



**Minutes of the Regular Council Meeting  
of the Borough of Chester Heights  
The Village of Valleybrook Clubhouse  
265 Bishops Dr., Chester Heights, PA 19017  
October 3, 2022 7:00pm**

**Call to Order** President Baum called the public meeting to order at 7:01 pm and led those in attendance in the reciting of the Pledge of Allegiance.

**Members Present** Drew Baum, President  
Laura M. Lim, Vice President  
Susan Clarke, Councilmember  
Marta Driscoll, Councilmember  
Robert Sacks, Sr. Councilmember  
Bob Adams, Councilmember  
Ginamarie Ellis, Mayor

**Officials Present** Gerald C. Montella, Esq., Solicitor  
Mike Maddren, Esq., Alternate Solicitor  
Matthew R. Houtmann, P.E., Engineer, present for Executive Session  
Michael Ciocco, P.E., S.E.O., Alternate Engineer

**Executive Session** President Baum announced in accordance with Act 84 - the Sunshine Law, that Council met in Executive Session from 6:06pm-6:55pm to discuss potential litigation related to a Zoning Hearing Application by owner of 19 Smithbridge before the Zoning Hearing Board, matters regarding the property at 15 Smithbridge, and for the potential acquisition of the Powell property located in the Borough on Valleybrook Road. Conflict Solicitor attended.

No motion was made after executive session.

**Public Comment:**

Danny George – address provided – represented Brookefield HOA concerning incomplete or unsatisfactory work by the developer. Amount of escrow to be evaluated. No escrow has been released. Home inspections and records were addressed.

Desiree Phillips – address provided – Progress reported on Camp Meeting stabilization. Reported that several drain boxes are uneven.

**Approval of September Meeting Minutes**

September 6, 2022, Regular Council Meeting Minutes

***MOTION*** Upon Motion, Council (Adams, Lim) voted and unanimously approved the September 6, 2022, Regular Council Meeting Minutes with Councilmember edits rectified.

**Approval of General Fund, Liquid Fuels, Fire Protection Fund, and ARPA Cash Disbursement  
September 7, 2022 – October 3, 2022**

Cash Disbursements  
**General Fund \$ 102,081.23**

**MOTION** Upon Motion, Council (Baum, Adams) voted and unanimously approved cash disbursements in the amount of \$102,081.23 for the General Fund.

**Liquid Fuels Fund \$31,664.32**

**MOTION** Upon Motion, Council (Baum, Clarke) voted and unanimously approved cash disbursements in the amount of \$31,664.32 for the Liquid Fuels Fund.

**Fire Protection Fund \$788.11**

**MOTION** Upon Motion, Council (Baum, Sacks) voted and unanimously approved cash disbursements in the amount of \$788.11 for the Fire Protection Fund.

ARPA update.

**Correspondence**

Mayor Ellis reported on a PA State Police annual event Sunny Day Camp, at BYC, this Sunday. The event is for children and adults with special needs or disabilities and their families. Mayor Ellis reported on a noise complaint from a resident.

A Zoning Hearing Board meeting for 19 Smithbridge Road is continued until November 15, 2022.

Due to weather, the Fire Department 75<sup>th</sup> anniversary event was rescheduled for October 8, 2022.

Reported on Pipeline Safety resources.

**Inspector's Reports**

Building Inspector – Councilmember Clarke  
Councilmember Clarke provided Rich Jensen's report.

Sewage Enforcement  
No report

Road Master/EMC – Roadmaster Ward reported on routine matters and PA One Calls. PennDOT will buy road culvert from alternate source due to supply issues. EMC Ward will complete Advanced Training in Emergency Management this week.

**Zoning**

No report

Mayor Ellis reported on the Fire Company report on file, Company meeting 10/6, 10/8 Open House, Driver Operator Training 10/13, 10/20, 10/27 test, 10/29 practical skills, Advanced Water Rescue Operations 11/5-11/6.

Fire Marshal report on file. Burn permits are required in Chester Heights.

**Solicitor's Report**

**RATIFY MOTION** Upon Motion, Council (Lim, Sacks) voted and ratified the approval of the June 27,2022 Work Session Minutes edits.

**RATIFY MOTION** Upon Motion, Council (Lim, Adams) voted and ratified the repeal of Stormwater Management Ordinance #170 and adoption of Stormwater Management Ordinance #214.

**RATIFY MOTION** Upon Motion, Council (Baum, Driscoll) voted and unanimously approved an Agreement between the Borough of Chester Heights and Natural Lands identifying scope of work and completion of open space plan.

**MOTION** Upon Motion, Council (Clarke, Sacks) voted and unanimously approved for solicitor to publish notice for bids for 2022-2023 winter service contract.

**MOTION** Upon Motion, Council (Lim, Baum) voted and unanimously approved the copier agreement between Chester Heights Borough and Rothwell Document Solutions for 48 months. Solicitor Montella made revisions that were initialed by the Recording Secretary.

Contract negotiations continue for the Borough Office relocation to 53 W Baltimore Pike as well as determining insurance obligation for the Borough.

