

TOWNSHIP OF RADNOR
Minutes of Public Meeting of August 17, 2015

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>James C. Higgins, Vice President</i>	<i>John Fisher</i>
<i>Richard F. Booker</i>	<i>John Nagle</i>
<i>Donald Curley</i>	<i>Elaine Schaefer</i>

Also Present: *Robert A. Zienkowski, Township Manager; John Rice, Township Solicitor; William White, Finance Director; Kevin Kochanski, Director of Community Development; Steve Norcini, Director of Public Works; William Colarulo, Superintendent of Police; Damon Drummond, Traffic Engineer; Roger Philips, Township Engineer and Jennifer DeStefano, Executive Assistant to the Township Manager.*

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

Notice of Executive Session on August 3, 2015; August 10, 2015 and preceding the Board of Commissioners meeting of August 17, 2015

Commissioners Fisher, Curley and Booker were in attendance at the August 3, 2015 discussion where matters of personnel and real estate were discussed.

Commissioners Higgins, Booker and Curley (via phone) were in attendance at the scheduled August 10, 2015 executive session however there was not a quorum.

All commissioners were in attendance at the August 17, 2015 executive session where matters of personnel, real estate and litigation were discussed.

Commissioner Higgins made a statement apologizing for comments he made at the July 27, 2015 Board of Commissioners meeting.

1. Consent Agenda

- a) *Disbursement Review and Approval: 2015-07B, 2015-07C, 2015-07D, 2015-07E, 2015-08A*
- b) *Acceptance of Staff Traffic Committee Meeting Minutes – July 15, 2015*
- c) *Approval of minutes for Board of Commissioners meeting of July 7, 2015; July 13, 2015 & July 27, 2015*
- d) *Resolution #2015-90 – Adopting a medical opt-out policy for non-union township employees*
- e) *Resolution #2015-79 – Further amending the 2015 Wage and Salary Schedule*
- f) *Resolution #2015-81 – Renewing the Township’s property, general liability, auto, police professional, public officials, employee practice, and umbrella insurance coverages for the period beginning August 1, 2015 through August 1, 2016*
- g) *Resolution #2015-83 - Philadelphia Area Independent School Business Officers Association (PAISBOA) Lease Renewal*
- h) *Resolution #2015-84 - Awarding the 2015 Superpave Asphalt Street Resurfacing Program*
- i) *Resolution #2015-85 - Awarding the Marlbridge Road Culvert Replacement Project*

- j) Resolution #2015-86 - Authorizing the Sale of Surplus Police Vehicles
- k) Resolution #2015-87 - Award of the Annual Road De-Icing Salt Contract

Commissioner Fisher made a motion to approve the consent agenda, seconded by Commissioner Schaefer. Commissioner Booker requested that item d, e & f be removed from the consent agenda. Commissioner Fisher amended his motion to include items a through c and items g through k, seconded by Commissioner Schaefer. Motion passed 6-0.

Commissioner Schaefer requested that the items that were removed from the consent agenda be placed under Finance & Audit.

2. Appointments to Various Boards & Commissions

Commissioner Fisher moved to appoint Damian Enderle to the Citizens Communication Council, seconded by Commissioner Nagle. Motion passed 6-0.

3. Motion to approve the Sports Legends of Delaware County and the Mickey Vernon Sports History Museum at the Radnor Township Building

A brief video was shown about the history of the Sports Legends of Delaware County and the Mickey Vernon Sports History Museum. Mr. Zienkowski gave a brief background on the museums moving to the Township Building. There was a brief discussion amongst the Commissioners and staff in regards to the terms.

Commissioner Schaefer made a motion, seconded by Commissioner Fisher. Motion passed 6-0.

4. Motion to approve the proposed Radnor Township Police Department Organization Chart

Superintendent Colarulo detailed the proposed organizational chart for the Police Department. Sergeant Joseph Maguire will now be the Police Department's Integrity Control Officer and Sergeant George Smith will now be the Police Department's Strategic Planning Officer.

Commissioner Curley made a motion to approve, seconded by Commissioner Nagle. Motion passed 6-0.

