

**Minutes of the Regular Council Meeting  
Of the Borough of Chester Heights  
222 Llewellyn Road  
Chester Heights, PA. 19017  
September 11, 2017**

MEMBERS PRESENT Susan H. Clarke, President  
Jordan Goldberg, Vice President  
Philip Block, Ph.D.  
Marta Driscoll (Arrived at 7:55 p.m.)  
Jeffrey D. Durst  
Joseph McIntosh, Esq.

OFFICIALS PRESENT Frank Daly, Esq., Solicitor  
Michael Ciocco, Fire Marshal  
Matt Houtmann, P.E., Engineer

CALL TO ORDER President Clarke called the public meeting to order at 7:00 p.m. and led those in attendance in a moment of silence to remember 9/11 and the victims of the hurricanes and in the reciting of the Pledge of Allegiance. President Clarke turned the meeting over to Councilman McIntosh for council's consideration to approve amending the existing Property Nuisance Maintenance Ordinance.

PUBLIC HEARING Councilman McIntosh opened the public hearing. Councilman McIntosh stated that the borough has an existing Property Nuisance Ordinance and council is seeking to adopt a more comprehensive ordinance with regards to lawn and tree maintenance. The idea behind this ordinance is to provide for the health and safety of the borough residents. Council has been dealing with trees falling down on Valleybrook Road, residents losing electrical power and road closures.

DON GARRAHAN Mr. Garrahan questioned if a neighbor's bamboo is intrusive  
240 LLEWELYN ROAD on his property is he responsible to take action to correct the situation. Solicitor stated that the borough does not want to be in the business of policing bamboo and the resident can cite this ordinance in discussion with neighbors.

JOHN LESKY Mr. Lesky stated that the Planning Commission reviewed the  
24 IVY MILL ROAD draft ordinance and believes it is well written, but recommended to be more specific for the steps a resident can take if they have a neighbor's bamboo growing on their property.

BILL PASCAL  
360 LENNI ROAD

Mr. Pascal stated that he has concerns with the proposed ordinance. He stated the wording is very vague and what and who determines overgrowth concerning landscaping. He also asked if the borough would pay a certified arborist to determine which trees are dead or dangerous. Councilman McIntosh stated that council is looking to prevent problems not make problems for residents.

Mr. Pascal further commented that the violation section should be reviewed by council specifically, where it states a resident can be fined up to \$1,000.00 per day.

MICHAEL CIOCCO  
FIRE MARSHAL

Mr. Ciocco stated that codes are not law, but in a court of law codes are accepted as law and can be enforced.

PETER DRISCOLL  
458a LENNI ROAD

Mr. Driscoll questioned the ordinance as to how it applies to larger land owners with regard to woodlands and natural lands. Mr. Driscoll thanked council for taking public comment.

THAYER SCHROEDER  
200 WAWA ROAD

Mr. Schroeder commented that the frontage of his property has trees and that the trees along the road are maintained by PECO. Councilman Block stated that Council is considering hiring an arborist to look at problem trees.

GREG CHESTNUT  
317 WILLITS WAY

Mr. Chestnut is a representative of Rochford Estates and commented that he does expect borough council to oversee the diseased and dead trees along the road to prevent a dangerous situation. Mr. Chestnut reported that he did speak with PECO and they stated that PECO plans to do an aggressive cut along Valleybrook Road.

GINA ELLIS  
55 BISHOP DR

Ms. Ellis asked for the order of enforcement if a resident has a problem with a neighbor's lawn. Solicitor Daly explained a resident can call the borough and if the code enforcement officer cites the neighbor, then the case would go to a District Justice.

MARTA DRISCOLL  
458a LENNI ROAD

Ms. Driscoll commented who takes responsibility when a tree falls. Ms. Driscoll recommends council take the public comments for review for a balance to protect residents and not to overstep property owner's rights.

