

**Minutes of the Regular Council Meeting  
Of the Borough of Chester Heights**

222 Llewelyn Road  
Chester Heights, PA

**December 5, 2016**

**MEMBERS PRESENT** Susan H. Clarke, President  
Jordan Goldberg, Vice President  
Anne C. Searl, Pro Tem  
Mark Carroll, Mayor  
Jeffrey D. Durst  
Philip Block, Ph.D.  
Marta K. Driscoll  
Joseph McIntosh, Esq.

**OFFICIALS PRESENT** Gerald C. Montella, Esq., Solicitor  
Michael Ciocco, Fire Marshal  
Matt Houtman, P.E., Engineer  
Richard Jensen, Bldg Inspector/Zoning Officer

**CALL TO ORDER** President Clarke called the public meeting to order at 7:00 p.m. and led those in attendance in the reciting of the Pledge of Allegiance.

**RATIFICATION OF RESOLUTION #11-16-A** Solicitor Montella requested council to ratify Resolution #11-16-A that was adopted at the November 28, 2016 Work Session to appoint Jeffrey D. Durst to fill the council vacancy for a term consistent with Chapter 9, Section 901 of the Borough Code.

**MOTION** Upon motion (Searl/Block) council voted to ratify Resolution #11-16-A.

**OATH OF OFFICE** Councilman Durst completed the Oath of Office and provided council with an affidavit of residency.

**APPROVAL OF MINUTES** Upon motion (Block/Searl) council voted, one abstention (Durst) to approve the meeting minutes of the November 7, 2016 Regular Council Meeting and the meeting minutes of the November 28, 2016 Work Session (Seal/Driscoll), two abstentions (Driscoll/Durst).

**PUBLIC TO ADDRESS**  
**COUNCIL**  
**STATE POLICE** Trooper Timothy Greene and Lieutenant Jim Hannigan of the Pennsylvania State Police Media Barracks addressed council. Lieutenant Hannigan is the station commander and stated that the state police would like to establish a bond with all of the townships and boroughs they serve and to contact the state police with any suspicious activities.

PUBLIC HEARING  
ORDINANCE #207

President Clarke turned over the council meeting to Solicitor Montella for council's consideration to adopt the Fire Services Appropriation Tax Ordinance # 207.

Solicitor Montella stated that the purpose of this public hearing is to consider the adoption by Council of Proposed Ordinance # 207 which would establish a "Fire Services Appropriation Tax " amending Chapter 97 by creating Article III, Sections 97 -32 to 97-41

This process began several months ago when Council held two Special Meeting on Sunday, September 2016 and again on Tuesday October 4, 2016 to allow Council members to inform Borough residents and discuss the Borough's fire and emergency services and obtain public comment and/or feedback from residents on the impact of establishing funding for emergency and fire services through a fire service appropriation tax.

The Special meetings were duly advertised pursuant to the Borough Code. In addition, Council advertised the meetings on the Borough's website.

As a result of those meetings and public discussion since that time, Council is considering the adoption of Ordinance 207 which will establish an appropriations tax of .40 mills on each dollar of assessed valuation. Less than a half-mill. Council estimates the tax will result in a dedicated annual funding stream to the Volunteer Fire Company for the emergency and fire services it performs of approximately \$70,000. The tax would be effective in 2017 and collected by the Borough's Tax Collector and allow for a 2% discount or a 10% penalty depending on when a resident paid the tax. The funds must be used for lawful means under the Borough Code including purchasing and repair of fire equipment, training, paying for salaries and benefits for fire suppression employees.

PUBLIC COMMENT

Solicitor Montella asked if any resident or property owner would like to make a comment, ask questions or discuss the proposed Tax Ordinance #207. There were no public comments or questions concerning the proposed ordinance.

COUNCIL COMMENTS

Solicitor Montella asked council if they had any comments or questions. Councilman Block stated that 2017 will be the 70<sup>th</sup> Anniversary of the Chester Heights Fire Company and the fire company is an integral part of the community. The fire company is 100% volunteer and in 2017 they have responded to 367 calls and had 50 training events. With the current funding rate the fire company would not stay in operation. Councilman Block stated that as a council member, the Chair of the Public Safety Committee he strongly urges council to approve this tax. Councilman McIntosh stated that he would like to thank Councilman Block for his hard work and dedication to this cause and that it is very important to have a local fire company. Mayor Carroll would like to thank Councilman Block, Fred Wood, Larry Ward and Sam Iannucci for all work and efforts to establish this tax.

