



**BOROUGH OF CHESTER HEIGHTS**  
**53 w. Baltimore Pike 2<sup>nd</sup> Floor**  
**P.O. Box 658**  
**Chester Heights, PA 19017**  
**Regular Council Meeting Minutes**  
**March 2, 2026**

President Hudak announced the Executive Session: Starting at 6:00pm through 7:07pm, in accordance with Act 84 the Sunshine Law, that Council met in Executive Session discussing matters of litigation.

**Call to Order** President called the Regular Council Meeting to order at 7:07pm and led those in attendance reciting the Pledge of Allegiance.

**Roll Call** Timothy Hudak, President  
Natalie Young, Vice President  
Jeff Durst, Pro Tem  
Marta Driscoll, Member of Council  
Jonathan Lawlor, Member of Council  
Sangeetha Patel, Member of Council

**Not Present** Jeanne Montgomery, Mayor

**Officials Present** Alex Baumler, Esq., Solicitor  
Kyle Miller, Esq., Solicitor  
Megan Todaro, P.E., Engineer

**Statement for the Record – Wawa Tax Appeal – President Hudak**

Council announced a statement addressing a February 25, 2026, Daily Times article regarding the Wawa tax appeal. Council clarified that Councilwoman Driscoll was not authorized to speak on behalf of Borough Council regarding the matter, which remains active litigation with confidential settlement discussions.

Council noted that statements suggesting the Borough could have spent approximately \$100,000 to save residents millions were inaccurate. It was explained that if the Borough chose to litigate independently rather than participate in the proposed settlement, legal and expert costs could reach approximately \$100,000, with no guarantee of a better outcome. The court could potentially assign a lower property valuation than the settlement, resulting in reduced tax revenue in addition to legal costs.

Council emphasized that multiple discussions were held to evaluate the risks and potential outcomes before considering the proposed settlement, noting the Borough's limited position compared to the County and School District in the appeal.



## Resolution #2026.03.C – Censuring Councilmember Marta Driscoll

### Councilwoman Marta Driscoll Statement

Councilwoman Driscoll stated that she did not disclose sealed court information or violate any confidentiality order, noting that to her knowledge none existed in the matter. She explained that her public comments referenced assessment figures previously discussed in public meetings and fiscal impact analyses she had shared with Council and other taxing bodies.

Driscoll stated she did not disclose attorney-client privileged information nor speak on behalf of Borough Council, emphasizing that her remarks reflected her personal views and were made in her role as an elected official addressing fiscal impacts. She concluded by reaffirming her commitment to transparency, fiscal responsibility, and lawful government.

### Resolution 2026.03.C – Censure of Councilwoman Marta Driscoll (Summary for Minutes)

President Hudak presented Resolution 2026-03C, a resolution of Borough Council formally censuring Councilwoman Marta Driscoll. The resolution states that Council discussed the Wawa tax assessment appeal in confidential executive sessions in accordance with the Pennsylvania Sunshine Act and with guidance from the Borough Solicitor that litigation discussions and settlement negotiations remain confidential.

The resolution further states that information related to the appeal, including financial figures, was allegedly disclosed to a Delaware County Daily Times reporter, and that Council determined the disclosure was made by Councilwoman Driscoll without authorization. The resolution asserts that the alleged disclosure breached confidentiality, did not represent the views of Borough Council, and could place the Borough in legal jeopardy.

Through the resolution, Borough Council formally condemns and issues a public censure of Councilwoman Driscoll for the statements made to the media regarding the Wawa tax appeal.

### **MOTION**

Upon Motion, Council (Young | Cochrane) voted and approved Resolution #2026.03.C Censuring Councilmember Marta Driscoll as stated above. Council Member Driscoll voted Nay.

### **Public Comment:**

Greg Chestnut, Chester Heights resident and member of the Garnet Valley School Board (speaking in a personal capacity), provided background on the Wawa property tax assessment appeal and explained the role of the Common Level Ratio (CLR) in determining assessments. He stated the school district supported the settlement, noting it provides stability and avoids the legal costs and risks of continued litigation.

Chestnut noted the Borough could independently challenge the appeal but would be responsible for associated costs, and suggested the Borough consider long-term strategies to strengthen its tax base and advocate for more frequent county reassessments.

Following his remarks, a Council member thanked Mr. Chestnut for his comments and apologized for a prior statement suggesting the settlement was being “shoved down the Borough’s throat,” explaining the comment of Councilmember Driscoll (speaking in a personal capacity) reflected concern about the disparity between the Borough’s financial exposure and that of the school district.



