

TOWNSHIP OF RADNOR
Minutes of the Meeting of September 24, 2018

The Radnor Township Board of Commissioners met at approximately 7:10 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 (arrived at 8 PM)</i>	<i>Jake Abel</i>
<i>Richard Booker</i>	<i>Jack Larkin</i>	<i>John Nagle</i>
<i>Sean Farhy</i>		

Also Present: *Peter Nelson, Township Solicitor; William White, Assistant Township Manager/Finance Director; Christopher Flanagan, Superintendent of Police; Steve Norcini, Township Engineer; Steve McNelis, Public Works Director; Tammy Cohen, Director of Recreation and Community Programming; Kevin Kochanski, Director of Community Development; Amy Kaminski, Traffic Engineer; Amy Lacey, Revenue Coordinator 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 preceding the Board of Commissioners meeting of September 24, 2018

There was an Executive Session Conference call on August 25, 2018 to discuss litigation and an Executive Session on September 24, 2018 where matters of Litigation, Real Estate and Personnel were discussed.

2. *Recognition of Kim Crews Englehard, Garrett Hill July 4th Parade/Celebration Committee*

Commissioner Farhy presented Kim Crews-Englehard with a Plaque of recognition for her hard work over the years with the Garrett Hill July 4th Parade and Celebration.

3. *Recognition of Former Commissioner James C. Higgins*

Commissioner Borowski presented past Commissioner Higgins with a plaque of appreciation for his years of service as a Board of Commissioner in Radnor Township. Mr. Higgins said a few brief words.

Consent Agenda

- a) *Disbursement Review & Approval*
- b) *Acceptance of Department Monthly Reports*
- c) *Acceptance of Final Staff Traffic Committee Meeting Minutes – August 15, 2018*
- d) *Approval of minutes of the Board of Commissioner meeting August 13, 2018 and August 20, 2018*
- e) *Resolution 2018-87 – Authorizing the Purchase of Veridesk Office Furniture from Veridesk LLC at a Cost of \$8,869.50*
- f) *Resolution #2018-88 - Authorizing the Award of the Annual Winter Road De-Icing Salt Contract*
- g) *Resolution #2018-89 - Awarding the contract for Tree Planting for the Big Tree Program*
- h) *Resolution #2018-103 – Waiver Request, Ordinance #2005-11, Stormwater Management, Radnor TAP Trail*
- i) *Resolution 2018-93 – Establishing the 2019 Minimum Municipal Obligation (“MMO”), subject to further amendment during the 2018 budget process*
- j) *Resolution #2018-96 - Approval of Supplemental Design and Survey Services to Simone Collins, Incorporated, Radnor TAP Trail*

- k) Resolution #2018-101 - Authorizing Meliora Design to Provide Permitting, Design, and Bidding Documents for Stormwater Management at Arbor and Cumberland Places, in the Amount of \$26,065
- l) Resolution #2018-102 – Authorizing the Execution of a Settlement Agreement with Officer William Derr and The Honorable Discharge of William Derr
 - m) HARB Certificates
 - HARB-2018-05 – 309 Midland Avenue – Demolish Garage and building new garage.
 - HARB-2018-07 – 310 N Wayne Avenue - Addition of 1st floor family room and 2nd floor bedroom. Garage renovation. Re-siding of whole house exterior
 - n) Resolution #2018-104 - PennDOT Master Castings Agreement

Items e, h, i and l were requested to be removed from the consent agenda.

Commissioner Larkin made a motion to approve excluding items e, h, i and l, seconded by Commissioner Nagle. Motion passed 5-0 with Commissioner Farhy out of the room and Commissioner Clark absent.

Resolution 2018-87 - Authorizing the Purchase of Veridesk Office Furniture from Veridesk LLC at a Cost of \$8,869.50

Tammy Cohen, Director of Recreation and Community Programming briefly explained the above resolution.

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

Resolution #2018-103 - Waiver Request, Ordinance #2005-11, Stormwater Management, Radnor TAP Trail

Steve Norcini and Peter Simone gave a background on the proposed resolution. There was a discussion amongst the Commissioners and Staff.

Commissioner Nagle made a motion to approve, seconded by Commissioner Farhy. Motion passed 4-2 with Commissioners Booker and Abel opposed and Commissioner Clark absent.

Resolution 2018-93 - Establishing the 2019 Minimum Municipal Obligation (“MMO”), subject to further amendment during the 2018 budget process

Mr. White gave a background on the above resolution and a brief conversation followed.

