

**TOWNSHIP OF RADNOR**  
**Minutes of Public Meeting of December 17, 2012**

*The Radnor Township Board of Commissioners met at approximately 7:00 PM in the Radnorshire Room in the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087*

**Commissioners Present**

*William A. Spingler, President  
John Fisher  
John Nagle  
James C. Higgins*

*Elaine P. Schaefer, Vice President  
Kevin G. Higgins  
Donald Curley*

**Also Present:** *Robert A. Zienkowski, Township Manager; John Rice, Township Solicitor; William White, Finance Director; William Colarulo, Superintendent of Police; Steve Norcini, Director of Public Works; Kevin Kochanski, Director of Community Development; Tammy Cohen, Director of Recreation; Robert V. Tate, Assistant Finance Director & HR Manager; John Sartor, P.E., Township Engineer and Jennifer DeStefano, Executive Assistant to the Township Manager.*

*President Spingler held a moment of silence for the Sandy Hook Elementary School in Newtown, Connecticut.*

*President Spingler called the meeting to order and led the audience in the Pledge of Allegiance.*

Superintendent of Police discussed that as a result of the incident at Sandy Hook Elementary, Radnor Police will hold a School Violence Seminar on January 8, 2013 at 5:00 PM which will be open to the public. Radnor Police have also invited all school administrators.

Public Participation  
None

Notice of Executive Session preceding the Board of Commissioners meeting of December 17, 2012

All commissioners were in attendance, where matters of personnel, tax settlements and real estate were discussed.

Approval of minutes for the Board of Commissioners meeting of October 22, 2012 & November 7, 2012

Commissioner Fisher moved to approve October 22, 2012 meeting minutes and seconded by Commissioner Schaefer. Motion passed 7-0.

Commissioner Fisher moved to approve November 7, 2012 meeting minutes and seconded by Commissioner Schaefer. Motion passed 7-0.

Boards, Commissions and Committee Vacancies as of January 1, 2013

Commissioner K. Higgins announced the following vacancies on various Boards, Commission and Committees:

**Environmental Advisory Council (4 year term)**

1 Vacancy

**Park and Recreation Board (5 year term)**

1 Vacancy

**Citizens Communication Council (5 year term)**

3 Vacancies

**Garrett Hill Implementation Committee**

2 Vacancies

**Comp Plan Implementation Committee**

1 Vacancy

**Rental Housing Appeals Board**

1 Vacancy

**CARFAC**

1 Vacancy

**Design Review Board (5 year term)**

2 Vacancies

**Planning Commission**

2 Vacancies

**Code Appeal Board**

1 Vacancy

**Board of Health**

1 Vacancy

Motion to accept Department Reports

Commissioner Fisher moved to accept, seconded by Commissioner Schaefer.

Commissioner Schaefer pointed out that we are at 116 auto accidents with deer involved. Mr. Zienkowski discussed that the USDA has removed 52 deer and archery has removed 48 deer.

Commissioner Spingler called the vote, motion passed 7-0.

AMEC Stormwater Funding Project Update

Brian Merritt and Jean Haggerty from AMEC gave a brief presentation giving an update on the Stormwater Funding Project. Jean discussed the role of the advisory committee, stormwater challenges, financial challenges, stakeholder funding priorities, funding options, rate structure (the way costs are distributed), levels of service, establishment of credit policy. AMEC is currently about 25% into the project.

There was a brief discussion between the Commissioners and AMEC in regards to funding (flat rate), stormwater problems within the Township, and affected/non-affected residents by stormwater.

**FINANCE & AUDIT**

Disbursement Acceptance & Approval

Commissioner Fisher moved to approve, seconded by Commissioner Nagle. Motion passed 7-0.

Ordinance #2012-18 - Adoption of a final budget for fiscal year 2013 and Establishing the Township Real Estate Tax Rate and Sewer Rate

Commissioner Fisher moved to approve, seconded by Commissioner Curley.

Commissioner Fisher thanked staff for all of their hard work especially Mr. Zienkowski for his leadership. He also thanked CARFAC.

Commissioner Spingler noted that he will vote for the budget but is opposed to the \$36 trash fee.

Commissioner K. Higgins stated that the businesses in the Township pay more taxes than the residents; so to have the businesses subsidize the residents for a service that they do not directly benefit from is not right; he is in support of the \$36 trash fee.

Commissioner J. Higgins is in agreement with Commissioner Spingler.

