

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
March 19, 2008 - 7:30 p.m.

1. Executive Session – Immediately prior to their advertised work session the Board members discussed real estate and litigation, including matters concerning a request for security deposit refund at property owned by the Township at 1324 Middletown Road; status of a trial in Keinath vs. Edgmont mandamus action; status of trial in O’Neill vs. Edgmont civil action; status of Zoning Hearing Board appeals, and property maintenance including grass cutting and snow removal at property owned by the Township at 1010 Gradyville Road. No action was taken.

2. Work Session Pursuant to an advertised work session, Board members Ronald Gravina, Joseph Conan and Chip Mackrides, together with alternate municipal solicitor David Malman, Esquire, municipal engineer Mike Conrad and Manager Samantha Reiner met to discuss a request for escrow release by Arbors at Edgmont developer, and a request to amend the type of retaining wall proposed by the developer/owner of Lowes at Edgmont Country Fair.

3. Pledge of Allegiance & Open Meeting: Mr. Gravina called the meeting of the Edgmont Township Board of Supervisors to order at 7:32 p.m. with the Pledge of Allegiance. In attendance were Ronald Gravina, Chairman; Joseph Conan, Vice Chairman; Chip Mackrides, Member; Ken Kynett, Township Solicitor, Samantha Reiner, Township Manager; Mike Conrad, Township Engineer; and Nicole Cariello, Administrative Assistant. There were 14 guests.

4. Public Comment:

5. Bill List: Mr. Gravina moved and Mr. Conan seconded to approve the Bill List totaling \$132,546.67. Mr. Gravina indicated that \$22,000.00 of the bill list was for the Township house (1324 Middletown Road) approved renovations and part of the bill list represented payment for emergency sewer repairs to the WWTF at the Arbors development. He noted these expenditures were reimbursable. Mr. Conan inquired about the Paolino bills that are outstanding and Mrs. Reiner noted that he had been contacted and it would be turned over to Mr. Kynett for collection. There was no further discussion and the motion approving payment of the bills presented unanimously passed.

6. Minutes: February 20, 2008: Mr. Conan moved and Mr. Gravina seconded to approve the Board minutes of 2/20/08 as amended. There was no discussion and the motion passed.

7. Reports: Mr. Gravina noted that the reports were available to the public in the back of the meeting room. Mrs. Reiner read her report as follows:

The Township has received Notice from the PA State Assoc. of Twp Officials that Local Government week is coming up in April. Edgmont’s elected officials are looking forward to greater public involvement with members of the

community attending meetings and participating in events such as the annual Stream Clean Up set for Saturday May 3rd, and volunteers are needed.

Primary Election day is Tuesday, April 22, 2008. If you have not yet registered to vote, do so now, as the opportunity is only available through March 24th.

The Edgmont Township Fire Company invites the public to support and become part of their new facility by participating in a “buy a brick” program. Bricks are being sold to raise funds for the fire company, and may be engraved with a special message. The bricks will be used to pave a “Hero’s Walk”, brochures are available at the back of the room. Please consider supporting this opportunity and become a permanent part of the history of the Edgmont Township Fire Company.

The Township has received its 2007 annual Audit Report from CPA’s Barbacane Thornton & Co. Copies have been duly filed with the Pa Dept of Community and Economic Development, the Delaware County Office of Judicial Support, and a report of Audit has been published in the Delaware County Daily Times. Proof of the filing and publication of the audit are on record with the treasurer.

Message to residents – with spring come many home improvement projects. Please remember to contact the township to inquire if the work you wish to do requires a permit. Many residents are finding themselves in the unfortunate position of being penalized and delayed in completing their projects because they did not check first. Most renovations, including new roofing and demolition of structures require permits. ALL DIGGING, no matter how minimal, even fence post hole digging and tree planting, require a contact to PENNSYLVANIA ONE CALL. The process is simple for PaOneCall – just dial 811. When cleaning up lawns and leaves, remember open burning is not permitted by the township, composting is encouraged.

8. Old Business

a. Public Sewers

(1) Act 537 Plan, re-approval of Resolution 08-14

Approval of all three new municipal members’ revised Act 537 Plans are still pending with the Pa DEP. The PaDEP has sent comments to Edgmont and requires revisions to the adoptive resolution.

Motion: Mr. Conan moved to approve Resolution 08-14. Mr. Mackrides seconded the motion. There was no further discussion and the motion unanimously passed.