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

Resolution #2018-102 - Authorizing the Execution of a Settlement Agreement with Officer William Derr and The Honorable Discharge of William Derr

Commissioner Larkin made a motion to approve, seconded by Commissioner Nagle. Motion passed 5-1 with Commissioner Booker opposed and Commissioner Clark absent.

4. Appointments to Various Boards and Commissions

Commissioner Borowski made a motion to appoint Bill Quinn to the Parks Board, seconded by Commissioner Farhy. Motion passed 6-0 with Commissioner Clark absent.

Commissioner Borowski made a motion to appoint Margaret Reinhart to the EAC, seconded by Commissioner Abel. Motion passed 6-0 with Commissioner Clark absent.

Commissioner Booker made a motion to appoint Jay Osterholm to CARFAC, seconded by Commissioner Abel. Motion passed 6-0 with Commissioner Clark absent.

5. Presentation to the Board of Commissioners of the Delaware County William H. Bates Award for Radnor Township/Clem Macrone Park

Tammy Cohen, Director of Recreation and Community Programming presented the Board of Commissioners with the William H. Bates Award for Clem Macrone Park.

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

Toni Bailey – She spoke regarding comments made by Commissioner Farhy referencing her concern with residents being able to contact the appropriate people if they have concerns about Former Commissioner Ahr.

Kelly Martin, Wayne – She thanked Commissioner Abel and Clark for calling the Public Safety meeting last week and was shocked at the asks from the Fire Departments which the responses from Commissioner Farhy shocked her. Also asked about the details of Executive session this evening.

Leslie, 414 Maplewood Avenue – She thanked the Commissioners and Planning Commission for their oversight of the project on Maplewood. The neighbors are still concerned about traffic on the street, the builder blocking the thru street, in and out access to remain a problem, parking on the street, zoning acceptations granted to the builder.

Roberta Winters – She commended Mr. Higgins and Kim Crews-Englehard for their recognitions this evening.

Michael Smith – He commented regarding recent citations he received.

Chris Welsh, Maplewood - Spoke to the proposed development Maplewood.

7. Committee Reports

PUBLIC SAFETY

A. Resolution #2018-94 - Establishing A Radnor Township Youth Aid Panel Consisting of Community Volunteers to Assist Juveniles Who Are First Time Offenders

There was a brief discussion amongst the Commissioners and Superintendent Flanagan. Representatives from Center for Resolutions were in attendance and discussed the program and answered questions from the Commissioners. There was a brief discussion amongst the Commissioners and staff.

Commissioner Larkin made a motion to approve, seconded by Commission Clark. Motion passed 6-1 with Commissioner Farhy opposed.

COMMUNITY DEVELOPMENT

B. Discussion and possible motion to authorize the Township Manager to enter into contract negotiations for an UCC and 3rd Party Services firm to assist the Community Development Department

There was a brief discussion amongst the Commissioners and staff. Commissioner Nagle made a motion to approve, seconded by Commissioner Larkin. Motion passed 6-1 with Commissioner Booker opposed.

FINANCE & AUDIT

C. Ordinance #2018-11 - [Introduction] Amending Chapters §235 and §246 of the Township Code combining the Sanitary Sewer Rent and Stormwater Fee, decreasing the Sanitary Sewer Rent penalty and interest, and extending the payment period by thirty (x30) days

Mr. White reviewed the proposed ordinance.

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

There was a discussion amongst the Commissioners and staff regarding the consolidation of the two bills.

Commissioner Larkin made a motion to amend the ordinance to read - *WHEREAS, to assist residents and businesses with the adjustment, that the combined billing cycle be increased from 30 days to 60 days, from April 1 to May 31, annually; and, as well as amending copying and pasting Section 1 to Section 3 (with section 3 beginning with the face amount of all user fee charges...)*, seconded by Commissioner Nagle.

Public Comment

Kelly Martin – She commented about how it is discussed of the meetings going on a long time and that it has been blamed on public comment, however it isn't always the public that drags the meetings out.

Commissioner Borowski called the vote on the amendment to the ordinance, motion passed 7-0.

Commissioner Borowski called the vote on the original motion as amended, motion passed 6-1 with Commissioner Booker opposed.