Commissioner Nagle will vote in favor of the budget but is troubled that there is no tax increase with the looming OPEB balance.

Commissioner Schaefer stated that we have transferred money for OPEB from the 2011 budget and for 2012 there should be a transfer as well.

### Public Comment

Sara Piling – Spoke in regards to the \$36 tipping fee. Her thought is that maybe this will be a good educational incentive to teach all residents the importance of recycling.

Commissioner Spingler called the vote, motion passed 7-0.

### Ordinance #2012-19 - Adoption of the Consolidated Fee Schedule for 2013

Commissioner Fisher moved to approve, seconded by Commissioner Schaefer.

Commissioner Nagle is strongly in favor of the trash fee.

Commissioner J. Higgins inquired if a market survey is conducted for the hourly rates that are charged.

Commissioner Spingler will not vote for the trash fee but will vote for the fee schedule.

Commissioner J. Higgins made a motion to remove the trash fee from the fee schedule, Commissioner Spingler seconded. Motion failed 5-2 with Commissioner Spingler and J. Higgins in favor of the motion.

Commissioner Spingler called the vote for the initial motion, motion passed 7-0.

### Motion authorizing BPT Settlement #2012-04 in the amount of \$8,000

Commissioner Fisher made a motion to authorize, seconded by Commissioner Curley. Motion passed 7-0.

### Motion authorizing BPT Settlement #2012-05 in the amount of \$100,000

Commissioner Fisher made a motion to authorize, seconded by Commissioner J. Higgins. Motion passed 7-0.

### Motion authorizing BPT Settlement #2012-06 in the amount of \$25,000

Commissioner Fisher made a motion to authorize, seconded by Commissioner Nagle. Motion passed 7-0.

Motion authorizing BPT Settlement #2012-07 in the amount of \$32,000

Commissioner Fisher made a motion to authorize, seconded by Commissioner J. Higgins. Motion passed 7-0.

Motion authorizing BPT Settlement #2012-08 in the amount of \$47,500

Commissioner Fisher made a motion to authorize, seconded by Commissioner Schaefer. Motion passed 7-0.

Resolution #2012-151 - Purchasing Term Life and Accidental Death & Dismemberment Insurance for Township employees pursuant to collective bargaining agreements

Commissioner Fisher moved to approve, seconded by Commissioner J. Higgins. Motion passed 7-0.

Resolution #2012-152 - Adopting the 2013 Salary and Wage Schedule

Commissioner Fisher moved to approve, seconded by Commissioner Schaefer. Motion passed 7-0.

**PARKS & RECREATION**

Motion of Authorization for the Approval of Radnor Youth Basketball Program Scholarships for the 2012-2013 Season – Second Submission of Recommendations

Commissioner Nagle made the motion to authorize, seconded by Commissioner K. Higgins. Motion passed 7-0.

Commissioner Nagle discussed that at the last Parks and Recreation meeting they were to make a recommendation in regards to the Willows RFP to the Commissioners however, they did not do that. They are asking for more direction from the Commissioners on how to proceed. Mr. Zienkowski stated that the criterion in the RFP is clear. The process needs to be moved along and needs to come back to the Commissioners. His suggestion is to have the Parks & Recreation Board to list the proposals in order and it come back to the Commissioners.

A headcount was taken to send the goals outlines from the Board of Commissioners to the Parts Board at their January meeting and ask them to rank the proposals according to the goals. Five Commissioners were in favor. Commissioner Curley wanted noted in the minutes that the ranking part is sufficient and he is in agreement with it but he feels that the board has eliminated a request for key information and the request is incomplete.

Mr. Zienkowski presented the Commissioners with a check from Chanticleer for \$20,000.00 for the Big Tree Program.

**PERSONNEL & ADMINISTRATION**

Approval of the 2013 Township Holiday Schedule

Commissioner K. Higgins moved to approve, seconded by Commissioner Fisher. Motion passed 7-0.

Approval of Grim, Biehn & Thatcher 2013 Legal Services and Associated Fee Schedule

Commissioner K. Higgins moved to approve, seconded by Commissioner Nagle. Motion passed 7-0.

Introduction of Ordinance - Charter Amendment - Amending Article I Pertaining to Interpretations, Article II Pertaining to the Board of Commissioners' Term of Office, Vacancies, Meeting Procedures, Records and Reports; Amending Article V, Manager Powers and Duties and Article VI, Administration; and Requesting the Board of Elections to Place the Proposed Referendum Questions on the May 21, 2013 Primary Ballot.

