



BOROUGH OF CHESTER HEIGHTS

53 W Baltimore Pike 2nd floor
P. O. Box 658
Chester Heights, PA 19017

REGULAR COUNCIL MEETING MINUTES

February 6, 2023

Call to Order President Baum called the public meeting to order at 7:04 pm and led those in attendance in the reciting of the Pledge of Allegiance.

Members Present Drew Baum, President
Natalie Anderson, Pro Tem
Bob Adams, Councilmember
Susan Clarke, Councilmember
Marta Driscoll, Councilmember
Robert Sacks, Sr. Councilmember
Ginamarie Ellis, Mayor

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

Executive Session President Baum announced in accordance with Act 84 - the Sunshine Law, that Council met in Executive Session from 6:33pm-6:49pm to discuss potential litigation related to zoning hearing scheduled for February 9, 2023, related to property located at 2 Ivy Lane and a second topic to discuss personnel benefits.

No motion was made after executive session.

Public Comment:

1. Trooper Sutherland – PSP Media Barracks – update on Highland Drive homicide investigations
2. Maria Rizzo – address provided – St Thomas Rectory comment, permit inquiries.
3. Lori Cellucci – address provided, not Chester Heights resident – parishioner of St Thomas, read Architectural letter supporting old Rectory.
4. Pat McFadden – address provided – St Thomas Rectory comment, Ministry report on rectory.
5. Christine Martin – address provided – St Thomas Rectory comment, community history and value.
6. Eileen Lehmann – address provided – St Thomas Rectory comment.
7. Johanna Hailey – address provided, not Chester Heights resident – St Thomas Rectory comment, accessibility to meeting information within the church.

Main takeaways from 40 minute Public Comment period about the potential demolition of St Thomas Rectory:

- a. Building was built in 1874
- b. Asbestos removal is regulated by DEP
- c. A demolition permit was applied for but not issued
- d. Letter to Archdiocese written by American Institute of Architects member Milner was read by Ms. Cellucci relating to proximity of chapel to Rectory and the historical recommendation from the archives.
- e. Inquiry as to the purpose of the demolition.
- f. 690 signatures on an internal petition.
- g. Archdiocese response anticipated.

Approval of January Meeting Minutes

January 3, 2023, Regular Council Meeting Minutes

MOTION Upon Motion, Council (Driscoll, Sacks) voted and unanimously approved the January 3, 2023, Regular Council Meeting Minutes.

January 23, 2023 Work Session Meeting Minutes

MOTION Upon Motion, Council (Clarke, Adams) voted and unanimously approved the January 23, 2023, Work Session Meeting Minutes.

Approval of General Fund, Liquid Fuels, and Fire Protection Fund January 4, 2023 – February 5, 2023

Cash Disbursements

General Fund \$ 40,609.12

Liquid Fuels Fund \$2,361.99

Fire Protection Fund \$1027.08

MOTION Upon Motion, Council (Sacks, Driscoll) voted and unanimously approved cash disbursements in the amount of \$ 40,609.12 for the General Fund, \$2,361.99 for the Liquid Fuels Fund, and \$1,027.08 for the Fire Protection Fund.

Inquiry on Rent and tax appeal clarification as well as Fire Protection Fund refund (2022 Tax refund for 52 W Baltimore Pike tax assessment appeal.)

No ARPA Funds were dispersed.

Correspondence

Mayor Ellis

- State Police Report – January report has not yet been issued to the Borough
- Fire Company report – report is on file, 14 calls in January 2023, 7 in Chester Heights and 7 assists, upcoming training.
- Resident correspondence – 2 HOA issues that were reported to the Borough and remain HOA issues. Resident requested an update to the Wawa Road bridge repair.

- SEO Michael Ciocco was named Delaware County Engineer of the Year.
- In-person Tax collection dates were emailed out to Borough Constant Contact recipients, dates are listed on social media, and will be posted on the Borough website.
- Polling feedback of the new voting location was requested
- PA State Police ongoing Highland Drive investigation, no danger to the public at this time, PA State Police reports homicide was targeted and not a random attack.
- Public hearing for 2 Ivy Lane zoning variance scheduled on February 9, 2023, at 7pm.
- Mail received on Pipeline safety information and is available for review

Inspector's Reports

- Fire Marshal report on file.
- Road Master/EMC – Road Master Ward completed routine matters and PA-One Calls have been addressed. Ward will be attending two-day seminar at 911 Center for “Recovery after a disaster”. The Emergency Management Manual will be updated.
- Building Inspector/Zoning
No report
- Sewage Enforcement
No report

Solicitor's Report

RATIFY MOTIONS from the January 23, 2023, Work Session

RATIFY MOTION Upon Motion, Council (Baum, Sacks) voted and ratified the Motion to approve road sign and sign installation purchases, not to exceed \$1,200.

