

MINUTES OF THE 307th COUNCIL MEETING OF THE BOROUGH OF CHESTER HEIGHTS, HELD IN
THE BOROUGH FIRE HOUSE, MONDAY AUGUST 7, 1972.

PRESENT: C. Nelson Smitheman, John DeCampi, John G. Moyman, Raymond W. Shisler,
Edouard N. Houtman, Richard D. Wood, Jr. Mayor John J. Kelly

MINUTES of the July 1972 meeting were approved as read.

CORRESPONDENCE

1. Letter from Fred Matz, Sewage Facilities Coordinator, relative to a meeting to be held on August 9th, 1972.
ACTION - Mr. Houtman to attend on behalf of the Borough.
2. Letter from PennDot relating to the use of Liquid Fuels Tax money for flood damage.
ACTION - To be filed for reference.
3. Letter from Dr. Alibert and reply to this letter from Borough Solicitor.
ACTION - Covered under Unfinished Business.
4. A letter of transmittal dated June 6, 1972 was presented in person by Mr. Stan Godorov, manager of the Land & Development Division of Fidelity Bond & Mortgage Co. This letter referred to an attached two-part report relating to "Planned Adult Community" type zoning.
ACTION - After assurances that the report to be submitted was not an application of any kind, but merely a preliminary exploratory outline, and that its submission would in no way commit the Borough, Mr. Godorov was invited to speak on the subject of Planned Adult Communities and to distribute copies of the plan.

RECEIPTS: 1972 Taxes \$41.58 - Public Utility Realty Tax \$99.00 - Sale of Ordinances \$6.69 - Rent GABS Ceramics \$175.00 - Plumbing Permit \$20.00
Fines H. J. Silva June \$65.00 July \$85.00

BILLS: Lenni Construction Co. for clean up below Lenni dam \$1404.00
Phila. Elect Street Lighting July \$96.68 and August \$96.33
Media Typewriter Service, Xerox copies \$8.80 - Court Stenographer
John R. Cunningham for Hearing of June 28, \$30.00
ACTION - These items were approved for payment.

TREASURER'S REPORT

General Fund Checking Acc't	\$ 2552.53	
General Fund Savings Acc't	<u>11277.35</u>	\$13,829.88
Highway Aid Checking Acc't	813.75	
Highway Aid Savings Acc't	<u>6644.10</u>	\$ 7,457.85

ACTION: Treasurer's Report approved. After discussion it was decided to make no transfer of funds from Savings Acc't to Checking Acc't at this time.

MAYOR'S REPORT - The Mayor vetoed the PRD Ordinance as passed by Council at the July meeting and presented his reasons for the veto. The Secretary was requested to read and then to enter the reasons upon the minutes of this meeting.
The Mayor's letter follows:

THE BOROUGH OF CHESTER HEIGHTS

DELAWARE COUNTY

CHESTER HEIGHTS, PA. 19017

MEETING FIRST MONDAY OF THE MONTH

August 7, 1972

Borough Council
Borough of Chester Heights

Gentlemen:

The Mayor elects not to approve the PRD Ordinance passed by Council at the meeting of July 3, 1972, for the following reasons:

Despite all the rationalizations offered by proponents of high-density development, I believe the majority of taxpayers of the Borough are still in favor of retaining a rural atmosphere.

Their opposition was evident at a Public Hearing to consider Zoning revisions, held on October 20, 1970. This meeting was attended by the largest group of protesters ever to gather in the Borough. Opposition to changes in Zoning was definite and overwhelming.

On October 22, 1970, at a Public Hearing to consider the development plans submitted by Community Concepts, there were many protesters from the Borough. At this meeting the only defenders of development appeared to be the staff of Community Concepts, several members of Council and a few outsiders, whose real interests were unknown.

Subsequent Zoning meetings were not as well attended by citizens. After all, no one seemed to listen to their previous protests - and many did not wish to again submit themselves to the mercy of well prepared, fast-talking defenders of high-density development. I believe the protests still exist - and the only just way to bring them into the open would be by polling taxpayers of the Borough on this important matter.

The proposed development of the Stamm tract - with a density of 4 units per acre - could result in more than doubling our population, and add up to 500 more automobiles. In addition to the impact on the ecology of the area, this high-density development could result in demands for municipal services on a scale the Borough could not handle.

In this matter, it appears that Council is acting under duress - (the pending lawsuits instituted by the developer) rather than with calm consideration for the wishes of taxpayers of the Borough. This is a highly improper atmosphere for considering legislation. It can lead to decisions that will be regretted later on.

