

TOWNSHIP OF UPPER CHICHESTER

August 14, 2014

I. CALL TO ORDER

The regular meeting of the Board of Commissioners was called to order by Michael Gaudiuso, President, in the Meeting Room of the Municipal Building, Furey Road, Delaware County, Pennsylvania. Mr. Gaudiuso conducted the Pledge of Allegiance.

II. ROLL CALL

Roll was conducted by Township Manager Mr. McMullan and called as follows: Mr. Gaudiuso, Mr. Raikowski, Mr. Neary, Mr. Baiocco, Ms. Whitaker – absent, Mr. Schneider sitting in for Mr. Viscuso, Mr. Catania.

III. MEETING MINUTES

Moved by Mr. Neary; seconded by Mr. Raikowski that the Board approve the meeting minutes from July's regular meeting. Question? Motion carried without dissent.

Mr. Gaudiuso noted that the Board had an Executive Session via conference call on August 4th to discuss various personnel and litigation matters.

Township solicitor commented on resolution 14-39, McGinley Holdings, was introduced for vote at the March 14th, 2014 meeting. Solicitor noted the resolution was voted on and approved at the March meeting, however was not included in the minutes for the March meeting. The solicitor asked for a vote to amend March minutes to include resolution 14-39. Moved by Mr. Neary, seconded by Mr. Raikowski. Motion carried without dissent.

IV. COMMENTS OF CITIZENS

Joe Ford and Paul Umbriak, Springton Circle Development, discussing their development. The two speakers have questions about the retention basin. The two speakers want to know who is responsible for fixing the retention basin in their development. The speakers said the Development installed the basin and the Township inspected and approved the basin. Mr. Catania suggested the gentlemen submit pictures and a copy of the declaration of covenant to the Township Manager. The speakers will submit requested information. Mr. Catania will review to determine responsibility of the retention.

Mr. Baiocco informed the speakers Springton Circle is in his Ward and he is aware of the problem with the retention basin and has been

working with Mr. Viscuso in determining who is responsible for completing repairs to the basin.

V. ENGINEER'S REPORT

- 1. Mr. Schneider's presented the Engineer's report.*
- 2. Update on the ball fields including installation of sod should be finished up tomorrow and remainder of work finished up next week.*
- 3. Requiring action from the Board for change order #3 in the amount of \$6,856.30 for Lenni Electrical. This change order is for the removal and relocation of damaged light pole. A motion was made by Mr. Neary and seconded by Mr. Raikowski. Motion carried without dissent. Questions?*
- 4. The second item requiring action from the board is payment #6 to Maxis in the amount of \$92,683.80. A motion was made by Mr. Neary and seconded by Mr. Raikowski. After questions, motion carried without dissent.*

Mr. Raikowski questioned the remaining balance owed to Maxis. Mr. Schneider reported a balance of \$103,000. Mr. Gaudiuso asked about the performance and maintenance bonds. Mr. Schneider confirmed both bonds are active. Mr. Gaudiuso asked about the punch list for the ball fields. Mr. Schneider confirmed Maxis will receive punch list.

- 5. Ball field item requiring action from the board is certificate for payment #4 for Lenni Electrical in the amount of \$5,700.82. Moved by Mr. Neary and seconded by Mr. Raikowski. Motion carried without dissent. Questions?*

Mr. McMullan asked Mr. Schneider about the light bulb pointing directly down on the centerfield light pole of field #2. Mr. Schneider said it is a maintenance issue and will be resolved by Lenni.

- 6. Mr. Schneider provided an update for the CDBG projects for Galbraith & Arlington. Pennoni completed survey work for the projects and would like to set up a meeting with the public after Labor Day.*
- 7. Mr. Schneider discussed the painting bids for the street light poles. A joint bid was received and opened at Aston Township. The low bid was for \$550. Mr. Schneider requested a motion to reject the bid and to remain with Lenni for pole painting. Motion moved by Mr.*

Baiocco and seconded by Mr. Raikowski. Motion carried without dissent. Questions?