5. Promotions and Appointments within the Radnor Township Police Department

Superintendent Colarulo called for the presentation of the colors. The Superintendent commented that Officer Stiansen and Radico will be promoted to Sergeant and said a few brief words about each of them. Mr. Zienkowski also commented on each of the officers. Judge Hunter swore in Mark Stiansen and Anthony Radico as Sergeants. Superintendent Colarulo called for the retirement of the colors.

6. Public Participation

Dan Sherry, Wayne – He commented in regards to comments made by Commissioner Higgins at the July 27, 2015 meeting.

Chris Todd, Wayne Business Association – Thanked the Commissioners for approving the Radnor Fall Festival on September 20, 2015 and also commented about the Inside Out Art Series as well as thanking Public Works staff.

Martin Heldring, Audubon Ave. – He thanked Commissioner Higgins for his apology earlier in the meeting as well as comment in regards to the filling with the 3rd Ward Commissioner vacancy.

7. Committee Reports**FINANCE & AUDIT**d) Resolution #2015-90 - Adopting a medical opt-out policy for non-union township employees

Commissioner Fisher made a motion to approve, seconded by Commissioner Schaefer.

There was an in depth discussion amongst Commissioners and staff in regards to the proposed resolution. Richard Lee, Representative of DVIT spoke in regards to the savings for the Township.

Public Comment

Martin Heldring, Audubon Avenue – Commented in regards to the percentage offered to employees that it seems to be high.

Dan Sherry, Wayne – Commented in regards to requesting information appropriately without violating HIPAA laws.

Commissioner Booker made a motion to lower the percentage to 25% of the premium in the opt-out policy, seconded by Commissioner Curley. Motion failed 2-4 with Commissioners Schaefer, Higgins, Fisher and Nagle opposed.

Commissioner Higgins called the vote on the original motion, motion passed 5-1 with Commissioner Booker opposed.

e) Resolution #2015-79 - Further amending the 2015 Wage and Salary Schedule

Commissioner Fisher made a motion to approve, seconded by Commissioner Schaefer.

There was an in depth discussion amongst Commissioners and Staff in regards to the proposed resolution.

Commissioner Higgins called the vote, motion passed 5-1 with Commissioner Booker opposed.

f) Resolution #2015-81 - Renewing the Township's property, general liability, auto, police professional, public officials, employee practice, and umbrella insurance coverages for the period beginning August 1, 2015 through August 1, 2016

Commissioner Fisher made a motion to approve, seconded by Commissioner Schaefer. There was a brief discussion in regards to full replacement value for autos. Mr. White explained that this was only for Police vehicles which must be replaced and returned to service promptly. Commissioner Higgins called the vote, motion passed 5-1 with Commissioner Booker opposed.

A. Ordinance #2015-12 – (Introduction) - Amending the 2015 Appropriation Budget to include appropriations for the Clem Macrone Park Improvement Project

Commissioner Fisher made a motion to approve, seconded by Commissioner Booker.

There was an in depth discussion amongst the Commissioners and Staff in regards to the improvements proposed for Clem Macrone Park as well as the funding for the project.

Commissioner Fisher commented that the ordinance should be tabled and to ask staff to come back at next meeting for the amount of appropriation that is needed from this year's budget.

Public Comment

Jerry O'Connor, Garrett Hill – He commented about his support of the project and is tired of fighting for everything in Garrett Hill as well as the need for a new comfort station because it is a disgrace. He asked the Commissioners to vote in favor of the project tonight.

Jim Caniglia, Barcladen Road – He commented about his support of the project and his frustrations that the Board thinks it is a good project but in theory won't approve it.

Matt Marshall, Walnut Avenue – He also commented that he is in support of the project and his disappointment that the Board didn't look to Villanova during their approval process for a contribution.

Phil Ahr, Meredith Avenue – He thanked the staff and parks board for their support and work through the process as well as his support of the project.

Charlie Dolan, Rockingham – He is in support of the project and would like to see it completed.

Nancy Leinwand, Lowrys - She is in support of the project and would like to see the Commissioners approve it.

Dan Sherry, Wayne – He commented in regards to other open space purchases and Township Parks.

Commissioner Fisher asked staff to come back at the next meeting with alternative funding sources for the project.