Councilman Goldberg stated that after he attended an exercise training with the fire company he has obtained a greater understanding of their needs and dedication.

President Clarke stated that the funds collected will be placed in a Fire Appropriation Tax Account and the Public Safety Committee will determine the disbursement of the funds.

PUBLIC HEARING  
ORDINANCE #208

Solicitor Montella stated that the purpose of this public hearing is for council's consideration of adoption of the 2017 Tax Levy Ordinance. A tax for general purposes, on all property within the Borough, subject to taxation for the fiscal year 2017, in the sum of .58 mills for each dollar of assessed valuation and on all transfers of real estate within the Borough in the sum of one-half of one percent (.005) of the gross consideration for the sale of said real estate being transferred.

PUBLIC COMMENT

Solicitor Montella asked if any resident or property owner would like to make a comment, ask questions or discuss the proposed Tax Ordinance #208. There were no public comments or questions concerning the proposed ordinance.

COUNCIL COMMENTS

Solicitor Montella asked council if they had any comments or questions.

CLOSE PUBLIC  
HEARING

Solicitor Montella closed the public hearing at 7:29 p.m.

OPPORTUNITY TO  
ADDRESS COUNCIL

JOHN TALLMAN  
ARBOUR SQUARE

John Tallman, with Westrum Development Company, updated council with the various agreements for the Arbour Square Senior Land Development. He had requested to be on the agenda to have the agreements executed, but the comments from Concord Township are not completed. He will need a resolution from Chester Heights Borough to send to DEP for the Planning Module. Concerning a time line to start work they would hope to get started in the spring.

BUILDING INSPECTOR

Mr. Jensen reported that he is working on usual inspection.

FIRE MARSHAL

Mr. Ciocco reported that he had four minor incidents in the month of November. Mr. Ciocco requested an updated borough map to provide to the state police and the post office. Mr. Houtman reported that he is working on updating the map and that he recently received the electronic file from the engineer that is working on Brookefield.

Mr. Ciocco reported that he is working with a new resident that said her deed states Media, her mailing address is Glen Mills and she lives in Chester Heights.

SEO

No report.

ZONING OFFICER

No report.

## SECRETARY/TREASURER

Description		Source
Real Estate Transfer Tax	\$ 7,944.74	Treasurer of Delaware County
3rd Qrt Franchise Fee	\$ 9,133.87	Verizon
LST Collections 4th Qtr	\$ 267.83	Berkheimer
LST Collections 4th Qtr	\$ 3,059.57	Berkheimer
LST Collections 4th Qtr	\$ 579.30	Berkheimer
LST Collections 4th Qtr	\$ 2,889.51	Berkheimer
LST Collections 4th Qtr	\$ 864.11	Berkheimer
October Collections	\$ 325.58	Maryann Furlong, Tax Col
2-2016 Deposit	\$ 85.56	Maryann Furlong, Tax Col
State Police Fines	\$ 464.85	Treasurer of Pennsylvania
U&O Inspection	\$ 90.00	343 Danbury Ct
Bldg/Elec/Plmg Permit	\$ 3,070.00	303 W Baltimore Pk
HVAC Permit	\$ 155.00	139 Bishop Dr
Bldg Permit	\$ 125.00	336 Willits Way
Solicitor Reimburse	\$ 250.00	Arbour Square
Eng Reimburse	\$ 623.01	Wawa Annex 5
Septic Permit	\$ 600.00	415 Valleybrook Rd
Monthly Easement Fee	\$ 579.64	T-Mobile
Fire Hydrant Reimbursement	\$ 181.50	Madison Apartments
Fire Hydrant Reimbursement	\$ 399.30	Darlington Woods
TOTAL	\$ 31,688.37	

### **Fund Balances,**

#### *Certificates of Deposit Balance*

CD, 12 Month, @ 0.90% 12/29/17	\$ 43,564.47	Iron Workers Bank
CD, 12 Month, @ 0.50% 12/03/16	\$ 214,976.05	Wawa Credit Union
EBond	\$ 15,000.00	Bryn Mawr Trust
Total Certificates of Deposit	\$ 273,540.52	