8. *Mr. Schneider discussed the road paving program. He noted that work is continuing this week and that all work should be completed by next week. Certificate for payment #1a payable to AF Damon in the amount of \$308,579.76. A motion was made by Mr. Neary and seconded by Mr. Raikowski. Motion carried without dissent. Questions?*

9. *Update on the Pleasant Avenue Bridge. Mr. Schneider updated the board regarding PennDot's inspection of the bridge deck that needs to be repaired within six months. Mr. Schneider and a bridge engineer from Pennoni will inspect the bridge and submit a corrective and estimate report to the Township.*

VI. SOLICITOR'S REPORT

1. *Mr. Catania presented the Solicitor's Report.*

2. *Ordinance #691 amends the definition of retail stores and is ready for the board's consideration. Motion made by Mr. Neary and seconded by Mr. Raikowski. Motion passed without dissent. Questions?*

3. *Ordinance #692 allows Upper Chichester to adopt and amend the 2012 International Property Maintenance Code. Amending the property maintenance code was discussed at the August Caucus Meeting. Moved by Mr. Raikowski and seconded by Mr. Neary. After questions, motion moved without dissent.*

Mr. Gaudio questioned the sections that were to be amended. Mr. Catania said the vote was to adopt the entire 2012 International Property Maintenance Code. Mr. Catania noted that the board is adopting the current IPMC fee schedule, snow removal must be removed after 24 hours of snow falling, 8 inches in height for grass and weeds is a violation, insect screens and heat supply must be made available to rental properties and work spaces.

4. *Moved by Mr. Raikowski; seconded by Mr. Neary to approve Resolution 14-40, tax assessment appeal for 3915 Chichester Avenue. Motion passed without dissent. Questions.*

5. *Moved by Mr. Neary; seconded by Mr. Raikowski to approve Resolution 14-41, the tax assessment appeal for 2409 West*

Colonial Drive to reduce the current assessment from \$111,000 to \$99,900. After questions, motion passed without dissent.

Mr. Neary questioned the spelling of the last name on the tax assessment appeal. Mr. Catania said the name would not impact the vote, but that he will confirm the spelling of the name.

6. Mr. Catania discussed Creekside Village. The question is open space and resolving the ownership of open space.

Mr. Neary questioned the liability of the open space, specifically the trees. Mr. Catania said we would review the final recorded plans for the open space. Mr. Catania said some of the open space was put into a deed and placed into escrow. Mr. Catania said in terms of who owns what, we are going to have to make a judgment call after careful review. Mr. Catania and Mr. Neary discussed the emergency access easement behind the Dresner Circle properties. Mr. Neary asked Mr. Catania what we do if a tree falls from the open space land onto a house on Dresner Circle. Mr. Catania said at this point, no determination has been made of ownership of land, however, if a public emergency takes place, we as can intervene as a Township.

7. Mr. Baiocco had an EIT question for Mr. Catania. Mr. Baiocco stated he received a call about an EIT refund and a timeline for receiving a refund. Mr. Catania stated the refund could take up to ten months.
8. Mr. Neary had a question for Mr. Catania about redistricting the election districts. Mr. Catania encouraged the board to act on the redistricting maps as soon as possible. Mr. Neary suggested a public meeting prior to the start of September's Caucus meeting.

Mr. Raikowski questioned splitting census tracts in a voting district. Mr. Catania said to try and avoid splitting census tracts; however, the courts may be more willing to approve a split census track that makes geographical sense.

9. Mr. Gaudiuso asked about the dedication of Concord Valley. Mr. Catania suggested the board authorize him to take action. Motion made by Gaudiuso and seconded by Mr. Raikowski. Motion carried without dissent. Questions?

VII. MANAGER'S REPORT

1. Mr. McMullan presented a new replacement for the police department's all in one booking station. The replacement parts for the existing booking station are becoming extinct. The cost of the new replacement booking station is \$19,000. The Chief has obtained a \$9,500 grant from the Police Chief's Association and is requesting \$9,500 from the booking fees account. Mr. McMullan requested a motion to transfer \$9,500 from the bulk account (booking fees) to the police replacement equipment line. Motion made by Mr. Neary and seconded by Mr. Raikowski. The motion carried without dissent. Questions?
2. Mr. McMullan discussed the proposal received from Code Inspections Incorporated to provide interim inspection services (personnel) for Upper Chichester Township. Mr. McMullan asked for a motion contingent on review of the solicitor. Motion made by Mr. Neary and seconded by Mr. Raikowski. Motion carried without dissent. Questions?