D. Resolution #2018-95 - Engaging PFM as Financial Advisor to provide services relating to a Sanitary Sewer Financing Transaction as budgeted in the 2018 budget and required due to emergency sewer replacement costs

Mr. White gave a brief background that the 2018 Budget included a \$3,500,000 line item to account for this anticipated borrowing. The purpose is to borrow an amount (of roughly \$3.5M, or higher due to more unplanned capital costs in 2018) to pay for various emergency sanitary sewer replacement projects that have occurred in 2017 and 2018. These emergency projects were originally funded by fund balances in the General Fund. This borrowing will allow the Sanitary Sewer Fund to reimburse the General Fund for these projects. Failure to complete this transaction will result in General Fund balances to fall short of the Township's fund balance requirements. Moreover, these projects were sanitary sewer projects and should be funded by the Sewer Rent, which is paid by all properties on the system for these exact situations.

Commissioner Booker made a motion to approve, seconded by Commissioner Larkin. Motion passed 7-0.

PERSONNEL & ADMINISTRATION

E. Approval of Special Counsel for Radnor Memorial Library Litigation

Commissioner Clark made a motion to approve, seconded by Commissioner Abel. Motion passed 6-0 with Commissioner Larkin out of the room.

F. *Willows Project Update*

Removed from the Agenda

PUBLIC WORKS & ENGINEERING

G. *Resolution #2018-99 - Authorizing the Township Manager to Execute Easement Agreements with the Pennsylvania Department of Transportation*

Commissioner Clark made a motion to approve, seconded by Commissioner Nagle. Motion passed 7-0.

H. *Resolution #2018-100 - 415 Maplewood Drive – Final – Preliminary Subdivision and Land Development Plans*

Representatives for the applicant described the proposed project. There was an in-depth discussion amongst the Commissioners, staff and representatives for the project.

Commissioner Larkin made a motion to approve Resolution #2018-100 - 415 Maplewood Drive – Final – Preliminary Subdivision and Land Development Plans, seconded by Commissioner Abel.

There was a discussion amongst the applicant and the Commissioners.

Public Comment

Leslie, Maplewood - She spoke regarding her concerns of the development and the snow dumping.
Baron Gemmer – He commented regarding concerns he has with the proposed development (snow removal, impervious, set-backs and buffer).

Commissioner Borowski called the vote to approve, with the following conditions:

1. *The Applicant shall comply with the July 9, 2018 Gannett Fleming review letter.*
2. *The Applicant shall comply with the July 5, 2018 Gilmore and Associates review letter.*
3. *The Applicant shall comply with all other applicable ordinances with respect to sewage, stormwater management, zoning and building, and all county, state, and federal rules, regulations and statutes, including payment of all fees due the township including park and rec fees.*
4. *The Applicant shall execute Development and Financial Security Agreements and other agreements in a form and manner to be approved by the Township Solicitor.*
5. *In consideration of the waivers granted in paragraph 6, the Applicant shall provide improvements to Odorisio Park consisting of the following:*
 - a) *Grading and paving of the parking lot.*
 - b) *Construction of a comfort station pursuant to specifications agreed to between the Township and the Applicant.*
6. *In addition to the preliminary plan approval conditions the motion would also provide for the following SALDO waivers:*
 - a. *Section 255-27.C(1)- as to right-of-way and cartway width.*
 - b. *Section 255-27.A (5) and (6) - as to length of stub streets and dead-end streets.*

- c. *Section 255-27. (E)(l)- as to number of lots permitted to front on private streets.*
 - d. *Section 255-27.E (2)- as to cartway width.*
 - e. *Section 255-27.F (2)(a)- as to the minimum center-line radii for horizontal curves on local roads.*
 - f. *Section 255-27.H(6) - as to minimum curb radii at street intersections.*
 - g. *Section 255-27.B (3)(d)- as to sight distance.*
 - h. *Section 255-40.C (2) - as to access and circulation.*
 - i. *Section 255-27.I (7) - as to common driveway requirements.*
 - j. *Section 255-29.A (2)- as to designation of parking areas.*
7. *Such approval be conditioned upon absolutely no parking be allowed along the private drive providing access to the lots.*
 8. *That the applicant provides public access to bike trail*
 9. *The both garage spaces be kept open for automobiles parking not be converted to storage or living space.*
 10. *The applicant plant buffers in conforming with the zoning ordinance to the satisfaction of the Township.*

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

Commissioner Larkin made a motion to deny, seconded by Commissioner Farhy based on the following:

1. *Failure to comply with all the comments and requirements set forth in the Gannett Fleming review letter, dated July 9, 2018. A copy of this July 9, 2018 letter is attached hereto and incorporated herein as Exhibit "A".*
2. *Failure to comply with all the comments and requirements set forth in the Gilmore & Associates, Inc. review letter, dated July 5, 2018. A copy of this July 5, 2018 letter is attached hereto and incorporated herein as Exhibit "B".*
3. *Failure to comply with the following requirements of the Code of the Township of Radnor:*
 - a. *Subsection 255-27.A(5) of the Code of the Township of Radnor prohibits dead-end streets, except as stubs to permit future street extension into adjoining tracts or when designed as a cul-de-sac. The Plans propose two dead-end streets without a cul-de-sac or a planned future extension in violation of this Subsection.*
 - b. *Subsection 255-27.A(6) of the Code of the Township of Radnor requires stub streets greater in length than one lot width have a turnaround designed to meet the standards required for a cul-de-sac and shall provide sufficient rights-of-way to permit the future extension of the street into the adjacent property. The Plans propose two stub streets greater in length than one lot width without the required turnarounds nor sufficient rights-of-way in violation of this Subsection.*
 - c. *Subsection 255-27.C(1) of the Code of the Township of Radnor requires a 60 foot right-of-way and 36 foot cartway for minor collector streets. Under Subsection 255-27.B(3)(d) of the*

Code of the Township of Radnor, Maplewood Avenue is classified as a minor collector street. The Plans fail to meet the required right-of-way and cartway width requirements for Maplewood Avenue.

- d. Subsection 255-27.C(1) of the Code of the Township of Radnor requires a 60 foot right-of-way and 28 foot cartway for local streets. Under Subsection 255-27.B(3)(d) of the Code of the Township of Radnor, Highland Avenue is classified as a local street. The Plans fail to meet the required right-of-way and cartway width requirements for Highland Avenue.*
- e. Subsections 255-27.C(1) and 255-36 of the Code of the Township of Radnor requires curbs along all minor collector and local streets. Under Subsection 255-27.B(3)(d) of the Code of the Township of Radnor, Maplewood Avenue is classified as a minor collector street and Highland Avenue is classified as a local street. The Plans fail to provide the required curbing along these streets.*
- f. Subsection 255-27.E(1) of the Code of the Township of Radnor prohibits more than five lots to front a private street. The Plans propose having 10 lots front on the proposed private street in violation of this Subsection.*
- g. Subsection 255-27.E(2) of the Code of the Township of Radnor requires private streets to have the right-of-way width and horizontal and vertical alignment consistent with the requirements for public streets. The Plans fail to meet the 28 foot cartway width requirement imposed upon local streets under Subsection 255-27.C(1) of the Code of the Township of Radnor.*
- h. Subsection 255-27.F(2)(a) of the Code of the Township of Radnor requires the minimum center-line radii for horizontal curves on local roads to be 150 feet. The proposed private road shown on the Plans fails to meet this requirement.*
- i. Subsection 255-27.H(6) of the Code of the Township of Radnor requires the minimum curb radii at street intersections to be 25 feet for local streets. The Plans fail to meet this requirement at the intersection of the proposed private road and Maplewood Avenue.*
- j. Subsection 255-27.I(7) of the Code of the Township of Radnor prohibits common driveways from providing access to more than three lots or three single-family dwellings. The proposed private road provides access to 10 single-family dwellings. If the proposed private road is viewed as a common driveway, then it violates this Subsection.*
- k. Subsection 255-28 of the Code of the Township of Radnor requires a stopping sight distance of 275 feet for minor collector streets. Under Subsection 255-27.B(3)(d) of the Code of the Township of Radnor, Maplewood Avenue is classified as a minor collector street. The Plans do not provide for a sight stopping distance of 275 feet at the intersection of the proposed private road and Maplewood Avenue in violation of Subsection 255-28.*
- l. Subsection 255-29.A(2) of the Code of the Township of Radnor Parking requires parking areas to be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. The Plans fail to comply with this Subsection by using parking areas to meet the Code's parking requirements*

which require the moving of one vehicle to allow another motor vehicle to proceed to and from other parking spaces.

- m. Subsection 255-29.A(3) of the Code of the Township of Radnor requires all parking spaces to be marked so as to provide for orderly and safe parking. The Plans fail to comply with this Subsection.*
- n. Subsection 255-29.A(15) of the Code of the Township of Radnor requires all dead-end parking areas to be designed to provide sufficient backup area for the end stalls of a parking area. The Plans fail to comply with this Subsection by failing to provide sufficient backup areas for the proposed dead-end parking areas.*
- o. Subsection 255-40.C(2) of the Code of the Township of Radnor requires the proposed access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal to be planned for efficient operation and convenience. The Plans fail to comply with this Subsection by not providing adequate access and circulation for emergency equipment, garbage trucks, and other large vehicles throughout the site.*
- p. Subsection 255-40.E(3) of the Code of the Township of Radnor requires all driveways to be paved and constructed in accordance with Township standards. The Plans propose pavers instead of paving for the unit driveways and thus fail to comply with this Subsection.*
- q. Subsection 280-103.B(1) of the Code of the Township of Radnor requires two (2) off-street parking spaces for each dwelling unit and Subsection 280-4.B of the Code of the Township of Radnor defines a "parking space" as "[a]n outdoor space or a garage space used for parking motor vehicles, which shall measure not less than nine feet six inches by 20 feet...." The Plans fail to comply with these Subsections because driveway lengths for units 9 and 10 are less than 20 feet and thus do not meet the definition of parking spaces. Moreover, the Plans do not show the garages for these units are large enough to provide two code-compliant parking spaces.*