RATIFY MOTION Upon Motion, Council (Baum, Adams) voted and ratified the Motion to approve 90-day extension for the Land Development Plan for 8 Smithbridge Road. An amended plan was requested of the developer.

RATIFY MOTION Upon Motion, Council (Clarke, Driscoll) voted and ratified the Motion to approve Rose Hill Escrow Release #6 for \$18,783.50.

RATIFY MOTION Upon Motion, Council (Clarke, Sacks) voted and ratified the Motion to transfer \$500 from the General Fund to the Tax Collector account to avoid minimum balance fees.

MOTION Upon Motion, Council (Baum, Anderson) voted and to approve the Old Quarry Knoll escrow release in the amount of \$591,904.75, where \$480,818.64 remains. Councilmember Adams and Councilmember Driscoll opposed.

Councilmember discussion with Engineer regarding the release of escrow and documentation of inspections.

Engineer's Report

- Rose Hill update – sent correspondence to Verizon on low wires
- Valleybrook Road culvert - start date pending
- 9 Highland Drive – start date pending
- Valleybrook Road bridge - sidewalk repair, will contact PennDOT
- Westlake Plastics – Land Development review
- 8 Smithbridge Road – Land Development review

Mayor's Report

Mayor Ellis reported the request for office lighting and an outlet for the copier will require a quote from the property manager. Outside lighting and signage will be addressed.

Committee Reports

School District/Education/Training/Library

Chair Marta Driscoll, Members Clarke, Miller, Chestnut

Councilmember Driscoll read Ms. Schiller's school board report. As of 1/31/2023, Delaware County Health Department is discontinuing the practice of asking schools to report their COVID cases to the PA Dept of Education.

2023 NICHE rankings reported Garnet Valley School District was ranked 12th out of 500 and GVHS 21st out of 1,416 for the state of Pennsylvania.

Library – The Annual Appeal has concluded where there were 79 first-time donors. Request residents to consider designating Kohl Library if purchasing through Amazon Smile. The library received a small grant to update the front door to be ADA compliant. 9 Kindles and board games will soon be on loan from the library. Donations are welcome. Outdoor games, cookware and tools will be loaned out in the future. Election of the Executive Board for 2023 are President Jean MacKenzie, Treasurer Jen Panero, and Secretary Brenda Orso.

Finance/Insurance

Chair Laura M. Lim, Members Anderson, Timmins

Chair Drew Baum, Member Lim

Resolution for Business Privilege Tax to express purpose of adjudicating appeals.

MOTION Upon Motion, Council (Adams, Sacks) voted and to approve Resolution 02-23-A Business Privilege Tax to appoint Berkheimer as its tax hearing officer under and pursuant to the local taxpayers bill of rights for the express purpose of adjudicating appeals thereunder. Councilmember Driscoll opposed.

Nominating Vacancy

Chair Bob Adams, Member Baum

No report

Communications/Public Relations

Chair Ginamarie Ellis, Members Lim, Sacks

MunicipiPAY is a service to accept online payments and there is no cost to the Borough. There is a 2.65% service fee to applicant. Borough will still accept checks.

MOTION Upon Motion, Council (Baum, Driscoll) voted to approve MuniPAY as the platform online payments through borough's website. Making borough's website accessible to all will be easier with a AI accessibility widget through Userway.

MOTION Upon Motion, Council (Sacks, Driscoll) voted to approve the Userway AI accessibility widget for the Borough website at cost of \$490.

The Borough website will be updated in March and feedback is welcome for improvements from Council and residents. Spring Newsletter deadline is approaching and content suggestions and/or advertisers are requested.

Mayor's Event Committee

Chair Ginamarie Ellis, Members Anderson, Sacks

The office ribbon cutting ceremony will occur before the Work Session on March 20, 2023, at 6pm at the new Borough office, 53 W Baltimore Pike.

The annual egg hunt will be Saturday March 25, 2023, at the Chester Heights Community Park, with a rain date of March 26, 2023. Public volunteers are requested including the important role of the Easter Bunny.

