

## TOWNSHIP OF UPPER CHICHESTER

December 10, 2009

### **I. CALL TO ORDER**

The regular meeting of the Board of Commissioners was called to order by James R. Stewart, President, at 7:30 P.M., in the gym of the Municipal Building, Furey Road, Delaware County, Pennsylvania. Mr. Stewart conducted the Pledge of Allegiance.

### **II. ROLL CALL**

Roll was called as follows: Mrs. Devlin, Mr. DiMarco, Mrs. Cotter, Mr. Gallagher, Mr. Stewart, Mrs. Catania, Mr. Baiocco, Mr. Minner, Mrs. Lizza. All present unless otherwise noted.

### **III. APPROVAL OF MINUTES**

1. Moved by Mrs. Cotter, seconded by Mr. Baiocco, that the Board approve the minutes of the Public Hearing to amend the Zoning Code, as hereto amended, Part 14, Flood Plain Conservation District, held on November 12, 2009. Question? Motion carried without dissent.
2. Moved by Mr. Baiocco, seconded by Mrs. Cotter, that the Board approve the minutes of the Regular meeting held on November 12, 2009. Question? Motion carried without dissent.

### **IV. PRESENTATIONS**

1. The Board of Commissioners presented Mr. Minner and Mrs. Cotter with a gift of appreciation for their commitment to the Township.
2. State Representative Steven E. Barrar, presented Mr. Minner and Mrs. Cotter with Certificates of Appreciation from Harrisburg for their commitment to the Township.

### **V. COMMENTS OF CITIZENS**

1. The following residents expressed their concerns/questions about the proposed 2010 Earned Income Tax and Budget: Dante Guerrieri, Buck Lane; Ed Raikowski, Mill Road; Michael McBrearty, Johnson Ave, Robert McLaughlin, Buck Lane, Darec Alliston, President of Twin Oaks Civic Association, Frank Biddle, South Riviera Lane, Mary Beth Thompson, Ferncroft Avenue; Jim Renner, Trophy Drive, Ralph DueWhite, Douglas Avenue, Peter Frattarelli, Cherrytree Road, Bernie Devlin, Winding Way, Larry Spedden, Boudwin Avenue, Harold Etsell, Pennlyn Drive, Bill McClay, Colonial Drive, Vince Jackson, Bethel Avenue, Roger Claycomb, Chichester Avenue.
3. Fred Hamilton, Williams Street, questioned the upcoming agenda item appointment to the Southern Delaware County Authority.

4. Nicole Whitaker, Oxford Place, asked the Board to delay the second ward appointment to the Southern Delaware County Authority, until she would be a commissioner.

#### **VI. 2010 TOWNSHIP BUDGET**

1. Moved by Mrs. Cotter, seconded by Mr. DiMarco, that the Board adopt Ordinance No. 09-657, imposing a 1% tax on earned income and net profits received or earned by residents and by nonresidents for work done or services performed therein. Question?

Roll Call Vote: Mr. DiMarco, yes; Mrs. Cotter, yes; Mr. Stewart, yes; Mr. Baiocco, yes; Mr. Minner, abstained.

Motion carried with Mr. Minner abstaining.

2. Moved by Mrs. Cotter, seconded by Mr. Baiocco, that the Board adopt Resolution No. 09-43, rescinding the Per Capita Tax and the Non-Property Tax as authorized by Act 511, effective January 1, 2010. Question? Motion carried without dissent.
3. Moved by Mrs. Cotter, seconded by Mr. Baiocco, that the Board adopt Ordinance No. 09-658, the 2010 Tax Levy and Township Budget. Question? Motion carried without dissent.

#### **VII. ENGINEER'S REPORT**

1. Ms. Catania presented the monthly report. A copy of this report is on file in the office.
2. Moved by Mr. Minner, seconded by Mr. Baiocco, that the Board adopt Resolution No. 09-37, final minor subdivision and reverse subdivision approval for the Chilcote and Hagen Properties, located at 4497 and 4499 Bethel Road, submitted by Matthew D. Chilcote. Question? Motion carried without dissent.
5. Moved by Mrs. Cotter, seconded by Mr. DiMarco, that the Board approve the MPC punch list for Deer Crossing, as submitted by the Township Engineer. Question? Motion carried without dissent.
6. Moved by Mr. DiMarco, seconded by Mrs. Cotter, that the Board adopt Resolution No. 09-38, release of escrow funds, for Liberty Roofing, in the amount of \$34,580.00. Question? Motion carried without dissent.
7. Moved by Mrs. Cotter, seconded by Mr. DiMarco, that the Board authorize, under the MPC, the Engineer to do a final punch list inspection for Liberty Roofing. Question? Motion carried without dissent.
8. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board authorize the Engineer to bid the 2010 Traffic Signal maintenance contract for 2010. Question? Motion carried without dissent.
9. Moved by Mr. Baiocco, seconded by Mr. Minner, that the Board hold a CDBG hearing on January 7, 2010. Question? Motion carried without dissent.