(2) CDCA Membership, Update

The approval of the amended service agreement, which is now referred to as the Supplemental Agreement, must be unanimous in order for the three new members to join. Nether Providence has reviewed the Service Agreement that eliminated section 13.2(d) (which addressed future connections) last revised 12/21/07 and proposed a side letter and Amendment to the Supplemental Agreement, which they propose as a means to “clarify” the latest revised version of the overall agreement. There was much discussion on this document at the March 11 meeting. CDCA agreed to review the suggested clarifications as soon as Nether Providence signs the Supplemental Agreement.

The costs for legal and engineering services involved with preparing and reviewing the agreement is borne solely by the three new member municipalities. CDCA has sent copies of bills and wants to be paid. Edgmont discussed and adopted a position that the costs should be divided into proportionate shares and billed according to the amount of the system each of the new communities represents.

Motion: Mr. Gravina moved to approve payment to CDCA in the amount of \$9992.52 as reimbursement for professional fees, representing the Township's 18.45 % share. Mr. Conan seconded the motion. There was no further discussion and the motion was unanimous.

(3) Sewer Project/DELCORA

DELCORA is seeking proposals for the engineering design of the system. No additional information was made available this month.

b. Arbors – Status update

Mr. Gravina decided to place an update regarding the Arbors at Edgmont on the agenda at this point due to the number of residents from the development present at the meeting. Mr. Conan recapped the emergency repairs and maintenance work being done at the sewer facility. Mr. Conan noted that the DEP issued an official Order requiring the township to take over the direction of the facility. He explained all of the necessary replacements and upgrades to keep the facility running within permit parameters. Mr. Conan explained that while these repairs were completed, there were still more repairs that the plant requires. Mr. Conan noted that the system is working fine now, but there seems to be a lot of materials being disposed into this system that should not be, causing the pumps to clog and fail. He asked all residents to be careful of what was being flushed and disposed of.

Mr. Gravina stated that there was a meeting held Monday afternoon with township representatives, the Developer and his attorney to discuss the completion of the development. Without getting into details about the funds available, the Township will need to prioritize a completion list and try to get as much done with the funds as possible. He reminded the Home Owners Association they were responsible for the payment of the maintenance of the system and urged them to bring their accounts current. The Township's goals remain to have the plant repairs completed immediately, get the development improvements as far along as possible, and turn the plant over to the HOA for maintenance.

c. Spring Road Inspection – Set new date

After a brief discussion, it was decided that the new date for the Spring Road Inspection will be Friday, April 11th.

9. New Business

a. Resolution 08-11 Authorization to execute Mortgage Satisfaction Piece

Mr. Gravina abstained from this portion of the meeting. Mr. Conan read the history as follows:

By Resolution dated December 7, 1988, the Board of Edgmont Township Supervisors unanimously agreed to lend the sum of \$180,000 to

the Edgmont Township Fire Company No.1 for the term of 20 years with interest at the rate of two (2%) percent.

Beginning in December of 1989, the Township received annual principal and interest payments of \$11,008.21 on this loan from the fire company based on a mutually acceptable Amortization Schedule.

Payments were received annually through February, 2006 for a total amount received of \$198,147.78.

Edgmont Township received revenue for Emergency Services taxes in the amount of \$29,500 in 2006 and \$58,500 in 2007.

On June 21, 2006, board members agreed that in lieu of actually writing the fire company a check as contribution for the years 2006 and 2007, the township keep their contribution and NOT accept payment on the mortgage balance valued at \$21, 373.10.

Edgmont Township has received funds sufficient to satisfy their Mortgage with Edgmont Township Fire Company No. 1 and would like to satisfy the lien formally.

Mr. Mackrides made a motion to approve resolution 08-11. Mr. Conan seconded the motion. There was no further discussion and the motion passed.

b. One Landmark Planning Module

Mrs. Reiner stated that this planning module was for the professional office building that is proposed for the same 5 acre piece of property where the Landmark warehouse and office building is. Both primary and replacement in-ground systems are proposed, and it is recommended for approval by the Planning Commission and by the SEO.

Motion: Mr. Gravina moved to adopt Resolution 08-15 Resolution for Planning Modules revision for new land development. Mr. Mackrides seconded the motion. There was no further discussion and the motion passed.

c. Escrow Release Request

(1) Arbors

This item was tabled for the April meeting, no action taken.

d. 3921 Miller Road (Formerly Peak Beam)

Mrs. Reiner noted that this property was formerly known as Peak Beam and recognized Lauren Rogan, Esquire, present on behalf of the purchaser of the property.

