

**Minutes of the Regular Council ZOOM Meeting
Of the Borough of Chester Heights
222 Llewelyn Road
Chester Heights, PA 19017
March 29, 2021**

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.

Members Present Drew Baum, President
Ginamarie Ellis, Vice President
Laura M. Lim, Pro Tem
Bob Adams, Council
Natalie M. Anderson, Council
Susan Clarke, Council
Dave Firkser, Council
Fred Wood, Mayor

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

Public Comment: **No Comment**

Engineers Reports: Engineer Houtmann reported on One Smithbridge Road/Chester Heights Market: At the Regular Council Meeting on April 5th, the borough will be presented with a planning module for the property at One Smithbridge Road (corner of Valleybrook Road and Smithbridge Road – formerly Chester Heights Market). When Brookefield Development was approved part of the sewage planning was to include properties on Smithbridge Road, an pump station installed at Brookefield Development has the ability to service Chester Heights properties located on Smithbridge Road (from the intersection through down near the creek.) The property owner (Steve Conrad) at One Smithbridge Road has been attempting to tie into the sewer the system and his efforts have been delayed because the sewage system in Brookefield was not approved for dedication, so tie in was denied. SouthWest Delaware County Municipal Authority, since has approved Brookefield’s sewage system dedication for the tie in. SouthWest required the planning module (approved by DEP) to include all residence in Chester Heights on Smithbridge Road for installation. DEP & SouthWest held a teleconference meeting which Engineer Houtmann attended. DEP wanted to allow a section of sewage system to be installed, SouthWest held their position that the entire section of Smithbridge Road needed installation. The property owner is unable to incur the extra cost for entire residential area. Engineer Houtmann suggested the way to move forward is to prepare a separate DEP planning module just for the connection at One Smithbridge Road, located at the manhole at intersection of Valleybrook Road and the entrance of Brookefield Development. Engineer Houtmann recommends a resolution to allow One Smithbridge Road to tie into that sewage system so the property can function. DEP recommends the borough withdrawal the previous planning module that includes the entirety of Smithbridge Road. Also, to clarify this was not the boroughs intent to install a sewage system on Smithbridge Road. Engineer Houtmann recommends the borough file a module amendment from what

was previously approved. Engineer Houtman recommends the borough approve a resolution allowing the owner of One Smithbridge Road/Market tie into the manhole/sewer for the property to become useful again.

Engineer Houtmann will collaborate with Solicitor Montella to create a draft resolution that DEP has/uses that will be presented at the public meeting for action in April.

President Baum inquired if the property, One Smithbridge Road, has public water. Engineer Houtmann informed Council that Chester Water Authority does run by the property in question but has not tied in yet.

Councilwoman Clarke inquired about the Brookefield Development sewer capacity and if Llewelyn Road would be able to tie into system. Engineer Houtmann will review the capacity of the Brookfield pump station.

Pro Tem Lim inquired about the public water line now that runs from St. Thomas along Valleybrook Road. The ideal was to have running water tied into the community park.

Councilwoman Clarke advised the Rose Hill Development will allow sewer tie in for about 10 residential homes along Llewelyn Road.

American Recovery Act:

Pro Tem Lim spoke about the American Recovery Act:

Stimulus Funding – The President's latest stimulus bill includes \$350 billion to help states, counties, cities and tribal governments cover increased expenditures, replenish lost revenue and mitigate economic harm from COVID-19 pandemic. According to the attached excel chart sent, it looks like the borough could receive approximately \$270,000 dollars. The funds will be distributed by the state, and 50% could be distributed by June 9th, 2021 and the other 50% within 12 months. State and local governments can make investments in water, sewer and broadband infrastructure. All un-used money needs to be returned by December 2024. Pro Tem Lim, after speaking to the finance committee, proposed once money is received that a separate bank account be created, so money can be tracked and used or return appropriately. Solicitor Montella did mention the money can be used for some other purposes but seem to be unrelated to the borough due to what some of the services are. Solicitor Montella also agrees the money received would be better handled in a separate bank account for auditing purposes. Pro Tem Lim added the amount received to the borough is based off the Census. Solicitor Montella added there are also restrictions for use of money including pensions.

