



**Borough of Chester Heights
53 W. Baltimore Pike, 2nd Floor
Chester Heights, PA 19017**

**Regular Council Meeting Minutes
September 5, 2023**

Call to order President Baum called the meeting to order at 7:02 PM and led those in attendance in reciting the Pledge of Allegiance.

Members Present Drew Baum, President
Laura M. Lim, Vice President
Natalie M. Anderson, Pro Tem
Bob Adams, Councilmember
Marta Driscoll, Councilmember
Robert Sacks, Sr., Councilmember
Ginamarie Ellis, Mayor

Officials Present Matthew R. Houtman, P.E., Engineer
Mike Maddren, Esq., Solicitor

President Baum announced a revision to the agenda calling for an Executive Session in the matter of NV Homes Development at the end of tonight's Regular Council Meeting.

Memorial Resolution # 2023-09-A Richard Jensen:

President Baum announced it is with great pride and honor to welcome Debbie Jensen to the Council meeting tonight to celebrate Rich Jensen's life and his service to the Borough. Rich served the Borough for 13 years as our building code official and zoning officer, his knowledge second to none.

Resolution # 2023-09A:

In Honor of Richard "Rich" Jensen

Public Comment: No Comments

Presentation 8 Smithbridge Road – Bob Lin:

Bob Lin – reviews 8 Smithbridge Road bullet points:

- May 30th in front of the ZHB for two topics, 1. Special Exception, 2. Variance. The Variance size needed is 5 acres to develop it under the Unified Code Section, the site is

3.4 acres. Use is Internet sales of specialty auto parts, need a Special Exception. The ZHB granted application on May 30, 2023.

- Presentation is an intro of the Preliminary Land Development Plan.
- Request a Special Public Hearing in order for the Unified Development, B Business zoning. There is an existing 2400 square foot building on site. Mr. Lin is introducing a larger building on the front of the site to accommodate the Internet Business. Reserved parking immediately behind building. Request reserving 18 | 19 parking spaces, above the required 7 | 8 parking spaces.
- Mentions the need for paving and sewer installation.
- There is a question about whether the borough has accepted part of the main sewer line.
- The location where buildings will connect to the sanitary system needs to be documented.
- They request permission to have more than one building on site, as allowed by zoning regulations.
- Zoning permission has been obtained for a smaller acreage.
- Images presented show the existing front building, landscaping plans, and future parking lot plans.
- Landscaping buffer plants should be chosen carefully to ensure survival in Chester Heights' conditions.

Engineer Houtman's New Comments:

- 1) The revised plans added a reserve parking area consisting of 18 spaces. The plans shall contain a note addressing the trigger for the installation of the 18 spaces. The spaces shall be installed at the request of the Borough if the Borough notices cars parked in the lawn areas.
The Reserved Parking Area Note located on Sheet C-1 should be revised to include the notation that the reserved spaces must be installed at the request of the Chester Heights Borough.
- 2) The Applicant may want to contact the owner of the former Chester Heights Market Property in order to coordinate the connection to the sanitary sewer collection system. Both properties need to install a force main along Smithbridge Road to the Manhole within the Brookefield Development.

Approval of the August 7, 2023 Regular Council Meeting Minutes

MOTION

Upon Motion, Council (Lim | Sacks) voted and unanimously approved the Regular Council Meeting Minutes from August 7, 2023.

Approval of the Cash Disbursements: General Fund, Liquid Fuels Fund, Fire Protection, and ARPA Funds from August 8th through September 5, 2023.

Cash Disbursements: General Fund in the amount of \$50,607.70 from August 8, 2023 through September 5, 2023.

MOTION

Upon Motion, Council (Baum | Anderson) voted and unanimously approved the Cash Disbursements: General Fund in the amount of \$50,607.70.

Cash Disbursements: Liquid Fuels Fund in the amount of \$6831.13 from August 8, 2023 through September 5, 2023.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approved the Cash Disbursements: Liquid Fuels in the amount of \$6831.13.

Cash Disbursements: ARPA Funds in the amount of \$5461.00 from August 8 2023, through September 5, 2023.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approved the Cash Disbursements: ARPA Funds in the amount of \$5461.00

Correspondence:

➤ **State Police Report July 2023**

Car Crashes – 7 in 2023 – 7 in 2022

Traffic Stops – 15 in 2023 – 15 in 2022 – 1 DUI Arrest

3 – Theft and 1 Domestic Violence in 2023

Noteworthy – Escaped prisoner in Chester County, the search is ongoing inmate considered dangerous.