### **Approval the 02.02.2026 Regular Council Meeting Minutes**

Council considered the draft meeting minutes for the February 2, 2026, Regular Council Meeting. A motion record as a supporting document. A subsequent motion to amend the language on page 7 to state that Councilwoman Driscoll “voted nay and provided a statement for the record” did not pass.

Following discussion, a motion was made to approve the February 2, 2026, meeting minutes as presented, with the approved inclusion of Councilwoman Driscoll’s statement in the official record.

#### ***MOTION***

Upon Motion, Council (Durst | Cochrane) voted and approved the February 2, 2026, Regular Council Meeting Minutes with the request for changes approved.

### **Approval of Cash Disbursements from February 3<sup>rd</sup> through March 2<sup>nd</sup>, 2026**

#### **General Fund Cash Disbursements in the amount of \$47,274.80**

#### ***MOTION***

Upon Motion, Council (Young | Durst) voted and approved the General Fund Cash Disbursements in the amount of \$47,274.80.

#### **Liquid Fuels Fund Cash Disbursements in the amount of \$33,681.22**

#### ***MOTION***

Upon Motion, Council (Driscoll | Young) voted and approved the Liquid Fuels Fund Cash Disbursements in the amount of \$33,681.22.

#### **Secretary Report**

DCNR grant funds were received and used to pay off the Conservation Fund bridge loan and promissory notes, with final documentation being prepared for recording. The Fire Marshal prepared and distributed commercial inspection letters. Insurance renewals were completed, several Right-to-Know requests were processed, and permit activity remains slow with approximately three permits currently under review. The final ARPA funds report is scheduled to be submitted in April.

#### **Solicitor Report**

##### **Wawa Tax Assessment Stipulation**

Solicitor Baumler explained that Council must consider a motion to approve the stipulation of settlement for the tax assessment appeals for the properties located at 0 Baltimore Pike and 260 Baltimore Pike, commonly known as the Wawa corporate campus. The Borough is the final taxing body required to take formal public action on the settlement. Following negotiations and the discovery process, the Solicitor recommended that Council approve the stipulation of settlement as presented so it can be officially executed and submitted to the court and parties involved.

Councilwoman Young provided a disclosure stating that her husband is employed by Wawa as a union warehouse worker through the Teamsters in Middletown Township. She clarified that his



position does not participate in Wawa's Employee Stock Ownership Program (ESOP) and that his compensation and employment terms are determined through a union contract, not by Wawa corporate decisions.

Councilwoman Young noted that she previously sought guidance from the Borough Solicitor regarding any potential conflict of interest related to Wawa matters before Council. The Solicitor advised that the connection is considered *de minimis* and does not constitute a legal conflict of interest under state ethics laws. Based on that opinion, she stated her intention to participate in the discussion and vote on the matter. The Solicitor reaffirmed that there is no ethical conflict requiring recusal.

**MOTION**

Upon Motion, Council (Cochrane | Durst) voted and approved the Wawa Tax Assessment Stipulation. (Council: Young, Hudak, Durst, Lawlor, Patel voted Aye, Council: Driscoll voted Nay).

**RESOLUTION #2026.03.A Public Officials – Social Media Policy**

Council was asked to consider a motion to adopt Resolution 2026.03A, affirming that public officials and employees of the Borough of Chester Heights do not have authority to act or speak on behalf of the Borough, including through social media platforms, unless formally authorized by a majority of Council. The resolution clarifies that statements, opinions, or communications by officials in their personal capacity are not official Borough communications, providing legal protection to the Borough and its representatives. This policy is based on guidance from the Pennsylvania Supreme Court case *Linked v. Freed* (2024), which emphasized that the content of communication, not the platform, determines official authority.

**MOTION**

Upon Motion, Council (Young | Hudak) voted and approved Resolution #2026.03.A – Public Officials social media policy.

**Engineer Report**

**9 Ivy Lane – application for Minor Subdivision – lot line change**

Council considered the minor subdivision lot line change application for 9 Ivy Lane. The application was reviewed, and minor administrative comments were provided to the applicant. A motion was made and approved to authorize the lot line change contingent upon the applicant addressing all items outlined in Pennoni's review letter from February 27, 2026.

**MOTION**

Upon Motion, Council (Young | Hudak) voted and approved the 9 Ivy Lane application for minor subdivision – lot line change contingent upon the applicant addressing all items outlined in Pennoni's review letter from February 27, 2026.