Commissioner K. Higgins made the motion to introduce the above ordinance, seconded by Commissioner Fisher.

There was a brief discussion in regards to the changes made in the filling of vacancies.

Commissioner K. Higgins made the motion to approve the above ordinance with the below amendment, seconded by Commissioner Fisher.

*§2.05. Filling of Vacancies.*

*B. If the Board shall refuse, fail, neglect, or be unable, for any reason whatsoever, to fill such vacancy within 30 days after the vacancy occurs, then the vacancy shall be filled within 15 additional days by the Vacancy Board. The Vacancy Board shall consist of the Board of Commissioners and one elector of the Township, who shall be appointed by the Board at the Board's annual reorganization meeting or as soon thereafter as practical. Said elector shall act as the Chairman of the Vacancy Board. If the Vacancy Board fails to fill the position within 15 days, then the Court of Common Pleas of Delaware County, Pennsylvania, shall, upon petition of the Board of Commissioners or any 5 qualified electors of the Township, fill the vacancy in such office by the appointment of a person meeting the qualifications of this Charter.*

Commissioner Spingler called the vote, motion passed 7-0.

Introduction of Ordinance – Charter Amendment - Amending Article IV Pertaining to the Elected Treasurer and Requesting the Board of Elections to Place the Proposed Referendum Questions on the May 21, 2013 Primary Ballot.

Commissioner K. Higgins made a motion to introduce the Ordinance, seconded by Commissioner Curley.

Commissioner J. Higgins stated that he will vote against the introduction of the Ordinance.

Commissioner Spingler called the vote, motion passed 6-1 with Commissioner J. Higgins opposed.

Introduction of Ordinance – Charter Amendment - Amending Article VII, Finances, Pertaining to the Submission of a Comprehensive Budget, Budget Form and Adoption Procedures for the Comprehensive Budget; and Requesting the Board of Elections to Place the Proposed Referendum Questions on the May 21, 2013 Primary Ballot.

Commissioner K. Higgins made a motion to introduce the Ordinance, seconded by Commissioner Nagle. Motion passed 7-0.

Introduction of Ordinance – Charter Amendment - Amending Article VII, Section 7.11 Contracts, and Requesting the Board of Elections to Place the Proposed Referendum Questions on the May 21, 2013 Primary Ballot.

Commissioner K. Higgins made a motion to introduce the Ordinance, seconded by Commissioner Nagle.

Commissioner J. Higgins asked that the following amendment be made:

*§ 7.11. Contracts.*

A. *Written contracts. All contracts of the township shall be in writing, either in the form of a purchase order or more formal document. For sums in excess of \$3,000, the document shall bear signatures of the Township and the vendor or contractor.*

Commissioner K. Higgins made a motion with the above amendment, seconded by Commissioner Nagle. Commissioner Spingler called the vote, motion passed 7-0.

**COMMUNITY DEVELOPMENT**

Motion to Authorize John Rice to create a Resolution for Open Space Acquisition Policy

Commissioner Curley moved to authorize, seconded by Commissioner Nagle.

Commissioner K. Higgins asked for the following to be added to the open space policy itself and not just the attachments:

- 1. Include an analysis of the annual operating and maintenance expenses associated with owning the property under consideration*
- 2. Include an analysis of the impact on the budget by year for the life of any incurred planned debt. This would include principal, interest and operating/maintenance expenses*
- 3. A calculation showing the purchase price allocated on a per residential property basis and a second review showing the fully loaded costs per residential property (purchase price/Loan principal, interest on debt, annual operating/maintenance expenses). Here what I am looking for here. If the purchase price is \$7M and we have 7,000 residential properties then the purchase price per residential property is \$1,000. On a fully loaded basis if we borrow the \$7M at 4% interest for 25 years with a single annual payment and operating expenses of \$25K per year we would have \$7M for the purchase price/loan principal, \$4.2M in interest and operating expenses of \$625K for the 25 years we would pay a total of \$11.8M during that 25 year period or \$1,690 per residential property.*
- 4. A review of all financial calculations and projections by CARFAC.*

Commissioner Spingler called the vote, motion passed 7-0.

Introduction of Ordinance #2012-09 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts.

Kevin Kochanski gave a brief summary of the Ordinance in regards to Outdoor Dining.