Historical Committee

Chair Susan Timmins, Members Anderson, Ieradi, Searl
No report

Planning/Zoning

Chair Susan Clarke, Members Adams, Baum

The Planning Committee meeting took place in January and Councilmember Clarke requested a 3 day notice for future meeting Agenda topics. The Committee met to review the Westlake Plastic Land Development application.

The current fee schedule for Land Development, Building, Plumbing, HVAC, Electrical, and Fire Inspection Permits has not been updated for approximately 20 years. A thorough financial analysis was completed to show the permits solely cover the costs. After Council review, the new fee schedule will be considered for adoption on February 21, 2023, at the Work Session Meeting.

Engineering/Construction/Inspections

Chair Susan Clarke, Members Adams, Baum
No report

Ordinance/Code Review

Chair Susan Clarke, Members Baum, Driscoll, Ellis
There will be a Comprehensive Planning Committee Meeting February 13, 2023, at 6:15pm and an Ordinance/Code Review meeting on February 16, 2023 at 6pm.

Public Safety/Environmental

Chair Bob Adams, Members Baum, Sacks
Agenda item listed Potential oversight agreement with Walnut Hill Utility.

Councilmember Sacks reported he met with a DEP representative and was advised the Borough may need to become involved in an oversight agreement with Walnut Hill Utility for the Stoneybank Development.

Mr. Houtmann reported Borough oversight may be limited to a gravity collection system in the Stoneybank Development, but not for the pump station. Mr. Houtmann stated Walnut Hill Utility Co may be considered a public utility by DEP. A public entity has to oversee the day to day operations and inspections.

Eileen Lehmann – address provided – public comment, Operation maintenance agreement referenced. Inquired about development agreement and Borough oversight. Stoneybank and Walnut Hill Utility could not come to an agreement in the prior land development for Stoneybank. Lehmann referred to PUC litigation. Litigation costs – Advised the old planning module failed. Discussion about updating planning module.

Councilmember discussion about Brookefield and Rose Hill, Southwest is the oversight for those 2 developments. Walnut Hill Utility services Stoneybank.

Hugh Martin – address provided – residents are opposed to a 63% rate increase.

Mrs. Martin – address provided - inquired about where to find information and documents related to Walnut Hill Utility and PUC litigation.

President Baum recommended that Walnut Hill Utility should host a meeting with its residents.

Borough Property/Parks/Open Space

Chair Drew Baum, Members Lim, Sacks

AARP grant, on Agenda but not mentioned at this meeting.

Ron Surkin will attend a meeting with County for Western Suburbs Trail Summit.

Highways/Transportation

Chair Robert Sacks, Member Ward

U-turn signs and bus signs in progress

Public Utilities/Trash/Recycling

Chair Laura M. Lim, Members Anderson, Driscoll, Ellis

No report

Old Business

Little Library is up at the Chester Heights Community Park and was built by Boy Scouts. Anne Searl was publicly thanked for the idea.

New Business

Preliminary Lenni Crossing Quiet Zone meeting scheduled for February 7, 2023. Meeting host John McMullan, Middletown Township manager, requested no Councilmembers at this time for informational meeting. Councilmember Driscoll had requested a meeting between Aston, Middletown, and Chester Heights via a letter sent to Middletown Township manager. A meeting

report will be provided.

Additional period for Public Comment

Eileen Lehmann – address provided – requested information on an operation maintenance agreement related to Walnut Hill Utility. Solicitor advised Stoneybank, Walnut Hill, scheduled a meeting with Borough but was cancelled by one of the parties.

Next Committee Meetings

- February 13, 2023 – Finance Committee and Comprehensive Planning Committee
- February 16, 2023 – Zoning/Ordinance Code Review

Next Work Session – February 21, 2023

Next Regular Council Meeting – March 6, 2023

ADJOURNMENT: Upon Motion, Council (Sacks, Anderson) voted and unanimously approve to adjourn the meeting at 8:51pm.

Respectfully submitted,
Amy Langa
Recording Secretary

Land Development Dates:

8 Smithbridge, Plans submitted - October 3, 2022, Planning Commission Review - October 27, 2022, Extended on January 23, 2023, until April 23, 2023.

Westlake Plastics, Plans submitted - January 26, 2023, Planning Commission Review – January 26, 2023, extension needed April 26, 2023.