Commissioner Schaefer made a motion to introduce ordinance #2015-12 with an amendment that the ordinance should include not only the cash funding option but potential bond funding as well, seconded by Commissioner Fisher. Motion passes 4-1 with Commissioner Curley opposed and Commissioner Booker abstaining.

PUBLIC WORKS & ENGINEERING

B. Appeal of the July 22, 2015 Shade Tree Commission's decision regarding the removal of six(6) White Pine trees at the 115 Strafford Avenue Development

Mr. Norcini and Mr. Zienkowski gave a background and explanation of the Administration's reasons for appealing the Shade Tree Commission's decision and referred back to Mr. Norcini's memorandum in the Board packet.

There was a discussion amongst the Commissioners, Staff and the Township Solicitor in regards to the process proceeding forward and the fine that will be imposed. Mr. Zienkowski commented that the fine they would like to impose is \$10,000 per tree at 6 trees total. Mr. Norcini and John Hosbach, Township Arborist also discussed recommended compensatory planting in addition to the fine as well. The developer John Benson spoke briefly in regards to the project as well and the Board expressed full support for the decisions of the Administration regarding this matter.

Public Comment

Fronfield Crawford, Attorney for the Neighbors – He commented in regards to the neighbors' position as well as asked for a work stop order and a freeze of any future issuance of permits until the matter is resolved.

Leslie Morgan, Farm Road – She commented that the plantings have been on the plans throughout the process and the neighbors would like full screening.

John Sheehan, Windsor Road – He commented about the process that the neighbors went through with the developer on this project.

John Shain – He summarized what had transpired since the Zoning Hearing Board with the project.

Dan Sherry, Wayne – He commented about comments made by John Rice earlier about which court this would proceed in.

C. Caucus - Final Plan Approval – 212/216 Bloomingdale - Settlement Agreement

This item was tabled as the applicant was not present. Commissioner Higgins made a motion to table, seconded by Commissioner Curley. Motion passed 6-0.

PUBLIC SAFETY

E. Discussion of Installation of Cell Towers on Public Property (By Commissioner Request)

Public Comment

Ms. Heywood, Roundhill Road – She commented that she does not have cell coverage outside of her home or at the Willows and she is very concerned.

Roy Perry – He would like to see further exploration of cell towers in the Township.

There was a discussion amongst the Commissioners and staff in regards to the needs and the alternatives available to cell towers in the Township as well as discussion about the deeded and dedicated property act implications.

Public Comment

Luke Clark, Midland Circle – He inquired why the deeded and dedicated property act is just being discussed as this topic has been talked about for a couple years.

D. Resolution #2015-88 - Authorizing Radnor Township to Declare a State of Local Emergency within Radnor Township

Commissioner Schaefer made a motion to approve, seconded by Commissioner Booker.

Superintendent Colarulo gave a brief background that on September 24-27, 2015 a National Special Security Event (NSSE) will be impacting the Philadelphia metropolitan area including significant portions of Radnor Township, Delaware County with the potential to cause damage to the health, safety and welfare of Radnor residents and destruction of property within Radnor Township as result of the

Papal visit. The Emergency Operations Center will be open at the Township for that entire weekend. There is an estimated 10,000 people per day travelling through Radnor Township and the financial impact on the Township is estimated to be \$50,000 to \$100,000.

Commissioner Higgins called the vote, motion passed 6-0.

COMMUNITY DEVELOPMENT

F. Inter-County Municipal Liquor License Transfer

Stan Walowsky, Flaherty & O'Hara representing Giant Food Stores, LLC in this instance the St. David's location, gave a brief background in regards to Giant's request to transfer of a Pennsylvania "E" or "eating place" liquor license from outside the municipality into Radnor Township. Giant will be operating a restaurant inside its grocery store at 550 East Lancaster Avenue, Wayne, PA in Radnor Township in which it intends to sell beer, referred to in the Liquor Code as malt and/or brewed beverages. Giant plans to sell beer from the restaurant for consumption on premises in the restaurant and "to go." He also gave a brief testimony along with representatives of Giant Food Stores, LLC.

There was in depth discussion amongst the Commissioners and staff with the applicant for clarifications. Solicitor Rice presented Resolution #2015-91 for approval of the transfer.

