

TOWNSHIP OF RADNOR
Minutes of the Meeting of June 10, 2019

The Radnor Township Board of Commissioners met at approximately 6:45 PM in the Radnorshire Room in the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087

Commissioners Present

*Lisa Borowski, President Jack Larkin, Vice-President Luke Clark Sean Farhy
Jake Abel Richard Booker*

Commissioners Absent - John Nagle

Also Present: *Robert A. Zienkowski, Township Manager/Township Secretary; Kathryn Gartland, Township Treasurer; John Rice, Township Solicitor; William White, Assistant Township Manager/Finance Director; Steve Norcini, Township Engineer; Kevin Kochanski, Director of Community Development; Amy Kaminski, Traffic Engineer; Roger Philips, Engineer; and Jennifer DeStefano, Executive Assistant to the Township Manager.*

President Borowski called the meeting to order and led the assembly in the Pledge of Allegiance

Notice of Executive Session on June 3, 2019 and preceding the Board of Commissioners meeting of June 10, 2019

There was an Executive Session on June 3, 2019 where matters of Litigation and Personnel were discussed. All Commissioners were in attendance. Preceding the June 10, 2019 Board of Commissioners meeting, there was an Executive Session where matters of Litigation and Personnel were discussed. All Commissioners were in attendance with the exception of Commissioners Abel and Nagle.

Commissioner Borowski congratulated Commissioner Clark on the birth of his fourth child. She also thanked the staff and the community for a job well done with the Memorial Day Parade as well as the Music Fest.

1. Consent Agenda

a) Disbursement Review & Approval

b) Approval of minutes of the Board of Commissioner meeting of May 13, 2019 & May 20, 2019

c) Resolution #2019-52 - Renewing the Township Microsoft 365 Subscription for one year at a price of \$14,695

d) Resolution #2019-53 - Continuing the Township's Engagement with Cohen Law Group for the cable franchise negotiations with Comcast by approving payments of \$8,635.75 and \$2,661.25 for work already completed and authorizing an additional \$10,000 for future services

e) Resolution 2019-54 – Authorization to Sign an Agreement to Authorize the Electronic Access to PennDOT Systems for Political Subdivisions

f) Authorizing the Receipt of Proposals for Towing Services for the Radnor Township Police Department
g) HARB

• HARB-2019-06 – 210 Windermere Avenue – Detached garage.

- HARB-2019-07 – 223 Walnut Avenue - Remove single story laundry room/powder room from rear of house and replace with single story family room, laundry room and half bath.
- HARB-2019-08 – 233 Walnut Avenue – Replace shed with 1 car garage; extend front porch across right side of house; replace stucco with fiber cement siding consistent with the rear addition completed in November 2017

Commissioner Clark made a motion to approve the consent agenda, seconded by Commissioner Larkin. Motion passed 6-0 with Commissioner Nagle absent.

2. Public Participation - Individual comment shall be limited to not more than five (5) minutes per Board policy

Anne Minicozzi, Radnor Street Road – She announced the Community Breakfast which will be held on September 18th at Villanova University.

Ben Taylor, Raowton Lane – He spoke in support of Villanova University lighting proposal.

Sara Pilling, Ready100 – She commented about the Green Team task force first meeting as well as commented in opposition of 130/131 Garrett Avenue.

Laura Reinhardt, Garrett Hill 4th of July Parade – She invited everyone to the Garrett Hill 4th of July Parade.

Martin Caufield – He commented asking for the Township to look into the noise ordinance along with the lighting ordinance.

There was a brief discussion and it was the sense of the Board that the lighting ordinance will be on the agenda in July for discussion.

Elliott Funkhauser, Eachus Avenue – He spoke regarding 130/131 Garrett Avenue.

3. Recognition of Great American Pub

Commissioner Larkin presented the owners of the Great American Pub for their continued support in the Community.

4. Recognition of Helen McGrane

Commissioner Borowski presented Helen Grommel-McGrane for her dedicated service to the Radnor Memorial Library Board of Trustees.

5. Committee Reports

A. Discussion of Right of Way Ordinance/Agreement (Requested by Commissioner Abel)

Commissioner Abel spoke regarding the condition of the Township roads and would like to be able to hold utility companies to a higher standard. There was a brief discussion and a consensus of the Board to review the right-of-way ordinance.

B. Presentation of the 2018 Independent Audit (by Zelenkofske Axelrod, LLC)

Mr. White and Mr. Tate briefly discussed the 2018 Independent Audit. Representatives of Zelenkofske Axelrod, LLC presented the 2018 Independent Audit.

