



**BOROUGH OF CHESTER HEIGHTS**  
**222 Llewelyn Road**  
**P. O. Box 658**  
**Chester Heights, PA 19017**

**Minutes of the Work Session Meeting  
of the Borough of Chester Heights  
The Village of Valleybrook Clubhouse  
265 Bishops Dr., Chester Heights, PA 19017**

**September 19, 2022**

**Call to Order** President Baum called the public meeting to order at 7:02 p.m. and led those in attendance in the reciting of the Pledge of Allegiance.

**Members Present** Drew Baum, President  
Laura M. Lim, Vice President  
Natalie Anderson, Council Pro Tem  
Susan Clarke, Councilmember  
Marta Driscoll, Councilmember  
Robert Sacks Sr., Councilmember  
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 to discuss the purchase or acquisition of the Powell Property located along Valleybrook Road. Council met in Executive Session starting at 6:00pm and ending at 6:55pm.

No motion was made after executive session.

**Public Comment:**

Greg Chestnut – address provided- requested information on the Powell Property. Solicitor responded to inquiries.

**Approval of June 27<sup>th</sup> Work Session Minutes**

***MOTION*** Upon Motion, Council (Driscoll, Sacks) voted and unanimously approved the June 27, 2022, revisions to the Work Session Meeting Minutes.

***Public Hearing for Storm Water Management Ordinance #214***

Public hearing began at 7:08pm by Solicitor Montella for adoption of Chester Heights Stormwater Management Ordinance #214. Borough published notices required by Borough Code. Borough published a summary to Delaware County Daily Times on Sept 1, 2022, and Sept 8, 2022, and proof of publication (B1). Aug 31, 2022: Solicitor provided an attested copy of the full text legal ordinance to the Law Library (B2). Presented to Borough Planning Commission and Delaware County Planning Department. Hearing was also published at Borough office and the Borough website.

Read summary for the record. Chester Heights repealing Ordinance #170 Chapter 160 as adopted on Sept 1, 2003, and adopting Ordinance #214 Chester Heights Storm Water Management Ordinance, Chapter 160, Article 1-9, Sections 101-908, Appendices A-J.

Revisions: Chapter 160

Article 1: 101-111

Article 2: 201-202

Article 3: 301-311

Article 4: 401-406

Article 5: 501-502

Article 6: 601-602

Article 7: 701-708

Article 8: 801-805

Article 9: 901-908

Ordinance Appendices A-J

Borough Engineer Houtmann presented an outline of the Storm Water Management Ordinance. PA Dept of Environmental Protection was directed under PA Act 167 to develop a model Storm Water Ordinance. Act 167 was passed by the state in 1978 to reduce flooding and storm water impacts. Existing MS4's, which the Borough is, must update existing ordinances to be consistent with PA Dept of Environmental Protection, which could be as frequent as every 5 years. The Borough Storm Water Ordinance dates to 2003. Act 167 utilizes either a Watershed Plan or County Wide Plan. County has developed a County-Wide Plan to address DEP requirements and have requested the municipalities to update their plans to agree with the state's plan. The standards from the Chester Creek Water Shed based plan were combined with the newer requirements of the County Wide Plan to prepare this Storm Water Ordinance.

Did not change: Storm Water rate control regulations (pre and post development sub-areas release flow percentages 100, 75, 50), Infiltration requirements and water quality requirement standards (run-off to groundwater), Calculation methodology (SES modified rational or TR 55).

Changes: Added or modified definitions for Best Management Practices for evapotranspiration, green infrastructure, high tunnels (agricultural), impervious surface, low impact design, modified release concept, pet waste, regulated impervious improved definition, and storm water control measures.

The threshold for submitting a plan is presently 2000 SF impervious surface before needing a plan and is now reduced to 500 SF. Allowance between 500-1000 SF for a simplified method to apply. Vegetative buffer to satisfy storm water maintenance was eliminated and going forward would need a management facility to manage storm water.

There were 2 options for operations and maintenance: Operation and maintenance inspection schedule will require full Borough responsibility or third-party involvement. Owners could manage small seepage bed areas such as for pools.

Mr. Houtmann recommended Option 2 the property owner or third party would do the inspection based on square footage. Planning Commission also recommended that option. An annual fee and inspection required for the first five years, then every 3 years. O&M (Operations and Maintenance) plans for all storm water management systems is now a requirement beyond just commercial. Riparian buffer is presently measured 50 feet wide measured from top bank of stream and now measured from either top bank of stream or from edge of wetlands. Introduces design concepts and storm water percolation topics.