#### **VIII. SOLICITOR'S REPORT - Howard J. Gallagher, Esquire**

1. Mr. Gallagher presented his monthly report. A copy of this report is on file in the office.

2. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board adopt Resolution No. 09-39, awarding the 2010 Tax & Revenue Anticipation Note, in the amount of \$1,000,000.00, to T.D. Bank. Question? Motion carried without dissent.
3. Moved by Mr. Baiocco, seconded by Mr. DiMarco, that the Board adopt Resolution No. 09-40, accepting the proposal of Centax, as the collector and administrator of the Township's Earned Income Tax. Question? Motion carried without dissent.
4. Moved by Mr. Baiocco, seconded by Mrs. Cotter, that the Board adopt Resolution No. 09-41, amending the Township Fee Schedule. Question? Motion carried without dissent.
5. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board adopt Resolution No. 09-42, the Fee-in-lieu provisions of Subdivision and Land Development Ordinance. Question? Motion carried without dissent.

**IX. MANAGER'S REPORT - Judy Lizza**

1. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board accept the Exoneration List, No. 09-07, as submitted. Question? Motion carried without dissent.
2. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board accept the Refund List, No. 09-07, as submitted. Question? Motion carried without dissent.

**X. REPORTS OF COMMISSIONERS**

**A. Public Safety, Street Lights and Traffic Signals – Mr. Minner, Chairman**

1. Mr. Minner noted that the monthly Police Department Report is on file in the office.
2. Moved by Mr. Minner, seconded by Mr. Baiocco, that the Board authorize the transfer of \$1,000.00 from the Drug Enforcement Fund to the General Fund Police Department Operations account. Question? Motion carried without dissent.
3. Moved by Mr. Mr. Minner, seconded by Mrs. Cotter, that the Board appoint Peter Osborne, of Reliance Fire Company, to the Township's Volunteer Fire Police Department. Question. Motion carried without dissent.

**B. Library, Grants, Zoning and Planning – Mrs. Cotter, Chairwoman**

1. Mrs. Cotter noted that the monthly Zoning Hearing Board and Planning Commission minutes are on file in the office.

**C. Insurance, Recreation, Historical Society, Sewer and Water - Mr. Baiocco, Chairman**

1. It was noted that the monthly Recreation Board report is on file in the office.
2. Moved by Mr. Baiocco, seconded by Mr. DiMarco, that the Board reappoint Thomas J. Wenger, as the First Ward Representative to the Southern Delaware County Sewer Authority. Question? Motion carried without dissent.
3. Moved by Mr. Baiocco, seconded by Mr. Minner, that the Board appoint Delores Cotter, as the Second Ward Representative to the Southern Delaware County Sewer Authority. Question?

Roll Call Vote: Mr. DiMarco, no; Mr. Stewart, yes; Mr. Baiocco, yes; Mr. Minner, yes; Mrs. Cotter, abstained. Motion carried with Mr. DiMarco voting no and Mrs. Cotter abstaining.

**D. Highway & Sanitation, Open Space and Shade Tree – Mr. DiMarco, Chairman**

1. Mr. DiMarco noted that the monthly Highway & Sanitation Report is on file in the office.

**E Administration, Finance and Licenses & Inspection - Mr. Stewart, Chairman**

1. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board approve the List of Bills for the General Fund, in the amount of \$267,321.06, as appearing on the bill list. Question? Motion carried without dissent.
2. Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board approve the List of Bills for the Non-Uniform Defined Contribution Pension Fund Fund, in the amount of \$615.00, as appearing on the bill list. Question? Motion carried without dissent.
3. Moved by Mr. Minner, seconded by Mr. Baiocco, that the Board approve the List of Bills for the Non-Uniform Defined Benefit Contribution Pension Fund, in the amount of \$750.00, as appearing on the bill list. Question? Motion carried without dissent.
4. Moved by Mr. Baiocco, seconded by Mr. Minner, that the Board approve the List of Bills for the Police Pension Fund, in the amount of \$775.00, as appearing on the bill list. Question? Motion carried without dissent.
5. Mr. Stewart noted that the monthly Inspectors Reports are on file in the office.

**XI. ADJOURNMENT**

Moved by Mr. Minner, seconded by Mrs. Cotter, that the Board adjourn at 9:20 PM. Question? Motion carried without dissent

Respectfully submitted,

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Dora A. Coleman, Township Secretary