MARYANN FURLONG  
10 BONNIE LANE

Ms. Furlong asked the solicitor if he knows of any cases where damages were assessed to a municipality from a tree falling on a car and whether council has reviewed ordinances from other municipalities that are heavily wooded, such as Thornbury and Chadds Ford Township.

CLOSE THE PUBLIC HEARING

President Clarke closed the Public Hearing at 8:11 and commented that council will take all the public input received from the Public Hearing to review the proposed ordinance.

MOTION

Upon motion (Block/McIntosh) council voted to close the Public Hearing.

APPROVAL OF MINUTES

Upon motion (Block/Durst) council voted to approve the meeting minutes of the August 7, 2017 Regular Council Meeting and council voted to approve the meeting minutes of the (Driscoll/Block) the August 28, 2017 Work Session

PUBLIC TO ADDRESS COUNCIL

TIM SMITH  
19 SMITHBRIDGE

Mr. Smith updated council on the One Smithbridge LLC Land Development. Mr. Smith explained the hold up for the project has been the sewer issue. The public sewer has been installed and completed. The Sewage Planning Module has been filed with DEP and the Borough and they cannot proceed until the Sewage Planning Module is completed.

PAULA BELL  
167 WAWA ROAD

Ms. Bell informed council that there is tree brush on the corner of Wawa Road and Valleybrook Road that makes it very difficult to see when pulling out unto Valleybrook Road. Councilman Goldberg will contact the borough road master to look into the matter.

STEVE COCOZZA  
54 BAYBERRY COURT

Mr. Cocozza presented council with documentation and information concerning residency requirements for borough council members.

SECRETARY REPORT

Mrs. Timmins reported that the borough received a letter from DEP stating the borough has been approved for the Act 101 Recycling Program Performance Grant in the amount of \$503.00.

TREASURER'S REPORT

No report.

MOTION

Upon motion (Durst/Goldberg) council voted to accept the receipts as submitted by the Secretary/Treasurer for August 2017.

MOTION

Upon motion (Block/Goldberg) council voted to accept the expenses as submitted by the Secretary/Treasurer for August 2017.

Description	Source
Real Estate Transfer Tax	Treasurer of Del County
\$ 12,789.00	

Tax Remittance	\$ 1,116.13	Treasurer of Del County
2nd Qtr Franchise Fee	\$ 9,126.72	Verizon
LST Collections 2nd Qtr	\$ 15,786.80	Berkheimer
Collections	\$ 839.14	Maryann Furlong, Tax Col
U&O Inspection	\$ 90.00	142 Bishop Dr
U&O Inspection	\$ 90.00	10 Stone Haven Cr
U&O Inspection	\$ 90.00	80 Bayberry Ct
U&O Inspection	\$ 90.00	113 Bishop Dr
U&O Inspection	\$ 90.00	444 Valleybrook Rd
Bldg Permit	\$ 85.00	305 Llewellyn Rd
Bldg Permit	\$ 955.00	68 Baltimore Pike
Bldg Permit	\$ 250.00	18 Midred Ln
Bldg Permit	\$ 20,249.40	Brookefield
Eng/Sol Reimburse	\$ 4,635.00	Beard Twnhs
Monthly Easement Fee	\$ 597.03	T-Mobile
Fire Hydrant Reimbursement	\$ 363.00	Madison Apartments
Fire Hydrant Reimbursement	\$ 399.30	Darlington Woods
<b>TOTAL</b>	<b>\$ 67,641.52</b>	

**Fund Balances,**

*Certificates of Deposit Balance*

CD, 12 Month, @ 0.90% 12/29/17	\$ 43,913.37	Iron Workers Bank
CD, 12 Month, @.0.50% 12/03/17	\$ 216,109.49	Wawa Credit Union
EBond	\$ 15,000.00	Bryn Mawr Trust
<b>Total Certificates of Deposit</b>	<b>\$ 275,022.86</b>	

