



BOROUGH OF CHESTER HEIGHTS
53 W Baltimore Pike 2nd floor
P. O. Box 658
Chester Heights, PA 19017
Regular Council Meeting Minutes
October 7, 2024, at 7:00 pm

Call to Order Vice President Natalie Young called the meeting to order at 7:00 pm and led all those in attendance in reciting the Pledge of Allegiance.

Roll Call Marta Driscoll, President
Natalie Young, Vice President
Jeanne Montgomery, Pro Tem
Natalie Anderson, Councilmember
Drew Baum, Councilmember
Timothy Hudak, Councilmember
Anne Searl, Councilmember
Ginamarie Ellis, Mayor

Officials Present Alex Baumler, Esq., Solicitor
Mike Kissinger, Engineer

Public Comment:

- **Paul Petro** from Darlington Woods serves as the majority inspector for the elections and discussed a change in how votes are processed if you over vote.
- **Nick Spade** from Parastudy, Inc. located at 354 Valleybrook Rd. invited the public to attend the Harvest Festival scheduled for Saturday, October 12th from 2pm to 8 pm.

LWCF Powell Grant Update: Robyn Jennings discussed the Powell open space acquisition project. The borough was awarded a grant in the amount of 1.8 million from National Park Service for 40 acres acquisition. The Conservation Fund loan commitment of \$1.87 million through December. The Borough committed \$280,000 and private donors committed \$750,000. The phase one assessment report was completed, and no issues were raised.

Approval of Meeting Minutes:

September 3, 2024, Regular Council Meeting Minutes

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, Mayor Ellis) voted and approved the Regular Council Meeting Minutes for September 3, 2024. President Marta Driscoll abstained.



September 16, 2024, Work Session Meeting Minutes

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved the Work Session Meeting Minutes for September 16, 2024. President Marta Driscoll abstained.

September 16, 2024, Budget Committee Meeting

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved the Budget Committee Meeting Minutes for September 16, 2024. President Marta Driscoll abstained.

Approval of Cash Disbursements: September 3, 2024 – October 7, 2024

General Fund

The total disbursements from the General Fund, which includes the BPT second reimbursement release in the amount of \$189,982.57.

MOTION: Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, Mayor Ellis) voted and approved the cash disbursement in the amount of \$189,982.57. President Marta Driscoll abstained.

Liquid Fuel Fund

MOTION: Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, Mayor Ellis) voted and approved the disbursement of Liquid Fuels Fund in the amount of \$1,078.06. President Marta Driscoll abstained.

Fire Protection Fund

The balance sheet for the Fire Protection Fund were reviewed by Council and did not require action.

ARPA Fund

Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved the disbursement of ARPA Funds in the amount of \$36,479.75. President Marta Driscoll abstained.

BCO Report:

- **Darling Woods-** Brian Razzi discussed condemnation letter issued for homes effected by fire.



- **479 Valleybrook Rd.-** Footing, wall, and foundation inspections were completed
- **Nudy's Café-** Building and plumbing permits were issued under the condition that the outside seating area was tentative pending the zoning hearing board final approval. The underground plumbing inspection passed.
- **Octoraro Ter. -** Letters were written to three homeowners regarding state requirements for fences surrounding their pools.
- Various permits were issued during September.
- There have been multiple correspondences with the administrative staff to process permits and inspections.

Secretary's Report:

- The administrative staff attended budget training with PSAB.
- Barbacan & Thornton submitted a management representation letter
- Higgins submitted a proposal for a one-year contract for \$680
- The office received three "Right to Know" requests this month
- The Zoning Hearing Board is scheduled for October 23rd at 7 p.m.
- Correspondence with Megan Todaro regarding applying for county aid
- Matt Houtman submitted the payment release for the walking trail
- We have three ordinances that need to be codified, and the estimated cost is between \$1,400 and \$1,900
- Our office has a new payroll management policy. If you need to update your direct deposit it must be done in person
- The second disbursement for the Business Privilege Tax is ready for release in the amount of \$3,400
- The signers for Citadel will be updated by adding two signers and giving the credit card to the secretary and treasurer

MOTION

Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to ratify the Citadel change in signer to temporarily remove Marta Driscoll, add Natalie Young and Natalie Anderson. President Marta Driscoll abstained.

MOTION

Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to add the secretary and treasurer as the authorized users for the Citadel credit card. President Marta Driscoll abstained.



Solicitors' Report:

Quiet Zone- Intergovernmental Agreement & Engineer's Agreement- The updated version of the agreement from Jacob's included all the proposed changes. The intergovernmental agreement will be revised due to multiple signers.

One Smithbridge Road- The documents for the connection are being finalized and will be submitted for approval at the next council meeting.

Comcast Franchise Agreement- The agreement is similar to the current one with few changes such as free internet for the fire company.

Historical Preservation Ordinance- Input from the subcommittee was submitted and planning for the ordinance will be revisited.

Citadel Update Signers

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to add Natalie Anderson as a signer to the WSFS account in addition to the existing signers. President Marta Driscoll abstained.

Engineer's Report

Escrow releases for 479 Valleybrook Rd., Rose Hill, and 8 Smithbridge Rd.

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to release the first escrow for 479 Valleybrook Rd. in the amount of \$15,096. President Marta Driscoll abstained.

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to release the financial security escrow for Rose Hill in the amount of \$71,758.75. President Marta Driscoll abstained.

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Hudak, Searl, and Mayor Ellis) voted and approved to release the first escrow for 8 Smithbridge Rd. in the amount of \$38,250. President Marta Driscoll and Councilmember Drew Baum abstained.

