



**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**

**May 1, 2023**

**Call to Order** President Baum called the public meeting to order at 7:03pm and led those in attendance in the reciting of the Pledge of Allegiance.

**Members Present** Drew Baum, President  
Bob Adams, Councilmember  
Susan Clarke, Councilmember  
Marta Driscoll, Councilmember  
Robert Sacks, Sr. Councilmember (in attendance for Executive Session)  
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 6:07pm – 6:33pm to discuss potential litigation related to 19 Smithbridge Rd and from 6:34pm – 6:58pm to discuss Powell property located at 229 Valleybrook Rd.

No motion was made after executive session.

**Public Comment:**  
No public comment.

**Ascend Wellness Holdings Presentation on Medical Dispensary**

Matt McKenna accompanied by Adam Matlawski, Esq. appeared on behalf of Ascend Wellness Holdings, a multistate operator, to inform Council about a proposed medical marijuana dispensary at 31 Baltimore Pike, former location of Bryn Mawr Trust Bank. There are locations in PA including a growing facility in Smithfield, and dispensaries in Scranton and Wayne. Ascend is currently in 7 states. Applicant will need to file a special exception for use with the zoning hearing board.

Councilmember discussion inquiring of number of repeat customers, security, hours, preorders, and traffic. Borough Ordinance requires submission of a traffic plan.

**Approval of April Meeting Minutes**

April 3, 2023, Regular Council Meeting Minutes

**MOTION** Upon Motion, Council (Clarke, Driscoll) voted and unanimously approved the April 3, 2023, Regular Council Meeting Minutes.

April 17, 2023, Work Session Meeting Minutes

**MOTION** Upon Motion, Council (Clarke, Driscoll) voted and unanimously approved the April 17, 2023, Work Session Meeting Minutes.

**Approval of General Fund and Liquid Fuels Cash Disbursements April 4, 2022 – May 1, 2023**

Cash Disbursements

**General Fund \$51,945.74**

**MOTION** Upon Motion, Council (Clarke, Baum) voted and unanimously approved cash disbursements in the amount of \$51,945.74 for the General Fund.

Councilmember inquired about the line item "SPLIT" which was clarified as staff, W2's, and land development escrows. Request made to Treasurer to itemize or add a description for said items.

**Liquid Fuels Fund \$3,273.03**

**MOTION** Upon Motion, Council (Clarke, Baum/Driscoll) voted and unanimously approved cash disbursements in the amount of \$3,273.03 for the Liquid Fuels Fund.

No Fire Protection or ARPA Funds were dispersed.

**Correspondence**

Mayor Ellis

- State Police Report – Mayor Ellis read March report to include hoax school calls across PA. Camp Cadet for children will take place this summer and will be posted to the Borough facebook page.
- Resident correspondence includes tree on Heather Lane and if PennDOT or homeowner responsibility; consideration of mirror for Bodley/Valleybrook Road; concerns on intersection of Valleybrook Rd, Route 1, and Walnut Hill Blvd and request for a no U turn sign on Walnut Hill Boulevard.
- Fire Doors at Madison correspondence was given to Madison HOA and a noise complaint redirected to Darlington Woods HOA.
- An inquiry about earned income tax was clarified and tax information is on the Borough website.

**Inspector's Reports**

- Building Inspector/Zoning – Letter from BCO and Zoning office to address 45 W Baltimore Pike grease trap. Property owner was instructed to file with DEP.
- Fire Marshal report – Mike Ciocco, Fire Marshal reported transformer surge on Station Rd which affected Pathways and transformers at Wawa Station, Merrill Gardens correspondence regarding electromagnetic doors and policies in place.
- Fire Department report – Mayor Ellis read the April Fire Chief Report.

- Sewage Enforcement  
No report
- EMC/Road Master – Larry Ward reported attending quarterly meetings and training online. Advised consideration of road mirrors could affect liability. Requested Mr. Houtmann to determine if trees on Heather Lane is a line of sight issue.
- Zoning – Owner of 415 Valleybrook Road is schedule for a hearing before Zoning Hearing Board on May 24, 2023 related to variance for a utility shed. Owner of 8 Smithbridge Road is scheduled for a hearing before Zoning Hearing Board on May 30, 2023 related to a use special exception.