### **General Fund Balance**

		Source
Checking Acc 11/30/16 @ 0.028%	\$ 438,365.74	PLGIT GENERAL FUND
Checking Acc 10/30/16 @ 0.02%	\$ 7.54	PLGIT GENERAL FUND
Money Manager 9/30/16 @ 0.15%	\$ 10,977.57	Bryn Mawr Trust
Borough Road Improvement Fund	\$ 72,000.00	Bryn Mawr Trust
Total Funds in General Fund	\$ 521,350.85	

### **PA Liquid Fuels Fund Balance**

Checking Account 11/30/16 @ 0.028%	\$ 25,777.39	PLGIT Acct # 5116038
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### **Land Dev Escrow Fund Balance**

Savings 11/30/16 @ 0.028%	\$ 3,870.22	PLGIT Acct # 5116041
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### **Expenditures**

Chester Heights Monthly	\$ 4,000.00	Chester Heights Fire Company
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4th Qtr LST	\$ 11,000.00	Chester Heights Fire Company
U&O Inspections	\$ 450.00	Chester Heights Fire Company
Storage Rental	\$ 168.54	Chester Heights Self Storage
Phone/Fax/Fire Marshal	\$ 147.08	Windstream
Wawa Annex 5	\$ 3,000.00	Richard Jensen
Bldg Permits	\$ 2,039.60	Richard Jensen
U&O Inspections	\$ 450.00	Richard Jensen
4th Qtr Stipend	\$ 185.00	Richard Jensen
Assessment Audit	\$ 164.00	Arthur J. Gallagher & Co
General Matters	\$ 1,162.50	Gerald C. Montella, Esq.
Arbour Square Reimburse	\$ 337.50	Gerald C. Montella, Esq.
Beard	\$ 25.00	Gerald C. Montella, Esq.
Brookefield Reimburse	\$ 12.50	Gerald C. Montella, Esq.
Le Nape Valely	\$ 37.50	Gerald C. Montella, Esq.
Stray Dog Fee	\$ 105.00	Brandywine Vet Hospital
Storm Drain Cleaning	\$ 860.00	Scott's Lawn Service
Property Maintenance	\$ 54.00	Scott's Lawn Service
Property Maintenance	\$ 443.00	Scott's Lawn Service
Property Maintenance	\$ 135.00	Scott's Lawn Service
Council Compensation	\$ 223.03	Anne C. Searl
Council Compensation	\$ 223.03	Susan H. Clarke
Council Compensation	\$ 192.22	Marta Driscoll
Council Compensation	\$ 223.01	Jordan Goldberg
Council Compensation	\$ 148.71	Patrick L. Patterson
Council Compensation	\$ 223.03	Joseph McIntosh, Esq.
Council Compensation	\$ 223.01	Philip Block
Mayor Compensation	\$ 223.03	Mark Carroll
Zoning Officer	\$ 223.03	Richard Jensen
Safe Deposit	\$ 74.00	BMTC
Office Supplies	\$ 38.11	Office Basics
Reimburse Brookefield	\$ 11,932.00	G. D. Houtman & Son, Inc.
Reimburse Beard	\$ 5,043.00	G. D. Houtman & Son, Inc.
Road Program General	\$ 1,332.50	G. D. Houtman & Son, Inc.
2016 Road Program	\$ 3,741.00	G. D. Houtman & Son, Inc.
MS-4 Reporting	\$ 4,770.50	G. D. Houtman & Son, Inc.
Reimburse Wawa Annex 5	\$ 169.14	Catania Eng Associates, Inc.
3 Ivy Mills/Septic	\$ 225.50	Catania Eng Associates, Inc.
112 Wawa Rd/Septic	\$ 56.38	Catania Eng Associates, Inc.
415 Valleybrk Rd/Septic	\$ 112.75	Catania Eng Associates, Inc.
Legal Ad	\$ 177.12	21st Century
Office Supplies	\$ 6.00	Walgreens
Park Trash	\$ 55.42	Waste Management
Assistance	\$ 598.35	Valerie Hoxter
Fire Marshal Monthly Compensation	\$ 500.00	Michael Ciocco
4th Qtr Stipend	\$ 185.00	Michael Ciocco
Dig Notifications	\$ 26.51	PA 1 Call
Bank Fee	\$ 12.00	BMTC
Office Supplies	\$ 52.99	Adobe
941 Payroll	\$ 1,100.26	EFTPS
Sec/Treas Compensation	\$ 3,499.33	Susan Timmins