If seen do not approach, contact authorities immediately. Anyone that you know living in the area near Longwood is asked to check your properties, including barns, sheds and vehicles for any signs. If anybody has trail cameras to please check and activate them.

The State Police is hosting their Sunny Day Camp again this year, which is a camp event for children and adults with special needs. The Event is Sunday, October 1, 2023 at the Brandywine Fuse Club on Thornton Road from 10:00am to 2:00pm.

➤ **Resident correspondence:**

1 Resident Concern – Line of Sight at Valleybrook & Ivy Mills Road, small stone pillar that was on residents, property was previously hit by a car, owner may want to rebuild the stone pillar.

The mayor fielded two questions regarding the Wawa Road Bridge update and a request from Parastudy and their upcoming events.

Chester Heights Fire Company update – Chief Sam Iannucci forwarded an email and at this month’s meeting he will be awarding three of the members with an American Heart Association Heart Saver Award.

Last month, had over 30 emergency calls on top of their weekly trainings. They spent 6 hours in poor weather following the storm that came through the area, knocking trees down and causing damage to homes. The Borough previously helped the Fire Company purchase water rescue equipment and through hard work and training some of the members are part of a water rescue

team and assisted Bucks County to help find individuals missing in the flooding areas. Chief Sam and members were thanked.

President Baum requested information from Engineer Houtman regarding the stone pillar at Valleybrook & Ivy Mills Road. Engineer Houtman suggested the stone pillar does appear to be in the right of way and would suggest contacting owner and having a 30-foot distance from center of each road be used for placement.

Inspector's Reports:

Building Inspector – Councilman Sacks – 352 Danbury Court – update, Catania Engineering was sent to inspect. Appears work is being performed after 6:30 pm. Complaint states work after hours for 5 years. Our code states that there's no noise after 9:00 pm till 7:00 am in the morning. Any work being done by a contractor would be done by 5:00 pm. Through discussions the HOA would need to follow the Borough's rules for noise complaints, since there is no evidence of construction on the outside of the property.

Public Comment:

Dave Voorhees – 351 Danbury Court – resident 352 Danbury Court.

Believes construction has been ongoing for 5 years, replacing electrical, hvac, flooring and removing walls.

Solicitor Maddren:

Would like to get an Administrative Warrant and go talk with the resident.

Fire Marshal – Mike Ciocco Sr. – Apologize to Steve Conrad – mistakenly assumed his son was storing equipment at ScapeWorks.

There were three incidents last month, one was at Pathways in the hair room. The one building that doesn't have smoke alarms but has heat detectors and a sprinkler system in room.

The second incident was at Merrell Gardens, incident in Condo 4106, fire alarm was reset.

Reviewed the exits for residents to be safely removed from the building during a fire alarm.

The third incident was at 253 Wawa Road, resident didn't apply for a Burn Permit.

Solicitor's Report:

Solicitor Maddren presented Resolution # 2023-09-B Open Records Officer:

A Resolution to appoint Darlene Kurten as the Right to Know Officer and Sue Timmins as the Alternate Right to Know Officer, includes a Right to Know Form, and a Right to Know Policy, which is basically just a reinstatement of the Right to Know Law.

MOTION

Upon Motion, Council (Baum | Lim) voted and unanimously approved Resolution 2023-09-B

A Resolution to appointing Darlene Kurten as the Right to Know Officer and Sue Timmins as the alternate Right to Know Officer including form and policy.

Engineers Report:

Walking Trail Bids at Chester Heights Community Park

Engineer Houtman updated Council the advertised bids for the walking trail, which is 5-foot wide, close to 1600-foot long. Also included in the bid package is reinforced concrete footings for two pedestrian bridges. Because the walking trail crosses a small creek twice on the property, bridges weren't included in the bid package, but the footings were.

The bid package was advertised and eight people requested the bid document package, 5 bids were received. The lowest bidder was JJ Danielle in the amount of \$58,786.35. The highest bidder was Gagliotti in the amount of \$179,240.00.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approved to accept the bid for the Walking Trail at Chester Heights Community Park from JJ Danielle in the amount of \$58,786.35.

