



**Minutes of the Work Session Meeting
Of the Borough of Chester Heights
The Village of Valleybrook – Clubhouse
265 Bishops Dr., Chester Heights, PA 19017
April 25, 2022**

Call to Order

President Baum called the public meeting to order at 7:00 p.m. and led those in attendance in the reciting of the Pledge of Allegiance.

Solicitor Montella presented:

Solicitor Montella announced the purpose of the Public Hearing is to consider the adoption of the Three (3) Proposed Ordinances, Passage of Ordinance #211 Medical Marijuana Growers, #212 Medical Marijuana, and #213 Sewer Ordinance: Chapter 149 Will Be Considered at the Borough's Public Meeting Following the Public Hearing.

Proof of Publication for the Public Hearing presented as E-1:

Delaware County Daily Times Published Notice of Adoption of Proposed Ordinances No. 211, 212 and 213 for the Borough of Chester Heights. Published twice – April 11, 2022, and April 18, 2022, at least 7 days prior to the Public Hearing on Monday, April 25, 2022.

Proof of Publication for the Public Hearing presented as E-2

The full text of proposed Ordinances 211, 212 and 213 were made available on April 6, 2022, at the Borough's Office located at 222 Llewelyn Road, Chester Heights, PA and/or available at the Delaware County Law Library, 201 West Front Street, Delaware County Courthouse, Media, PA. Any person who wished to attend the hearing who has a disability and/or required auxiliary aid, service or other accommodations to observe or participate in the proceedings, was acknowledged to contact the Borough's Office to discuss how those needs may have best been accommodated.

The three (3) proposed ordinances were presented at public meetings in February, June and July of 2021, they were also presented to the Borough's Planning Commission for review and comments. September 10, 2021, the three (3) proposed ordinances were presented to the Delaware County Planning Commission for review. The Delaware County Planning Commission reviewed, and their comments were incorporated into the proposed ordinances.

Solicitor Monetlla presented each Ordinance Summary:

Ordinance No. 211 – Medical Marijuana Grower/Processor

An Ordinance to amend the code of the Borough of Chester Heights, by amending Chapter 185, Zoning, Article II, Section 185-4 definitions o add and define Medical Marijuana Grower/Processor and amending article XIV, Section 185-81 of the Borough; s Zoning Code, to allow medical marijuana growing/processing facilities in the limited industrial district as a special exception.

Whereas it is the purpose and intent of the Borough to regulate medical marijuana grower/processor facilities in a manner this is consistent with State Law while promoting the health, safety, and general welfare of the residents and businesses within the Borough, and limiting the potential negative impacts associated with the growing and processing of medical marijuana.

Medical Marijuana Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity or any combination thereof, who holds a valid permit from the PA Department of Health under the Medical Marijuana Act ("MMA") to grow and process medical marijuana. A

Medical Marijuana Grower/Processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing, and production facilities that are in the same zoning district.

Solicitor Montella presented Ordinance Summary No. 212 Medical Marijuana Dispensary Facilities.

An Ordinance to amend the code of the Borough of Chester Heights, by amending Chapter 185, Zoning, Article II, Section 185-4 definitions to add and define Medical Marijuana Dispensary Facilities and by amending article XII, Section 185-72 of the Borough's Zoning Code, to Allow Medical Marijuana Dispensary Facilities in the business zoning district as a special exception.

Whereas it is the purpose and intent of the Borough to regulate medical marijuana dispensary facilities in a manner that is consistent with State Law while promoting the health, safety, and general welfare of the residents and businesses within the Borough, and limiting the potential negative impacts associated with the dispensary of medical marijuana.

Medical Marijuana Dispensary Facility – A person, including a natural person, corporation, partnership, association, trust, or other entity or any combination thereof, who holds a valid permit from the PA Department of Health under the Medical Marijuana Act (“MMA”) to dispense medical marijuana. A Medical Marijuana Dispensary Facility shall meet the same municipal zoning and land use requirements as a pharmacy or retail facility that are in the same zoning district.

Solicitor Montella presented Ordinance Summary No 213

ADJOURNMENT: Upon Motion, Council (Baum/Clarke) voted and unanimously approved to adjourn the public hearing at 7:21p.m. Councilman Sacks was a Nay.

Members Present
Drew Baum, President
Laura M. Lim, Vice President
Natalie M. Anderson, Pro Tem
Marta Driscoll, Council Member
Robert Sacks, Council Member
Ginamarie Ellis, Mayor

Officials Present
Gerald C. Montella, Esq., Solicitor
Matthew R. Houtmann, P.E., Engineer

Public Comment: None

Solicitor Montella Consideration to Approval for the three (3) Proposed Ordinances #211 Medical Marijuana Growers, #212 Medical Marijuana, and #213 Sewer Ordinance – Chapter 149

MOTION Upon Motion, Council (Baum/Anderson) voted and approved the Proposed Ordinance #211 Medical Marijuana Growers. Councilman Sacks voted Nay.