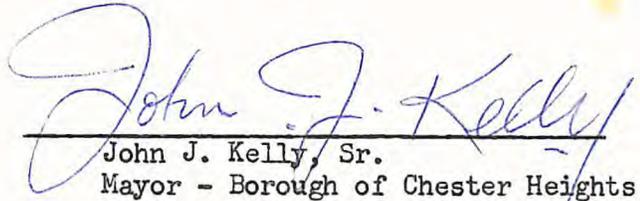
There seems to be an attitude that the developer is owed special consideration by the Borough. This is not true. The developers acquired an option on the Stamm property at a time when it was zoned 2 Acres - so there can be no validity in any plea of hardship they may make - especially since current zoning is 1 Acre.

The Courts are beginning to recognize the rights of Municipalities to retain Zoning restrictions. In denying an appeal of a developer in Marple Township, on July 25, 1972, Judge Bloom ruled, "the property is not subject to unnecessary hardship, as contended by the plaintiffs, because they brought on the difficulty themselves when they purchased the property knowing the Zoning classification to be for single family dwellings only."

Judge Bloom also said "economic hardship or the possibility of increased return from the proposed property is not sufficient reason for granting a variance".

(As reported in the Del. County Daily Times July 26, 1972)

Opening the gates for high-density development in Chester Heights is an irreversible step. Despite the apparent limiting development to a single tract, there are already signs that more are coming.



John J. Kelly, Sr.
Mayor - Borough of Chester Heights

MAYOR'S REPORT (continued)

ACTION - After considerable discussion which, in the main, involved whether a poll or referendum would be desirable in order to determine the will of the majority of Borough citizens, the issue of over-riding the Mayor's veto was put to a vote on the motion of Richard D. Wood, Jr., seconded by John DeCampi. Council was then polled by the Secretary, as required by the Borough code. Voting AYE: C. Nelson Smitheman, John DeCampi, John G. Moyman, Edouard N. Houtman, Richard D. Wood, Jr.
Abstaining: Raymond W. Shisler.

Since the required majority voted in favor of over-riding the Mayor's veto, and all other specifications of the Borough Code providing for such circumstances had been met, the PRD Ordinance was then declared to be in force.

HIGHWAY COMMITTEE: Mr. Shisler reported that the washout on Llewellyn Road has been repaired. Additional documents required for the processing of our application for funds from the Liquid Fuels Tax were turned over to Mr. Houtman for transmittal to the proper authorities. This was in connection with the School Warning Devices.

PLUMBING INSPECTOR: Mr. Ormsby was authorized to spend up to \$55.00 for the purchase of new permit forms.

BUILDING COMMITTEE: Mr. Moyman reported that requested minor repairs to the Borough building were partially completed.

PLANNING COMMISSION: A meeting is scheduled for August.

UNFINISHED BUSINESS:

1. Two Resolutions required for participation in the National Flood Insurance Program were introduced. Both resolutions were adopted. Copies are to be turned over to Dr. David Wood for transmittal to the proper authorities.

2. SOLID WASTE MANAGEMENT PROGRAM - As the authorized representative of Chester Heights, Mr. Houtman filled out the questionnaire, indicating the Borough's order of preference for the three proposed plans. A copy of this completed questionnaire is to be placed in Borough's files.

3. IVY LANE PROBLEM - Mr. Houtman reported that due to illness, the Borough Engineer could not report his IVY LANE findings at this meeting. Also that the proposed Borough participation in the Concord feasibility study proved to be impractical, because this study had not been planned to include factors relating to the Borough's areas of interest.

Mr. Smitheman suggested that a meeting with Dr. Alibert be arranged at the earliest date possible after the collection of sufficient data to make such a meeting productive.

4. REVISION OF BUILDING & PLUMBING FEE SCHEDULES: The Secretary was instructed to give the new fee schedules to the Solicitor for development of legislation necessary to put them into effect.

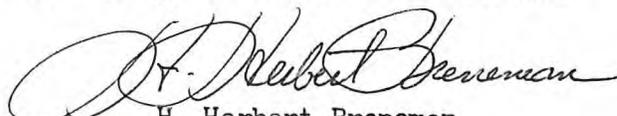
NEW BUSINESS

1. RESIGNATION - Mrs. Tucker presented an oral resignation from the office of Treasurer, effective December 31, 1972.

2. BLOOD PROGRAM - Miss Margaret Willcox emphasized the need for a Chairman for the Blood Program in Chester Heights. Several members of Council offered help in obtaining a candidate for this office.

3. SPECIAL MEETING of Council and Planning Commission called for Aug. 29, 1972 at 8:00 PM. Two representatives of the Community Association were invited to attend.

The meeting was adjourned.


H. Herbert Breneman
Secretary