

PUBLIC MEETING
May 6, 2008

Chairman Dominic A. Pileggi called to order the public meeting of the Concord Township Board of Supervisors at 7:30 p.m. on May 6, 2008 at the Township building, Concord Township. In attendance were the following: Dominic J. Cappelli, Jr., Colleen P. Morrone, Kevin P. O'Donoghue, Dominic A. Pileggi, Robert J. Willert, Brenda L. Lamanna, Nathan Cline, and Hugh A. Donaghue. John J. Gillespie was absent.

BOARD OF SUPERVISORS APPROVAL

The Board's April 1, 2008 public meeting minutes were approved unanimously on a motion by D. Cappelli, seconded by K. O'Donoghue.

C. Morrone moved to approve total expenditures for April of \$240,710.98, including the April payroll of \$84,782.93 and current bills totaling \$154,928.05. The motion was seconded by D. Cappelli, and unanimously adopted by the Board.

RECOGNITION

The winners of the Snowman contest winners were presented with prizes by Allison O'Donoghue.

On a motion by C. Morrone, seconded by K. O'Donoghue, the Board unanimously voted to approve the following resolutions: **Resolution No. 27-2008** honoring **Jonathan Dittert** for attaining the rank of Eagle Scout; and **Resolution No. 28-2008** honoring the **Garnet Valley High School Cheerleading Squad**.

OTHER BOARD MATTERS

No other Board matters were discussed.

MONTHLY ACTIVITY REPORTS

The following presented their monthly reports for March:

Lt. Paul Gustaitis*
Fred Field*
John Alexander*
Manos Kavadias*

Pennsylvania State Police
Fire Company/Fire Marshal/Emergency Management
Sewer Authority
Code Enforcement/Zoning

Steve Miller*	Planning Commission
Hugh Donaghue	Solicitor
Connie Scholz*	Library
Allison O'Donoghue	Park & Recreation Board
Silva Small	Senior Citizens
Ginny DeNenno	Historical Society
Nate Cline	Engineering
Bob Willert	Township Manager

All asterisked reports have been made a part of the minutes.

Responding to a query by Rufus Miley of 22 Leopard regarding the McKenzie's shooting, Lt. Gustaitis reported that the investigation is ongoing. The Lieutenant also noted that DUI's are still up.

The Solicitor reported on an upcoming conference with Judge Cronin regarding the Texas Roadhouse appeal of the Zoning Hearing Board decision.

Allison O'Donoghue reported on the Autism Awareness walk, the recent SNAP dance, and the upcoming Movie Night. She also announced a community clean-up day on June 1 at the Township Park.

Silva Small had no report for the Senior Citizens group. G. DeNenno reported that the Delaware County Historical Commission has recently honored Mr. and Mrs. Datto of 97 Temple Road for their barn restoration. She also announced that the Society would hold a 325th birthday party for the township on June 27, 2008 at the home of Leon and Bernice Chetty.

N. Cline updated the Board on the Concord and Cheyney Roads traffic signal and the pre-emption bid to be awarded tonight.

B. Willert reported on the 11th Annual Clean Water clean-up sponsored in part by Concord Township. He thanked everyone who participated. The annual summer concert series will begin on June 12 with a concert preceding the Night at the Movies. An Eagle Scout will be constructing stretching boards at the park. Bob also thanked Senator Pileggi for his help in obtaining a \$20,000 grant for the park bandstand. The concrete slab and electric have been completed; the roof will be done within the next month. C. Morrone expressed the need for a flag pole.

Chairman Pileggi related the contents of a letter from the Hankin Group to PennDOT regarding the traffic signal at Route 322 and Fellowship Drive. He concurs with the points made by Hankin. On a motion by C. Morrone, seconded by D. Cappelli, the township engineer/manager were directed to write PennDOT in support of the Hankin letter. Copies will be sent to both Federal and State governments, Senator Pileggi, and Representative Barrar. He also advised of a letter received from Congressman Sestak requesting speed humps.