**General Fund Balance**

Checking Acc 8/30/17 @ 0.043%	\$ 433,937.56	Source
Checking Acc 8/30/17 @ 0.56%	\$ 7.54	PLGIT GENERAL FUND
Money Manager 8/30/17 @ 0.15%	\$ 10,792.14	PLGIT GENERAL FUND
Borough Road Improvement Fund	\$ 108,046.77	BMT Acct #2460
<b>Total Funds in General Fund</b>	<b>\$ 552,784.01</b>	BMT Acct #5260

**PA Liquid Fuels Fund Balance**

Checking Account 8/30/17 @ 0.043%	\$ 57,522.13	PLGIT Acct #5116038
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**Fire Protection Fund**

Fire Protection Fund Check 7/3017	\$ 41,077.74	BMT Acct #9579
Fire Protection Fund Savings 7/3017	\$ 10,001.77	BMT Acct #3005
	<b>\$ 51,079.51</b>	

**Land Dev Escrow Fund Balance**

Savings 8/30/17 @ 0.043%	\$ 3,886.19	PLGIT Acct #5116041
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**Expenditures**

July Rent	\$ 1,500.00	Chester Heights Fire Company
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LST 3rd Qtr	\$ 11,000.00	Chester Heights Fire Company
Storage Rental	\$ 180.20	Chester Heights Self Storage
Phone/Fax/Fire Marshal	\$ 140.16	Windstream
Arbour Square	\$ 3,000.00	Richard Jensen
Bldg Permits	\$ 3,225.50	Richard Jensen
eCode 360 Annual Maintenance	\$ 1,195.00	General Code
Reimburse Brookefield	\$ 291.00	G. D. Houtman & Son, Inc.
Reimburse 446 LeNape	\$ 210.00	G. D. Houtman & Son, Inc.
Reimburse Arbour Square	\$ 430.00	G. D. Houtman & Son, Inc.
DiSalvo Park	\$ 3,320.00	G. D. Houtman & Son, Inc.
Road Program	\$ 420.00	G. D. Houtman & Son, Inc.
MS4 PRP Plan	\$ 1,909.00	G. D. Houtman & Son, Inc.
General Matters	\$ 1,450.00	Daly Law Firm
Reimburse Arbour Square	\$ 280.00	Daly Law Firm
Reimburse Wawa Annex 5	\$ 621.25	Catania Engineering Assoc,
SEO Madison Treatment	\$ 90.38	Catania Engineering Assoc,
Reimburse Arbour Square	\$ 60.25	Catania Engineering Assoc,
SEO 156 Logtown Rd	\$ 60.25	Catania Engineering Assoc,
SEO St. Thomas	\$ 120.50	Catania Engineering Assoc,
Panic Button 50%	\$ 125.00	Delco Alarm System
Replace Stop Sign/Walnut Hill	\$ 186.35	Charles A Higgins & Sons,
Stray Dog Fee	\$ 105.00	Brandywine Vet Hospital
Monthly Comp	\$ 833.33	Larry Ward
Property Maintenance	\$ 145.00	Scott's Lawn Service
Property Maintenance	\$ 373.00	Scott's Lawn Service
Property Maintenance	\$ 90.00	Scott's Lawn Service
Property Maintenance	\$ 20.00	Scott's Lawn Service
Legal Adv	\$ 99.59	21st Century Media
Legal Adv	\$ 160.74	21st Century Media
Legal Adv	\$ 294.49	21st Century Media
Relssue Check	\$ 185.83	Marta K. Driscoll
Recycling Day Signs	\$ 180.00	The Country Press, Inc.
PECO TL	\$ 41.41	PECO
PECO SL	\$ 560.56	PECO
Bonding/Treasurer	\$ 443.75	Arthur J. Gallagher & Co
Office Supplies	\$ 39.98	Office Basics
Web Hosting	\$ 29.99	justhost.com
Park Trash	\$ 65.24	Waste Management
Assistance	\$ 613.07	Valerie Hoxter
Fire Marshal Monthly Compensation	\$ 500.00	Michael Ciocco
3rd Qtr Stipend	\$ 185.00	Michael Ciocco
446 LeNape Street Address	\$ 140.00	Michael Ciocco
Office Supplies	\$ 52.99	Adobe
941 Payroll	\$ 1,118.58	EFTPS
Sec/Treas Compensation	\$ 3,399.95	Susan Timmins
Copier/Fax/Scanner	\$ 140.13	Ricoh USA
Meter Usage	\$ 17.33	Ricoh USA