Commissioner Curley made a motion to refer the above referenced ordinance with the below changes to the County Planning and Township Planning Commission with the following changes to be made in addition to allowing exterior heating elements, seconded by Commissioner J. Higgins.

- (10) Outdoor dining shall be permitted in the front, side, and rear yards. However, no outdoor dining area shall be established within 100 feet of the property line of a dwelling unit located completely or partially within a residential zoning district. Outdoor Dining areas shall not be permitted at the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two-family detached residential use or residentially zoned district. For the purposes of this section, the term “immediately adjacent” shall not apply to single family or two-family detached dwellings or residential districts separated from the restaurant use by a public road.*

Commissioner Schaefer commented in regards to allowing exterior heating elements. She is in agreement with the County Planning Commission.

Commissioner J. Higgins made a motion for advertising on umbrellas to be allowed, seconded by Commissioner Schaefer. Motion failed 3-4 with Commissioner Spingler, Fisher, Curley and K. Higgins opposed.

Commissioner Spingler called the vote for Commissioner Curley motion, motion passed 7-0.

Public Comment

Jim Schneller – Recommended a few changes to the Ordinance such as parking and furniture.

Baron Gemmer – Made a few suggested changes throughout the document which Mr. Kochanski will note.

Introduction of Ordinance #2012-05 – Amending Chapter 263, Trees of the Radnor Township Code, establishing new definitions, general powers, and duties of the Shade Tree Commission, new permit and application requirements, and revising the Enforcement and Penalties Provisions of the Ordinance.

Commissioner Curley in his opinion believes that this version is too burdensome on homeowners.

Commissioner Schaefer commented that she is very happy with the ordinance. She also described some of the important changes that have been made.

Commissioner Fisher supports the ordinance as it is written.

Commissioner K. Higgins believes this is an infringement on his property.

Commissioner J. Higgins fully supports the ordinance. There are some burdens here but it is worth it. He questioned in regards to heritage trees; are there any standards for the Shade Tree Commission to deny a permit to remove one. Howard Holden responded that the Commission listens to the residents' reasons first and in some cases they do deny.

The Commissioners briefly discussed the ordinance for clarification purposes.

Commissioner Schaefer made a motion to introduce, seconded by Commissioner Nagle. Motion passed 5-2 with Commissioner K. Higgins and Curley opposed.

#### Public Comment

Jim Schneller – He discussed items such as hazardous trees and sidewalk replacements due to tree roots.

### ***PUBLIC WORKS & ENGINEERING***

*CAUCUS - SD # 2012-SD-03 (Final) of C. F. Holloway, III & Co. to consolidate 2 lots into one existing retail store to remain as commercial building, out buildings to be demolished and construct 6 new townhouse units with new parking and access driveways at 229 & 255 W. Wayne Ave., Wayne*  
*(Submitted 11/2/12)*

Dave Falcone discussed the project briefly. He mentioned that they are in agreement with Mr. Sartor and Mr. Rice recommendations and conditions that are in the meeting packet.

#### Public Comment

Jim Schneller – Discussed that he has concerns about the impervious coverage in the plan.

*CAUCUS - 2012-D-16 (Preliminary) of Cabrini College to construct two (2) parking structures, a student commons building and related improvements on campus at 610 King of Prussia Rd., Wayne*  
*(Submitted 8/31/12)*

Howard Holden, Cabrini College gave a brief introduction of the project of two (2) parking structures, a student commons building and related improvements on campus.

Commissioner K. Higgins inquired how many additional parking spaces will be going in. The applicant responded that there are 130 additional cars.

Commissioner Schaefer inquired about the number of trees being removed and sidewalk alternatives. The applicant responded that the commuters that they have on bike is minimal.

Commissioner Fisher suggested that if Cabrini wasn't interested in placing a sidewalk, maybe they would be interested in helping at the park.

#### Public Comment

Jim Schneller – Would like to see sidewalks on Eagle Road.



***PUBLIC SAFETY***

None

***LIBRARY***

February 17, 2013 at 7 PM the Library is hosting former Governor Ed Rendell to discuss his new book, it is co-sponsored by the Radnor Historical Society.

***PUBLIC HEALTH***

*Old Business*

None

*New Business*

None

*Public Participation*

None

*There being no further business, the meeting adjourned on a motion duly made and seconded.*

*Respectfully submitted,*

*Jennifer DeStefano*