

TOWNSHIP OF RADNOR
Minutes of the Meeting of June 11, 2018

The Radnor Township Board of Commissioners met at approximately 6:30 PM in the Radnorshire Room in the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087

Commissioners Present

<i>Lisa Borowski, President</i>	<i>Luke Clark, Vice-President</i>	<i>Jake Abel</i>	<i>Richard Booker</i>
<i>Sean Farhy</i>	<i>Jack Larkin</i>	<i>John Nagle</i>	

Also Present: *Robert A. Zienkowski, Township Manager; Kathryn Gartland, Township Treasurer; Joseph Rudolf, Solicitor; Christopher B. Flanagan, Superintendent of Police; Stephen Norcini, P.E., Township Engineer; Steve McNelis, Public Works Director; Dammon Drummond, Traffic 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 May 29, 2018 and preceding the Board of Commissioners meeting of June 11, 2018

There was an Executive Session on May 29, 2018 where matters of township staff reorganization and solicitor engagement were discussed. All Commissioners were present except for Commissioner Clark joined by phone.

The Executive Session scheduled for this evening was cancelled.

Commissioner Farhy thanked Mr. Zienkowski, Tammy Cohen, Steve McNelis as well as all staff involved for the great Emlen Tunnell dedication ceremony which was held on June 2, 2018.

1. Oath of Office - Ward 1 Commissioner Elect John Larkin

Commissioner Borowski administered the Oath of Office to Commissioner Elect Jack Larkin.

2. Oath of Office - Ward 7 Commissioner Elect Sean Farhy

Commissioner Borowski administered the Oath of Office to Commissioner Elect Sean Farhy. He was joined by his wife and children.

3. Consent Agenda

- a) Disbursement Review & Approval: 2018-05B, 2018-05C, 2018-05D*
- b) Approval of minutes of the Board of Commissioner meeting on May 14, 2018 & May 21, 2018*
- c) Acceptance of Staff Traffic Committee Meeting Minutes of May 16, 2018*
- d) Motion Authorizing the Public Works Department to Receive Sealed Bids for the 2018 Superpave Resurfacing Program*
- e) Resolution #2018-38 - Authorizing an Electronic Recycling and Shredding Event to be Hosted by Radnor Township*
- f) Resolution #2018-41 – Cabrini University Sewage Facility Planning Module*

g) Resolution #2018-42 – Authorizing Meliora Design, Incorporated to Provide Survey, Permitting, Design, and Bidding Documents for the Replacement of the Malin Road Culvert

Commissioner Nagle requested for item a - disbursement list to be removed from the consent agenda. Commissioner Clark made a motion to approve items b to g, seconded by Commissioner Abel. Motion passed 7-0.

3a - Disbursement Review & Approval: 2018-05B, 2018-05C, 2018-05D, 2018-06A

Commissioner Nagle made a motion to approve the disbursement list including item 6a, seconded by Commissioner Clark. Motion passed 7-0.

4. Motion for Confirmation of the Appointment of Stephen McNelis as Director of Public Works

Mr. Zienkowski asked for the Board to confirm the appointment of Stephen McNelis as Director of Public Works.

Commissioner Nagle made a motion to confirm the appointment of Stephen McNelis as Director of Public Works, seconded by Commissioner Clark.

A few of the Commissioners reinforced their confirmation of Mr. McNelis as Public Works Director.

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

5. Recognition of Commissioner Matthew Marshall

Mr. Zienkowski presented Commissioner Marshall with a plaque in recognition of his service as a Commissioner. The Commissioners made a few brief comments.

6. Motion to Censure Commissioner Sean Farhy

Commissioner Clark briefly discussed the above agenda item to censure Commissioner Farhy for a letter that was shared publicly regarding the newly appointed Township Solicitor.

Commissioner Clark made a motion to censure Commissioner Farhy, seconded by Commissioner Booker.

There was a discussion amongst the Commissioners on the above item.

Public Comment

Dan Sherry, Wayne – He commented in support of the motion.

Susan Stern, Wayne – She commented not in support of the motion.

Kelly Martin, Ward 7 – She commented in support of the motion.

Toni Bailey, Ward 7 – She commented in support of the motion.

Annie Webb – She commented in support of the motion.

