

LOWER CHICHESTER TOWNSHIP BOARD OF COMMISSIONERS MEETING

November 18, 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 November 18, 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 October 21, 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

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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 October, 2024 Report.
 - b. Vote on the approval of the Transfer of \$ _____ from the Tax Fund to the General Fund for October 2024.
 - c. Vote on Resolution to adopt Preliminary Budget for 2025 and to authorize a tax anticipation borrowing in an amount not to exceed \$300,000.00.
 - d. Vote to authorize advertising that the Preliminary Budget for 2025, if adopted, is available for public inspection for 20 days.
 - e. Vote on Resolution for LSA grant application for renovations to the Township building (windows, stucco, and painting).
 - f. Vote on Resolution for LSA grant application for acquisition of 38 Ridge Road.
 - g. Vote on Resolution for LSA grant application for renovations to the Fire House.

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. 2024 LSA grant application for building upgrades (windows, stucco and painting)
- b. Gaspari Park bid update

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- c. Maise Ave Storm sewer bid update
- d. 18 Morton Avenue demolition backage to county
- e. Pump station upgrades rebid
- f. Chi & Huddle LSA Grant (\$390,780)
- g. 2025 CDBG grant application

Action items Solicitor Catania:

Per Mr. Catania.

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- a. Discussion and Board action(s) regarding County Health Department exclusion of Lower Chichester Township from the West Nile Virus Program and from the Delco Wellness flu shot program. Potential Board action.
- b. 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.
- c. 820 Columbia – Previous development was on hold, attorney has advised will be in touch next couple months, land development approval may need to be extended. Potential Board action.
- d. Agenda Items as responsible.

Discussion items Solicitor Catania.

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

- a. Right to Know Requests – 2 open requests with responses pending late November and early December.
- b. Problem with FedEx unfounded calls – medical pendant alarm activation. Potential Board action if necessary.
- c. Liens - no liens filed in October.
- d. 2 E. Ridge Rd. - Sunoco station.
- e. Pending Land Development
 - 1. 4401 Ridge Rd – On hold by Applicant.
 - 2. Bedrock – On hold by Applicant.
 - 3. 820 Columbia – communication received from attorney for developer and he will be in touch next couple mths, may need extension of land development approval.

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- f. Sunoco Easement – Draft circulated 9/12 to Engineer and Sunoco.
- g. 1326 Market St – possible conversion to 2 residences requiring submission of subdivision plan. Highway Occupancy Permit would be needed.
- h. O Yates Avenue – Reviewing procedure to have ownership records corrected to accurately reflect LCT ownership of property.
- i. 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.
 - c. LCT filed Response 9/16. John F.X. Reilly entered his appearance for LCT.
 - d. Delco Wellness not covering flu shots for municipalities in County Health Dept. Litigation.
 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.

West Nile Virus has been identified in LCT – 7/31 & 8/29 emails to LCT from DEP.

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j. Other Litigation

1. *LCT v. Comm. of PA Dept of Transportation*, CV-2015-010523. In April LCT received a Notice of Proposed Termination for this case. case may be captioned incorrectly because PennDOT filed the initial Complaint – not LCT - which was a Declaration of Taking filed by PennDOT. PennDOT filed that case cannot be terminated and will remain open but inactive. There has been no activity in this matter since 2017. 8/20/2024 PennDOT attorney responded to Solicitor inquiry and PennDOT said LCT was paid for 2 parcels - \$500 & \$1,600.
2. Tax Assessment Appeal, Arbitration date 7/19/2024, CV-2020-008575, *Chichester School District v. Bradley et al*, re 1503-1511 Market St. (Family Dollar property) CSD Solicitor filed Continuance on 7/18 continuing matter until 12/13– 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. 8/30/2024 J. McBlain letter requesting conference with Judge Whelan. 10/28 J. McBlain email about possible use as a school.
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. 8/30/2024 J. McBlain letter requesting conference with Judge Whelan.

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