### **Solicitor's Report**

RATIFY MOTIONS from the April 17, 2023 Work Session

**RATIFY MOTION** Upon Motion, Council (Clarke, Baum) voted and ratified the Motion for RFP Comprehensive Plan approval.

**RATIFY MOTION** Upon Motion, Council (Adams, Clarke) voted and ratified the Motion for Resolution 04-23-C Zoning Hearing Application Fees which revises the fee schedule to update the Zoning Hearing Board fees. Councilmember Driscoll opposed.

**RATIFY MOTION** Upon Motion, Council (Baum, Adams) voted and ratified the Motion for a extension for 8 Smithbridge Road Land Development until July 22, 2023.

**RATIFY MOTION** Upon Motion, Council (Adams, Baum) voted and ratified the Motion to a \$100 budget item donation to Delaware County Veteran's Memorial.

**MOTION** Upon Motion, Council (Clarke, Driscoll) voted and unanimously approved Resolution 05-23-A to apply for a Greenways Trail Grant for \$250,000 towards a public park/open space.

**MOTION** Upon Motion, Council (Baum, Clarke) voted and unanimously approved to submit a letter of commitment to DCNR of \$290,000 subject to Borough receiving appropriate funding from grants.

### **Engineer's Report**

Mr. Houtmann reported Wawa Road Bridge work was quoted between \$20,000 - \$35,000 with the desired expense closer to \$10,000. The Highland Drive inlet work is upcoming. Smithbridge Road may experience some utility work.

### **Mayor's Report**

Mayor Ellis reported that she acknowledged Administrators' Day by giving flowers to staff.

### **Committee Reports**

#### **School District/Education/Training/Library**

Chair Marta Driscoll, Members Clarke, Miller, Chestnut

Councilmember Driscoll provided a school district update. GVHS will host the annual art show May 2 – May 4. Greg Chestnut reported that on May 16, 2023, the school board will vote on

next year's final budget which includes a 2.1% increase due to a drop in tax base including Concord and Bethel Township.

Kohl Library - Ms. Miller reported improved parking lot lighting, increasing the amount of return bins, and installation of a new door. Library website displays upcoming events to include May shoe collection for Soles for Souls, story time, and chair yoga.

### **Finance/Insurance**

Chair Laura M. Lim, Members Anderson, Timmins

Funds reallocation to previously agreed Option A from April 3, 2023 Regular Council Meeting.

**MOTION** Upon Motion, Council (Clarke, Baum) voted and unanimously approved to create PLGIT Capital Fund account.

**MOTION** Upon Motion, Council (Baum, Adams) voted and unanimously approved to transfer \$235,000 from PLGIT Prime General Fund account to new PLGIT Capital fund account.

**MOTION** Upon Motion, Council (Driscoll, Baum) voted and unanimously approved to transfer \$135,000 from the PLGIT General Fund to PLGIT Open Space account, which currently has a balance of \$12,552.

**MOTION** Upon Motion, Council (Clarke, Baum) voted and unanimously approved to rename the Santander account to Santander infrastructure fund.

**MOTION** Upon Motion, Council (Adams, Baum) voted and unanimously approved to close Santander Money Manager account which currently has a balance of \$9,677 and transfer those funds to Santander infrastructure fund.

**MOTION** Upon Motion, Council (Baum, Adams) voted and unanimously approved to transfer \$236,902 from Santander General Fund to the Santander Infrastructure fund account which would give Infrastructure fund a total of \$310,000.

Several Municipalities received funds from a Monsanto Class action lawsuit related to PCBs. The Borough received \$17,414.03 as a Phase II Class member. The funds were unexpected and unbudgeted. Funds could be limited to clean water, such as MS4 activities according to Mr. Houtmann. Mr. Montella will review and report to Council.

The Agenda item, letter of commitment for Powell Property grants, was discussed during Solicitor's Report.

