

# LOWER CHICHESTER TOWNSHIP BOARD OF COMMISSIONERS MEETING

April 15, 2024, 7:30 pm

---

In addition to attending in person, the public may participate in the meeting by submitting written comments to the Township via US mail or by emailing comments to [lowerchitwp@comcast.net](mailto:lowerchitwp@comcast.net) on or before May 20, 2024 at 4:00 PM. Any person interested in listening to the meeting by telephone should call the Township at 610-485-1472 and request the call in information.

---

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Public Comment on Agenda Items
4. Executive Session, if needed.
  - a. Information session
  - b. Personnel.
  - c. Litigation.
5. Any Board vote needed on any Executive Session items, subject to Solicitor review for form and content.
6. Approval of Minutes
  - a. Approve March 18, 2024 meeting minutes.
7. Payment of the Bills
8. Department Reports (received and filed)
  - a. Treasurer's Report
    - o General ledger and trial balances; bank reconciliations for each account; payroll backup; deposit reports and supporting documentation
  - b. Board of Health Report
  - c. Sewer Report
  - d. Recreation Report
  - e. Environmental Advisory Committee Report
  - f. Fire Police Report
  - g. Emergency Report
9. Engineer's Report (Mr. Viscuso – Pennoni) – see next page

**Next Commissioner's Meeting: May 20, 2024 @ 7:30 P.M.**

**LOWER CHICHESTER TOWNSHIP  
BOARD OF COMMISSIONERS MEETING**

**April 15, 2024, 7:30 pm**

---

10. Solicitor's Report (Mr. Catania) – see next page
11. Old Business
12. New Business  
(All contracts, agreements, applications, proposals, and resolutions are subject to legal review as to form and content prior to execution.)
  - a. Vote to accept and file the Tax Collector's March, 2024 Report.
  - b. Vote on the approval of the Transfer of \$ \_\_\_\_\_ from the Tax Fund to the General Fund for March 2024.
13. Public Comments
14. Commissioner Comments
15. Adjournment

**Action items Engineer – Pennoni:** Per Mr. Viscuso

(All contracts, agreements, applications, proposals, and resolutions are subject to legal review as to form and content prior to execution.)

Agenda Items as responsible.

**Discussion items Engineer – Pennoni:**

Report on the status of the following, with vote by Commissioners if necessary:

- a. Grants update
- b. Road program update
- c. 160 W. Ridge Demolition update
- d. Morton Ave sanitary sewer update

**Action items Solicitor Catania:** Per Mr. Catania.

(All contracts, agreements, applications, proposals, and resolutions are subject to legal review as to form and content prior to execution.)

Agenda Items as responsible.

**Next Commissioner's Meeting: May 20, 2024 @ 7:30 P.M.**

**LOWER CHICHESTER TOWNSHIP  
BOARD OF COMMISSIONERS MEETING**

**April 15, 2024, 7:30 pm**

---

**Discussion items Solicitor Catania.**

Report on the status of the following, with vote by Commissioners if necessary:

- a. Pending Land Development
  1. 4401 Ridge Rd – Agreements drafted and agreed to pending DEP sewer approvals and NPDES permit is issued. Regular contact with applicant attorney re status.
  2. Bedrock – development delayed - botanical issue requiring seasonal testing.
- b. Sunoco Easement – in process. In contact with Sunoco re prior documents.
- c. 1326 Market St –1/29 Solicitor letter to A. MacLean at PennDOT. 3/4 A. MacLean emailed owner and Township Engineer requiring basic Highway Occupancy Permit with items listed in email. No progress because PennDOT will only speak with Township engineer.
- d. O Yates Avenue – in process of having ownership records corrected to accurately reflect LCT ownership of property. Spoke with county assessor’s office re how to resolve.
- e. Delcora – talking to Delcora and engineer E. Mulvena working on Township issues.
- f. Delaware County Health Department Litigation:
  1. LCT not a party to the Springfield case, *Springfield Township and Ridley Township and Upper Chichester Township and Aston Township and Tinicum Township and Darby Township and Marple Township v. County of Delaware v. Middletown Township*, (Complaint filed 4/1/2022), Order issued 4/11/2023 denying Petition to Dissolve Preliminary Injunction.
  2. LCT is a party in these matters *County of Delaware & Delaware County Health Department v. Clifton Heights Borough, & Eddystone Borough, & Prospect Park Borough, & Ridley Park Borough, & Lower Chichester Township, & Thornbury Township*. CV-2023-000375 & CV-2023-000380, (Matters consolidated with *Thornbury Township, et al. v. County of Delaware, et al*, CV-2022-009816) Order issued 2/28/2024.
    - a. County has appealed 2/28/2024 Order to Commonwealth Court, 330 C.D. 2024.
    - b. Municipal Appellees field a Motion to Quash Appeal and a briefing schedule is anticipated.

**Next Commissioner’s Meeting: May 20, 2024 @ 7:30 P.M.**

**LOWER CHICHESTER TOWNSHIP  
BOARD OF COMMISSIONERS MEETING  
April 15, 2024, 7:30 pm**

---

3. 3/7/2024 R. Gaspari sent letter to Dr. Monica Taylor requesting County Council reconsideration of decision on 1339 Green St.

g. Other Litigation

1. *Tillery v. US Marshals Service, et al.*, (US Dist. Ct for Dist. Of Maryland) Summons against LCT, LCT Police Dept, & LCT Police Officer, and others, re shooting death of Michael Marullo. Insurance company has assigned counsel.
2. Tax Assessment Appeal, Arbitration date 5/10/2024, CV-2020-008575, *Chichester School District v. Bradley et al*, re 1503-1511 Market St. (Family Dollar property) Solicitor filed Entry of Appearance 12/31/2020, Current Assessment \$1,127,830, Solicitor has request appraisal/valuation info from School District and upon receipt will circulate to Commissioners.
3. *Lower Chichester Township v. Lower Chichester Township Zoning Hearing Board, Dkt 2023-001573, filed February 24, 2023* - Land Use Appeal regarding Application of Bell Services LLC for Zoning Relief for 1434 Summit Avenue. Going to be remanded to the ZHB and ZHB should appoint a hearing officer.
4. *Lower Chichester Township v. Lower Chichester Township Zoning Hearing Board, Dkt 2022-005473, filed July 29, 2022* - Land Use Appeal regarding Application of Pen-Del Blueball LP for Zoning Relief for 1501 Blue Ball Avenue. 7/29/22 Writ of Certiorari issued to ZHB. Hearing 10/24/2023. 2/26/2024 LCT filed Certification of Ordinance, map and Building Code.
5. *Pen-Del Blueball, L.P. v. LCT Board of Commissioners*, CV-2023-004463, 5/24/2023 Pen-Del appealed LCT Commissioners denial of Applic. for Cond. Use, LCT responded 6/13/2023 & 7/10/2023. Hearing 10/24/2023.

**Next Commissioner's Meeting: May 20, 2024 @ 7:30 P.M.**