

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 17, 2010

Joint Work Session – The first advertised quarterly joint work session of the Board of Supervisors and the Planning Commission for 2010 commenced at 5:30 p.m. In attendance were Ronald Gravina, Board Chairman; Wm. “Chip” Mackrides, Board Member; Chip Miller, Planning Commission Chairman; Randy Bates, Planning Commission Member; Eleanor Tickner, Planning Commission Member; Kenneth Kynett, Esq., Township Solicitor; David Malman, Esq., Planning Commission Solicitor; Michael Conrad, Township Engineer; Edward Theurkauf, Township Land Planner; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Joseph Conan, Board Vice-Chairman; Joseph Raspa, Planning Commission Vice-Chairman; and Robert Bristol, Planning Commission Member, were absent. Those in attendance discussed the proposed Spinelli subdivision, a request for amendments to Article 18 of the Edgmont Township Zoning Ordinance, the status of the Sleighton School property, and the Delaware County Heritage Awards. No action was taken.

Work Session – An advertised work session of the Board of Supervisors was held at 6:30 p.m. Those in attendance met with Peter Vitale and discussed his interest in opening a restaurant in the Township. Mr. Vitale had researched a building along West Chester Pike in the Light Industrial (LI) zoning district. Restaurants are not a permitted use in the LI district. Mr. Vitale was provided with information about other districts which permit restaurants.

Those in attendance also discussed items on the agenda. No action was taken.

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; Wm. “Chip” Mackrides, Member; Kenneth Kynett, Esq., Township Solicitor; Michael Conrad, P.E., Township Engineer; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Joseph Conan, Vice-Chairman, and Edward Theurkauf, Township Land Planner, were absent. There was 1 guest.

2. Public Comment: There was no public comment at this time.

3. Minutes:

- January 20, 2010: Mr. Gravina made a motion to approve the minutes from the January 20, 2010 regular meeting of the Board of Supervisors. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving the minutes passed unanimously.

4. Bill List: Mr. Gravina stated that the bill list for the month totaled \$95,732.50. Mr. Gravina made a motion to approve the bill list as presented. Mr. Mackrides 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 meeting room and at the Township office during regular business hours. Mrs. Reiner read her report, highlighting the recent 2010 Census activities and the recent community map.

6. Old Business:

a. Public Sewers:

- (1) Act 537 Plan – Mr. Gravina stated that the Township’s Act 537 plan is still under appeal. Managers and sewer engineers from Edgmont and Newtown Township met recently to discuss status updates on the Plan appeals and revisions to the Act 537 Plans. Newtown has signed a Consent Decree Agreement

with the PADEP, pledging to revise its Act 537 plan within 200 days. DEP has sent a motion to dismiss the appeals to the EPA on behalf of Newtown. The engineers reviewed alternate means to get sewage from the West Chester Pike area through Edgmont and Newtown to CDCA, utilizing as much gravity line as possible. Both municipalities may need to produce a revision to the adopted 537 plans shortly, and could utilize this new design. No action was taken.

- (2) CDCA – Mr. Gravina stated that the CDCA board did not meet in February. The memorandum of explanation regarding the discrepancy in the service agreement exhibit and the project construction drawings does not offer a clear explanation and the engineers still want a face-to-face with Mr. Catania to review and better understand this matter. Mrs. Reiner requested the Board to authorize her to have Bradford Engineering prepare a new Task Activity Report. The request was unanimously approved.
 - (3) Sewer Project/DELCORA update – Mr. Gravina stated that there is no change to the agreement with DELCORA and the Township still needs to prepare an Agreement between Edgmont Township and DELCORA. No action was taken.
- b. Comprehensive Plan Update Task Force: This matter was tabled to a future meeting. Mrs. Reiner asked the Board to move on this item and appoint volunteers in order to begin the project.
- c. H2O PA Grant Agreement – Mr. Kynett stated that he has been in contact with a representative from the Department of Community and Economic Development regarding the language of the Agreement. There are still several outstanding questions that remain unanswered with the Agreement. Mr. Kynett noted that he had no objection to the execution of the Agreement by the Board and held pending his concerns.

