

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 20, 2010

Work Session – Ronald Gravina, Chairman, Joseph Conan, Vice-Chairman, the Township Solicitor, the Township Manager, and the Assistant to the Township Manager attended an advertised work session, which began at 6:30 p.m. Those in attendance met with Walter Fazler, P.E., of Bradford Engineering, to discuss proposed alternative routes for the Township’s sewer project. The manager was asked to schedule a meeting with Newtown Township, the Sewer Authority, and its professionals. The manager will also obtain the agenda for the March 9, 2010 CDCA committee meeting.

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. David Malman, Alternate Township Solicitor, was attendance to represent the Township for certain items on the agenda. Wm. “Chip” Mackrides, Member, and Ed Theurkauf, Township Land Planner, were absent. There were 5 guests.
2. Public Comment: There was no public comment at this time.
3. Minutes:
 - December 16, 2009: Mr. Gravina made a motion to approve the minutes from the December 16, 2009 regular meeting as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the minutes passed unanimously.
 - December 21, 2009: Mr. Gravina made a motion to approve the minutes from the December 21, 2009 continued meeting of the Board of Supervisors as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the minutes passed unanimously.
 - January 4, 2010: Mr. Gravina made a motion to approve the minutes from the January 4, 2010 Organizational Meeting as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the minutes passed unanimously.
4. Bill List: Mr. Gravina made a motion to approve the bill list totaling \$145,632.58. Mr. Gravina noted that there was a reimbursable item on the list from White Horse Village in the amount of \$54,000. Mr. Conan seconded the motion. There was no further discussion and the motion approving the bill list passed unanimously.
5. Reports: Mrs. Reiner read her report onto the record, noting that newsletters and calendars were recently mailed to residents and information regarding the 2010 Census will be posted shortly.
6. Old Business:
 - a. Public Sewers:
 - (1) Act 537 Plan – Mr. Gravina noted that there is no change to the status of the Township’s 537 plan and it is still under appeal. The Township Manager and Sewer Engineer met with Upper Providence Township and its Sewer Authority engineers, hoping to answer questions they have and urge them to make a positive recommendation to move forward for a redesign of sewage plans to send all flows generated in Edgmont through Upper Providence via a trunk line in Providence Road. Their position remains the same - if Edgmont can find a way

to do this without causing them any additional expense or delay, they have no objection.

(2) CDCA – Mr. Gravina stated that the CDCA board met on January 12, 2010. Edgmont's check for \$51,327.24 to CDCA for the 2009 Capital Budget is being held until resolution of the discrepancy between the Agreement Exhibits and the construction project. At the meeting, CDCA engineer Charles Catania issued a brief Memo attempting to explain the discrepancy which he calculated at an 8% increase. Walt Fazler, P.E., Sewer Engineer for Edgmont, has requested a meeting with CDCA representatives to try to resolve the issue. Preliminary Budget Figures for Capital Construction costs due from Edgmont for 2010 were released by CDCA at \$89,702; however during their December meeting they released higher figures. Unfortunately we will be under budgeted in that line item due to the late release of amended information from CDCA.

(3) Sewer Project/DELCORA update – Mr. Gravina noted that there has been no change to the status of the agreement between Edgmont Township and DELCORA.

b. Comprehensive Plan Update Task Force: This matter was tabled to a future meeting.

c. Lot 17 – Brick House Farm – On-lot stormwater management system

Mrs. Reiner stated that Mr. Behrle appeared before the Board on November 18, 2009 in order to request an extension of his Temporary Certificate of Occupancy. As a result of not complying with his approved grading plan, Mr. Behrle must develop and build an on-lot stormwater management system in order to control the run-off from 633 sq. ft. of additional impervious coverage. Mr. Behrle did receive approval for additional on-lot stormwater management prior to his appearance on November 18; however he requested the opportunity to submit an amendment to his plan. The Board stipulated that Mr. Behrle submit a revised plan prior to the January meeting of the Board. Mr. Behrle submitted a plan to the Township, prepared by Chester Valley Engineers on December 23 and sent it to the Township Engineer for review. Mr. Behrle is proposing the installation of a berm and rain garden in order to manage the excess run-off from his additional impervious coverage.