Commissioner Borowski called the vote, motion failed 2-4 with Commissioners Farhy, Borowski, Larkin and Nagle opposed and Commissioner Booker absent.

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

Kenneth Frolick, Radnor Resident – He commented regarding orphaned cases that the last Township Solicitor was working on and the transition to a new Township Solicitor.

Dan Sherry, Wayne – He commented regarding the Township Solicitor as well as Mr. McCone attending the meeting and exhibit 6.

Jane Galli, Ward 7 – She commented regarding a clean-up day at the Willows which will be hosted by the Willows Park Preserve on June 30th.

Doug McCone – He thanked the newly sworn Commissioners as well as commented regarding the need to redo the RFP process for Township Solicitor.

Commissioner Borowski called for a brief recess

Kelly Martin, Ward 7 – She commented regarding comments made to her by Doug McCone during the recess as well as commented regarding “exhibit 6” and timeliness it has taken and still not know how Mr. McCone obtained the document.

Grace Smith, Ward 1 – She spoke in support of ordinance 2018-10 which is at end of agenda. The handicap parking spot is for herself.

Susan Stern, Wayne – She commented that there are far more important items in the Township that need to be addressed and have not been. She urged the board to work with a board dynamic consultant to work through issues which will allow them to improve their interactions and decision making.

Commissioner Booker made a motion to discuss the items that Mr. McCone discussed during Public Comment. Motion failed for lack of a second.

8. Committee Reports

PERSONNEL & ADMINISTRATION

A. Approval of Engagement Letter and Rates for New Township Solicitor

Commissioner Booker made a motion for the approval of the revised rate for the new Township Solicitor, seconded by Commissioner Abel.

There was an in-depth discussion amongst the Commissioners regarding the motion above.

Kathryn Garland, Township Treasurer and Mr. Zienkowski, Township Manager briefly commented on the above agenda item regarding their confusion.

Public Comment

Kelly Martin, Ward 7 – She commented in support of the approval of the engagement however agreed with the confusion.

Sara Pilling, Garrett Avenue – She commented generally in favor of the Board's efforts to reduce its legal costs.

Dan Sherry, Wayne – He commented regarding his frustration of the engagement letter not being executed by Ms. Borowski prior to this meeting and leaving the Township without legal representation.

Susan Stern, Wayne – She commented regarding good process as well as commented regarding an email which was sent to the President of the Board by four Commissioners was a violation of the Sunshine Act.

Alex Yannopolous – He commented that more time and consideration needs to be spent on the performance of the Solicitor rather than fully on hourly rate.

Toni Bailey, Ward 7 – She spoke that it is more about the money and is in support of the engagement letter.

Commissioner Borowski called the vote, motion failed 3-4 with Commissioners Farhy, Borowski, Larkin and Nagle opposed.

Commissioner Clark made a motion for the approval of the engagement letter rates of the new Township Solicitor. Motion failed for lack of a second.

B. Motion and Possible Vote on an Interim Solicitor, If Necessary

Commissioner Larkin made a motion to appoint an interim solicitor as Grim, Biehn & Thatcher, John Rice at his preexisting terms, seconded by Commissioner Farhy.

There was a discussion amongst the Commissioners regarding the motion above.

Commissioner Borowski called for a recess

There was further discussion amongst the Commissioners and Mr. Rudolf.

Public Comment

Dan Sherry, Wayne – He commented regarding his disagreement of the motion for an interim solicitor.

Kelly Martin, Ward 7 – She spoke regarding her confusion to appointing an interim solicitor when one was already appointed at the May 21st meeting.

Helen Gleason, Ward 1 – She suggested Gus Economides as interim solicitor.

Susan Stern, Wayne – She commented regarding her understanding of the current solicitor and her concern that the vote for solicitor wasn't done with a transition plan.

Commissioner Booker made a motion to amend original motion to name Jim Byrne as interim solicitor, seconded by Commissioner Abel.

Public Comment

Gus Economides – He inquired for clarity of the motions.

Dan Sherry, Wayne – He commented that it would make sense to have one solicitor and not two.

Kelly Martin, Ward 7 – She spoke that there was a clear vote that Jim Byrne was appointed as Solicitor and the not signing the paperwork is unprofessional.