Road Signage

The borough will install eight speed signs on Wawa Rd. and one sign on Walnut Hill Boulevard. Mike Kissinger will connect with PennDot about the "Narrow Road" sign for WaWa Rd. He will forward a list of signs for Wawa Rd and Walnut Hill Blvd. to Larry Ward and Darlene Kurten for pricing and installation.



Fire Marshal Report:

Fire Marshal Samuel Ianucci reviewed this month's fire safety report:

- The Darlington Woods fire investigation is complete, and the cause is accidental.
- There was another fire in Darlington Woods caused by a failed circuit breaker.
- There were two calls from residents at Madison caused by a water heater issue.
- The rental fire inspections are almost complete. There are 3 businesses that need to be inspected, and citations will be issued for those businesses.
- There are 10 residential properties that have not been inspected. Citations will be issued for those properties. There were 26 citations for rental properties issued, all except two have been resolved.
- Councilmember Drew Baum will submit a list of single-family rental properties to the Fire Marshal so inspections can be completed.

Roadmaster Report:

Local EMCs are working on confirming the Memorandum of Understanding. Roadmaster Larry Ward requested that our Engineer Mike Kissinger submit a list of signs that need to be purchased for the borough. Larry discussed repairing the light at Route 1 and Valleybrook Rd. in the amount of \$5,900.00. The light needs a battery backup system.

MOTION

Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved the repair of the backup battery in the amount of \$5,900.00 for the light on Route 1 and Valleybrook Rd. President Marta Driscoll abstained.

Zoning Officers Report:

Zoning Officer Pat McFadden wrote letters to address the installation of fences for pools in Octoraro Terrace. He posted notices for the Zoning Hearing Board meeting for Nudy's Café and assisted in clarifying a property dispute for the Miller property.

Mayor's Report: Rental Fire Code

Mayor Ginamarie Ellis reported her experience with the borough's rental fire code. Mayor Ellis owns a home that is currently being rented. Mayor Ellis and her parents' names are on the deed. On August 21, 2024, Mayor Ellis and her mother attended a hearing at the Magisterial District Court regarding a fire inspection citation. The following points were discussed during the hearing:

- The protocol to issue a citation, appeal a citation, and the venue to appeal the citation



- The argument that rental units are being inspected with no rules or concerns for homeowners occupied dwellings
- Taxpayer landlords have the right to deny entry by anyone into the house
- There is an option to pay the fine and deny the inspection. Rental owners were not given an option
- When a landlord does not reply to any of the communications from the Fire Marshal and the Magisterial District Court a bench warrant for their arrest is issued
- The court found that the proper procedure was not followed, and Judge Strohl also took issue with only the rental units being inspected and mused about discrimination, noting the borough could be opening itself up to larger issues.
- The Fire Marshal and the borough lost the argument in court, and Mayor Ellis was awarded the fees she paid.

Procedure to Veto Chester Heights Fire Safety Ordinance

- Mayor Ellis contacted the Association of Boroughs and inquired how to Veto an ordinance and followed their instructions. When presented with the ordinance Mayor Ellis wrote VETO in her signature line along with her initials.
- After following the instructions from the State Association of Boroughs, our Solicitor wrote a letter to Mayor Ellis stating that procedures to veto an ordinance were not followed and he did not accept her veto. The ordinance is now on record without her signature.

Mayor Ellis proposed three action items regarding our fire safety ordinance:

1. Amend the ordinance to read “commercial rental units” rather than “all rental units.”
2. Amend the ordinance to pay 50% of the fees to the inspector and 50% of the fees to the borough.
3. Continue the discussion on updating the code to be more inclusive of safety and be performed by the BCO and his staff. Which will save the borough payroll and staff time with the additional benefit of the insurance not being our responsibility.

In addition to our professional and legal personnel, Mayor Ellis has additional resources to assist the borough in updating our fire safety ordinance.

COMMITTEE REPORTS

Finance and Administration

Appoint a solicitor for the Zoning Hearing Board. The Zoning Hearing Board will meet on October 23rd to discuss the zoning variance for Nudy’s Café.



MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to appoint Christopher Furlong as the solicitor for the Zoning Hearing Board. President Marta Driscoll abstained.

MOTION Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to close 4 Santander accounts, and transfer \$10 from each account to the 4 Citadel accounts. President Marta Driscoll abstained.

Project List

Councilmember Drew Baum discussed the proposed budgeted \$130,000 to renovate for the fire company building.

Community Engagement

Pro Tem Jeanne Montgomery reported the following upcoming events:

Fall Newsletter Update

The fall newsletter will be issued soon.

Library Report

The library fundraiser raised almost \$5,000

Upcoming Events

The Diwali Celebration will be held on November 9th and the Santa Milk and Cookies event will be held December 7th. On the agenda for 2025 is Community Day, and team is needed to plan for this event.

Recycling Day

Recycling Day event was a success.

Public Safety

Councilmember Timothy Hudak reviewed the public safety report. We received 25 calls from the Chester Heights Fire Company. There were 9 building fires from Madison, 5 calls from Darlington Woods, 6 fire alarms, and 5 accidents. State Police report from August and September combined: 90 total requests for service, 15 motor vehicle accidents, 1 DUI, and 31 requests for service.

Infrastructure and Public Works No report

Old Business No report

New Business No report



Public Comment: **Eileen Lehman** from Darlington Woods inquired about permits issued for Nudy’s Café. She discussed the idea of increasing taxes to support the fire company.
Paul Petro from Darlington Woods had a question about the “Catch All Ordinance”.

ADJOURNMENT: Upon Motion, Council (Young, Montgomery, Anderson, Baum, Hudak, Searl, and Mayor Ellis) voted and approved to adjourn meeting at 8:38 pm. President Marta Driscoll abstained.

Respectfully submitted,
Christiana Barbour

Land Development Dates:

One Smithbridge – Plans Submitted.