

# Minutes

## Township of Marple – Board of Commissioners – Joseph A. Rufo, President Regular Meeting – April 9, 2018 – 7:00 pm

- ◆ President Commissioner Rufo called the Regular Meeting to order at 7:05 pm on Monday, April 9, 2018 at the Township Building and then led the pledge of allegiance to the flag.
- ◆ **Present @ Roll Call** – Commissioners: – Joseph Rufo (1<sup>st</sup> ward) - Robert Knapp (2<sup>nd</sup> ward) – Robert Fortebuono (3<sup>rd</sup> ward) - John Lucas (4<sup>th</sup> ward) – John Longacre (5<sup>th</sup> ward) and Daniel Leefson (7<sup>th</sup> ward). Absent/Excused: Michael Molinaro (6<sup>th</sup> Ward)

Staff: Anthony T. Hamaday, Township Manager – Sharon Angelaccio, Township Secretary – Adam Matlawski, Township Solicitor – Bill Creighton, Public Works Director – Joseph Romano, Code Director and Joe Mastronardo, Township Engineer.

- ◆ **Executive Session:** held at 6 PM prior to this meeting to discuss Litigation, Personnel and contractual items.

### 1. Proclamation(s)

**Arbor Day** - PROCLAIMED, that the Board of Commissioners of Marple Township does hereby proclaim April 27, 2018 as Arbor Day in Marple Township, Delaware County, Pennsylvania and supports efforts to protect our trees and woodlands. Diana Breen, Vice Chair for the Marple Tree Commission accepted the Proclamation and further invited/announced a tree will be planted this year at the Marple Police Dept 1001 Sussex Blvd. in honor of Arbor Day.

**Children's Mental Health Awareness** - PROCLAIMED, that the Board of Commissioners of Marple Township, do hereby proclaim the week of May 7-13, 2018 as Children's Mental Health Awareness Week and urge our residents and all agencies and organizations interested in meeting every child's mental health needs to unite in the observance of such exercises as will acquaint the people of our community with the fundamental necessity of year-round support for the children and youth with mental health needs and their families.

- 2. **Presentation** – Ben Cluver, Eagle Scout Commissioner John Longacre presented Ben with a Certificate for his tireless efforts in time and work which resulted in this outstanding achievement of attaining the rank of Eagle Scout. Congratulations!

### 3. Land Development Plan Presentation – Marple Associates, Langford Road

**& West Chester Pike** – Joseph Damico, Esq representing National Realty Corp. Ryan Whitmore (Landcore Engineering Consulting), Daniel Mallach (Thomas Committa Associates), Todd Robinson, Giant and Andrew Bragg (LA Fitness). Residents: Barbara Kantz, Cambridge Rd expressed concerns with the trees being planted and the deer. Also could we request to have 1 day (Sunday) with no construction. Gerald Marro, Vassar Rd sound barrier not sufficiently addressed. Rick Ray Springvalley Dr. deer fence and tree selection.

### 4. Public Forum

- Charles Protesto Warren Blvd – Consider never allowing the circus to perform in Marple Township again.

## 5. Staff Reports

- Bill Creighton, Public Works Director reported on yard waste drop off, parking lot r renovations and other ongoing projects
- Joseph Romano, Code Director reported on the planning and zoning cases coming up
- Joseph Mastronardo, Township Engineer various ongoing projects

**6. Board Minutes Regular Meeting – 3/12/18** – On a motion by Commissioner Leefson, and seconded by Commissioner Lucas to approve the March 12, 2018 Regular Meeting Minutes of the Board, the vote being unanimous. (6-0)

**7. Disbursement Report and Check Register #2018-4** – On a motion by Commissioner Leefson, and seconded by Commissioner Lucas to approve the Disbursement Report and Check Register #2018-4, the vote being unanimous. (6-0)

