

LOWER CHICHESTER TOWNSHIP BOARD OF COMMISSIONERS MEETING

August 19, 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 on or before August 19, 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 July 15, 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: September 16, 2024 @ 7:30 P.M.

**LOWER CHICHESTER TOWNSHIP
BOARD OF COMMISSIONERS MEETING**

August 19, 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 July, 2024 Report.
 - b. Vote on the approval of the Transfer of \$ _____ from the Tax Fund to the General Fund for July 2024.
 - c. Review and Commissioners Vote on recommendation regarding the amount of the Minimum Municipal Obligation (MMO, Township portion) for the Lower Chichester Township Police Pension Plan in the amount of \$122,226.00.
 - d. Review and Commissioners Vote on recommendation regarding the amount of the Minimum Municipal Obligation (MMO, Township portion) for the Non-Uniform Pension Plan in the amount of \$33,100.00.
 - e. Resolution certifying that Tally Lynn Avenue has been in use by the public and maintained by the expenditure of township funds for a period of twenty-one (21) years or more.
 - f. Resolution certifying that Bradley Street has been in use by the public and maintained by the expenditure of township funds for a period of twenty-one (21) years or more.
 - g. Resolution certifying that Melling Avenue has been in use by the public and maintained by the expenditure of township funds for a period of twenty-one (21) years or more.

13. Public Comments
14. Commissioner Comments
15. Adjournment

Action items Engineer – Pennoni: Per Mr. Viscuso

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Agenda Items as responsible.

Discussion items Engineer – Pennoni:

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

Next Commissioner's Meeting: September 16, 2024 @ 7:30 P.M.

LOWER CHICHESTER TOWNSHIP BOARD OF COMMISSIONERS MEETING

August 19, 2024, 7:30 pm

- a. Road Program update
- b. Switching demolition from 160 W. Ridge to 18 Morton
- c. Pump Station phase 2 project update
- d. Gaspari Park bidding update
- e. Maise Ave Storm Sewer Project 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.)

- a. Discussion and Board action regarding County Health Department exclusion of Lower Chichester Township from the West Nile Virus Program.
- b. Discussion and Board Action on proposed Municipal Mutual Aid Agreement (intermunicipal agreement) between Lower Chichester Township and one or more adjoining municipalities for firefighting services.
- c. Discussion and Board Action on proposed Agreement for the Contract Operation of Wastewater Facilities for Wastewater Services in Lower Chichester Township between Delcora and the Township, subject to the final review of the Solicitor as to form and content.
- d. Agenda Items as responsible.

Discussion items Solicitor Catania.

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

- a. 169 Ridge – Two liens filed for board up costs. (6/27/2024 lien for \$5,418.99 & 7/24/2024 lien for \$1,368.90) Property on list for September 19 Upset Sale.
- b. 2 E. Ridge Rd. - Sunoco station.
- c. Pending Land Development
 1. 4401 Ridge Rd – On hold by Applicant.
 2. Bedrock – On hold by Applicant.
- d. Sunoco Easement – in process. In contact with Sunoco re prior documents.
- e. 1326 Market St – possible conversion to 2 residences requiring submission of subdivision plan. Highway Occupancy Permit would be needed.

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BOARD OF COMMISSIONERS MEETING**

August 19, 2024, 7:30 pm

- f. O Yates Avenue – Reviewing procedure to have ownership records corrected to accurately reflect LCT ownership of property.

- g. 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. August 13, 2024 County filed its Brief.

 - 3. 3/7/2024 R. Gaspari sent letter to Dr. Monica Taylor requesting County Council reconsideration of decision on 1339 Green Street. The County has not responded.

 - 4. Discussion of Summer West Nile Virus Prevention Program, Position of Commonwealth of Pa. Oversight agencies and Board action regarding County Health Department alleged attempt to exclude Lower Chichester Township from the Program. 6/27 letter from County attorney Gallagher re 13 municipalities, including Lower Chichester, are excluded from program (which includes ticks). Solicitor talked to DEP and they advised they are doing surveillance and treatment work in communities in Delaware County where the County Health Department is not doing the work.

- h. Other Litigation
 - 1. *LCT v. Comm. of PA Dept of Transportation*, CV-2015-010523, 8/14 email from PennDOT attorney that they are reviewing information on whether compensation paid.

 - 2. Tax Assessment Appeal, Arbitration date 7/19/2024, CV-2020-008575,

Next Commissioner's Meeting: September 16, 2024 @ 7:30 P.M.

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BOARD OF COMMISSIONERS MEETING**

August 19, 2024, 7:30 pm

Chichester School District v. Bradley et al, re 1503-1511 Market St. (Family Dollar property) CSD Solicitor filed Continuance on 7/18 – parties are in settlement negotiations. Current Assessment \$1,127,830.

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. Property recently sold and did not get a U&O.
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. Certificate of Readiness for trial prepared but there is no record/transcript from the ZHB for the Court to review.
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. Possible consolidation or assignment to same Judge as 2022-005473.

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