Mr. Conrad stated that the garden is a surface feature with a shallow berm and meant to retain about a foot of water. It is different from natural lawn features and it is meant to be wet, with special plantings to absorb the run-off. It has special soil at a two-foot depth at the low point of the rain garden. Mr. Conan stated that he was concerned that the rain garden would not be maintained and/or remain in perpetuity. Mr. Conrad stated that it is easier to remove than a storm or infiltration bed. Mr. Gravina asked if it was acceptable to the Township Engineer. Mr. Conrad stated that it was and the Township may see more of this type of stormwater management because it is highly recommended by the PA Department of Environmental Protection (DEP).

Mr. Conan asked how long it will hold water. Mr. Conrad stated that it would hold water for two or three days. Mrs. Reiner noting that since it is a required feature of the property, it should be deed restricted from removal. Mr. Malman concurred and stated that he would contact the applicant's attorney. Mr. Conrad stated that the home owner and any future home owner must be aware that it is a feature that must be properly maintained.

Mr. Gravina stated that the temporary Certificate of Occupancy is about to expire and it may not be appropriate to install it at this time due to the weather conditions. Mrs. Reiner noted that a sequence of construction is not indicated on the plan. Mr. Gravina asked what will happen after February 28, 2010. Mr. Malman stated that after February 28, 2010, the occupant is subject to the enforcement measures outlined in the Township's Zoning Ordinance. This enforcement could be in the form of forcing the occupant to vacate the house or a penalty from the district court. Mr. Gravina stated that Mr. Malman must contact the occupant's attorney and inform him that the system must be in and completed as soon as possible or he will be subject to penalties after February 28, 2010.

Mr. Gravina made a motion to authorize the Township Zoning Officer to extend the temporary Certificate of Occupancy for 1034 Brick House Farm Lane until February 28, 2010, conditioned on Mr. Behrle amending his grading plan satisfactory to the Township Engineer, and constructing the facilities depicted on said plan prior to the expiration of the temporary Certificate of Occupancy. If the facilities are not constructed to the satisfy action of the township by February 28, 2010, escalated enforcement may be pursued and fines imposed up to \$500 per day.

Mr. Conan seconded the motion. There was no further discussion and the motion authorizing the extension of the temporary Certificate of Occupancy through February 28, 2010 passed unanimously.

7. New Business

- a. Goldtree, L.P. Tax Appeal – Motion to authorize Solicitor to enter stipulation of settlement – Mr. Gravina made a motion to authorize the Township Solicitor to enter stipulation of settlement as presented by the taxpayer. Mr. Conan seconded the motion. There was no further discussion and the motion authorizing the Township Solicitor to enter the stipulation of settlement passed unanimously.
- b. Bradford Engineering – Motion to appoint as Sanitary Sewer Consulting Engineer for 2010 – Mr. Gravina made a motion to appoint Bradford Engineering as the Sanitary Sewer Consulting Engineer for Edgmont Township. Mr. Conan seconded the motion. There was no further discussion and the motion passed unanimously.
- c. Allen Strickler – Motion to appoint as Animal Control Officer – Mr. Gravina made a motion to appoint Allen Strickler as the Animal Control Officer for Edgmont Township. Mr. Conan seconded the motion. There was no further discussion and the motion passed unanimously.
- d. Lindsey Conan – Motion to appoint as CDCA Board Member – Mr. Gravina made a motion to appoint Lindsey Conan as the CDCA Board Member for Edgmont Township. Mr. Conan seconded the motion. There was no further discussion and the motion passed unanimously.
- e. Resolutions
 - i. 10-08: Application for County Aid – Mr. Gravina noted that this is a request made annually to Delaware County for aid in resurfacing Township roads. Mr. Gravina made a motion to adopt Resolution 10-08, requesting \$2,768.00 in aid from Delaware County. Mr. Conan seconded the motion. There was no further discussion and the motion adopting Resolution 10-08 passed unanimously.
- f. Zoning Hearing
 - i. Re-organization
 - ii. Eagle National Bank
 - iii. Halcyon – 21 lot development

Mrs. Reiner stated that there are no applications before the Zoning Hearing Board, but they will meet to appoint a chairman and hear a request for an extension from two (2) previous applications. Eagle National Bank has indicated that they will be prepared to pull building permits in the next 3 to 6 months; Halcyon is looking to retain its existing approval, but there has been no movement on the project due to the depressed housing market. No action was taken.