Waivers have changed, provisions for exemptions, now includes a prohibition section. The Storm Water Management Ordinance was presented to the Planning Commission and their Minutes were recorded. The ordinance can be amended later to include fees/if necessary.

Councilmember discussion determining this is not retroactive. However, as building permits continue, square footage of Storm Water will be collective. There will be a flat application fee to cover administrative costs, an escrow fee to cover review of the plans and onsite inspection, and a fee for administrative best management practices. Council discussed fee management, recording, and enforcing and that the ordinance can be amended if needed.

#### **Additional period for public comment**

Philip Block – address provided – inquired about historic basins and if retroactive based on this ordinance. Mr. Houtmann responded to inquiry.

Solicitor Montella concluded the Public Hearing at 7:33pm and the Work Session reconvened.

#### **Solicitor's report**

**MOTION** Upon Motion, Council (Baum, Lim) voted and unanimously approved the motion to repeal Ordinance No. 170 and adopt the Stormwater Management Ordinance #214.

#### **Update of Resolution for Final Land Development Plan of 53 Baltimore Pike.**

Solicitor Montella reported the Resolution is being drafted.

#### **Copier Lease Update**

Solicitor Montella is reviewing a 48-month lease with Rothwell. Rothwell agreed to provide a recourse agreement between the vendor and manufacturer so if default, Rothwell will cover cost.

#### **Natural Lands portion of Delco Greenways Agreement.**

**MOTION** Upon Motion, Council (Baum, Lim) voted and unanimously approved the motion to approve the Natural Lands agreement.

#### **401a/457 Plan**

Councilmember Lim presented preliminary information on a 401a/457 Plan for employees whereas the Borough proposes up to 3% match if the employee contributes. Proposed that existing employees would be automatically vested. New employees would become vested after 3 years employment. After the 37<sup>th</sup> month, PSAB would reimburse the Borough. CBIZ InR will offer free advisory consulting.

## **Engineer's Report**

Valleybrook Road culvert update – Supply issues obtaining pipe from PennDOT. Mr. Houtmann will request PennDOT/Mike Burns to allow alternate manufacturer to provide materials.

## **Mayor's Report**

Securing a new Polling location within the Borough continues. An additional tour was given to the 4 elected Board of Election officials. The Borough voted at the Garnet Valley Middle School (Concord Township) during the pandemic, for 2 years and 5 elections. Additional time was requested to approve the polling location. There is a public meeting September 27<sup>th</sup> at 9am with the Board of Elections.

## **Planning/Zoning Committee**

Borough will consider a consultant for Ordinance and Code review. Councilmember Clarke will reach out to PSAB and Delaware County Planning Department. Fees for inspections and permits have not increased in 20-30 years. Councilmembers discussed fee schedules and the percentage increase for each. Inspector costs and administrative costs were discussed.

## **Finance Committee**

Councilmember Lim presented preliminary information on a Business Privilege Tax. Discussion on flat rate business privilege tax or percentage business privilege tax ensued.

## **Recycling Day Update**

Councilmember Lim thanked those that volunteered for Recycling Day including the Fire Department assisting with cars and parking. 120 cars participated. The medicine drop-off proved beneficial to many and will be utilized in the future.

## **Delaware County Executive Director Listening Session**

Councilmember Driscoll reported on the meeting with the Delaware County Executive Director. Future sessions are proposed to discuss Health Department topics. SEPTA bus stops were discussed, and Councilmember Sacks will continue to monitor improvements on bus stops.

## **Additional Period for Public Comment**

### **Please State your name and address for the record**

Philip Block – address provided – requested Borough to work with the Fire Chief to consider awarding an Emergency Service Provider of the year for 2023.

Desiree Phillips – address provided – Camp Meeting stabilization is underway.

## **Roadmaster/EMC**

EMC Ward reported on the September meeting. County is promoting a program for FEMA requirements. Borough will need to ratify County mitigation program.

**ADJOURNMENT:** Upon Motion, Council (Lim, Sacks) voted and unanimously approved to adjourn the meeting at 8:20pm.

Next Regular Council Meeting – Oct 3, 2022

Next Work Session – Oct 24, 2022

Respectfully submitted,  
Amy Langa  
Recording Secretary