In addition to violating Subsection 255-27.I(7) of the Code of the Township of Radnor as listed in Paragraph 3.j above, if the private roadway is viewed as a driveway, the Plans violate Subsection 255-29.A(12)(b) of the Code of the Township of Radnor by proposing an entrance and exit drive of less than 25 feet in width and Subsection 255-29.A(21) of the Code of the Township of Radnor by failing to proposing curbing along the perimeter of the entire parking area proposed to serve the 10 dwelling units.

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

I. Resolution #2018-90 - Awarding the Kirks Run Sanitary Sewer Encasement and Stream Bank Rehabilitation project, Contract #B-18-006, to Total Site Development, Incorporated, in the Amount of \$149,086.12

Commissioner Nagle made a motion to approve, seconded by Clark. Motion passed 7-0.

- J. Resolution #2018-91 - Awarding the Maplewood Avenue Storm Sewer Extension Project Contract #B-18-008, to Lechmanik in the Amount of \$84,260.31

Commissioner Clark made a motion to approve, seconded by Commissioner Abel. Motion passed 7-0.

- K. Resolution #2018-92 - Awarding North Wayne Field SWM Basin Repair and Cleaning Contract #B-18-010, to N. Abbonizio Contractors, Incorporated, in the Amount of \$669,000

Commissioner Larkin made a motion to approve, seconded by Commissioner Nagle.

There was a brief discussion amongst the Commissioners and staff.

Motion passed 6-0 with Commissioner Clark out of the room.

- L. Resolution #2018-97 - Awarding the Matsonford Road Pedestrian Bridge Rehabilitation, Contract #B-18-005, to Professional Construction Contractors, in the Amount of \$553,990

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

There was a brief discussion amongst the Commissioners and staff.

Motion passed 7-0.

- M. Resolution #2018-98 - Awarding the Sproul Road (SR 0320) & Conestoga Road (SR 1019) Traffic Signal Installation Contract #B-18-007, to Lenni Electric Corporation, in the Amount of \$52,875.01

Commissioner Clark made a motion to approve, seconded by Commissioner Larkin.

There was a brief discussion amongst the Commissioners and staff.

Motion passed 7-0.

Commissioner Farhy made a motion to extend the meeting by 30 minutes, seconded by Commissioner Abel. Motion passed 5-1 with Commissioner Booker opposed and Commissioner Nagle out of the room.

PARKS & RECREATION

LIBRARY

PUBLIC HEALTH

New Business

- Presentation: 2018 Valley Run Stream Assessment by Rettew Associates

Mark Metzler, RETTEW discussed the report which can be found in the meeting packet. There was a brief discussion amongst the Commissioners and RETTEW.

- Progress of the comfort station at Emlen Tunnell Park (Requested by Commissioner Farhy)

Tammy Cohen gave a progress update on the comfort station. There was consensus of the Board of Commissioners for Tammy to proceed to go back to the Radnor School District and bring more details back to the board to proceed with the project.

Commissioner Abel made a motion to extend to 11:40 PM, seconded by Commissioner Larkin. Motion passed 6-1 with Commissioner Nagle opposed.

- Recycling Program – (Requested by Commissioner Abel)

Commissioner Abel spoke regarding enhancing the recycling program within the Township parks with the help of the Radnor Conservancy and would like to use Bo Conner and Filipone Park as test areas for the fall. There was consensus of the Board to proceed.

Commissioner Abel spoke regarding a company called Curb My Clutter. Commissioner Nagle suggested that the Board direct staff to arrange for the company to present to the Environmental Advisory Committee and report back to the Board.

Public Comment

Sara Pilling – She spoke that by using this service you are taking items that help benefit veterans as well as wounded warriors.

Old Business

None

Public Participation

None

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

*Respectfully submitted,
Jennifer DeStefano*