Malvern Bank transfer from business account to CD

**MOTION** Upon Motion, Council (Baum, Adams) voted and unanimously approved to transfer \$256,000 from business account to 12 month CD at 4.35%.

### **Fire Company Finance subcommittee**

Chair Drew Baum, Member Lim

Attempting to schedule future meeting.

### **Nominating Vacancy**

Chair Bob Adams, Member Baum

No report

### **Communications/Public Relations**

Chair Ginamarie Ellis, Members Lim, Sacks

Borough Spring/Summer Newsletters were distributed and received positive feedback.

CRC Watershed cleanup took place and participants are asked to sign a media release form for Sunny's Media for the posting of pictures from the event.

### **Mayor's Event Committee**

Chair Ginamarie Ellis, Members Anderson, Sacks

Memorial Day event will occur at the Community Park approximately 9-10 am on Memorial Day. Correspondence seeking participation sent to VFW and Representative Williams. Boys scouts and Fire Department expected to attend.

### **Historical Committee**

Chair Susan Timmins, Members Anderson, Ieradi, Searl

No report.

### **Planning/Zoning**

Chair Susan Clarke, Members Adams, Baum

The Planning Commission meeting to review the Historical Preservation Ordinance was rescheduled for May 4<sup>th</sup>. It will be advertised and posted on the website. (See Ordinance/Code Review for additional Historical Preservation Ordinance discussion).

The RFP for the Comprehensive Plan was posted April 19<sup>th</sup> to the Borough website and advertised in Delaware County Times. Questions will be answered comprehensively.

### **Engineering/Construction/Inspections**

Chair Susan Clarke, Members Adams, Baum

No report.

### **Ordinance/Code Review**

Chair Susan Clarke, Members Baum, Driscoll, Ellis

Historical Preservation Ordinance will be reviewed by the Borough Planning Commission meeting rescheduled for May 4<sup>th</sup>. Delaware County Planning Department reviewed the draft and commended the Borough on working to establish this Ordinance.

### **Public Safety/Environmental**

Chair Bob Adams, Members Baum, Sacks

No report

### **Borough Property/Parks/Open Space**

Chair Drew Baum, Members Lim, Sacks

ADA portable toilet is on site for the summer season at the Borough Community Park.

### **Highways/Transportation**

Chair Robert Sacks, Member Ward

No report, chair excused himself after executive session.

**Public Utilities/Trash/Recycling**

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

Recycling Day is set for September 16, 2023.

**Old Business**

No report.

**New Business**

A letter of support for Pathways was discussed as they apply for a kids' program grant. No financial commitment.

Garnet Valley School District reverse appeal for 268 Valleybrook Rd. The assessment was \$139,000, and 2021 \$260,000, 2022 \$280,000, 2023 \$218,400 which represents 72% of market value/Commonwealth Ratio.

***MOTION*** Upon Motion, Council (Baum, Adams) voted and unanimously approved the stipulations of tax assessment appeal CV #2020-9166 related to 268 Valleybrook Road for the tax years 2021, 2022, and 2023.

**Additional period for Public Comment**

1. Greg Chestnut – address provided – St. Thomas demo permit and reference to February 6, 2023 Minutes. April 27<sup>th</sup> PC meeting postponed due to Agenda not being posted. Mr. Chestnut read his letter referencing the PA Sunshine Act.

Rescheduled April Planning Commission Meeting – May 4, 2023

Next Committee Meeting (if needed) – May 8, 2023

Next Work Session – May 22, 2023

Planning Commission Meeting – May 25, 2023 (if needed)

Next Regular Council Meeting – June 5, 2023

**ADJOURNMENT:** Upon Motion, Council (Adams, Clarke) voted and unanimously approved to adjourn the meeting at 7:55pm.

Land Development Dates:

8 Smithbridge Road - Plans submitted - October 3, 2022, Planning Commission Review - October 27, 2022, extended on January 23, 2023, extended April 17, 2023 until July 22, 2023.

Rose Hill S/D – Submitted Jan 24, 2021, extension needed July 2024.

Respectfully submitted,  
Amy Langa  
Recording Secretary