PaDEP general permit for wetland crossing at the stream, we received a "hit" from our PNDI, (PA Natural Diversity Index) Search for the Bog Turtle. Engineer Houtman recommended, Dubois and Associates to complete the Bog Turtle Search in the amount of \$1,700.00.

MOTION

Upon Motion, Council (Baum | Anderson) voted and unanimously approved to hire Dubois and Associates to complete the Bog Turtle Search in the amount of \$1,700.00.

Engineer Houtman presented the final costs for the Walking Trail:
Purchase (Fifth Room) (2) 4'-0 wide x 18' long pedestrian bridges in the amount of \$16,130.00
Assemble bridges an estimate of \$4,000.00, project engineering costs in the amount of \$5,000.00
and Trail signs in the amount of \$300.00 = Totaling \$25,430.00.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approved the expenditures for the Chester Heights Community Park Walking Trail in the amount of \$25,430.00.

Engineer Houtman presented Highland Drive Storm Sewer Inlet Repair:

Bid Results:	Eagle Contracting	\$12,900.00
	Mor Construction	\$18,000.00
	JJ Danielle	\$15,962.00

Engineer Houtman recommends Eagle Contracting in the amount of \$12,900.00.

MOTION

Upon Motion, Council (Baum | Lim) voted and unanimously approved to award Eagle Contracting to replace and repair the Highland Drive Storm Sewer Inlet in the amount of \$12,900.00.

Engineer Houtman presented the Powell Tract Subdivision – Conditional Final Approval:

Status Report:

1. The Property Boundary Survey has been completed.
2. The Soil Percolation testing for on-lot sewage disposal systems for newly created lots will be completed today.
3. The access to Smithbridge Road has been relocated slightly at the request of Glen Powell.
4. Powell and Mariani will soon be under agreement for the conveyance of 0.558 acres of land from Powell to Mariani. The purchase price for the Borough will be reduced accordingly. As Council may recall, the common property line at this location is only 7-8

feet from the Mariani house, and Mariani desired some land to buffer the house from the park and provide an area for future sewage disposal system.

5. The Planning Commission recommended approval – Meeting Minutes handed out.

6. Plans have been submitted to County and we are waiting review correspondence.

Engineer Houtman recommends that Borough Council conditionally approves the plans subject to the Borough Solicitor formulating a detailed list of Conditions of Approval.

Conditions would include:

1. Satisfactory Soil Percolation Tests
2. PaDEP Planning Module Approval
3. Confirmation of Conveyance to Mariani
4. Grant Approval
5. Easement agreements for access to Smithbridge Road
6. Cost considerations of relocation of access to Smithbridge Road
7. Etc.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approved the Powell Tract Subdivision Conditions of Approval subject to the Borough Solicitor preparing a resolution including a detailed list of conditions.

Mayors Report: No Report

School District | Education | Training | Library

Chair Marta Driscoll, Members Clarke, Miller, Chestnut

Debbie reported for the Library, the Sunrise Dinner is sold out, but you can still purchase tickets for the raffle baskets. The children's room construction will begin shortly all permits have been received. There's no story time during September, but events on Saturday. Pause for reading, solar astronomy, talk of the walk are still going on. There is a virtual program for 60 and over for chronic pain self-management that you can register for online.

Finance | Insurance

Chair Laura M. Lim, Members Anderson, Timmins

Vice President Lim presented Resolution #2023-09-C Disposition of Records

Office: Financial Records: Accounts Payable, Accounts Receivable, Bank Statements, Reconciliations, Check Stubs for the following years: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015. Total of 7 boxes. Retention period of 7 years.

Office: RTK Request Records: Submission Form, Response form and completion.

For the following years: 2011, 2012, 2013. Total of 3 folders. Retention period of 2 years.

Office: Statement of Financial Interest Forms: For the following years: 1996, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018. Total of 9 folders. Retention period of 5 years.

MOTION

Upon Motion, Council (Baum | Sacks) voted and unanimously approve Resolution # 2023-09-C a Resolution for Disposition of Records.

○ **Fire Company Finance Subcommittee – No Report**

Chair Drew Baum, Member Lim

Nominating Vacancy – No Report

Chair Bob Adams, Member Baum

Communications | Public Relations

Chair Ginamarie Ellis, Members Lim, Sacks

Mayor Ellis and Vice President Lim are working on the first edits of the Newsletter, as long as everything is received and updated, they should be received in October.