VIII. REPORTS OF COMMISSIONERS

A. Highway & Sanitation, Library, Street Lighting & Traffic Signals – Mr. Baiocco, Chairman

1. Mr. Baiocco requested a thirty day extension approval for two summer help employees. Motion made by Mr. Baiocco and seconded by Mr. Neary. Motion carried without dissent. Questions?

2. He discussed moving forward on hiring two full time employees for the Highway Department. Mr. Neary suggested posting a job description and collecting resumes. Mr. Baiocco would like for the two employees to begin January 1st, 2015.

3. He discussed converting a trash truck into a dump truck. Highway department received an estimate for approximately, \$28,000. Mr. Baiocco explained converting saves approximately \$80,000 in converting as opposed to purchasing a new dump truck. Motion made by Mr. Baiocco and seconded by Mr. Neary. Motion carried without dissent. Questions?

4. Mr. Baiocco discussed Somers Lane and the complaints about traffic. Mr. Baiocco is requesting a police presence in that area.

B. License & Inspections, Recreation, Sewer & Water – Ms. Whitaker, Chairman

1. On behalf of Ms. Whitaker, Mr. McMullan provided an update on the plumbing connections being completed by Plumber Lou Purdi at the Furey Fields 1 and 2. Mr. McMullan explained the plumber has received 95% of the materials and is still waiting on the meter box needed to tie into Chester Water Authority's water main. Mr. Purdi will begin tying in the connections on the field next week.

C. Fire & Safety, Zoning & Planning – Mr. Raikowski, Chairman

1. Mr. Raikowski noted that the reports are on file at the office for review.

2. Mr. Raikowski noted the start of the new medic unit at the end of September.

3. Mr. Raikowski noted the adoption of the International Property Maintenance Code and meeting with the zoning board as we prepare the 2015 budget.

D. Administration/Finance, Grants, Open Space/Shade Tree – Mr. Neary, Chairman

1. Mr. Neary noted that the financial reports were on file at the office for review.

2. Moved by Mr. Neary, seconded by Mr. Raikowski, that the Board approve the List of Bills for the General Fund, in the amount of \$458,482.09. Question? Motion carried without dissent.

3. Mr. Neary noted no trash refunds for the month.

4. Mr. Neary had asked everyone to review the EIT refund and give attentive approval as the amount stipulated in the document of \$306.00. Moved by Mr. Neary, seconded by Mr. Raikowski. Motion carried without dissent. Questions?

5. Mr. Neary discussed Riders Lane easements.

6. Mr. Neary mentioned he met with the Township Manager about the 2015 budget. Mr. Neary mentioned the Township Manager has reached out to the Department Heads and will be reaching out to the Township Professionals for their 2015 budgets.

E. Public Safety & Historical Society – Mr. Gaudiuso, Chairman

1. Mr. Gaudiuso noted that all reports were on file in the office.

2. Mr. Gaudiuso noted that the Police Department has been rotating the part-time police officers into the schedule saving the Township approximately \$35,000. In addition, the Chief has obtained five bullet proof vests from the County for the department valued at \$6,000. Also, the police department is continuing with police bike patrols.
3. Mr. Gaudiuso noted that the Historical Society requested to present locations to the board for placement of historical markers. Township Manager is working with Historical Society on this project.
4. He noted 3105 Rodney Avenue and correcting the storm water pipe that discharges into the creek behind 3105 Rodney Ave. Mr. Gaudiuso asked the solicitor about the deed for 3105 Rodney Ave; solicitor has the information and will be mailing the deed owner a letter about the storm drain that runs across the property. Mr. Catania asked Mr. Schneider about permits that maybe required for extending the storm drain. Mr. Schneider to check with Mr. Viscuso.
5. Mr. Gaudiuso mentioned he met the Concord Valley HOA last night. He mentioned they are going to write a request to the Chief to begin enforcing no parking. In addition, he said the HOA would like for the police to enforce the stop and speed limit signs.
6. Mr. Gaudiuso asked Mr. Catania why all of the houses that would be impacted by the development of a new Walgreens at Chichester Avenue and Kingsman and Thornton Roads were not served by the Sheriff's Department. The letter that was served to some of the houses was about the developer challenging the deed restriction in court. Mr. Catania said that not all of the homes may have the restriction written in their deeds.

4. ADJOURNMENT

Moved by Mr. Neary; seconded by Mr. Raikowski that the Board adjourn. Question? Motion carried without dissent.

Respectfully submitted


John McMullan

Township Manager/Secretary