Commissioner Fisher made a motion to approve resolution #2015-91 with amendment to add a condition of hours of operation to of 7 am to 10 pm Monday – Saturday; 9 am – 10 pm on Sunday; seconded by Commissioner Curley.

Commissioner Booker stated that his view is this is improperly submitted and incomplete resolution not properly noticed. Solicitor Rice stated that you can act on this item because it is on the agenda; further the matter was publically noticed twice in the local papers as required by the PLCB requirements and there was also an article in the Delaware County Times about the matter.

Public Comment

Dan Sherry, Wayne – He commented that the line item on the agenda is not clear enough to take action tonight and asked for the item to be tabled.

Commissioner Higgins called the vote, motion passed 4-2 with Commissioners Booker and Nagle opposed.

PERSONNEL & ADMINISTRATION

G. Appointment to Commissioner 3rd Ward Vacant Seat

Commissioner Schaefer nominated Cheryl Tumola to fill the 3rd Ward Commissioner vacant seat.

Commissioner Curley nominated Harry Spiess to 3rd Ward Commissioner vacant seat.

Commissioner Booker nominated Charles Bohnenberger to 3rd Ward Commissioner vacant seat.

Commissioner Fisher nominated Baron Gemmer to 3rd Ward Commissioner vacant seat.

Commissioner Higgins called the vote for the nomination of Cheryl Tumola; motion failed 3-2, with 1 abstention, because of the lack of 4 votes.

Commissioner Higgins called the vote for the nomination of Harry Spiess; motion failed 3-3 with a tie.

Commissioner Higgins called the vote for the nomination of Charles Bohnenberger; motion failed 3-3 with a tie.

Commissioner Higgins called the vote for the nomination of Baron Gemmer; motion failed 3-3 with a tie.

As a result of the votes failing to appoint a replacement the matter will be referred to a Vacancy Board as required by the Charter.

H. Election of President and Vice President

Commissioner Fisher made a motion to elect James Higgins as President, seconded by Commissioner Schaefer.

Commissioner Schaefer made a motion to elect John Fisher as Vice President, seconded by Commissioner Nagle.

Commissioner Higgins called the vote, motion passed 5-1 with Commissioner Curley opposed.

PARKS & RECREATION - None

LIBRARY – None

PUBLIC HEALTH - None

Old Business

Commissioner Schaefer briefly commented about PennDot spraying the roads with herbicides and the Township has reached out to PennDot with their objections to the spraying. She also announced that Radnor Trail council will meet on September 15, 2015 at 7 PM in the Roll Call Room at the Township Building. If there are any questions, please contact the Radnor Conservancy.

New Business - None

Public Participation

Public Comment

Dan Sherry, Wayne – He spoke in regards to the votes and process that was taken during the appointment of an interim 3rd Ward Commissioner.

Adjournment into Vacancy Board Meeting if Necessary

Mr. Fischer of Windermere Avenue, Chair Vacancy Board, called the Vacancy Board to order. He gave a brief background of the reasons that the Vacancy Board has convened.

Public Comment

Dan Sherry, Wayne – Inquired in regards to the process that will be taken of the Vacancy Board and also questioned Mr. Fischer in regards to his position and the conflict with the relationships of all involved with the Radnor Conservancy.

Commissioner Schaefer nominated Cheryl Tumola. Commissioner Curley nominated Harry Spiess.

Commissioner Nagle moved to close the nominations, seconded by Commissioner Curley. Motion passed 7-0.

Mr. Fischer called the vote for the nomination of Cheryl Tumola, Commissioners Schaefer, Nagle and Higgins voted in favor.

Mr. Fischer called the vote for the nomination of Harry Spiess, Commissioners Booker, Curley and Fisher voted in favor.

Mr. Fischer explained briefly how he reached his decision and voted to appoint Cheryl Tumola as interim Commissioner to the 3rd Ward.

Commissioner Schaefer thanked the other three candidates and Commissioner Curley thanked Ms. Tumola. There was a brief discussion amongst the Vacancy Board.

Cheryl Tumola spoke briefly and thanked everyone for their support.

There being no further business, the meeting adjourned at approximately 1:15 a.m., Tuesday, August 18, 2015 on a motion duly made and seconded.

Respectfully submitted,

Jennifer DeStefano