Employee Insurance	\$ 500.00	Keystone Health Plan
3 Hydrants@ \$42.25 per Hydrant	\$ 156.06	Aqua Pennsylvania
35 Hydrants@ \$36.30 per Hydrant	\$ 1,306.80	Chester Water Authority
Total Expenditures	<b>\$ 41,612.66</b>	

***PA Liquid Fuels Fund Expenditures***

Total Expenditures	\$ -
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***Fire Protect Fund Expenditures***

Total Expenditures	\$ -	Chester Heights Fire Co
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CORRESPONDENCE – President Clarke reported on the following correspondence:

- 2016 Pennsylvania 811 Annual Report
- Tree Canopy Conference at Haverford College on October 13
- Morris Arboretum Fall Classes
- A letter from DEP approving the e-waste collection for Recycling Day

BUILDING INSPECTOR

- Mr. Jensen provided a written report.
- Mr. Jensen is in Ohio at the ICC Code Hearings.
  - Inspections continue at Wawa & Brookfield. All buildings at Brookfield that are under construction have been sold.
  - There was a pre-construction meeting for Arbour Square.
  - Zoning issues on Heather Lane have been resolved.

FIRE MARSHAL

- Mr. Ciocco reported on the following:
- There were 6 fire incidents in August.
  - Mr. Ciocco spoke with a representative from PA Labor and Industry concerning if Poz’s Pub needed to have a sprinkler system. The representative stated that a sprinkler system is not required because the footprint has not been changed.
  - Mr. Ciocco met with Bill Messick, concerning addresses for the homes at LeNape Valley and will have the information registered with the 911 Center.

SEO

No report.

ZONING OFFICER

No report.

ROAD MASTER/ EMC

No report.

SOLICITOR REPORT

Solicitor Daly prepared a resolution to give final approval for the Beard Land Development. Prior to granting final approval the engineer needs to review and be satisfied with all conditions.

Council will consider this matter at the October 2, 2017 Regular Council Meeting.

OPEN SAFETY  
RECORDS INTEGRITY

President Clarke requested a motion for council to ratify the adoption of the Office Safety and Records Integrity Policy.

MOTION

Upon motion (Driscoll/Durst) council voted four to approve, one opposed (McIntosh) to ratify the adoption of the Office Safety and Records Integrity Policy.

RECYCLING DAY

President Clarke requested a motion to ratify the motion of spending of \$500.00 to purchase volunteer T-Shirts and magnets with the borough logo to hand out to participants on Recycling Day.

MOTION

Upon motion (McIntosh/Searl) council voted to ratify the approval to spend \$500.00 to purchase items for Recycling Day.

ENGINEER REPORT

Mr. Houtmann reported on the following:

- The MS4 Pollutant Reduction Plan has been advertised and is available for public review and public comment.
- The plan will be posted on the website for public review.
- The Park Paving Bids were received from Gessler at \$27,910.00, Dan Malloy at \$23,765.00 and A. F. Damon at \$29,854.00. The 2017 Budget provided \$ 20,500.00 for this project. Council suggested holding off on approving the contract until there is a review of the funds. The engineer will ask the contractor to extend his bid until the spring.

MAYOR'S REPORT

No report.