PUBLIC FORUM

Silva Small of 356 Conchester Highway related a concern regarding traffic turns on the Conchester and Station.

OLD BUSINESS

No old business was reviewed or discussed.

NEW BUSINESS

On a motion by D. Cappelli, seconded by K. O'Donoghue, the Board unanimously voted to **reappoint Virginia DeNenno and Sarita Trivedi to the Planning Commission and John Gillespie to the Land Planning Committee.** Terms will in May 2012.

The Board unanimously voted to award the bid for the **Pre-emption device at Concord Road and Baltimore Pike** for the benefit of the Fire Company.

On a motion by D. Cappelli, seconded by C. Morrone, the Board unanimously voted to award the **Concord and Cheyney Traffic Signal Bid to Charles A. Higgins & Sons, Inc.** of Media, PA with a total bid of \$37052.16. N Cline advised of the waiving of the prequalification requirement of Section G.1.E. as permitted by Section B.11 of the contract documents. The township is aware of the bidder's qualifications as Higgins is currently the signal maintenance contractor for the township.

On a motion by C. Morrone, seconded by D. Cappelli, the Board unanimously voted to adopt **Ordinance No. 321** which amends the **C-2 Zoning District** to include a car wash as a Conditional Use.

C. Morrone motioned, D. Cappelli seconded, and the Board unanimously voted to approve the final **Escrow Release** No. 3 of Brinton Lake Corporate Center Phase V- Hotel. An 18-month maintenance agreement is now in place for the **Staybridge Suites** project.

On a motion by D. Cappelli, seconded by C. Morrone, the Board unanimously voted to accept the **rescissions of indefinite extensions** for both the **Spring Lake Shops and Summit Crossing** projects.

Resolution 30-2008 granting Conditional Use approval for the **Benson "Pine Valley"** project was approved on a motion by C. Morrone, seconded by K. O'Donoghue. This Conditional Use was required for the location of the storm water basin in the open space.

M. Kirlin presented the Planning Commission's review of the **Benson "Pine Valley"** preliminary major subdivision. Bo Erixson of The Benson Companies, Matthew Houtmann of G. D. Houtman & Son Inc. and Jack Nilon, Esquire were in attendance. The Solicitor noted that the plan was for preliminary plan approval and reviewed changes. Mr. Nilon agreed with almost every condition of the proposed Resolution, but a point of contention was the \$3,000/lot for tree survey. He requested that the Board consider an upgrade to final. Due to residents' concerns, the Board declined to approve an upgrade to final plan status. Mr. Nilon indicated that if the plan were to be upgraded to final, the open space and recreation fee-in-lieu would be paid in full at the time of plan recording. If the plan were only to receive preliminary approval, the applicant would pay the fee-in-lieu in installments at the time of building permit.

On a motion by C. Morrone, seconded by K. O'Donoghue, the Board voted unanimously to grant preliminary approval to this plan. The solicitor and Supervisor O'Donoghue asked if any residents had opposition to upgrading the plan. Jerry Crosby of 6 Hitchcock stated that the developer should remove two lots for location of the storm water basin instead of putting it in the open space. Mr. Donaghue advised that this was the topic of an earlier Conditional Use hearing which has been closed. Mr.

Crosby stated that there was nothing he could say to change the Board's minds. Dan Foster of 141 Andrien agreed with Mr. Crosby, felt that the Board was pushing the plan through to allow the developer to build and expressed his displeasure with the Board's approval of this plan. Members of the Board expressed their surprise with these feelings and responded that the Board had listened to residents' concerns, had held many meetings and walks of the site, and pushed to have the entrance from Andrien go away. It was noted that the tree issue and fee-in-lieu is consistent, and open space and storm water management is the same as every other development.

