

PUBLIC MEETING
July 1, 2008

Chairman Dominic A. Pileggi called to order the public meeting of the Concord Township Board of Supervisors at 7:30 p.m. on July 1, 2008 at the Township building, Concord Township. In attendance were the following: Dominic J. Cappelli, Jr., Colleen P. Morrone, John J. Gillespie, Kevin P. O'Donoghue, Dominic A. Pileggi, Robert J. Willert, Brenda L. Lamanna, Nathan Cline, and Hugh A. Donaghue.

BOARD OF SUPERVISORS APPROVAL

The Board's June 3, 2008 public meeting minutes were approved unanimously on a motion by J. Gillespie, seconded by D. Cappelli.

K. O'Donoghue moved to approve total expenditures for June of \$265,824.57, including the June payroll of \$92,055.83 and current bills totaling \$173,768.74. The motion was seconded by D. Cappelli, and unanimously adopted by the Board.

RECOGNITION

Christine Schlichter was recognized for being the recipient of the Township's 2008 **Scholarship Award**. On a motion by J. Gillespie, seconded by C. Morrone, **Resolution No. 44-2008** was unanimously adopted by the Board.

On a motion by J. Gillespie, seconded by D. Cappelli, the Board unanimously voted to adopt **Resolution No. 45-2008 recognizing Southco**. The resolution will be presented to officials at the Southco Rededication scheduled for July 8.

C. Morrone motioned and J. Gillespie seconded to approve **Resolution No. 46-2008** recognizing **Timothy M. Pulte** for being selected by the Father's Day Council of Greater Philadelphia as its 2008 Father of the Year.

Courtney Spina was recognized for being named as the Delaware County Daily Times' Softball Player of the Year. On a motion by K. O'Donoghue, seconded by D. Cappelli, the Board unanimously voted to adopt **Resolution No. 47-2008**.

OTHER BOARD MATTERS

No other Board matters were discussed.

MONTHLY ACTIVITY REPORTS

The following presented their monthly reports for June:

Mary Ann Chew*	Pennsylvania State Police
Manos Kavadias*	Sewer Authority
Steve Miller*	Code Enforcement/Zoning
Hugh Donaghue	Planning Commission
Silva Small	Solicitor
Nate Cline	Senior Citizens/Historical Society
Bob Willert	Engineering
	Township Manager/Park & Recreation Board

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

A representative from the Pennsylvania State Police presented the monthly report. He reported on traffic violations issued on Spring Valley Road and recent vehicle thefts. Again, the PSP advises all residents to keep vehicles locked. B. Willert mentioned ongoing problems with ATV's being operated on Peco property and expressed a desire to set up a meeting with the PSP.

F. Field is on vacation; his report will be presented next month.

The Solicitor reported an upcoming conference on July 15 regarding litigation regarding the Ron Lewis property. An Executive Session was held earlier this evening to discuss the 322 Plaza Associates plan which was previously turned down by the Board and is currently on appeal. He noted that although a proposal has been submitted; no decision has been made. In response to a query by R. Miley of 22 Leopard Road, he advised that the Township had to pull Mr. Lewis's permits on the house, resulting in litigation with his mortgage company and the township.

A. O'Donoghue reported on summer camp activities and amusement park tickets. She also thanked the Public Works department for getting the park in shape for Movie Night and also for their help for the Snap dance. Michael Makowski was also thanked for providing discounted mulch for 40 Bethel Road.

There was no report from either J. Gillespie or S. Small on behalf of the Senior Citizens.

V. DeNenno reported on the Historical Society 325 anniversary celebration at the Chetty Farm. She thanked all who supported the function as well as Mr. and Mrs. Chetty for opening their beautiful home. A second township celebration will take place on September 6. J. Gillespie gave kudos to the society for a very professional celebration.

N. Cline reported that the Road program work would commence in approximately two weeks.

B. Willert reported that the traffic signals at Concord and Cheyney Roads, as well as the fire house pre-emption signal will soon be operational. Public Works is working on the dog park which is scheduled to be completed in September/October.

PUBLIC FORUM

Rufus Miley of 22 Leopard Run noted an article in the Delaware County Daily Times relating to the banning of open burning in Nether Providence. Apparently municipalities who allow open burning will lose DEP grant money. Bob advised that the township is required to hold two pick-ups a year and recently conducted a lawn debris pick-up. The Chairman advised that leaf pick-up had been looked at in the past and was deemed too expensive.

OLD BUSINESS

No old business was reviewed or discussed.

NEW BUSINESS

Adoption of the Historic Preservation Ordinance Amendment was **tabled** since the hearing was continued to August 5.

On a motion by D. Cappelli, seconded by K. O'Donoghue the Board unanimously approved an increase in the **Township mileage reimbursement** from 50.5 cents to **58.5 cents** per mile. This in line with the recent IRS increase.