8. Miscellaneous Discussion

- a. Arbors at Edgmont – release of funds: Mrs. Reiner stated that the Township received Notice from the DEP that the Water Quality Management Permit for the Waste Water Treatment Facility (WWTF) has been transferred successfully to the Arbors at Edgmont Homeowners Association (HOA). Based on the Sewage Oversight Agreement documents signed by the developer, Chuck Lattif, at the turnover of the facility, the HOA may qualify to receive funds to aid in the continued upkeep of the WWTF.

Arbors HOA has requested the Township act to release funds to the HOA for the continued maintenance and upkeep of the system, which should be kept separate and apart from other HOA funds, and earmarked specifically for the WWTF. Release of the requested \$15,000 would leave a balance of \$10,737 in Arbors' escrow account with the Township.

Mrs. Reiner has reviewed this item with Mr. Malman and provided the Board with copies of the section of the Sewage Facilities Oversight Agreement which speaks to this matter. Mrs. Reiner stated that Mr. Lattif initially had a bond in place which was to be reduced to 10% of the installation and equipment. This was to stay in place throughout the life of the system. The Township has pulled on this bond for emergency matters when the Township first assumed responsibility of the WWTF. Mr. Malman stated that, according to the Operations & Maintenance agreement, the HOA is obligated to maintain the bond. The Township must communicate with the HOA to have the bond in place.

Mrs. Reiner stated that there is still \$15,000 in an escrow account with the Township. These funds are to be used for repairs to the system, to pay to move the system to a public sewer system, or if the Township deems that the money can go to the HOA. Mr. Malman stated that the funds could be used as a buffer in the event the HOA cannot address the needs of the system. The balance is only to be paid to the HOA if the Township determines that the funds are not needed. Mr. Malman stated that the Township must receive surety that the funds will not be used for purposes other than the WWTF. Mr. Gravina asked if there was a maintenance agreement that stated that a certain amount of cash must be kept separate from the bond. Mr. Malman stated that there was not and there is no requirement that the Township retain the remaining funds. Mr. Gravina asked if there was a provision in their maintenance agreement that would require the retention of funds for extraordinary events. Mrs. Reiner stated that the agreement only outlines that a bond be established.

John Calderaio, Arbors at Edgmont HOA President, appeared before the Board as a representative from the HOA. Mr. Calderaio stated that the funds to be released are earmarked for the WWTF. The WWTF is currently operating as designed. Mr. Gravina stated that no funds will be released until a bond is in place. Mr. Calderaio asked if this was Mr. Lattif's performance bond. Mr. Malman stated that there are different bonds, one of which was a construction bond for public improvements. Mrs. Reiner stated that the bond that must be put in place is a \$32,000 (10% of the cost of the installation and equipment for the WWTF) perpetually renewable bond. Mr. Calderaio asked how much a bond like this would cost. Mrs. Reiner stated that she was not sure. Mr. Calderaio stated that he was open to signing an agreement that stated that the released funds would only be used for the WWTF.

Mr. Gravina recommended that Mr. Calderaio meet with the Township Manager to resolve any outstanding issues before the funds are released.

- b. H2O PA Grant Agreement: Mr. Kynett attempted to reach out to the contact on the contract, but has not received a return phone call. Mrs. Reiner stated that this agreement is similar to the Valley Road grant that the Township received. The Township must incur the expenses and request reimbursement from the Commonwealth Finance Authority. Mr. Gravina stated that any agreement with DELCORA must specify that the portion of pipe constructed with the funds from this grant would be owned by the Township. Mr. Kynett stated that he does not foresee any change to the language as it appears to be a form-type agreement. This matter was tabled to the February meeting. No action taken.
- c. 2010 Census Complete Count Breakfast: Mrs. Reiner stated that the Board was invited to a breakfast hosted by PA Senator Pileggi. The Board designated Samantha Reiner and Susan Sharp as representatives from the Township.
- d. Delaware County Recorder of Deeds – Deed transfer reports: Mrs. Reiner stated that a resident on Providence Road transferred a Right-of-Way to the Township. Further investigation uncovered that it was to allow PECO to access her property. Mr. Kynett suggested that the deed be pulled and reviewed. The Board directed the Township Solicitor to do so.