COMMITTEE REPORTS

SCHOOL DISTRICT/  
LIBRARY

Ms. Bierne commented that school started September 5<sup>th</sup>. The football team is 3 - 0. There were 12 employment positions filled.

BOROUGH PROPERTY

Mr. Houtmann commented that the engineer is working on the cost of a comprehensive plan for the park. Councilman Block will meet with a certified arborist.

ENGINEER/CONSTRUCT  
INSPECTIONS

No report.

FINANCE/INSURANCE

Councilwoman Driscoll informed council that the insurance company contacted her concerning environmental insurance. Ms. Driscoll reported the borough does not have sewer lines or collect trash.

HIGHWAYS/

Vice President Goldberg provided information to Councilwoman

TRANSPORTATION	Driscoll and President Clarke in reference to the responses from PennDOT. Vice President Goldberg is reviewing the specs for the gateway signs. Councilman Block reported that he received an email from a resident concerning cars that run the red light at Valleybrook Road and Baltimore Pike.
NOMINATING/VACANCY	No report.
COMMUNICATIONS/ PUBLIC RELATIONS	Vice President Goldberg provided council with information concerning a new website.
ORDINANCE/CODE REVIEW	No report.
PUBLIC UTILITIES/ TRASH/RECYCLING	<p>President Clarke reported Recycling Day is Saturday, September 16<sup>th</sup> and requested a motion for approval of the following statement regarding Recycling Day:</p> <p>“Several volunteers this year are running as candidates for local office or are already elected officials seeking re-election in the future. Most of these candidates have volunteered to help with our Recycling Day on 9/16/17. The Borough is very appreciative that these citizens have volunteered to make our community a greener place to live! However, it has come to my attention that several candidates intend to leverage this event for personal and party political gain. I’d like to point out that this event is organized using Borough resources, Borough funds, and will be conducted on Borough property. It is highly inappropriate for any candidate of any party to leverage this event for political gain of any kind. In recognition of the community nature of this event, I would like a motion from Council that respectfully requests all candidates to refrain from any form of campaigning at this borough sponsored gathering”.</p>
MOTION	Upon motion (Block/Goldberg) council voted to approve the statement regarding Recycling Day.
PUBLIC SAFETY/ ENVIRONMENT	<p>Councilman Block provided the August Monthly Fire Chief’s Report:</p> <ul style="list-style-type: none"> <li>▪ 26 Calls</li> <li>▪ 6 Medical Assists, Building Fire, Fire Alarms</li> <li>▪ 4 Auto Accidents</li> <li>▪ 1 Co Alarm, Dumpster Fire, Car Fire, Wires Fire</li> <li>▪ 3 firefighters are attending Basic Firefighting</li> <li>▪ 3 firefighters are attending Water Rescue</li> </ul>



PLANNING/ZONING President Clarke requested a motion to approve a new process of posting Planning Commission Meeting Minutes on the website.

MOTION Upon motion (Durst/Driscoll) council voted to approve the posting of the Planning Commission Minutes on the website.

HISTORICAL No report.

PUBLIC COMMENT  
GREG CHESTNUT  
 317 WILLITS WAY Mr. Chestnut recommended council post draft ordinances on the website so residents can be prepared prior to meetings.

OLD BUSINESS No report.

NEW BUSINESS Councilman Block presented council with a sample resolution for review regarding congressional redistricting that has resulted in gerrymandered districts.

ADJOURNMENT Upon motion (Driscoll/Block) council unanimously voted to adjourn the meeting at 9:33 p.m.

**Land Development Dates**

1. **STF Crier** – Submitted Plans 4/30/07, Reviewed Planning Commission 5/24/07 - Open Ended Extension
2. **S. B. Conrad/CH Market** - Submitted Plans 2/18/10, Reviewed Planning Commission 3/25/10 - **Extension 10/17/2017**

Respectfully submitted,  
 Susan M. Timmins  
 Secretary/Treasurer