

Road Report

1/12/16-2/9/16

1. Tree trimming is being done on good weather days.
2. Salt orders were received, 500 tons to date.
3. Work is being lined up now for upcoming jobs this summer. We will be working with PennDOT on a drainage project at 5 points. We need to replace an inlet box before paving and PennDOT has a pipe under old Kennett Road that is rusted out and needs replaced. This makes both jobs easier if down the same day along with less road closings for residents.
4. VFW pump station had a new pump ordered to replace the old one that could not be repaired. The cost of the pump was \$4,065.00. This is the original pump.
5. Blizzard of 2016 has come and gone. It was a slow three day storm that took long hours and lots of patience from all. I would like to thank many residents that work so hard to clear driveways, mailboxes and walks and still made a point to wave, said thanks for a great job and asked if we needed anything. What a great group to work for. We had food dropped off at the shop for the crew to eat at times when rest was needed. Thank you to Lisa Moore and Whitney Hoffman for always thinking of us. An offer was made to our new Supervisor, Whitney Hoffman to ride in a snow plow to see what it is like on the other side. She took our offer and spent six hours riding along with myself. I think she had a great time!
6. A midblock crossing crosswalk was approved for Greenwood Mushroom on Norway road. It will be installed as soon as next week. This is being done for the safety of the workers that must cross the road to work in other mushroom houses. It also makes it very clear for drivers where pedestrians will be located.
7. After several inquiries on fire hydrant markers, we have been in contact with Chester Water Authority to seek permission to install markers on their hydrants in the township. There are 106 hydrants through the township, if allowed, the township would purchase the markers and would Chester Water Authority would install with our assistance.
8. Pot holes are starting to pop up with the freeze thaw cycle. We are addressing them as they come up.
9. A manhole on Millers Hill was damaged during the plowing operation on Wednesday by an unknown plow truck. Repair was made to seal it up but a permanent repair will be completed in the spring with black top.



KENNETT TOWNSHIP POLICE DEPARTMENT

Chief of Police Lydell E. Nolt

801 Burrows Run Road Chadds Ford, PA 19317

PI 610.388.2874 F I 610.388.8594

Police monthly summary report: January 2016

The Kennett Township Police Department in conjunction with the Pennsylvania State Police provided police services to 321 police incidents in the municipality of Kennett during the month of January 2016. State Police Avondale Barracks provided police service to 58 of those incidents.

The department is excited to be working closely with Greenwood Elementary School on our community policing mission; an officer from the department is foot patrolling the elementary school daily. This mission is not only preserving the safety of the students but building positive relationships with the students as well. Officers have enjoyed the open interactions with the students and staff members with this new program. Thank you to the Kennett Consolidated School District Administration for supporting the new program and the mission of the department as we build our community policing relationships.

The department encourages residents to stay vigilant in regards to suspicious activity. The department continues to investigate burglaries that have been occurring throughout the area. The department also encourages residents to take precautions against such crime as in, installing alarm systems or surveillance cameras.

The department assisted with event security for Longwood Gardens throughout the holiday Christmas event season. The Gardens averaged approximately 10,000 guests daily throughout the holiday event season.

The department complements the Public Works Department and the Public Works Director Roger Lysle for his and his staff's excellent service though the massive snow event. Because of their dedication the 27 incidents reported to the department during the storm, none were considered a serious health or safety risk to the public.

The department commends Officer Amanda Wenrich for the successful completion of Field Training Officer School. Officer Wenrich will now be the FTO officer for the department.

Have a safe and prosperous month of February.

**KENNETT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2016-6

A RESOLUTION OF THE BOARD OF SUPERVISORS OF KENNETT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, ABANDONING A FIFTY FOOT (50') WIDE PAPER EASEMENT SHOWN ON THE PLAN OF MEADOW VIEW; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a final Subdivision Plan of Meadow View, prepared by George E. Register Jr. & Sons, Inc. (the “Meadow View Plan”) was approved by Kennett Township and recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania on April 10, 1987 as Plan 7054; and

WHEREAS, the Meadow View Plan depicts a certain “50’ Wide Easement for Future Road” (the “Paper Easement”) running from the western end of the cul-de-sac of Meadow View Lane, over Lot 7, as depicted on the Meadow View Plan, to the western edge of Lot 7 and lands now or formerly of Roger H. Horn; and

WHEREAS, the combination of Note 2 on the Meadow View Plan and the laying out of the Paper Easement created an offer of dedication of the Paper Easement to Kennett Township, effective on the date of recording, April 10, 1987; and

WHEREAS, no deed of dedication for the Paper Easement was ever delivered to or accepted by Kennett Township, no ordinance accepting dedication of the Paper Easement was ever enacted, no maintenance of the Paper Easement was ever performed by Kennett Township or anyone on behalf of Kennett Township, and there is no evidence of public use of the Paper Easement; and