7. New Business

a. Escrow Release Requests

- i. Brick House Farms – Request #25: Mr. Gravina stated that this escrow release request is for landscaping and inspections. The total amount requested for release is \$18,989.25. Reviews have been received from Yerkes Associates, dated January 25, 2010, and from Thomas Comitta Associates dated January 19, 2010. The amount recommended for release is \$18,989.25. If approved, the amount remaining in escrow will be \$388,885.70, with \$146,795.60 in the contingency line item.

Mr. Gravina made a motion to approve escrow release request #25 of Brick House Farm, authorizing the release of \$18,989.25, based on the reviews of Yerkes Associates dated January 25, 2010 and TCA dated January 19, 2010. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving Escrow Release Request #25 for Brick House Farms passed unanimously.

- ii. YBH – Request #4: Mr. Gravina stated that this is the fourth escrow release request for the YBH project at the intersection of Providence Road and West Chester Pike. The request is for both PennDOT improvements to the intersection and site improvements. The request was submitted on three (3) separate spreadsheets:
 - Spreadsheet #1: \$53,752 for the improvements to the intersection of West Chester Pike and Providence Road

- Spreadsheet #2: \$20,415 for signal/pedestrian improvements to the intersection of West Chester Pike and Providence Road
- Spreadsheet #3: \$26,160 for site improvements.

The total amount requested for release is \$100,327.

The Township has received a copy of the PennDOT HOP with an "Acknowledgement of Completion" signature. A meeting was also held on site on February 2, 2010. This request was reviewed by Yerkes Associates and three (3) letters were received, all dated February 11, 2010. Yerkes Associates recommends release of the following amounts:

- Spreadsheet#1: \$53,752 for the improvements to the intersection of West Chester Pike and Providence Road
- Spreadsheet #2: \$18,319 for the signal/pedestrian improvements to the intersection of West Chester Pike and Providence Road
- Spreadsheet #3: \$26,160 for the site improvements

The total amount recommended for release is \$98,231.

There were three (3) motions made:

- Mr. Gravina made motion to approve escrow release request #4 for YBH, authorizing the release of \$53,752 for the improvements to the intersection of West Chester Pike and Providence Road. This motion is based on the review letter of Yerkes Associates dated Feb. 11, 2010 and the PennDOT Acknowledgement of Completion dated January 27, 2010. This represents the balance of the escrow for this portion of the project. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving the escrow release request passed unanimously.
- Mr. Gravina made a motion to approve a partial escrow release for request #4 for YBH, authorizing release of \$18,319 based on the Yerkes Associates review dated Feb. 11, 2010. The remaining \$2,096 is being held for E & S Controls and Contingency. Following this release, there will be \$2,096 remaining in escrow for this portion of the project. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving the escrow release request passed unanimously.
- Mr. Gravina made a motion to move \$23,660 of the requested \$26,160 to a capped sewer account with the Township and approve the release of \$2,500 to the applicant. This represents the balance of the escrow for this portion of the project. Mr. Mackrides seconded the motion. There was no further discussion and motion approving the escrow release request passed unanimously.

b. Resolutions

- i. Resolution 09-10: Mr. Gravina stated that this Resolution will exonerate the Township's tax collector for uncollected taxes, which will then be turned over to the County for collection. The total amount of delinquent taxes for 2009 is \$2,942.99.

Mr. Gravina made a motion to adopt Resolution 09-10. Mr. Mackrides seconded the motion. There was no further discussion and the motion adopting Resolution 09-10 passed unanimously.

- ii. Resolution 10-10: Mr. Gravina stated that Edgmont Township has provided its qualified employees with a Pension Plan through Valic Annuity Life Insurance Company. Correspondence received in 2009 indicates the IRS requires plan sponsors to adopt a document that has been updated for the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) by April 2010. There was a \$475 charge for preparation of the amended plan document, and a proposed resolution to adopt it was included with the revisions. Township Manager has reviewed the 1st draft of a new plan, suggested changes to keep terms consistent with the current plan, and is now in a position to recommend the board adopt these amendments, as required by the IRS.