Copier/Fax/Scanner	\$ 140.13	Ricoh USA
Meter Usage	\$ 11.19	Ricoh USA
Employee Insurance	\$ 450.00	Keystone Health Plan
3 Hydrants@ \$42.25 per Hydrant	\$ 99.42	Aqua Pennsylvania
35 Hydrants@ \$36.30 per Hydrant	\$ 1,306.80	Chester Water Authority
Total Expenditures	\$ 62,393.72	
PA Liquid Fuels Fund Expenditures		
PECO TL	\$ 52.92	PECO
PECO SL	\$ 546.59	PECO
Smithbridge TL Repair/PennDOT	\$ 171.20	Charles A. Higgins & Sons, Inc.
Total Expenditures	\$ 770.71	

## TREASURER'S REPORT

### MOTION

Upon motion (Clarke/Goldberg) Council voted to accept the receipts as submitted by the Secretary/Treasurer for November 2016.

### MOTION

Upon motion (Clarke/McIntosh) Council voted to accept the expenses as submitted by the Secretary/Treasurer for November 2016.

### REIMBURSEABLE BILLS

Councilman Block requested more information concerning the escrow accounts and the developer's agreement. The Treasurer will provide an update on all escrow accounts at the January Work Session and a Year to Date vs Actual Report.

### JANUARY MEETING

Mayor Carroll suggested the January Regular Council Meeting date to be changed to Tuesday, January 3rd, instead of Monday, January 2nd, which is New Year's Day observed.

### MOTION

Upon motion (Clarke/Driscoll) council approved the meeting date change for the January Regular Council Meeting to Tuesday, January 3, 2017. The secretary will advertise the date change.

### CORRESPONDENCE

President Clarke reported on the following correspondence:

- A letter from Senator Killions office concerning capital budget projects.
- A letter from Riddle Hospital concerning Young Lungs at Play, which has a sample ordinance making the municipal parks tobacco free.
- A letter from the Pennsylvania Association of Borough's with information concerning the Spring Conference to be held May 7<sup>th</sup> – 10<sup>th</sup>.

President Clarke reported that she received complaints trash at the Preschool, at 229 Llewelyn Road and the fire company. The fire company has plans to move the location of the dumpster. The Pre School does not have adequate space to move their dumpster. The Zoning Officer will contact the homeowners concerning the abundant trash.

President Clarke reported that she received a complaint from a resident of Rolling Heights that found an arrow shot at his fence and has concerns of hunting close to residents. The fire marshal stated that dealing with game warden can be complicated due to the distance he has to travel and the state police do not get involved. President Clarke will communicate with the engineer to identify what properties are involved.

- SOLICITOR REPORT Solicitor Montella reported on the following:
- President Clarke presented council with the 2017 General Fund Budget, the 2017 Liquid Fuels Budget and the 2017 Fire Services Appropriation Budget.
- 2017 GENERAL FUND BUDGET Solicitor Montella requested council's consideration to approve the 2017 General Fund Budget.
- MOTION Upon motion (Clarke/Driscoll) council voted to approve the 2017 General Fund Budget.
- 2017 LIQUID FUELS BUDGET Solicitor Montella requested council's consideration to approve the 2017 Liquid Fuels Budget.
- MOTION Upon motion (Searl/Goldberg) council voted to approve the 2017 Liquid Fuels Budget.
- 2017 FIRE SERVICE TAX BUDGET Solicitor Montella requested council's consideration to approve the 2017 Fire Protection Tax Budget.
- MOTION Upon motion (Block/Searl) council voted to approve the 2017 Fire Protection Tax Budget.
- ORDINANCE #208 Solicitor Montella requested council's consideration to approve Ordinance #208 establishing a Fire Protection Tax for 2017.
- MOTION Upon motion (Block/Durst) council voted to approve Ordinance #208.
- ORDINANCE #207 Solicitor Montella requested council's consideration to approve Ordinance #207 establishing a 2017 Tax Levy.
- MOTION Upon motion (Clarke/McIntosh) council voted to approve Ordinance #207.
- LEASE AGREEMENT Solicitor Montella had prepared a lease agreement for the borough and the fire company and all issues have been worked out and the lease should be considered for approval at the January Regular Council Meeting. A resolution needs to be approved prior to signing the lease. The first payment will be due in February.
- ENGINEER REPORT Mr. Houtman reported on the following:

- Updating the borough zoning map and the borough street address map
- Provided Mayor Carroll and Councilman Block with a map of the Corner Park
- All paper work for the 2016 Road Program has been completed
- Continued inspections for Brookefield Townhouses
- Obtaining prices for asbestos removal for 301 Llewelyn Road

**MAYOR'S REPORT  
COMMITTEE REPORTS  
BOROUGH PROPERTY**

Mayor Carroll updated council with the message boards.