C. Resolution #2019-51 – Board Acceptance of the 2018 Comprehensive Annual Financial Report (CAFR) and Independent Audit Report

Commissioner Farhy made a motion to approve, seconded by Commissioner Clark. Motion passed 6-0 with Commissioner Nagle absent.

H. Ordinance #2019-05 – (Introduction) - Providing For The Amendment Of The Radnor Township Code Of Ordinances By Amending Part 2, General Legislation Creating A New Chapter 224, Adopting Regulations For The Planting, Controlling, And Removal Of Bamboo, Including Penalties And Other Remedies For Violations

Commissioner Clark made a motion to introduce ordinance 2019-05, seconded by Commissioner Abel.

Mr. Golas made a brief presentation regarding the above proposed ordinance. There was a brief discussion amongst the Commissioners, Mr. Golas and staff.

Commissioner Larkin made a motion to approve with the following amendments Subsection B Prohibition to read: *With the exception of pre-existing which is defined in greater detail below* Upon the effective date of this Part, the planting, growing or cultivating of running bamboo by any person shall be prohibited within the Township. Also - Subsection C Pre-Existing Bamboo (1) The owner of any premises on which running bamboo plants or roots currently exist shall manage, trim or cut all running bamboo not contained on such property. Running bamboo, including the root system, shall be no closer than ten (10) feet from any public right of way or any property line. Barriers shall be provided to prevent future encroachment of running bamboo or root system into these areas. Motion seconded by Commissioner Borowski. Motion passed 5-1 with Commissioner Farhy opposed and Nagle absent.

Public Comment

Roy Binnion – He commented that stormwater should also be included.

Commissioner Borowski called the vote on the original motion to introduce, motion passed 5-1 with Commissioner Farhy opposed and Nagle absent.

D. Ordinance #2019-06 - (Introduction) - Approving a Lease Agreement Between the Township of Radnor and Willows Park Preserve

Commissioner Farhy made a motion to introduce, seconded by Commissioner Clark.

Mr. Rice briefly spoke regarding the above proposed ordinance. He commented that the ordinance is ready for introduction with two minor changes. First one pertaining to insurance and the other in subparagraph K to include the 2 Township appointees to the WPP Board. Counsel for the Willows Park Preserve briefly spoke regarding the Willows project.

Commissioner Abel made a motion to table the ordinance, so it can go in front of the Community Development committee, seconded by Commissioner Farhy. Motion failed 2-4 with Commissioners Booker, Clark, Borowski and Larkin opposed and Commissioner Nagle absent.

Public Comment

Sara Pilling, Garrett Avenue – She commented regarding existing events that are held at the Willows.

Commissioner Borowski called the vote on the original motion, motion passed 5-1 with Commissioner Abel opposed and Commissioner Nagle absent.

E. WAWA -Lancaster & Aberdeen Avenues – FINAL – Subdivision Plan

Please see transcript taken by stenographer. Nick Caniglia representing the applicant held a public hearing regarding the above subdivision plan.

Commissioner Clark made a motion to deny the Wawa Subdivision plan, seconded by Commissioner Farhy.

There was public comment which can be found in the official transcript.

Commissioner Borowski called the vote, motion passed 5-0 with Commissioners Abel and Nagle absent.

F. Villanova/Musco stadium light presentation

Representatives from Villanova and Musco Lighting made a presentation for the proposed stadium lighting upgrade. There was a discussion amongst the Commissioners, Musco Lighting and area residents.

Commissioner Farhy made a motion to extend the meeting 30 minutes, seconded by Commissioner Larkin. Motion passed 4-1 with Commissioner Booker opposed and Commissioners Abel and Nagle absent.

G. Villanova Stadium ZHB agreement

Mr. Rice gave a background of the proposed agreement. Mr. Caniglia discussed that they are not in agreement with section 7b of the agreement: *Special events or Villanova events. Villanova shall provide a schedule for all such events to the Township at least thirty (30) days prior to such events. Special events include non-profit activities such as the CHOP Buddy Walk, Radnor Township events, Radnor School District events, and similar non-profit, municipal or school events. Section 10 Villanova shall not permit the Stadium Lights to be used by any professional sports teams for the playing of league games unless approved by Radnor Township. Section 13 - If Villanova violates paragraph 11 of this Agreement Radnor may issue a fine in the amount of \$500.00 payable within 10 days of receipt by the University, unless Villanova disputes the violation in writing within 10 days of receipt. If the parties are unable to agree on the payment of the fine, Radnor Township reserves the right to file a civil enforcement action*

pursuant to the Municipalities Planning Code (MPC). If Villanova disputes the violation as set forth herein, there shall be deemed to be only one such violation rather than multiple violations for the same offense. For each subsequent violation in a calendar year the fine shall be increased to \$1,000 per violation. There was an in-depth discussion amongst the applicant and the Commissioners.