Mr. Gravina made a motion to adopt Resolution 10-10, adopting a restated and amended pension Plan to comply with EGTRRA and pursuant to IRS regulations. Mr. Mackrides seconded the motion. There was no further discussion and the motion adopting Resolution 10-10 passed unanimously.

8. Miscellaneous Discussion

- a. Main Line Executive – Dispute of Enforcement Notice: Mr. Bashore stated that he was directed by Mrs. Reiner to inspect the property at Camino Commons for compliance. It was discovered that a sign had been altered and now occupied two (2) tenant spaces. The lettering had changed, but the actual sign that was mounted had remained. There are now two (2) signs functioning as one. Section 1802.B. of the Township’s Zoning Ordinance requires that if a sign is altered up to 75%, a permit must be obtained. The sign company is disputing the penalty of double the permit fee for doing work without a permit.

The Board directed the staff to contact the sign company and have them submit two (2) sign permit applications for the alteration of the two existing signs and code enforce as necessary.

- b. Community Conservation Partnerships Program (C2P2): Mr. Bashore stated that there is an opportunity through the PA Department of Conservation and Natural Resources (DCNR) for grant funding to construct a master plan for property owned by the Township. The C2P2 program provides up to a 50% match of the project cost. Mr. Bashore requested that the Township solicit proposals from land planners to prepare a master plan. This could be used as a guide for the preparation of a grant application. The Board directed Mr. Bashore to solicit proposals so long as the Township does not have to pay for the preparation of the proposal.
- c. Delaware County Heritage Commission Preservation Award Nominations: Mrs. Reiner stated that the Township had received nomination information from the Delaware County Heritage Commission. Two (2) projects from the Township were honored last year. This matter was discussed during the joint work session with the Planning Commission and a list of perspective nominees was generated.
- d. Lot 17 Brick House Farm – Status Update: Mrs. Reiner stated that she had received correspondence from the owner of this property, requesting that the Township extend the temporary Certificate of Occupancy due to the weather conditions. The Board authorized the Zoning Officer/Building Code Official to issue a new temporary Certificate of Occupancy valid until May 31, 2010 and have the property owner post \$2,000 in additional escrow. The temporary Certificate of Occupancy will include conditions that the berm must be installed, inspected, and satisfactorily approved by April 30, 2010 and all rain garden plantings are to be completed, inspected, and satisfactorily approved by May 31, 2010.

9. Announcements

- a. The Board of Supervisors will meet on Wednesday, March 17, 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, February 22, 2010 at 7:00 p.m. for their regular meeting, with a work session at 6:30 p.m. They will discuss the proposed Spinelli 5-lot subdivision, proposed amendments to Article 18 of the Edgmont Township Zoning Ordinance, and a commercial land development application.
- c. The Zoning Hearing Board will meet on Tuesday, February 23, 2010 at 7:00 p.m. to re-organize and consider an extension to the relief granted to Eagle National Bank.

10. Executive Session – During this time, those in attendance discussed matters concerning Keinath v. Edgmont and the appeal of the Township's Act 537 plan. No action was taken.

11. Adjournment: At 7:50 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Mackrides seconded the motion. There was no further discussion and the motion adjourning the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner
Township Manager

ACTION ITEMS

February 17, 2010

Samantha Reiner	Delaware County Heritage Commission – contact potential nominees RFP’s for C2P2 grant opportunity Lot 17 Brick House Farm – Issue new temporary Certificate of Occupancy with conditions and additional escrow Camino Commons – resolve sign issue
Bradford Engineering	Prepare Task Activity Report for revised Act 537 plan
David Malman	Scheivert – continue to seek payment Arbors at Edgmont HOA – continue working on bond resolution and release