Presented a Resolution approving the Preliminary/Final Land Development Plan Application of National America, LLC. Owner of the property located at 53 Baltimore Pike Tax Folio Number, 06-00-00008-01, Tax Map No. 06-03-391, Borough of Chester Heights, subject to conditions.

**MOTION** Upon Motion, Council (Sacks, Adams) voted and approved the Resolution 10-22-A for Final Land Development Plan for 53 W Baltimore Pike subject to conditions. Councilmember Driscoll opposed.

**MOTION** Upon Motion, Council (Lim, Baum) voted and unanimously approved Solicitor Montella to contact and negotiate animal protection contract for 2023 with Alan Strickler.

**MOTION** Upon Motion, Council (Lim, Sacks) voted and unanimously approved Resolution 10-22-B of the Borough of Chester Heights establishing CBIZ InR 401a/457 pension plan for eligible full-time employees. New full-time employees will be vested after 3 years.

A separate Resolution establishing the 3% match will be prepared and presented at next public meeting.

### **Engineer's Report**

President Baum reported for Mr. Houtmann that PennDOT agreed to purchase the pipe materials from the vendor's supply source for Valleybrook Road due to PennDOT supply chain issues.

### **Mayor's Report**

Mayor Ellis advised the Board of Elections met and approved moving the polling location to 53 W. Baltimore Pike. A confirmation letter will be issued with one remaining condition resolved. Residents will be receiving notices shortly updating the new location. Signs will be posted to alert voters of the change in location for this election, November 8, 2022.

### **Committee Reports**

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

Chair Marta Driscoll, Members Clarke, Miller, Chestnut

Ms. Miller reported the library raised over \$3400 during its fundraiser dinner, library is progressing with the Keystone Grant application towards enlarging the library. Library is applying for an additional grant to retrofit the doors to be handicapped accessible, and the library now has hours on Sundays, 1-5pm.

Greg Chestnut represented the school board and reported on school bus stop safety. With the addition of school bus cameras, there have been 69 violations in 14 days, 5 were void. There were 12 reported at the intersection of Valleybrook and Smithbridge, 11 were violations, and most were residents of the school district. The school resource officer reviews the footage and a fine of \$300 is charged for violations. Most revenue goes to the State and to the bus patrol company. District gets roughly \$24 per violation.

### **Finance/Insurance**

Chair Laura M. Lim, Members Anderson, Timmins

Chair Drew Baum, Member Lim

Councilmember Lim reported on the Business Privilege Tax for \$200 a business. Business owner may register online for local service tax and Berkheimer would manage the tax based on those business lists. Berkheimer rate is 2.25% of all collections. A public hearing will be scheduled once Ordinance is created, with a probable date of November 21, 2022, at the Work Session Meeting.

**MOTION** Upon Motion, Council (Lim, Adams) to approve the Solicitor to draft a Business Privilege Tax Ordinance and to hold a Public Hearing for the approval of a Business Privilege Tax. Councilmember Driscoll opposed.

2023 budget timelines are:

10/24/22 Work Session: Initial Presentation of 2023 Budgets

11/07/22 Regular Council: Consideration for Adoption of Proposed Budgets

11/17/22-11/27/22: Preliminary Budget available for Public to view

12/5/22 Regular Council: Budget Hearing for Consideration of Adoption of Final Budgets and Adoption of 2023 Tax Levy.

### **Nominating Vacancy**

Chair Bob Adams, Member Baum

The Zoning Hearing Board has a vacancy for an alternate member. Borough received a letter of resignation and residents can send in a letter of interest by Friday November 4<sup>th</sup>.

### **Communications/Public Relations**

Chair Ginamarie Ellis, Members Lim, Sacks

The newsletter will be published after the Board of Elections revision for the Polling location and Borough office update.

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

Chair Ginamarie Ellis, Members Anderson, Sacks

New York City 9/11 trip is Thursday, October 6, 2022, leaving at 7:30am. Space is available and additional signups will be accepted Wednesday, October 5, 2022.

### **Historical Committee**

Chair Susan Timmins, Members Anderson, Ieradi, Searl

No report

### **Planning/Zoning**

Chair Susan Clarke, Members Adams, Baum

The Planning Commission met briefly on September 22, 2022. In their Minutes, they reported Eileen Lehmann of Walnut Hill Utility discussed renewal of the DEP permit and will be contacting the Borough for records related to the original sewage system.

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

Chair Susan Clarke, Members Adams, Baum

A Land Development Plan was submitted for 8 Smithbridge Road today 10/3/2022. Councilmember discussion on initial escrows, agreements, minimal escrow amounts, and public site security amounts. President Baum will follow up with Mr. Houtmann.

### **Ordinance/Code Review**

Chair Susan Clarke, Members Baum, Driscoll, Ellis

Update to fee schedules. Ordinance drafted to reduce number of Planning Commission Ordinance members from 9 to 7 members. A Public Hearing scheduled October 24, 2022.