Elizabeth Varley of Concord Friends meeting cautioned regarding riparian buffer and the need to meet state and federal requirements. N. Cline explained that he has reviewed the plan as per township codes which has been adopted within recent years to decrease infiltration and storm water leaving the site. In addition, an NPDES permit is required from DEP. In response to C. Morrone questions, Nate indicated that the requirements have been met whether the Board's approval was based on preliminary or final approval. Doug Heiserman of 150 Andrien Road said that the Board should be commended for bending over backwards to make it tough for builders. He would rather have Benson than a lot of other builders. M. Chew advised that, upon final approval, the applicant would have to pay sewer capacity in full; a letter will go out tomorrow. There being no further discussion by the Board or the public, K. O'Donoghue made a motion to amend the previous motion in order to upgrade the plan to final. Therefore, **Resolution No. 31** approving **Benson "Pine Valley" Final subdivision** plan approval. The motion was seconded by D. Cappelli.

Resolution No. 32-3008 – Everett, Keith & Angela Final Minor Subdivision at 190 Governor Markham Drive. No one was in attendance for the applicant. John Heyburn presented the Planning Commission's review in Bruce Bilotti's absence. There being no discussion by either the Board or the public, Resolution 32-2008 was unanimously approved on a motion by D. Cappelli, seconded by C. Morrone.

C. Morrone motioned, K. O'Donoghue seconded, and the Board unanimously voted to approve **Resolution No. 33-2008** for the **Garnet Valley High School Tennis Courts** preliminary/final land development at 552 Smithbridge Road. Bruce Craig of the Garnet Valley School District was in attendance representing the School District and confirmed that all conditions were acceptable.

Resolution No. 34-2008 Kwang Lee LLC Phase 1 final land development at 970 Baltimore Pike. Ken Kynett, Esquire was in attendance for the applicant. Steve Miller presented the Planning Commission review of the plan. K. Kynett questioned item #3 and what it entails. The chair advised that the tenant at the Styer's property is trying to make a connection to the Kwang Lee sewer. Ken asked if the public access and utility easement is to be opened to the public. The chairman responded that it would be privately owned as per the Wawa. Ken questioned if an easement would eventually go through the Styers site. There being no further discussion, the Board unanimously voted to approve the resolution on a motion by C. Morrone, seconded by K. O'Donoghue.

Brandywine Ground Lease Agreement: In response to C. Morrone's query, the Solicitor confirmed that the architectural elevation and plans attached to the lease are sufficient. HAD confirmed. A motion was made by K. O'Donoghue, seconded by D. Cappelli, to publicly acknowledge the execution of the lease agreement which was approved unanimously by the Board

Resolution No. 35-2008 for the Brandywine Youth Club (BYC) Conditional Use was adopted unanimously on a motion by C. Morrone, seconded by D. Cappelli. The conditions were acceptable to the applicant. Matthew Houtmann of G. D. Houtman & Son, Ken Kynett, Esquire, and Bill Van Belle and Ingrid Welch of BYC were in attendance.

Resolution No. 36-2008 Brandywine Youth Club Gymnasium Preliminary land development as 43-45 Thornton Road. John Heyburn presented the Planning Commission's review in Michael Raith's absence. K. Kynett noted the Historic Commission's comment that a Historic Resource Study was required. The applicant has measured, and the building is outside of the 300 foot requirement.

On a motion by D. Cappelli, seconded by C. Morrone, the Board unanimously voted to **accept the following plans as complete for review:**

- ... Maris Grove Neighborhood 3 (Final Land Dev)
- ... Jeffrey F. & Michelle L. Hines (Final Minor 2-lot Sub)
3667 Garnet Mine Road
- ... Concord Township (Prel/Final) Lot Consolidation Plan
43-45 Thornton Road

OTHER BOARD MATTERS

No other Board matters were discussed.

ADJOURNMENT

With no additional business to conduct, C. Morrone made a motion that the May 6, 2008 public meeting be adjourned at 9:25 p.m. Her motion was seconded by K. O'Donoghue and approved by unanimous vote of the Board.

Respectfully submitted,

Brenda L. Lamanna, Township Secretary