

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 14, 2010

Work Session – Members of the Board of Supervisors, municipal professionals, the Township Manager, and the Assistant to the Township Manager attended an advertised work session, which commenced at 6:30 p.m. During this time, those in attendance heard from Steve Papa, a resident of Papa Blvd. Mr. Papa was present to discuss the tow (2) private roads that he currently owns and maintains, Papa Blvd. and Newtown Terrace. Mr. Papa was instructed to review the requirements for vacating a paper street and any other options he might have with his attorney and share his findings with the Township.

The Board also met with Michael McLane, a resident of the Deer Run development, who had expressed interest in the Comprehensive Plan Task Force being established. No action was taken at this time.

1. Pledge of Allegiance & Open Meeting: Mr. Gravina called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. In attendance were Ronald Gravina, Chairman; Joseph Conan, Vice-Chairman; Kenneth Kynett, Esq., Township Solicitor; Michael Conrad, P.E., Township Engineer; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Edward Theurkauf, Township Land Planner, and Wm. “Chip” Mackrieds, Member, were absent. There were 6 guests.
2. Public Comment: There was no public comment at this time.
3. Minutes:
 - March 17, 2010: Mr. Gravina made a motion to approve the minutes from the March 17, 2010 regular meeting of the Edgmont Township Board of Supervisors, as presented. Mr. Conan seconded the motion. There was no further discussion and the motion passed unanimously.
4. Bill List: Mr. Gravina stated that the bill list for the month totaled \$183,272.30*, and noted that the bills for the month included a transfer to the Township’s Sewer Fund \$39,107.75 and a tax distribution to the Edgmont Township Volunteer Fire Company \$66,960.01. Mr. Gravina made a motion to approve the bill list as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the bill list passed unanimously.
5. Reports: Mr. Gravina stated that reports for the month were available in the back of the room and at the Township office during regular business hours. Mrs. Reiner read her report on to the record, noting the upcoming Stream Cleanup for the Chester-Ridley-Crum Watersheds Association, the status of the 2010 U.S. Census, and summary of last month’s Appreciation of the Arts Night.
6. Old Business:
 - a. Public Sewers:
 - (1) Act 537 Plan – Mrs. Reiner stated that Aqua has withdrawn its appeals against both the Newtown and Edgmont Township Act 537 plans. Edgmont sent DEP a proposed Task Activity Report describing a Special Study needed to amend its current (approved)

* After the meeting, Finance Administrator Sandy Coleman informed the Board that an error had occurred when preparing the Bill List for the April meeting. The actual bill list should have been **\$144,614.55**. At their regular meeting on May 19, 2010, the Board of Supervisors voted unanimously to amend the approved bill list in the amount of **\$144,614.55**.

Act 537 Plan. Once approved, amendments to the 537 will be discussed and formally prepared for approval. The 537 Amendments will need to be circulated to the Planning Commission, the County Planning Department and advertised. A meeting with the public will be scheduled as soon as proposed costs and connection dates are available.

- (2) CDCA – The CDCA board agreed to a meeting with the project engineer, Charles Catania, Jr. to hopefully be provided with a satisfactory explanation of the additional project work proposed in the construction plans. The meeting is to occur on Thursday, April 22, 2010. Walt Fazler, P.E. and Lindsey Conan will attend. If Walt recommends accepting the explanations offered by the authority engineer, Edgmont should consider releasing the 2009 payment to CDCA. No action was taken.
- (3) Sewer Project/DELCORA update – Mr. Gravina stated that there is no change and the Township still must prepare an Agreement between Edgmont Township and DELCORA.

b. Comprehensive Plan Update Task Force: Mr. Gravina stated that the Township has been conducting interviews for a task force to work on an update to the Township's Comprehensive Plan. Mr. Gravina made a motion to appoint the following individuals to the Edgmont Township Comprehensive Plan Update Task Force:

1. Mary Kay Burke
2. Joseph Mallen
3. Michael McLane
4. Harry Robinson

Mr. Conan seconded the motion. Three (3) more individuals will be interviewed at the May meeting of the Board of Supervisors. Mr. Gravina stated that other individuals may be added to the Task Force during the process, if needed. There was no further discussion and the motion appointing the members of the Comprehensive Plan Update Task Force passed unanimously.

c. Arbors at Edgmont – Status Update: Mrs. Reiner stated that David Malman, Esq., Alternate Township Solicitor, has prepared a Release form that has been circulated between the Township and the attorney for the Arbors at Edgmont Homeowner's Association (HOA), Elliot Burton, Esq. Mrs. Reiner stated that Resolution 10-13 authorizes the Township to execute the Release and it could be adopted and the Release could be signed by the Township after a signature from an authorized representative from the Arbors at Edgmont HOA is received.

Mr. Gravina made a motion to adopt Resolution 10-13, transferring remaining improvement security funds to the Arbors at Edgmont HOA. Mr. Conan seconded the motion. There was no further discussion and the motion adopting resolution 10-13 passed unanimously.

7. Public Hearing

- a. 1830 Middletown Road
Conditional Use Application

Mr. Gravina made a motion to open the Conditional Use hearing for 1830 Middletown Road, the Spinelli 5-lot Major Subdivision. Mr. Conan seconded the motion. There was no further discussion and the motion to open the hearing passed unanimously.

Mr. Gravina stated that the applicant is seeking Conditional Use approval to subdivide a tract of land located at 1830 Middletown Road utilizing Conventional Lot Development on an area greater than 10 acres pursuant to section 401.D.2. of the Edgmont Township Zoning Ordinance. Furthermore, the applicant is seeking Conditional Use approval to construct stormwater management and E & S controls partially in the flood-prone area pursuant to section 1506.C.3.a. of the Edgmont Township Zoning Ordinance. A recommendation of approval has been received from the Planning Commission.

Mrs. Reiner entered the following exhibits for the Board onto the record:

- B-1 Proof of Publication
- B-2 Conditional Use application for 1830 Middletown Road to utilize conventional lot development on a tract of 10 acres or more and to locate stormwater infrastructure in the flood prone area
- B-3 1830 Middletown Road plan prepared by G.D. Houtman and Son, dated March 24, 2009, last revised March 10, 2010
- B-4 Planning Commission 'draft' minutes from March 22, 2010 recommending approval with conditions
- B-5 Environmental Impact Assessment report prepared by G.D. Houtman and Son dated March 20, 2009, last revised September 24, 2009
- B-6 Conditional Use narrative prepared by G.D. Houtman and Son dated September 17, 2009
- B-7 Yerkes Associates review dated March 19, 2010
- B-8 TCA review dated March 16, 2010
- B-9 Catania Engineering Associates review dated March 22, 2010 (Thornbury Township)
- B-10 Delaware County Planning Department review dated April 16, 2009
- B-11 Notes from Slitting Mill Road meeting with PennDOT

David Shafkowitz, Esq., the applicant's attorney, entered the following exhibits onto the record for the applicant:

- A-1 Certified Mail mailing receipts ('Green Cards')
- A-2 Matthew Houtman's, P.E., résumé
- A-3 Sheet 2 of 6 (Natural Features Plan) 3/24/09, L/R 3/10/10
- A-4 Sheet 6 of 6 (Landscape Plan) 3/24/09, L/R 3/10/10
- A-5 Open Space 'sketch' plan
- A-6 Photographs
- A-7 Conditional Use report dated March 30, 2010

A-8 Agreement of Sale

Present on behalf of the applicant were:

David Shafkowitz, Esq., Applicant's Attorney
Matthew Houtman, P.E., Applicant's Engineer
Ross Hellings, Applicant

Notes of Testimony from the hearing are on file with the Township.