**HSIB Update Highway Safety Improvement Program (HSIP) – Valley Brook Signs Summary**

Council reviewed the HSIP plan for Valley Brook, which involves new signage and striping updates proposed by PennDOT. Under the plan, PennDOT will maintain 88 signs, and the Borough will be responsible for maintaining 17 signs, with future budgeting considerations for replacements.



**MOTION**

Upon Motion, Council (Young | Hudak) voted and approved to authorize Pennoni to respond affirmatively to PennDOT regarding the proposed sign updates.

**Powell Tract Access Update**

Council received an update on the Powell Tract access study. Work on the cost and logistics for the study is ongoing, but no final information or recommendations were available at this meeting. The item will be discussed in more detail at a future meeting.

**Road Program – Authorization to Bid**

Council discussed the 2026 Road Program, which includes paving Summit Lane from Wawa Road to the end of the street, and approval was requested to proceed with advertising and bidding the project.

**MOTION**

Upon Motion, Council (Driscoll | Lawlor) voted and approved the authorization to bid the 2026 Road Program.

**Rose Hill Financial Security Release #12**

Council considered Release No. 12 for the Rose Hill development in the amount of \$34,572.11, leaving a remaining balance of \$91,740.51. The release includes site work, erosion control, stormwater management facilities, landscaping, lighting, and miscellaneous items. It was noted that an active punch list remains, and the engineer has reviewed the work prior to the requested release.

**MOTION**

Upon Motion, Council (Young | Hudak) voted and approved the Rose Hill Financial Security Release #12 in the amount of \$34,571.11 leaving a remaining balance of \$91,740.51.

**Bids for Smithbridge Road Sanitary Sewer**

Contractor Base Bid

Wexcon, Inc. \$ 178,846.00

Jospeh J Danielle LLC \$ 190,747.46

Jurich, Inc. \$ 209,304.00

G&B Construction \$ 321,522.60

Pennoni Associates reported that four bids were received on February 24, 2026, for the Smithbridge Road (S.R. 3046) Sanitary Sewer Improvements project. The lowest qualified bid was submitted by Wexcon, Inc. of Mohrsville, PA in the amount of \$178,846.00. Pennoni reviewed the bid documents and references and recommended awarding the contract to Wexcon, Inc., contingent upon execution of the contract and submission of the required bonds and insurance. The project will be funded through the DCED COVID-19 ARPA PA Small Water and Sewer Program grant, with a total grant amount of \$407,467 and a required 15% Borough match of \$71,905.94.



**MOTION** Upon Motion, Council (Young | Hudak) voted and unanimously approved to award the bid to Wexcon Inc. of Mohrsville, PA in the amount of \$178,846.00.

## INSPECTOR'S REPORTS

**Fire Marshal** The Fire Marshal reported that a home in Valley Brook was condemned after a burst pipe caused approximately three feet of water in the basement of a house that had been without heat for over a year. The building inspector determined the home to be unlivable. A conditional Use and Occupancy (U&O) certificate was issued for 274 Stanton Court due to a failed fireplace inspection, allowing settlement provided the fireplace is not used. Additionally, PECO was contacted regarding a utility pole installed too close to a fire hydrant at the intersection of Bottom Pike and Stony Bank Road, which made the hydrant unusable; relocation is expected. The Fire Company reported no significant incidents during recent snowstorms.

**Roadmaster|EMC** The Emergency Management Coordinator reported that routine matters were addressed and all EMC calls have been handled. The snow contractor remains prepared to respond if needed due to a possible ice event. An upcoming EMC meeting will also be attended.

**Zoning Officer** No report.

## COMMITTEE REPORTS

**Administration** **Public Comment Policy**  
Council reviewed a revised Public Comment Policy developed with input from residents. Discussion included whether speakers must state their address. Solicitor guidance indicated that the Borough may request an address but cannot require it. A motion was made to adopt the policy while continuing the practice of asking speakers to provide their address for the record, though it cannot be enforced.

**MOTION** Upon Motion, Council (Young | Durst) voted and unanimously approved the Public Comment Policy.

**QuickBooks Training**  
Consider Motion to approve QuickBooks training for the Secretary not to exceed the amount of \$900.00.

**MOTION** Upon Motion, Council (Driscoll | Young) voted and unanimously approved QuickBooks training for the Secretary not to exceed the amount of \$900.00.

Consider Motion to approve Canva Pro for the Borough office not to exceed \$200.00.



**MOTION** Upon Motion, Council (Young | Driscoll) voted and unanimously approved the purchase of Canva Pro for the Borough office not to exceed \$200.00.

