

## TOWNSHIP OF UPPER CHICHESTER

November 8, 2012

### I. CALL TO ORDER

The regular meeting of the Board of Commissioners was called to order by Nicole Whitaker, President, at 7:30 P.M., in the Meeting Room of the Municipal Building, Furey Road, Delaware County, Pennsylvania. Ms. Whitaker conducted the Pledge of Allegiance.

### II. ROLL CALL

Roll was called as follows: Mr. Baiocco, Ms. Devlin, Mr. Gaudio, Mr. Viscuso, P.E., Ms. Whitaker, Mr. Catania, Esq., Mr. Raikowski, Mr. Neary. All present unless otherwise noted.

### III. APPROVAL OF MINUTES

1. Moved by Mr. Neary, seconded by Mr. Raikowski, that the Board approve the minutes of the Regular Meeting held on October 11, 2012, with a clarification of a motion on Page 3, New Business, No. 3, as follows: Moved by Mr. Raikowski, seconded by Mr. Gaudio, that the Board accepts the settlement of the litigation as proposed and presented by the Applicant's attorney contingent upon the agreement and consent of the Township Zoning Hearing Board to the proposed settlement. Question? Motion carried without dissent.

### IV. COMMENTS OF CITIZENS

1. John & Diane Gallen, Marten Avenue; Maureen Wall, Marten Avenue; James Stewart, Mill Road; expressed their concerns about the Panarello project at 5000 Chichester Avenue.
2. William Burland, Woodstream Road; Joe DiMarco, Naamans Creek Road, Lou Perti, Market Street, expressed their concerns about the proposed insurance resolution for tonight.
3. Nick Tortorello, Dogwood Circle, reported street light out in area, asked about recycling in Cherrytree Knolls, and asked about progress on Library referendum.
4. Gary Friday, Beeson Avenue, asked for an update on manager's position, have all grants been applied for.
5. The Board went into Executive Session at 8:49 PM and returned at 9:50 PM.

### V. ENGINEER'S REPORT – Mr. Viscuso, P.E.

1. Mr. Viscuso presented the Engineer's report.
2. Moved by Mr. Baiocco, seconded by Mr. Neary, that the Board reaffirm the adoption of Resolution No. 2012-42, final land development plan, for Maple Zone Bat Works, LLC,

Chichester Avenue, from the November 1, 2012, Caucus meeting. Question? Motion carried without dissent.

3. Moved by Mr. Neary, seconded by Mr. Gaudiuso, that the Board adopt Resolution No. 12-43, Reformed Presbyterian Church, final escrow release. Question? Motion carried without dissent.

#### **VI. SOLICITOR'S REPORT – Mr. Catania, Esq.**

1. Mr. Catania presented *the Solicitor's report*.
2. Moved by Mr. Neary, seconded by Mr. Raikowski, that the Board adopt Resolution No. 12-44, tax assessment appeal litigation, 700 Village Way. Question? Motion carried without dissent.
3. Moved by Mr. Gaudiuso, seconded by Mr. Raikowski, that the Board adopt Resolution No. 12-45, Insurance Coverage Resolution. Question? Motion carried without dissent.
4. To avoid a potential "Deemed Approval" a motion was made by Mr. Neary, seconded by Mr. Raikowski, to deny the Land Development Application of South Delco Investments, LLC for the reasons set forth in the last engineering review performed by the then Township Engineer, unless the applicant properly executes and delivers to the Township before the deadline for Township action on the Plan, a complete and acceptable extension form in which case the extension would be honored. Question? Motion carried with Mr. Baiocco dissenting.

#### **VII. REPORTS OF COMMISSIONERS**

##### **A. Highway & Sanitation, Zoning & Planning – Mr. Raikowski, Chairman**

1. Mr. Raikowski noted that the monthly Highway and Sanitation Department Report is on file in the office.

##### **B. Grants, Historical Society, Street Lighting & Traffic Signals – Mr. Baiocco, Chairman**

1. Mr. Baiocco presented a report from the Historical Society.
2. Moved by Mr. Baiocco, seconded by Mr. Raikowski, that the Board authorize the refund of \$500.00, to the Historical Society, for the payment of the Zoning Hearing Board application. Question? Motion carried without dissent, Mr. Neary agrees with refund and noted that a policy should be put into place.

##### **C. Administration & Finance - Mr. Neary, Chairman**

1. Moved by Mr. Neary, seconded by Mr. Raikowski, that the Board approve the List of Bills for the General Fund, in the amount of \$321,433.98. Question? Motion carried without dissent.
2. Moved by Mr. Neary, seconded by Mr. Gaudiuso, that the Board approve Exoneration/Refund List No. 12-11, as presented. Question? Motion carried without dissent.

3. Moved by Mr. Neary, seconded by Mr. Raikowski, that the Board adopt the 2013 Tentative Budget, as presented, Millage Rate 5.35, Local Services Tax-\$52.00, Trash Fee-\$190.00, Earned Income Tax 1%. Question? Motion carried without dissent.

**D. Recreation, Library**

1. Mr. Gaudioso highlighted the monthly Recreation Department report.

**E. Public Safety, License & Inspection, Sewer & Water - Ms. Whitaker, Chairman**

1. Ms. Whitaker presented the monthly Police Department Report.
2. The Board presented Certificates of Appreciation for an outstanding job to the following Police Officers: Michael Smalarz, Jason Yaletchko, and Fred Rhodes.

**IX. ADJOURNMENT**

Moved by Mr. Neary, seconded by Mr. Gaudioso, that the Board adjourn at 10:30 PM. Question? Motion carried without dissent.

Respectfully submitted,

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Dora A. Coleman, Township Secretary