Commissioner Farhy made a motion to extend meeting for another 30 minutes to midnight, seconded by Commissioner Larkin. Motion passed 4-1 with Commissioner Booker opposed and Commissioners Abel and Nagle absent.

Commissioner Larkin made a motion to amend section 7b to read: *Special events or Villanova events. Villanova shall provide a schedule for all such events to the Township at least thirty (30) days prior to such events. ~~Special events include non-profit activities such as the CHOP Buddy-Walk, Radnor Township events, Radnor School District events, and similar non-profit, municipal or school events.~~*, seconded by Commissioner Borowski.

As well as striking paragraph 10 *Villanova shall not permit the Stadium Lights to be used by any professional sports teams for the playing of league games unless approved by Radnor Township.*, seconded by Commissioner Borowski.

Public Comment

Alex Yannopoulos- He commented that he believes the agreement has been rushed for approval.

Marty Caufield – He spoke regarding section 7 of the agreement where it states, “not in academic session”. He also presented proposed settlement agreement from the neighbors of Old Oaks and North Black Friar residents.

Commissioner Farhy made a motion to extend meeting for another 30 minutes to 12:30 AM, seconded by Commissioner Larkin. Motion passed 4-1 with Commissioner Booker opposed and Commissioners Abel and Nagle absent.

Public Comment

AnneMarie Hessmann – She commented that she would like to see more time to review the agreement.

Tim Frey, Ward 7 – He commented that the real issue is the lights going into the residence homes and a deal needs to try to be done.

Kevin Geary, Blackfriar Road – He commented that Villanova University needs to be more of a better neighbor and urged the Board to reject the agreement.

Brad McDevitt, S. Ithan Road – He commented in support of the agreement.

Commissioner Borowski called the vote to remove 2nd sentence of paragraph 7b; Motion passes 3-2 with Commissioners Farhy and Booker opposed and Commissioners Abel and Nagle absent.

Commissioner Larkin made a motion to strike paragraph 10, seconded by Commissioner Clark. Motion passed 3-2 with Commissioners Booker and Farhy opposed and Commissioner Abel and Nagle absent.

Commissioner Larkin made a motion to approve the settlement agreement as amended, seconded by Commissioner Clark.

Public Comment

Alex Yannopoulos- He commented regarding the settlement agreement does not comply with PA Municipal Planning Code.

Mr. Rice, Township Solicitor stated that this agreement does not need to comply with the particular section referenced by Mr. Yannopoulos.

Commissioner Borowski called the vote, motion passed 3-2 with Commissioners Booker and Farhy opposed and Commissioner Abel and Nagle absent.

I. Discussion and Direction on the 2019 Series General Obligation Bonds and project listing

Tabled until June 17, 2019 Special Board of Commissioners meeting.

J. Resolution #2019-49 - Awarding the Design Contract for the Wayne Business Overlay District Tree Planting Project to Carroll Engineering, Incorporated in the amount of \$13,600

Tabled until June 17, 2019 Special Board of Commissioners meeting.

K. Resolution #2019-50 - Awarding the Design Contract for the Wayne Business Overlay Municipal District Parking Resurfacing Project to Carroll Engineering, Incorporated in the amount of \$13,000

Tabled until June 17, 2019 Special Board of Commissioners meeting.

L. 501 S. Ithan – CAUCUS – Minor Final Subdivision Plan

Mr. Norcini commented that the application before the Commissioners, for caucus, regards a lot line change between 501 South Ithan Avenue and 528 Brandymede Place. 528 Brandymede Place will be transferring 0.249 acres to 501 South Ithan Avenue. The applicant briefly spoke regarding the proposed plan. There was a brief discussion amongst the Commissioners.

M. 360 Conestoga Road – CAUCUS – Minor Final Subdivision Plan

Mr. Norcini commented that the application before the Commissioners, for caucus, regards the subdivision of 360 Conestoga Road into two lots. There is a possible deed restriction that the Township is still working out with the Township Solicitor. There was a brief discussion amongst the applicant, Commissioners and staff.

6. Reports of Standing Committees of the Board

None

7. New Business

None

8. Old Business

None

9. Public Participation

None

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

*Respectfully submitted,
Jennifer DeStefano*