**Infrastructure and Public Works** No report.

**Law and Ordinance Resolution #2026.03.B Amendment to Fee Schedule**

Council discussed an amendment to the Borough Fee Schedule establishing a \$75 minimum permit fee for all building, plumbing, mechanical, and electrical permits, regardless of project size or valuation. The minimum fee ensures that small projects do not result in a loss to the Borough by covering inspection and administrative costs. All other fees in the schedule still apply when exceeding the \$75 minimum. A motion was made to adopt this amendment.

**MOTION** Upon Motion, Council (Cochrane | Durst) voted and unanimously approved Resolution #2026.03.B and amendment to the Fee Schedule.

**Professional Services Agreement for Land Use Applications:**

Council discussed adopting a professional service agreement for all land use and conditional use applications. The agreement requires applicants to deposit \$2,500 upfront to cover professional review fees, ensuring the Borough is not financially responsible for extensive plan reviews if a project does not proceed. This policy aligns with practices in other municipalities and provides a mechanism to enforce payment for services rendered. A motion was made to adopt the agreement.

**MOTION** Upon Motion, Council (Hudak | Lawlor) voted and unanimously approved for the Borough to adopt a Professional Services Agreement for Land Use Applications.

**Public Safety Public Safety Committee Report:**

The committee has not held a meeting recently due to other priorities. The Fire Chief reported 40 calls in February, including 11 fire alarms, 9 building responses, 5 gas leaks, and 3 vehicle accidents. Calls were distributed across Chester Heights (20), Concord (14), and surrounding areas (5). Council was invited to participate in the annual live burn with the Chester Heights Fire Company on March 15, with a gear sizing session scheduled during the Thursday meeting on March 12. Participation is encouraged to better understand the demands of firefighting and support the department.

**Community Engagement**

The Community Engagement team highlighted upcoming Borough events and initiatives:

- Merrill Gardens Right-of-Way: The attorney confirmed Merrill Gardens' responsibility for maintaining the road between Merrill and Wawa, facilitated by the Fire Marshal prior to January's storm.



- CRC Watershed Cleanup: Scheduled for Saturday, March 21, 9–11:30 a.m. at Willits Way, with the Borough as a sponsor. Participants may also sign up for other sites via the CRC website.
- CPR Class: Scheduled for Saturday, March 14, 9 a.m.–1 p.m., currently full with a waitlist.
- Bird Town Zoom Meeting: Tuesday, March 10, 9 a.m., to review the Bird Town process with a four-member advisory team. Interested residents may contact the Borough via email.
- Spring Egg Hunt: Set for March 22, with flyers circulating and volunteers needed to help fill eggs. Local organizations Wilson's and CHFC have been notified.

#### **Library Report – Debbie Miller**

Library representative Debbie Miller reported that the library will host a Legislative Breakfast and Award Ceremony on Friday, 7:30–9:00 a.m. at the Middletown Free Library, and council members are welcome to attend. The recent book sale netted approximately \$3,200, and the library has begun accepting new book donations for future sales.

#### **Additional Community Engagement Report:**

The Borough is hosting a series of Comprehensive Plan Task Force focus group meetings to gather resident feedback on various topics:

- March 4, 7:00 p.m.: Open Space and Natural Resources
- March 24, 7:00 p.m.: Community Facilities and Cohesion
- April 8, 7:00 p.m.: Transportation Task Force
- April 22, 7:00 p.m.: Historic Resources
- May 6, 7:00 p.m.: Catch-all meeting for remaining topics

All meetings are held at the Borough Office, and residents are encouraged to attend and participate.

Additionally, the CRC Watershed Cleanup on Saturday, March 21 at Willits Way will help improve stormwater management and water safety throughout the Borough. Council members and residents are encouraged to participate to support the environmental health of Chester Heights. Sign-ups are available on the Borough website, and volunteers will receive a free T-shirt.

## **Finance**

#### **Powell Park – Mortgage Payoff**

Council ratified the payoff of the Powell Park loan to the Conservation Fund in the amount of \$1,983,333.53, which included \$113,333.53 in interest. To facilitate the payment, \$150,000 was transferred from the Citadel Money Market account to the Citadel General Fund checking account. Clarification was provided that both accounts are part of the General Fund; the transfer was strictly to move funds from the money market to the operating account for payment purposes and did not move money out of the General Fund. The payoff reimbursed a bridge loan that was authorized while waiting for grant funds from the Land and Water Conservation Fund, which provided \$1,870,000 as a reimbursement grant.