Mrs. Reiner also informed the Township of the transfer of Warren Jahn's property to a neighbor. The Township met with the property owner and was startled by the low price paid for almost 10 acres of land. No action was needed.

- e. Delaware County SPCA – Contract negotiations: Mrs. Reiner stated that a Delaware County COG meeting held on January 19, 2010, the new Executive Director of the Delaware County SPCA was in attendance. The Director was receptive to finding a way for municipalities to receive a portion of the funds paid for County Dog Licenses that goes to the SPCA. Mr. Kynett stated that a memorandum was received from the SPCA's attorney. He contacted the attorney and informed him that the Township is concerned about how the contract opens up the collection of strays to anyone which cause financial liability to the Township. The biggest financial issues that the Township has are the payment of veterinary and boarding bills. Mr. Kynett informed the attorney that the Township amended certain provisions in the contract in order to address these concerns and submitted the revised agreement to the SPCA. The attorney stated that he would pass along the suggested revisions to the SPCA board and respond to the Township. Mrs. Reiner stated that the COG would like to see County Council play a larger role in animal boarding. A committee will be conveyed in order to address the issues and craft a better contract for the municipalities in the County. No action was taken.
- f. Willistown Township – Official Map: Mrs. Reiner stated that Willistown Township had issued a revised Official Map. In conversations with Bill Rosenberry, Willistown Township Zoning Officer, it was discovered that this map is not yet completed and has not been adopted by the Township's Planning Commission. Mrs. Reiner stated that she also spoke with Mr. Rosenberry about code enforcing against certain properties on the County line. No action was taken.
- g. Farmers Lane – Apartment Use: Mrs. Reiner stated that she has become aware of a parcel that has a primary residence and an apartment. Mrs. Reiner stated that she would like to have the property owner sign a document stating that once the holdings are reduced to less than 10 acres, the apartment will be eliminated. No action was taken.

- h. Tree Dedication plaques: Mr. Bashore was authorized to spend up to \$400 on tree dedication plaques for five (5) trees on municipal property.

9. Announcements

- a. The Board of Supervisors and the Planning Commission will meet for a joint work session on February 17, 2010 at 5:30 p.m.
- b. The Board of Supervisors will meet for their regular meeting on Wednesday, February 17, 2010 at 7:30 p.m., with a work session at 6:30 p.m.
- c. The Planning Commission will not meet in January as no business was on the agenda for discussion. The next scheduled regular meeting is February 22, 2010 at 7:00 p.m., with a work session beginning at 6:30 p.m.
- d. The Zoning Hearing Board will meet on Tuesday, January 26, 2010 at 7:00 p.m. for a re-organizational meeting and to consider extending the Zoning Decisions for Eagle National Bank and the Halcyon 21-lot development.

10. Executive Session – During this time those in attendance discussed matters concerning 1015 Wilson Ave.; Keinath v. Edgmont; a promissory note with a developer in the Township; and property tax appeal. No action was taken.

Following the Executive Session, the Board reconvened and, on motion of Mr. Gravina, seconded by Mr. Conan, unanimously authorized Mr. Malman to enter his appearance and file for intervention in the Behrle tax appeal.

Mr. Malman was also requested to contact Gary Scheivert and urge payment on the judgment recently entered.

Mr. Malman was asked to work with Mrs. Reiner on a letter to the Farmers Lane resident with an apartment use.

11. Adjournment: At 8:45 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

January 20, 2010

Samantha Reiner	Public sewers – Set sewer meeting with Newtown Township, the Sewer Authority, and their professionals CDCA – Obtain agenda for the 3/9/10 committee meeting
Ken Kynett	H2O PA Grant – Review and make recommendations and changes Goldtree tax appeal – sign settlement stipulation Investigate deed – R-O-W with PECO on Providence Road property
David Malman	Behrle Tax appeal – Enter appearance and file for intervention Edgmont v. Scheivert – contact Mr. Scheivert and urge payment on judgment Apartment – work with Mrs. Reiner on a letter to the Farmers Lane resident