MOTION Upon Motion, Council (Baum/Clarke) voted and approved the Proposed Ordinance #212 Medical Marijuana Dispensary Facilities. Councilman Sacks voted Nay.

MOTION Upon Motion, Council (Clarke/Driscoll) voted and approved the Proposed Ordinance #213 Sewer Ordinance – Chapter 149-4 was approved with revisions: 149-4 (4) All existing fields shall then be

abandoned, but no residential structures of any kind may be erected over the filled vessels or abandoned fields.

Calvin Powell Estate Letter/Rezoning Application to Rezone the 62.8 Acres from R11/2 Residence in Part, R-1 Residence in Part, and B-business in Part to a Planned Residential Development:

Solicitor Montella presented to council the proposed re-zoned planned residential development.

Mileage Resolution # 22-04-A:

Solicitor Montella presented Resolution # 22-04-A- A resolution by council of Chester Heights Borough adopting the annual internal revenue service mileage reimbursement rate for individuals authorized to conduct Borough business.

MOTION

Upon Motion, Council (Baum/Lim) voted and approved the Mileage Resolution 22-04-A.

LeNape Valley Maintenance/Security Agreement Review:

Solicitor Montella presented the resolution for the dedication of roads, final escrow release and the maintenance/security agreement for LeNape Valley. Engineer Houtman will present at the Regular Council meeting on May, 2, 2022.

Local Shares Grant Resolution # 04-22-B:

Solicitor Montella presented Resolution # 04-22-B- A resolution amending the amount from \$25,000 to \$43,187.

MOTION

Upon Motion, Council (Lim/Anderson) voted and approved the Local Shares Grant Resolution # 04-22-B.

Family Fun Day update July 16, 2022 10-1 PM (July 23rd, 10-1 PM Rain Date):

Vice President Lim gave an update regarding Family Fun Day which will be held at Chester Heights Park.

Darlington Creek Park Use Plan @ Planning Commission Meeting April 28, 2022:

Vice President Lim discussed the Darlington Creek Park Use Plan will be presented at the Planning Commission Meeting on April 29, 2022.

Delaware County Municipal Listening Sessions Council Members Availability:

Councilwoman Driscoll requested confirmation from council what their availability would be. Upon discussion, council agreed on August 26, 2022 at 11:30. The location would be at the Village of Valleybrook Clubhouse.

Rachel Kohl Library Requests for Chester Heights to Fund \$3,384 Towards the Total Amount of \$95,853 Fund the Siding:

Councilwoman Driscoll reported to Council that their Keystone Grant was not awarded. The amount requested from Rachel Kohl Library to help fund the siding.

Old Business: **342/344 Valleybrook Road Update-** President Baum updated Council on the concerns regarding this property and that they were addressed. A cease-and-desist letter was received by the property owner.

Sunshine Act/Public Comment- Vice President Lim reported it's the Borough's discretion to create reasonable rules as long as the rules don't violate the Sunshine Act.

MOTION Upon Motion, Council (Baum/Sacks) voted and unanimously approved to request name and address under public comment but not to include the address in the minutes.

Clothing Donation Boxes: President Baum updated Council on the clothing donation boxes that were not approved by the property owners. The property owners will be reaching out to the clothing box donation company.

American Rescue Plan Expenses: Vice President Lim requested a motion to approve the zoom moderator in the amount of \$200.00 and the Heather Lane Inlet Repair work to be done by DeRosa Excavating in the amount of \$4,250 to be paid out of the ARPA Funds.

MOTION Upon Motion, Council (Lim/Baum) voted and unanimously approved the zoom moderator in the amount of \$200.00 and the Heather Lane Inlet Repair work to be done by DeRosa Excavating in the amount of \$4,250 to be paid out of the ARPA Funds.

Vacancy/Assistant/Secretary: President Baum announced Darlene Kurten's resignation as the Recording Secretary with the Borough and thanked her for her service to the Borough over the last 3 years.

Additional Period for Public Comment:

Elizabeth Mackinnon- Address Provided- Powell Property
Larry Ward- Address Provided- Miller Way

ADJOURNMENT Upon Motion, Council (Lim/Sacks) voted and unanimously approved to adjourn the meeting at 8:19 pm.

Land Development Dates - 53 Baltimore Pike - Submitted - June 18, 2021, Planning Commission, Review August 26, 2021 - Extension May 9, 2022

Respectfully Submitted
Megan Killian
Open Records Officer