J. Gillespie motioned to approved **Escrow Release No. 1** of Toll Brothers for the **Estates at Garnet Valley** (former Bodo subdivision). On a second by C. Morrone, the Board unanimously approved the release.

D. Cappelli motioned and K. O'Donoghue seconded, to **reaffirm the David Mahoney Subdivision** located at Featherbed Road and Route 322.

On a motion by K. O'Donoghue, seconded by J. Gillespie, the Board unanimously voted to approve **Resolution No. 48-2008 for Onix Hospitality Chick-fil-A Conditional Use** Approval. Representatives of the Onix Hospitality Group (Ron Schafer and Jim Cerullo), P. J. Close of Kelly Close, John Jaros, Esquire, and John Martinez and Scott Thigpen of Chick-fil-A were in attendance for both the Conditional Use and land development reviews. J. Jaros, Esquire had reviewed the resolution and asked that "guard" in item no. 4 be replaced with "guide". Scott Thigpen of Chick-fil-A noted that item no. 7 concerning the hours of operations review may limit them in the future. The Chairman noted that the Board would have no problem if the applicant were to come back before the Board and preferred to leave it as it stands. John Martinez, also of Chick-fil-A noted that standard hours very rarely exceed the hours stated in the resolution but asked the Board for a little leeway. The Solicitor informed that the record has been closed and that the Board made its decision based on Chick-fil-A testimony for hours of operation of 6:30 a.m. to 10:00 p.m.

Mr. Jaros also reported that he had difficulty finding any information regarding the California Emission standard as set forth in condition 9. Representatives of Chick-fil-A assured the Board that the chicken is pressure cooked; there is no open flame and no gas. The Board agreed that Chick-fil-A could use the same vent systems as those used in its California stores. Mr. Jaros also asked the Board

for clarification of the 50' easement to the township. The Chairman concurred that it doesn't extend onto the site; the township may never use but would like to have available. There being no further discussion by the Board or the public, the Board voted unanimously to adopt the resolution granting Conditional Use approval with conditions. D. Cappelli recused himself from all discussion and voting.

There being no further discussion by either the Board or the public, the Board unanimously voted to approve **Resolution No. 49-2008 Onix Hospitality Final Land Development Chick-fil-A** on a motion by J. Gillespie, seconded by C. Morrone. D. Cappelli recused himself from the discussion and vote.

Resolution No. 50-2008 Shops at Spring Lake Conditional Use. Andrea Finerosky of Pettinaro, Matt Houtmann of G. D. Houtman & Son, Inc., and John Jaros were in attendance for both the Conditional Use and land development reviews. John Capuzzi, Esquire representing the Glen Eagle Retail Shopping Center noted concerns regarding safeguards in place should the higher Spring Lake basin overflow, outlet for the retention pond, level of storm the pond will accommodate. He also noted that Chuck Olivio from Stantec did not have the calculations provided by G. D. Houtman & Son, Inc. He stated that these issues need to be resolved before the Board grants approval. J. Jaros disagreed, referring to the many months of review and approvals and noted that the last correspondence he received from Mr. Capuzzi is dated June 26, 2007. Mr. Capuzzi noted that this was a typographical error; the letter should read June 26, 2008. The Township Engineer noted that the plan meets the Act 167 ordinance, and the applicant would also need approval from the Delaware County Conservation District (DCCD). Mr. Donaghue noted that the calculations and documents are public records, and the applicant had no problem sharing same with Mr. Olivio.

M. Kirlin asked for confirmation that the Conditional Use resolution addresses the parking between the building and street. S. Miller questioned granting approval when a sewage plan was still outstanding. J. Jaros acknowledged that the applicant cannot proceed with the project until the state has approved the sewage plan. Chairman Pileggi noted that the Board chooses to move forward. Therefore, there being no further discussion by either the Board or the public, C. Morrone motioned and K. O'Donoghue seconded; and the Board voted to unanimously adopt Resolution No. 50-2008.

Resolution No. 51-2008 Shops at Spring Lake Prel/Final Land Development. M. Kirlin presented the Planning Commission review; and in answer to J. Gillespie's question, noted that capacity has not been purchased. (Condition no. 5 requires approval by the PA DEP). There being no further discussion from either the Board or the public, the resolution was unanimously approved; and all conditions were acceptable to the applicant.

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

... **State Line Ventures** c/o Montchanin Development Group – restaurant/retail –
Wilmington-West Chester Pike (formerly Route 202 Motors)

OTHER BOARD MATTERS

No other Board matters were discussed.

ADJOURNMENT

With no additional business to conduct, D. Cappelli made a motion that the July 1, 2008 public meeting be adjourned at 8:45 p.m. The motion was seconded by C. Morrone and approved by unanimous vote of the Board.

Respectfully submitted,

Brenda L. Lamanna, Township Secretary