**Ratify Motion**

Upon Motion, Council (Durst | Hudak) voted and unanimously approved the motion to ratify the Powell Park Mortgage Payoff.

Powell Property Mortgage Payoff:

Council was updated that Admiral Search and Abstract will administer the mortgage payoff for the Powell Property. The \$88.75 fee covers the recording of the satisfaction of the mortgage with the county, confirming that the loan related to the property purchase has been fully satisfied. No additional action by Council was required.

**Ratify Motion, Gallagher Insurance Renewal Policy**

Council ratified the \$10,000 increase in the Gallagher insurance policy, bringing the total premium to approximately \$33,000. The increase resulted from a recent automobile accident that damaged a pole at Valley Brook and Baltimore Pike. Due to timing and a canceled meeting, Council had previously approved the renewal via an online poll to avoid a lapse in coverage. The motion ratifies that prior approval and authorizes the Borough Secretary to bind coverage at the approved amount. Council also noted minor corrections needed in the policy, including the proper spelling of the Borough name. The final executed policy will return for formal ratification when received.

**Ratify Motion**

Upon Motion, Council (Hudak | Cochrane) voted and unanimously approved to ratify the previously approved renewal of the Gallagher Insurance policy, including the \$10,000 increase in premium, bringing the total policy amount to approximately \$33,000. This ratification also authorizes the Borough Secretary to bind coverage on behalf.

**Old Business**

**Grant Presentation**

Councilmember Driscoll provided an update on Borough grant activity, highlighting completed, ongoing, and potential grants:

- Completed Grants:
  - LSA grant for Powell Property: \$260,000, fully reimbursed and closed
  - DCNR Powell Property acquisition grant: \$1.8 million, bridge loan paid off
  - Delta Greenways grant: \$500,000, fully received and closed
  - Delco Greenways Mini Pros grant: \$50,000, reimbursing general fund for initial expenses
- Ongoing Grants:
  - COVID ARPA grant (~\$250,000) for Valley Brook stormwater improvements, final report pending
  - Small Water and Sewer grant (~\$500,000) for sewer installation along Smith Bridge Road and Valley Brook Road, with \$70,000 Borough match
  - Community Project Funding for Quiet Zone improvements: \$250,000
  - Comprehensive Plan Grant Assistance Program: 50% of cost (\$32,000) reimbursable as consultant bills are submitted
- Pending/Monitored Grants:



- LSA Library grant, award pending
- SF4A grant, monitoring funding opportunity for eligibility

Council discussion emphasized that the report should be formally presented to the Finance Committee before any public announcements or decisions are made regarding grant acceptance or allocation.

## **New Business**

**APMM Membership** – Discussion of proposed membership Council will review and consider at a later meeting.

### **Concord Township – MAP Letter of Support**

Council considered a motion to authorize the Council President to execute a letter of support for Concord Township’s MAP grant application to partially fund a comprehensive update to their Comprehensive Plan.

- Alex noted that such letters are a common practice among neighboring municipalities to show collegial support for grant applications.
- Councilmember Driscoll expressed concern that supporting another municipality’s application could potentially affect Chester Heights’ ability to apply for a similar MAP grant for its own feasibility study, as it may appear to favor Concord Township’s project over the Borough’s.
- The discussion clarified that a letter of support does not allocate funds and primarily serves to build goodwill and collaborative relationships with neighboring municipalities.
- Megan emphasized that while support letters are common, the core of the grant application—the project scope and documentation—carries the most weight with funders; letters of support are typically a minor factor in scoring.
- Council agreed to support Concord Township while maintaining the ability to pursue the Borough’s own future grant opportunities.

## **MOTION**

Upon Motion, Council (Durst | Young) voted and approved to authorize the President of Council Timothy Hudak to sign and submit the MAP Letter of Support to Concord Township.

## **Public Comment**

### **Drew Baum**

Former Councilmember Drew Baum criticized the current council member for a perceived lack of transparency, self-interest in public statements, misrepresentation of prior legal guidance to residents, and fostering a toxic environment, while acknowledging and congratulating new council members.

### **Greg Chestnut**

Greg Chestnut, representing Scout Troop 150, requested access to the Powell property for youth fishing events on March 28 and April 4, offering to provide necessary support like camping arrangements, and council advised follow-up to ensure safety and site suitability.



**ADJOURNMENT**      Upon Motion, Council (Durst | Cochrane) voted and unanimously approved to adjourn the Regular Council Meeting at 8:49PM.

**Respectfully Submitted**  
**Darlene Kurten**