## 8. Resolution No. 3909 – Preliminary/Final Subdivision Plan – Marple

**Associates, Langford Road & West Chester Pike** – On a motion by Commissioner Leefson, and seconded by Commissioner Lucas to approve Township Resolution No. 3909 approving the Preliminary/Final Land Development Plan filed by Marple Associates L.P. for the proposed Mid-County Shopping Center located at West Chester Pike and Langford Run Road, Broomall, PA 19008, within the HID-Highway Interchange District, prepared by Landcore Engineering, P.C. dated December 22, 2017, last revised March 29, 2018, for the proposed construction of a 74,544 square foot retail supermarket, a 34,088 square foot fitness facility, a 82,000 square foot mixed office/retail space and a 4,060 square foot and a 3,575 square foot future pad sites subject to the following conditions outlined in said resolution, the vote was 5 in favor with Commissioner Fortebuono voting no. (5-1)

Adam Matlawski, Solicitor read aloud the conditions listed in Resolution #3909

Marple Township Planning Commission recommendation from 3/22/18 meeting:

1. Address engineering comments in letter dated February 16, 2018 and Memo dated 3-22-18
2. Address comments from DCCD and obtain permits.
3. Apply for and obtain Penn DOT permits.
4. Sewage Facilities Planning Module approval from DEP.
5. Easement for sound barrier for maintenance.
6. Remove house on Lot 1 and extend sound barrier into site to improve security and provide stronger buffer.

and

1. Address and compliance with the outstanding comments in the Township Engineer's review letter dated February 16, 2018 and Memorandum dated March 22, 2018;
2. Address and compliance with the Marple Township Planning Commission conditions of approval outlined at their January 26, 2018 meeting;
3. Compliance with the terms and conditions of Conditional Use approval as set forth in Township Resolution No. 3748 approving the conditional use for the proposed LA Fitness facility;
4. Execution and recording of an Amendment and Restatement of Declaration of Covenants and Restrictions in form and content acceptable to the Township Solicitor;

5. The Buffer Landscape Screening Plan dated 4/6/2018 and shall be attached as an exhibit to the Amendment and Restatement of Declaration of Covenants and Restrictions and such Buffer Landscape Screening Plan is hereby specifically approved for purposes of requirements of the HID-Highway Interchange District.
6. Rock blasting is prohibited;
7. Construction activities shall limited so as to comply with Township noise ordinances (Chapter 185), and, additionally, shall begin no earlier than 8 AM and shall end no later than 4 PM on Saturdays. No construction activities on Sundays and Holidays.
8. Provided that easements are granted by the applicable individual property owners, Applicant shall construct, install and maintain an 8-ft high sound barrier satisfactory to the Township, which such sound barrier shall begin at the corner of Property Lot #3 and West Chester Pike and extend along the West Chester Pike boundaries of Vassar Road properties for the length of the new West Chester Pike deceleration lane and beyond and connect with the existing fence at the rear of 9 Vassar Road. Applicant shall be responsible for the maintenance of the appearance as well as removal of any graffiti of the West Chester Pike fascia of such sound barrier. Additionally, Applicant shall construct, install and maintain an 8-ft high solid sound barrier fence on Lot #3 on the house side of the berm for the length thereof across Vassar Road, terminating at the perimeter berm at the southeast corner of tax parcel 25-13-418.
9. Applicant shall be responsible for and shall be make timely payment of all applicable fees, including but not limited to, deposits to the Township's Stormwater Management BMP Fund, Fee-in-lieu of Recreation Facilities and security and permit fees;
10. Applicant shall obtain of all necessary Highway Occupancy Permits from PennDot, including Lawrence Road and Langford Run Road, Langford Run Road and Property entrance(s) and Langford Run Road and West Chester Pike and shall make all required traffic signalization and roadway improvements required by such permits;
11. The facilities shall be constructed with no windows on the exterior building walls directly facing the R-1 Residential Zoning District unless properly shielded from any adjoining residential property by landscaping, sufficient buffer area, berm or exterior awnings;
12. Exterior building wall lighting shall be limited to emergency and security lighting on the building face only, properly shielded from any adjoining residential property and in compliance with Section 300-11 of the Township Zoning Code;
13. No illuminated wall signage, with the exception of required regulatory signage, shall be permitted on any building wall directly facing the R-1 Residential Zoning District;
14. All deliveries to the rear of the facilities shall be restricted to between the hours of 7AM and 9PM;
15. All refuse and recycling collection and trash compaction shall be restricted to between the hours of 7AM and 8PM;
16. Applicant shall obtain approval of PA DEP Sewage Facility Planning Modules and obtain all required NPDES Permits;
17. Applicant shall comply with the conditions of the Stormwater Management Operation and Maintenance Agreement for West Chester Pike Improvements and the Signal Maintenance Agreement for the Lawrence Rd/ Langford Run Rd intersection;
18. Applicant shall comply with all federal, state and local laws and ordinances and obtained all required permits applicable to the development of the site or construction of the proposed buildings;
19. Applicant shall submit executed Land Development, Improvement Security and Stormwater Operation and Maintenance Agreements in accordance with the Pennsylvania

Municipalities Planning Code and Marple Township Ordinances in form and substance acceptable to the Township Solicitor.