At the conclusion of testimony, Mr. Gravina made a motion to leave the record open for seven (7) business days so that the applicant can provide certain documents to the Township, evidencing the applicant's standing to make the Conditional Use application. When the documents are received or by Friday, April 23, 2010, which ever occurs first, the record for the Conditional Use hearing will close. Mr. Conan seconded the motion. There was no further discussion and the motion leaving the record open for seven (7) business days passed unanimously.

8. New Business

a. Escrow Release Request

- i. Edgmont Country Fair – Parcel B: Edgmont Country Fair has submitted an escrow release request seeking the release of \$3,748.50 of the current balance of \$12,548.50. This request is for the release of tack coat, wearing course, erosion control, and stabilization funds. A review from Yerkes Associates, dated April 8, 2010, has been received. The review recommends the release of \$3,748.50. If approved, the amount remaining in escrow will be \$8,800.

Mr. Gravina made a motion to approve the release request for Edgmont Country Fair – Parcel B in the amount of \$3,748.50 based on the review of Yerkes Associates dated April 8, 2010. Mr. Conan seconded the motion. Mr. Conrad explained that this release did not include funds allocated for the future public sewer system on the eastern portion of the Township. There was no further discussion and the motion approving the release passed unanimously.

b. Resolutions

- i. 10-12: Designation of Agent/ February 2010 Snowstorm: Mrs. Reiner stated that this resolution is required by the Pennsylvania Emergency Management Administration (PEMA) in order to receive reimbursement from the state for costs incurred during the snowstorms in February 2010.

Mr. Gravina made a motion to approve Resolution 10-12. Mr. Conan seconded the motion. There was no further discussion and the motion approving Resolution 10-12 passed unanimously.

- ii. 10-14: Establishment of DNB First as depository: Mrs. Reiner stated that this resolution will transfer funds from Wachovia to DNB First, who currently is the depository for the Township's liquid fuels funds.

Mr. Gravina made a motion to approve Resolution 10-14. Mr. Conan seconded the motion. There was no further discussion and the motion approving Resolution 10-14 passed unanimously.

- c. 1830 Middletown Road – Issuance of Conditional Use decision: This matter was tabled until the May meeting of the Board of Supervisors.
- d. 1830 Middletown Road – 5-lot major subdivision – Preliminary Plan presentation / discussion: This matter was tabled until the May meeting of the Board of Supervisors. No action was taken.
- e. 1044 Wilson Ave. – Request for waiver from tree replacement requirements: The new owners of the lot located at 1044 Wilson Ave., Sabine Fitz and Armin Kaltenmeier, appeared before the Board of Supervisors to request a partial waiver from the tree replacement requirements outlined in the Township's Subdivision and Land Development Ordinance. Mrs. Reiner stated that when the property was subdivided, the applicant deferred land development requirements to the buyer of the newly-created lot. Mr. Theurkauf reviewed the grading plan and stated that 17 replacement trees are required by ordinance. Mr. Kaltenmeier stated that he would like to maximize the efficiency of solar panels, and only wishes to install nine (9) replacement trees and shrubs on the property. Ms. Fitz stated that the plan submitted did not show the location of the proposed replacement trees. The Board directed the property owner to have the grading plan revised to indicate the location of the nine (9) replacement trees, indicate the request for a partial waiver with a note on the plan, and have the plan reviewed by the Township Land Planner. No action was taken.
- f. Zoning Hearing Board
 - i. Lot #6 – Brick House Farm Estates – Request for 10' side / rear yard variance for a pool: Mrs. Reiner summarized the application for the Board. The Township's Zoning Ordinance requires that pools be in side or rear yards with a 40 foot setback from property lines. Mrs. Reiner stated that the property owner has a one (1) acre lot with a replacement septic area. Mrs. Reiner stated that the property is requesting a 10' side/rear yard variance in order to have the pool located 30 feet from the property line. Mr. Conrad asked if there was a buffer in the backyard. Mrs. Reiner stated that there was a 10 foot buffer in the back yard of the property. Mr. Gravina asked about impervious surface. Mrs. Reiner stated that they are within the Township's requirements. No action was taken to oppose the application.