Commissioner Borowski called the vote on the amended motion; motion failed 3-4 with Commissioners Farhy, Borowski, Larkin and Nagle opposed.

Commissioner Borowski called the vote on the original motion; motion passed 4-3 with Commissioners Booker, Clark and Abel opposed.

C. Ordinance #2018-08 - (Adoption) - Amending Chapter 39, Code of Ethics by Repealing Sections 39-7, Ethics Board and 39-8

Commissioner Clark made a motion to adopt, seconded by Commissioner Booker.

Public Comment

Michael Smith, Ward 1 – He commented in opposition of the ordinance.

Dan Sherry, Wayne – He commented in support of the ordinance and reviewed past ethics complaints in Radnor.

Alex Yannopoulos- He commented in support of the ordinance.

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

PUBLIC WORKS & ENGINEERING

D. Ordinance #2018-06 – (Adoption) - An Ordinance of Radnor Township, Delaware County, Pennsylvania, Amending Chapter 263, Trees, Section 263-9, Revising and Updating Appendix “A” for the Recommended Tree list for Radnor Township

Commissioner Clark made a motion to adopt, seconded by Commissioner Abel.

There was a brief discussion regarding the list of trees included in the ordinance. It was explained that the ordinance will allow the tree list to be amended by resolution going forward.

Public Comment

Sara Pilling, Garrett Avenue – She spoke regarding a tree in question during discussions with the Commissioners.

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

G. Ordinance #2018-10 - (Introduction) - 246 250 North Aberdeen Avenue - New Handicapped Parking Space

Commissioner Larkin made a motion to introduce the above ordinance, seconded by Commissioner Farhy.

Public Comment

Michael Smith, Ward 1 – He inquired if the space can be painted and marked now for his wife. Superintendent of Police, Chris Flanagan stated that it would be out of policy to do so but will make it a priority once approved.

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

E. 409, 411, 413 East Lancaster Avenue – Emerson – Caucus - Final Land Development

Representatives of 409, 411 & 413 East Lancaster Avenue and their team presented the final. The project is located directly across from Veterans Park. The applicant is proposing to combine the parcels into one parcel. They then propose to raze the structure on #411, and connect the two remaining structures on #409 and #413 with an addition. There was a discussion amongst the Commissioners and the applicant regarding the project.

Public Comment

Helen Gleason – She spoke regarding a few questions with the applicant on height of buildings and how close the current plan is to the one that she reviewed last year.

Jane Galli, Barcladen – Inquired the placement of trash dumpsters.

PUBLIC SAFETY

F. Ordinance #2018-09 - (Introduction) - 741-747 Moore Avenue - No Parking between Signs

Commissioner Clark made a motion to introduce, seconded by Commissioner Nagle. Motion passed 6-0 with Commissioner Farhy out of the room.

COMMUNITY DEVELOPMENT

None

PARKS & RECREATION

None

FINANCE & AUDIT

None

LIBRARY

Commissioner Borowski commented that the Library is planning to reopen on July 2nd.

PUBLIC HEALTH

Commissioner Nagle commented that at the last Board of Health meeting they had an excellent presentation and discussion on Vaping. The presentation is on the Township website.

New Business

Mr. Zienkowski commented that he will be reaching out to PennDot again to try to work with them on road repairs, catch basins, tree cleanup, etc.

Commissioner Booker spoke regarding a letter that Mr. McCone gave the Commissioners regarding the Solicitor appointment and that he should have been questioned about exhibit 6 which was included in his ethics complaint. There was a discussion amongst the Commissioners.

Commissioner Clark made a motion to extend the meeting to 11:15 PM, seconded by Commissioner Booker. Motion passed 4-3 with Commissioners Borowski, Nagle and Larkin opposed.

Old Business

Commissioner Abel inquired when the Commissioners can expect to hear from the Citizens Communication Council. Mr. Zienkowski responded that he will get the details back to him on when they will discuss.

Public Participation

Kelly Martin, Wayne – She commented that the Township is responsible to find the leak of exhibit 6 as well as commented about Mr. McCone comments earlier in the evening.

Dan Sherry, Wayne – He spoke regarding the appointment of Solicitor as well as comments made by Mr. McCone earlier in the meeting.

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

*Respectfully submitted,
Jennifer DeStefano*