Mr. Kynett noted that the Agreement documents are presently in the name of IDI, the current property owner and there is an assignment agreement assigning the rights and responsibilities from IDI to 3921 Miller Road Associates, LP. Mr. Kynett noted that he approved of the forms which also included a management agreement for the on-lot sewage system. Mr. Kynett explained to the Board that if they would like to act on accepting the assignments, they would need to condition their approval on receiving the executed counterparts of those documents from IDI Peak Beam and 3921 Miller Road Associates together with posting the financial security through the letter of credit and the replacement of the escrow account.

Mr. Gravina asked if the applicant was moving forward even though they have not yet received zoning approval and Ms. Rogan stated that they are purchasing the property either way. Mr. Conan questioned Mr. Conrad to the quality of the proposed sewer system. Mrs. Reiner noted that a holding tank and recycling system was proposed for any of the non-human waste that was generated by the veterinarian office and dog kennel.

Motion: Mr. Conan moved for the approval of the assignments conditioned on substitution of a letter of credit and executed agreements being received by the Township.

Mr. Gravina seconded the motion. There was no further discussion and the motion passed unanimously.

e. Stream Clean Up Discussion – May 3rd

Mr. Gravina noted that each year for the past 9 years the Township has been part of a stream clean up event sponsored by the Chester Ridley Crum Watershed Association, and that the specific project varies in location from year to year. This year the area has not yet been decided upon, and an investigation of the Township would take place to determine the area most in need. The Bates family has again agreed to coordinate the event.

f. Fee In Lieu of Open Space Recommendation

Mrs. Reiner stated that this was on the agenda for recommendation to send the proposed Ordinance amendments to the county and township planning commission.

Motion: Mr. Gravina moved to send the amended ordinance to the County for recommendation of approval and to the Planning Commission for recommendation.

g. Sycamore Woods Estates

Mrs. Reiner stated that the Township had received mylars and plan sheets, along with a letter of correspondence from Mr. Hurwitz requesting a final plan amendment and an escrow release request, the subject of which is part of ongoing litigation. Mr. Gravina stated that any submission for final recorded plan amendment was required to be in proper form to process it. The manager was directed to correspond with the attorney about the need for an application and fee and additional plans. The escrow release request would be sent to the engineer for review.

h. Zoning Application(s): See 9.c

(1) Eagle National Bank request for one year extension

Mrs. Reiner noted that the extension was needed due to the issues the applicant was having regarding PennDOT.

(2) 3921 Miller Road continuance of hearing

This applicant was returning to continue their hearing from the previous month.

10. Miscellaneous Discussion

a. Mental Health Resolution

Mrs. Reiner stated that this item could be placed on the next month's agenda or dismissed. Mr. Mackrides felt that this should be something done on the county level, and Mr. Gravina agreed. This item was taken off of the agenda.

b. 1324 Middletown Road

(1) Request for return of security deposit

This item was previously discussed under executive session.

c. GIS Update

Ms. Cariello gave the Board an update on the GIS activity that she had been researching. Ms. Cariello noted that she had received 2005 aerial photos from the DCPD for free, and had received parcel layers at half of the regular cost. Julie DeMatio, from DCPD, informed her that the Township can purchase the additional layers from the County at a reduced cost, and that the Township would need either ArcView or ArcMap to view the data. Julie mentioned that the Township can purchase these programs from ESRI with a grant that would significantly reduce the cost. Mr. Mackrides suggested contacting Alan McAnn of Thornbury for assistance.

11. Announcements

a. The Board of Supervisors will meet at 7:30 p.m. April 16, 2008 for their regular meeting.

b. The Planning Commission will meet on Monday, March 24, 2008 at 6:30 p.m. for a work session, and at 7:00 p.m. for their regular meeting.

c. The Zoning Hearing Board will meet on Tuesday, March 25, at 7 p.m. to review a request for an extension for Eagle National Bank and to continue the 3921 Miller Road hearing.

12. Adjournment: At 9:33 p.m. Mr. Gravina moved and Mr. Conan seconded to adjourn the meeting. There was no discussion and the motion passed unanimously.

Respectfully submitted,

Samantha Reiner
Township Manager

ACTION ITEMS

March 19, 2008

Samantha Reiner	Sycamore Woods – Consult with Mr. Kynett regarding this matter Stream Clean Up – Determine an appropriate place to clean for the clean up Arbors – Prioritize a Completion List
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