9. Miscellaneous Discussion

- a. PA House Bill 1500 – Mr. Bashore stated that this proposed legislation would impose a per capita fee on municipalities who utilize the PA State Police for either full- or part-time police service. A three year escalating fee is discussed in the legislation, which would cap at \$156 per resident in the third year of service. A lobbying agency recently contacted the Township via mailing offering representation. According to the cover letter, they are currently representing several communities in order to stop this piece of legislation for a fee. No action was taken.

Mr. Bashore also stated that the Township has received information from Middletown Township regarding a meeting of the Communities Organized for Fair Treatment of Municipalities (COFFTOM) regarding four (4) proposed pieces of legislation. This meeting will be held on April 19, 2010 from 2:45 p.m. 4:00 p.m. during the PSATS convenience. The Board determined that Mr. Mackrides will attend and provide information to the Township.

- b. Stream Cleanup Project Site(s) and Coordination: The Township has been working with Anne Murphy, Executive Director of the Chester-Ridley-Crum Watersheds Association (CRC), to decide on cleanup sites in the Township. A meeting was conducted at both the Municipal Building and the Edgmont Country Fair shopping center. The Board expressed some concern about continuing to have community volunteers cleanup a commercial property. Ms. Murphy stated that several of the sites during the stream cleanup are at shopping centers. Mr. deBotton, the owner of the site, agreed to volunteer his services. Mr. Conan asked that Mr. deBotton provide a 10 yard dumpster at the site. Mr. Gravina and Mr. Conan volunteered to participate in the cleanup.
- c. Road Inspection follow-up – Project 2010: On April 5, 2010, Mrs. Reiner, Mr. Gravina, Mr. Conan, and Mr. Conrad completed the annual Township Road Inspection. Two (2) possible projects include paving and repairing Valley Road from Stackhouse Mill Road to the Township border and/or Pheasant Lane at the first curve near 1540 Pheasant Lane heading north. Mr. Conan asked if the project was discussed at the May meeting, how long would it take to have the project go out to bid. Mrs. Reiner stated that the Board could authorize advertisement and have the contract awarded in June. Mr. Conan asked if the project would be completed before September. Mr. Gravina asked how much was available for this project. Mrs. Reiner stated that the Township received approximately \$90,000 in liquid fuels funding from the state, but that figure does not include funds from other Township accounts. The Board directed the Manager to work with the engineer to measure the site for both Valley Road and Pheasant Lane and assemble a bid document.

10. Announcements

- a. The Board of Supervisors will meet on Wednesday, May 19, 2010 at 7:30 p.m. for their regular meeting, with a work session at 6:30 p.m.
 - b. The Planning Commission will meet on Monday, April 26, 2010 at 7:00 p.m. for their regular meeting, with a work session at 6:30 p.m. to discuss proposed amendments to Article 18 of the Township's Zoning Ordinance.
 - c. The Zoning Hearing Board will meet on Tuesday, April 27, 2010 at 7:00 p.m. for their regular meeting and will consider a request for relief from section 1909.D.4.b. of the Edgmont Township Zoning Ordinance in order have pool be 10' from the side/rear property line.
 - d. Census Day was April 1, 2010. Secondary forms will be distributed through April 15, 2010. Please remember to complete your Census forms and return them to the U.S. Census Bureau Office.
11. Executive Session – During this time, those in attendance discussed items concerning Keinath v. Edgmont and Edgmont v. Kelly. No action was taken.
12. Adjournment: At 10:00 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Conan seconded the motion. There was no further discussion and the motion adjourning the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner
Township Manager

ACTION ITEMS

April 14, 2010

Samantha Reiner	Road Project – Measure proposed project sites
Michael Conrad	Road Project – Measure project sites and prepare bid specifications