Mayor’s Event Committee

Chair Ginamarie Ellis, Members Anderson, Sacks

Mayor Ellis researched with other municipalities about whether to hold a “Trunk or Treat” for this year and decided there was not time to prepare properly and will try next year given the time it takes to organize.

The mayor is still planning the lunch with Santa.

Historical Committee – No Report

Chair Susan Timmins, Members Anderson, Ieradi, Searl

Planning | Zoning

Chair Susan Clarke, Members Adams, Baum

Councilwoman Driscoll update Council on the Draft Contract for the Comprehensive Plan. The committee will review for any needed updates with Ron Surkin.

- **Comprehensive Planning Subcommittee – No Report**

Chair Susan Clarke, Members Baum, Driscoll, Ellis, Leiser, Lesky, Paoella Jr., Surkin, Wood

Engineering | Construction | Inspections – No Report

Chair Susan Clarke, Members Adams, Baum

Ordinance | Code Review

Chair Susan Clarke, Members Baum, Driscoll, Ellis

Councilwoman Driscoll updated Council on the Draft Historical Ordinance, notes were received from the Planning Commission, and the committee would like to meet Monday, September 11, 2023 to review all comments so the committee can finalize and move forward.

Councilwoman Driscoll updated Council on the Draft Catch All Ordinance.

Solicitor Maddren informed Council about creating the Draft Catch All Ordinance, it is an ordinance in the zoning code that basically states any use that’s required to be permitted by law, but isn’t specifically enumerated in any or other districts, ca fall into a specific district identified by Council. In this case, Solicitor Montella prepared an ordinance that places the use in the limited industrial district by conditional use.

Solicitor Maddren requested approval to submit the Draft Catch All Ordinance to the Planning Commission for review.

MOTION

Upon Motion, Council (Baum | Driscoll) voted and unanimously approved to send the Draft Catch All Ordinance to the Planning Commission for review.

Public Safety | Environmental – No Report

Chair Bob Adams, Members Baum, Sacks

Borough Property | Parks | Open Space

Chair Drew Baum, Members Lim, Sacks

Thank you to Engineer Houtman for all help regarding the Walking Trail.

Highways | Transportation

Chair Robert Sacks Sr., Member Ward

Councilman Sacks update that there are still a lot of trees down from the storm and are continually being worked on.

Public Utilities | Trash | Recycling

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

Vice President Lim updated Council that Recycling Day is September 16, 2023 9:00 am to 12:00 pm at 343 Valleybrook Road, the Chester Heights Community Park, all residents should have received a postcard in the mail. The drug takeback has been added for a second year. Councilwoman Driscoll reached out to the DA and the county’s drug takeback program and they will be bringing a van. Vice President Lim also spoke to a rehabilitation center from Holcomb and they will be bringing 50 medication bags, so you can take them home and you can dispose of your medication in the privacy of your own home. We have volunteers from the Boy Scouts from the St. Thomas troop, Councilmembers, and the volunteer Chester Heights Fire Department handling the road traffic through Wilson’s parking lot.

Old Business: No Report

New Business: Councilwoman Driscoll presented Fireflies.ai which is a subscription to assist with the Borough minute preparation. And it allows you to take the audio and upload it to the site and it automatically creates a transcript. This is a very inexpensive service for \$10 a month. Councilwoman Driscoll recommends program for office support, a 1-year subscription in the amount of \$120.00.

MOTION Upon Motion, Council (Baum | Sacks) voted and unanimously approved the 1-year subscription to Fireflies.ai in the amount of \$120.00

Additional Period for Public Comment:

Amber Osborne – 52 Ivy Mills Road – Traffic concerns – Sight line at Valleybrook & Ivy Mills Rd. Concerns with resident rebuilding the pillar.

Executive Session President Baum announced in accordance with Act 84 - the Sunshine Law, that Council met in Executive Session from 8:23 pm– 8:42 pm to discuss matters related to NV Homes – Octoraro Terrace update with Solicitor Maddren.

ADJOURNMENT Upon Motion, Council (Lim | Sacks) voted and unanimously adjourned Regular Council Meeting at 8:43 pm.

Respectfully Submitted
Darlene Kurten

Land Development Dates: 8 Smithbridge, Plans submitted – 10.03.22, Planning Commission Review – 10.27.22, Extended on 01.23.23, until 04.23.23. Extended 07.22.23; Extended 10.20.23.