**9. Right to Know Policy** – On a motion by Commissioner Longacre, and seconded by Commissioner Lucas to approve the Marple Township Right to Know Policy which outlines the Township's regulations, policies and procedures related to the PA Right to Know law, the vote being unanimous. (6-0)

**10. Contract 2017- 2 – Energy Performance Contract, Payment #12 – CM3**

**Building Solutions** – On a motion by Commissioner Lucas, and seconded by Commissioner Longacre to approve Payments #12 in the amount of \$169,430.02 to CM3 Building Solutions, of which \$250.00 is for work to date on the Paxon Hollow Country Club Clubhouse HVAC project and \$169,180.02 is for work to date on the LED Street Light Project and as recommended by the Project Engineer and Energy Consultant, the vote being unanimous. (6-0)

**11. 2018 Township Parking Lot Contract – Premier Concrete Change Order # 1 –**

On a motion by Commissioner Leefson, and seconded by Commissioner Lucas to approve a change order in the Township parking Lot contract for replacement of 210 feet of existing concrete curbing and additional concrete entrance modifications at a cost not to exceed \$5,100.00 and as recommended by Township Engineer, the vote being unanimous. (6-0)

**12. 2018 Township Parking Lot Contract Payment #1– Premier Concrete** – On a

motion by Commissioner Lucas, and seconded by Commissioner Leefson to approve Contract Payment No. 1 in the amount of \$25,425.00 for completion of work to date on the 2018 Township Parking Lot contract as recommended by the Township Engineer, the vote being unanimous. (6-0)

**13. Woodland Preserve Preliminary Land Development Plan, Palmers Mill and Paxon Hollow Roads – Extension of Time** – On a motion by Commissioner

Leefson, and seconded by Commissioner Longacre to accept the extension of time offered by Realty Enterprises, LLC to the Board of Commissioners for the review and action on the preliminary land development plan submitted for the development of the property into a proposed continuing care retirement community until October 8, 2018, the vote being unanimous. (6-0)

**14. Code Waiver Peggy Fields, 211 Sussex Blvd – Apron Curb Cut** – On a motion by

Commissioner Lucas, and seconded by Commissioner Longacre to approve the driveway waiver request of Peggy Fields, 211 Sussex Blvd increasing the 15' driveway curb cut for residential driveways to 22' as submitted on permit application, driveway will be 5 foot from property line as per plot plan submitted, the vote being unanimous. (6-0)

**15. Cancel Summer Work Sessions (May, June, July, August & September)** –

On a motion by Commissioner Lucas, and seconded by Commissioner Fortebuono to direct the proper Township Officials to advertise for the cancellation of the following Work Sessions May, June, July, August & September, 2018 unless otherwise directed by the Present of the Board of Commissioners, the vote being unanimous. (6-0)

**16. Special Event/ Sign Waiver Request — Library Book Sale and Bingo**

**Fundraiser** – On a motion by Commissioner Leefson, and seconded by Commissioner Longacre to approve the request of the Friends of the Marple Public Library to conduct their 2018 Book Sale on May 17-19, 2018 at the Library and the Library's Designer Bag Bingo Fundraiser on April 20, 2018 at St Luke's Church and to permit limited event advertising signage for the events on Township's properties as approved by the Code Enforcement Department both subject to the provisions outlined in Section 300-115 of the Township Code, the vote being unanimous. (6-0)

**17. Other Business**

1. Ordinance Review
  - Special Events
  - Wireless Communication facilities
2. Energy Savings Contract Update

**18. Adjourn** – motion to adjourn the Regular Meeting of the Board on April 9, 2018 at 9 pm.

Respectfully submitted,

*Sharon L. Angelaccio*  
Township Secretary