Mayor Carroll and Councilman Block reported that they are looking into the possibility of connecting a walkway from the park with the path at Brookefield. Councilman Block reported that the Horticultural Society will be looking into various plantings at the park. Mayor Carroll stated that this is a long term project.

**ENGINEER/CONSTRUCT  
INSPECTIONS**

Councilman McIntosh reported that the Wawa Store renovations have been completed and the Wawa Corporate Center continue their construction.

**FINANCE/INSURANCE**

President Clarke reported that the Wawa Credit Union CD matures on December 7, 2016 and presented council with four options for 12 months CD rates:  
 Wawa Credit Union – 0.75%  
 Sun East – 0.55%  
 PNC – 0.20%  
 M&T – 0.30%

**MOTION**

Upon motion (Clarke/McIntosh) council voted to roll over the Wawa Credit Union CD for 0.75% for 12 months.

Councilwoman Driscoll reported that she will be looking into options for the borough's annual general liability and worker's compensation insurance policy.

President Clarke reported that there were two accounts for the Road Improvement Fund, one for checking and one for savings. The checking account was closed.

**HIGHWAYS/  
TRANSPORTATION**

Councilman McIntosh and Councilman Block will be the contact to communicate with the snow removal contractor.

**NOMINATING/VACANCY**

No report.

**PUBLIC RELATIONS/  
COMMUNICATIONS**

Councilwoman Searl reported that the newsletters was sent out. Councilman Goldberg has started working on the facebook page for the borough and worked on a grid to define what communications will be used to communicate with the community.



ORDINANCE AND CODE REVIEW	No report.
PUBLIC UTILITIES/ TRASH/RECYCLING	No report.
PUBLIC SAFETY/ ENVIRONMENT	No report.
SCHOOL DISTRICT/ TRAINING/LIBRARY	Councilman Block reported that the Garnet Valley School Board is having their Re-Organization Meeting.
PLANNING/ZONING	Mayor Carroll reported that the Beard Townhouse Land Development was reviewed at the last Planning Commission Meeting.
HISTORICAL	Councilwoman Searl reported that she had a very productive meeting with various people involved with local historical commissions and societies. They had provided her with sample ordinances and information concerning protecting historically significant properties. Pat Smith, president of the Aston Historical Society, wants to invite all the council members to visit the Camp Meeting in the spring. Councilwoman Searl asked if Councilman Durst would get involved with the Historical matters.
<u>PUBLIC COMMENT</u> BODLEY ROAD	Mayor Carroll reported that there are still large tree limbs and overgrown shrubbery at the intersection of Bodley Road and Llewelyn Road.
<u>OLD BUSINESS</u> 2016 PLANNED ACCOMPLISHMENTS	
<u>NEW BUSINESS</u> LARRY WARD BISHOP DRIVE	Mr. Ward informed council that he is a 42 member of Chester Heights Fire Company and would like to thank Councilman Block for all his hard work in implementing a fire tax and also thank everyone on council for supporting the tax.
EXECUTIVE SESSION	President Clarke announced in accordance with Act 84, the Sunshine Law that Council will meet in Executive Session to discuss matters of litigation, personnel and pending real estate acquisition by the Borough of Chester Heights. Council met in Executive Session at 8:47 p.m. until 9:15 p.m. No actions were taken. Council announced that there is a request for Councilman Block to speak with Larry Ward concerning a position as Emergency Management Coordinator for the borough.

ADJOURNMENT

Upon motion (Driscoll) council unanimously voted to adjourn the meeting at 9:15 p.m.

**Land Development Dates**

1. **STF Crier** – Submitted Plans 4/30/07, Reviewed Planning Commission 5/24/07 - Open Ended Extension
2. **S. B. Conrad/CH Market** - Submitted Plans 2/18/10, Reviewed Planning Commission 3/25/10 - **Extension 1/20/2016**

Respectfully submitted,  
Susan M. Timmins  
Secretary/Treasurer