WHEREAS, more than twenty-one (21) years have passed since the offer of dedication of the Paper Easement; and

WHEREAS, Gary and Barbara Irwin, owners of Lot 7 of the Meadow View Plan, have requested Kennett Township to acknowledge the foregoing and formally abandon the Paper Easement, in order to avoid the necessity of a formal Action to Quiet Title;

NOW THEREFORE, be it, and it is hereby **RESOLVED** by the Board of Supervisors of Kennett Township, Chester County, Pennsylvania, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:

I. Kennett Township, Chester County, Pennsylvania, acknowledges that the offer of dedication of the Paper Easement laid out on the Meadow View Plan has expired and is terminated because 1) no deed of dedication describing the Paper Easement has ever been delivered to or accepted by Kennett Township, 2) no ordinance accepting dedication of the Paper

Easement has ever been enacted, 3) no maintenance of the Paper Easement has been performed, and 4) there is no evidence of public use of the Paper Easement. As a result, the Paper Easement is hereby abandoned.

II. All Resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

III. The provisions of this Resolution are declared to be severable. If any provision on this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

IV. This Resolution shall become effective immediately upon its legal enactment.

ADOPTED and **RESOLVED** this 17th day of February, 2016.

ATTEST:

KENNETT TOWNSHIP BOARD OF SUPERVISORS

Lisa M. Moore, Manager/Secretary

Scudder G. Stevens, Chairman

Richard L. Leff, Vice-Chairman

Whitney S. Hoffman, Member

**TOWNSHIP OF KENNETT
CHESTER COUNTY
COMMONWEALTH of PENNSYLVANIA**

RESOLUTION NO. 2016-8

**RESOLUTION AUTHORIZING an APPLICATION to the
PENNSYLVANIA ASSISTANCE PROGRAM MUNICIPAL**

WHEREAS, the Township of Kennett will be undertaking a joint project to study alternative transportation with Kennett Township; and,

WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Municipal Assistance Program; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the Township of Kennett, Commonwealth of Pennsylvania, hereby authorizes submission of an application to the Municipal Assistance Program ; and

BE IT FURTHER RESOLVED, that the Bboard of Supervisors of the Township of Kennett, Commonwealth of Pennsylvania, hereby commits in-kind municipal resources for said project.

ENACTED and **APPROVED** this 17th day of February, 2016.

ATTEST:

**KENNETT TOWNSHIP BOARD OF
SUPERVISORS**

Lisa M. Moore, Manager/Secretary

Scudder G. Stevens, Chairman

Richard L. Leff, Vice-Chairman

Whitney S. Hoffman, Member

RESOLUTION NO. 2016-9

**TOWNSHIP OF KENNETT
CHESTER, COUNTY, PENNSYLVANIA**

**A Resolution Authorizing Application to the
2016 PECO Green Region Open Space Program
for the Fitness Trail on Kennett Greenway
Project**

WHEREAS, the Township of _Kennett (“Township”) desires to undertake the Fitness Trail on Kennett Greenway project; and

WHEREAS, the Kennett Township desires to apply to the PECO Green Region Open Space Program for a grant for the purpose of carrying out this project; and

WHEREAS, the Kennett Township has received and understands the 2016 PECO Green Region Open Space Program Guidelines.

THEREFORE, BE IT RESOLVED THAT the Kennett Township Board of Supervisors hereby approves this project and authorizes application to the PECO Green Region Open Space Program in the amount of \$10,000.00, and

BE IT FURTHER RESOLVED, THAT, if the application is granted, the Kennett Township and the Kennett Area Park and Recreation Board commits to the expenditure of matching funds in the amount of \$10,000.00 plus the extra cost of \$1,400.00 necessary for the project’s success.

SO RESOLVED this 17th day of February 2016.

ATTEST:

**KENNETT TOWNSHIP BOARD OF
SUPERVISORS**

Lisa M. Moore, Manager/Secretary

Scudder G. Stevens, Chairman

Richard L. Leff, Vice-Chairman

Whitney S. Hoffman, Member

**KENNETT TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF KENNETT, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE KENNETT TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO REVISE THE DIMENSIONS OF OFF-STREET PARKING STALLS, AND TO REVISE THE CARTWAY WIDTH FOR PRIVATE STREETS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Supervisors of Kennett Township has enacted the Kennett Township Subdivision and Land Development Ordinance, which is codified at Chapter 206 of the Code of Ordinances of Kennett Township; and

WHEREAS, the Board of Supervisors desires to amend the Kennett Township Subdivision and Land Development Ordinance provisions governing required dimensions of off-street parking spaces to make them consistent with generally accepted parking standards and to prevent property damage to vehicles and persons that are more likely to occur if parking spaces have smaller dimensions; and

WHEREAS, the Board of Supervisors desires to amend the Subdivision and Land Development Ordinance to require an 18-foot cartway for one-way and two-way private streets in order to provide for the safe passage of vehicles over private streets; and

WHEREAS, these amendments to the Subdivision and Land Development Ordinance are declared to be in the best interests of the health, safety and welfare of the residents of Kennett Township and the general public;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Kennett Township, Chester County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 206-518.B.(1) of the Code of Ordinances of Kennett Township is amended to change the "Stall Dimensions" for both 90-degree parking and 45-degree to 60-degree parking from 9.5 feet wide by 17.5 feet deep, to 10 feet wide by 18 feet deep.