**MOTION** Upon Motion, Council (Baum, Sacks) voted and unanimously authorized Solicitor Montella to schedule a public hearing October 24, 2022, related to Ordinance reducing the number of Planning Commission members appointed by Council from nine to seven members by amending the first sentence of Section 26.2.

### **Public Safety/Environmental**

Chair Bob Adams, Members Baum, Sacks

No report

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

Chair Drew Baum, Members Lim, Sacks

Resolution 10-22-C, A Resolution for the Borough to participate in the Delaware County Green Ways Grant Program to apply for a \$500,000 grant to help fund the potential purchase of acreage available in the Borough.

**MOTION** Upon Motion, Council (Baum, Sacks) voted and unanimously approved Resolution 10-22-C for the Borough to participate in the Delaware County Green Ways Grant Program authorizing Robyn Jeney of Natural Lands to execute and file application with the Delaware County Planning Department for a \$500,000 grant for potential purchase of acreage in the Borough.

Resolution 10-22-D, detailing planning and installation of improvements to the 11 acre parcel known as "Darlington Creek Park", including but not limited to professional services, parking, and trails for recreational purposes. Applying for a \$250,000 grant.

**MOTION** Upon Motion, Council (Lim, Driscoll) voted and unanimously approved Resolution 10-22-D for the Borough to participate in the Delaware County Green Ways Grant Program authorizing Rick Trailies of Natural Lands to execute and file application with the Delaware County Planning Department for a \$250,000 grant for the Darlington Creek Park.

Councilmember Sacks discussed Rails to Trails and options within the Borough for grants. Septa is creating walking paths at the new Wawa Station and other municipalities are including Rails to Trails.

Treasurer Timmins updated Council that \$25,000 of the \$50,000 Delco Mini Park Grant (Green Ways Municipal Grant) is forthcoming.

### **Highways/Transportation**

Chair Robert Sacks, Member Ward

Councilmember Sacks continues correspondence on a No U-turn sign on Valleybrook, Walnut Hill, and Baltimore Pike or research into arrows following a report of incidents at this intersection. A new pole was erected at the same intersection due to damage from an accident.

### **Public Utilities/Trash/Recycling**

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

Councilmember Lim presented on a Covid 19 ARPA Small Water and Sewer Grant Application for the Borough, along with Michael Ciocco Jr, SEO. The report is as follows: The availability of a PA Small Water and

Sewer Grant has been recently announced by the PA Commonwealth Financing Authority, allowing for partial funding of Public Sanitary Sewer, Water Supply or Storm Sewer Construction Projects with estimated costs between \$30,000 - \$500,000. Applications will be accepted from October 1, 2022, through December 21, 2022, and applicants who are offered a grant award will be required to provide a 15% matching contribution to the project. Chester Heights Borough has two public sanitary sewer areas that have recently been reviewed by PA DEP (under separate developer projects) for future expansion of such facilities and as follows:

1. Smithbridge Road Low Pressure Sanitary Sewer Expansion Project
  - a. An expansion of the Smithbridge Road Low Pressure Sanitary Sewer that was approved for One Smithbridge, LLC project would be constructed to service 9 additional commercial properties along Smithbridge Road extending 1,200 feet to the West from Valleybrook Road. This area was already made a part of the SWDCMA service area when the Brookfield Townhouse Development was approved, so no further intermunicipal agreement modifications are anticipated. The project is also in compliance with the Borough Comprehensive Plan and zoning ordinance, as the work is proposed within the Smithbridge Road right of way and will serve to enhance the public sewer service availability within such area.
  
2. Llewellyn Road Low Pressure Sanitary Sewer Expansion Project
  - a. An expansion of the Rose Hill Low Pressure Sanitary Sewer in Llewellyn Road would be constructed to service an additional 12 properties, extending 1,000 feet to the North of the Rose Hill Property. This area was already made a part of the SWDCMA service area when the Brookfield Townhouse Development was approved, so no further intermunicipal agreement modifications are anticipated. The project is also in compliance with the Borough Comprehensive Plan and zoning ordinance, as the work is proposed within the Llewellyn Road right of way and will serve to enhance the public sewer service availability within such area.

The grant is a 15% match where the Borough would pay 15% and PA Commonwealth pays 85%. The same percentages apply for engineering fees. Local ARPA funds could potentially be used for the Borough's 15% portion.

**MOTION** Upon Motion, Council (Sacks, Baum) voted and unanimously approved for Matt Houtmann, Engineer and Michael Ciocco Jr, SEO to initiate and apply for the ARPA Small Water and Sewer Grant Applications.

**Old Business**

No report

**New Business**

No report

**Additional period for Public Comment**

Eileen Lehmann – address provided – Walnut Hill Utility, inquiry related to 53 W Baltimore Pike.

Next Work Session – October 24, 2022

Next Regular Council Meeting – November 7, 2022

**ADJOURNMENT:** Upon Motion, Council (Baum, Sacks) voted and unanimously approved to adjourn the meeting at 8:52pm.

Land Development Plan submitted 10/3/2022 for 8 Smithbridge Road.

Respectfully submitted,  
Amy Langa  
Recording Secretary