Ordinance Code Review:

Councilwoman Clarke reported on Chapter 61:

Previously building inspector Jensen reported that Chapter 61 included a reference to the BOCA code which is no longer used but was kept for historical reference. This can be kept for historical reference or removed depending on what Council wants to do.

Councilwoman Clarke reported on the draft medical marijuana ordinance:

Engineer Houtmann reported the research for the medical marijuana/grower facility has been difficult due to restricted areas. The borough requested areas along Baltimore Pike's – Business District, 1,000 feet from any residence, school and or daycare. Following these guidelines there was not a property that could meet these requirements. Engineer Houtmann used 500 feet from any residence, school and or daycare as a guideline for his property research. The only possibility is the Wawa Red Roof Property on

the south side of Route 1, East of Valleybrook Road. There is an area for a building but it would not meet the parameters of 500 feet of a residence. Solicitor Montella suggested the ordinance might limit building on an arterial highway – business district and eliminate radius language. Engineer Houtmann suggested dropping the radius from 500 feet to 250/300 foot radius and a few more areas might be available. Engineer Houtmann supplied a map of areas and will research the areas with new parameters and come back to Council with a new list of possibilities.

Solicitor Montella advised, the borough code requires at least 45 days before notice of the public hearing, The draft be forwarded to both the borough’s planning commission and County planning commission for comment.

Finance Committee: Pro Tem Lim reported - 2020 Budget vs Actual Report

Actual gross profits	\$1,148,139.90
Expenses	\$1,007,644.77
Surplus	\$ 140,495.13

Pro Tem Lim requested all detailed questions be emailed to the office and they will be answered at the next public meeting.

The audit has been completed and will be posted on the borough website.

Old Business: Pro Tem Lim updated Council – PECO Green Grant – matching \$10,000.00 was denied due to the borough receiving the grant a couple years prior.

Councilwoman Clarke updated Council – Spotted Lantern Fly – This is the time that they are about to hatch. The first stage they are about the size of a chocolate chip, primarily black with tiny white spots. They kind of look like a cross between a beetle and spider. You can look for egg casings that look like muddy lumps located on the underside of things with a smoother surface.

Your trees can be treated and remember the two kinds of applications: one is a contact application that needs to be reapplied regularly, the other is systemic that has to be applied at the right time or it will affect the birds and bees.

New Business: Pro Tem Lim announced the finance committee is looking into moving the General Fund amount of \$ 305,143.66 from PLGIT low interest fund to Santander Bank which is offering a .010% interest. Pro Tem Lim will present a motion to transfer funds to Santander Bank at the next Regular Council on April 5th.

Additional Period for Public Comment:
Ron Surkin – 363 Valleybrook Road

President Baum announced that Council will be leaving the Work Session Meeting to convene An Executive Session to discuss matters of personnel related to interviews for Alternate Solicitor.

President Baum announce Council would return to the public Work Session Meeting at 8:20 p.m. Leaving Work Session Meeting at 7:50 p.m.

EXECUTIVE SESSION Entering Executive Session at 7:50 p.m. – Exiting Executive Session at 8:03 p.m.

Public Work Session Entering Public Work Session Meeting at 8:20 p.m.

Nominating Vacancy: Councilman Firkser requested a nomination for Alternate Solicitor:
Pro Tem Lim nominated Mike Maddren, Esq.
Vice President Ellis nominated Mike Maddren, Esq.

Councilman Firkser requested a Motion to appoint Mike Maddren, Esq. as Alternate Solicitor for the Borough of Chester Heights.

MOTION Upon Motion, Council (Lim.Ellis) voted and unanimously approved to appoint Mike Maddren, Esq. the position of Alternate Solicitor for the Borough of Chester Heights.

ADJOURNMENT: Upon Motion, Council (Ellis.Adams) unanimously voted to adjourn meeting at 8:22 p.m.

Land Development Dates: Rose Hill Lot Line, Submitted Plans 09/24/20, Reviewed Planning Commission 10/22/20, Extension 01/20/21.

Respectfully Submitted,
Darlene Kurten
Recording Secretary