II. Reference to "Private Streets" in the chart at Section 206-502.B.(1) of the Code of Ordinances of Kennett Township is amended to read as follows:

"Private

| | |
|--------------|----------|
| Right-of-way | 50 feet |
| Cartway | 24 feet" |

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance, or on the provisions of the Code of Ordinances of Kennett Township or the Kennett Township Subdivision and Land Development Ordinance.

V. This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this _____ day of _____, 2015.

ATTEST:

**BOARD OF SUPERVISORS OF
KENNETT TOWNSHIP**

Lisa M. Moore, Secretary/Manager

Scudder G. Stevens, Chairman

Richard L. Leff, Vice-Chairman

Robert A. Hammaker, Member

LONGWOOD GARDEN'S- PRELIMINARY – LAND DEVELOPMENT

This property is located on Route 1 at Route 52 in the R2 Zoning District identified as Tax Parcel No.: 62-41-36 containing approximately 3 acres. The applicant is proposing to construct permanent parking lot on the property which already serves as a temporary parking lot. The Preliminary Plans were recommended for approval by the Planning Commission on February 9, 2016.

I ask that the Board of Supervisors approve the Preliminary Plans dated 10/9/2015, last revised 12/18/2015 prepared by Pennoni and Associates with the following conditions:

- 1) Address the Township Engineer's review letter containing minor comments dated February 8, 2016.**
- 2) Applicant must sign the Rules and Regulations for Site Development,**
- 3) Applicant must establish an escrow account for public improvements and a cash escrow account for engineering inspections.**

PAT's PIZZA _ PRELIMINARY – LAND DEVELOPMENT

This property is located on West Baltimore Pike in the C Zoning District identified as Tax Parcel No's: 62-3-68 & 62-3-68.1 containing approximately 1.8 acres. The applicant is proposing to construct a commercial building with a pizza place and commercial units. The Preliminary Plans were recommended for approval by the Planning Commission on February 9, 2016.

I ask that the Board of Supervisors approve the Preliminary Plans dated 10/7/2015, last revised 12/28/2015 prepared by Duffield Associates with the following conditions:

- 1) PADEP NPDES permit is issued to the applicant prior to final approval.**
- 2) Sewage Facilities Planning Module is approved prior to final approval.**
- 3) Applicant must sign the Rules and Regulations for Site Development,**
- 4) Applicant must establish an escrow account for public improvements and a cash escrow account for engineering inspections, and;**
- 5) The applicant must pay sewer connection fees in the amount of \$58,528 (8 units x \$7,316) at the time of building permit application.**
- 6) The applicant must pay a Fee In Lieu of Open Space fee in the amount of \$13,600 (1.6 units x \$6,400) at the time of building permit application.**

RAVELLO - FINAL – LAND DEVELOPMENT

This property is located on Millers Hill in the BP Zoning District identified as Tax Parcel No's: 62-4-15.1, 62-4-1, 62-3-51 and 3-1-1 containing approximately 18 acres. The applicant is proposing to construct a 175 unit apartment complex. The Final Plans were recommended for approval by the Planning Commission on February 9, 2016.

I ask that the Board of Supervisors approve the Final Plans dated 10/7/2015, last revised 12/17/2015 prepared by DL Howell and Associates with the following conditions:

- 1) Address Landscape Architect's comments in review letter dated February 8, 2016.**
- 2) PADEP NPDES permit is issued to the applicant prior to final approval.**
- 3) PennDOT Highway Occupancy Permit is issued to the applicant prior to final approval.**
- 4) Sewage Facilities Planning Module is approved prior to final approval.**
- 5) The Applicant continue the development of the Design Intent and Guidelines document as suggested by the Tom Comitta Associates and that such document is completed prior to final approval.**
- 6) Applicant must sign the Rules and Regulations for Site Development,**
- 7) Applicant must establish an escrow account for public improvements and a cash escrow account for engineering inspections, and;**
- 8) The applicant must pay sewer connection fees in the amount of \$1,280,300 (175 units x \$7,316) at the time of building permit application.**
- 9) The applicant agrees to align the trails on the property with the Anson Nixon Park trails and/or entrance if possible in the future.**

