

TOWNSHIP OF RADNOR
Minutes of Public Meeting of April 8, 2013

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

*Elaine Schaefer, President
John Fisher
John Nagle
William Spingler*

*James C. Higgins, Vice President
Kevin G. Higgins
Donald Curley*

Also Present: *Robert A. Zienkowski, Township Manager; John Osborne, Treasurer; John Rice, Township Solicitor; William White, Finance Director; William Colarulo, Superintendent of Police; Steve Norcini, Director of Public Works; Tammy Cohen, Director of Recreation; Roger Phillips, P.E., Township Engineer; and Jennifer DeStefano, Executive Assistant to the Township Manager.*

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

Public Participation

None

Notice of Executive Session preceding the Board of Commissioners meeting of April 8, 2013

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

Approval of minutes for the Board of Commissioners meeting of December 17, 2012

Commissioner Nagle made a motion to accept, seconded by Commissioner Spingler. Motion passed 7-0.

Recognition of past members of Boards, Commissions and Committees

Commissioner Nagle presented Dr. Joe Ritz with a recognition certificate for his years of service on the Parks and Recreation Board.

Consent Agenda

Motion for Authorization to receive bids for street light maintenance

~~*Motion for Authorization to receive Sealed Bids for Stormwater Project on Fairview Road*~~

Motion for Authorization to Request Proposals for Tri-axle Dump Truck Hauling Rates

Motion for Authorization to receive bids for one (1) Radar/Message Board for the Speed Trailer for use by the Traffic Safety Unit

Commissioner Schaefer asked for the following item to be removed from the consent agenda for further discussion: Motion for Authorization to receive Sealed Bids for Stormwater Project on Fairview Road.

Commissioner Spingler made a motion to approve, seconded by Commissioner Fisher. Motion passed 7-0.

Motion for Authorization to receive Sealed Bids for Stormwater Project on Fairview Road.

Steve Norcini explained that the purpose of the project is to mitigate basement flooding at 27 Fairview Road from additional development east of said property. Upon authorization by the Board of Commissioners, the project would be bid via Penn BID e-bidding system. The project would not be requested to be awarded until funding is allocated, as noted below. The estimated cost of this project is approximately \$90,000. No funds were slated for stormwater projects in 2013, in anticipation of the possible institution of a dedicated stormwater fee. The project would be completed if a dedicated stormwater fee is instituted and the project approved.

After brief discussion for clarification purposed, Commissioner Spingler made the motion, seconded by Commissioner J. Higgins.

Public Comment

Gail Morrison – She inquired what the specs on the project would be.

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

Update from Chagrin Valley Engineering – Stormwater Management System at North Wayne Field

Ryan Cummins, Chagrin Valley Engineering gave a presentation of the N. Wayne Park, AT&T Facility, Church of the Saviour and Upper Gulph Creek conceptual plans. (*Presentation available on Township Website*)

Commissioner Curley – Discussed the different option plans presented, water quality measures and turning this into a larger 10 year Federal project rather than a bunch of smaller ones.

Geese Management Plan Discussion

William Gallagher, Animal Control - Radnor Police Department gave a presentation in regards to Geese Management. He discussed options that are available to manage geese in the area although they are a protected species. (*Presentation available on Township Website*)

Commissioner Schaefer suggested sending the presentation to the Parks and Recreation Board for review.

Discussion of the Willows Proposals

Commissioner Schaefer discussed that at a past meeting there were four firms that presented their plans for the Willows and the Commissioners had promised to review and receive input from the public.

Commissioner Nagle made a motion for Jeffrey Miller Catering/Lake House Inn and Conroy Catering/Dale Corporation to make final presentations at the Special Board of Commissioners meeting on May 2, 2013, seconded by Commissioner Spingler.

Commissioner Curley agreed that they were the best two firms to move forward.

Commissioner Schaefer also agreed that they were the best two firms to move forward as well. She would like to see addressed the following: Community Group use is very important, tax clarity, parking

expansion, solidify and clarify the gross receipts expected, profit sharing amount does not need to be put back into the building.

Commissioner K. Higgins stated that he agrees that the two above are the only viable options.

Commissioner Fisher stated that the most important to him is that the facility is put to the highest and best use. He asks that the firms are mindful to the impact on the park.

Public Comment

Jim Schneller – He would like that the intrusion on the park is minimized.

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

PERSONNEL & ADMINISTRATION

Resolution #2013-16 - Support of a Tax Holiday for WaterSense and Energy Star Products in Pennsylvania

Sloan Walker and Josh Hilbert from the Environmental Advisory Council discussed the above resolution. They stated that Energy Star Products saves 25% of the energy used by non energy star products and WaterSense saves 20% of the water used by non WaterSense products. Droughts have occurred with increasing frequency and severity in Pennsylvania over the past two decades; and Pennsylvania has experienced significant droughts in five of the last seven years; and the average family of four uses approximately 400 gallons of water every day.

Commissioner Schaefer agrees with the resolution.

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

Motion to Make Conditional Offers of Employment of Eight Patrol Officers

Commissioner Fisher made a motion to extend up to 8 offers of employment for Police Officers, seconded by Commissioner Spingler.

Corporal Gallagher read into record seven names of Police Officers as follows: Michael Cook, Raymond Rodden, Louis Pepe, Katherine Reardon, Francis Hayden, Steven Ciesklinski and Thomas Matijasich.

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

COMMUNITY DEVELOPMENT

Consideration of a Motion to approve the Certificate of Appropriateness: HARB 2013-4 - 219 Orchard Way – Addition of three dormers and front porch remodel

HARB 2013-6 - 308 Midland Avenue – Addition of kitchen & family room off of the rear of the home

HARB 2013-7 - 311 North Wayne Avenue – Addition to rear of home

Commissioner Curley made a motion to approve the above HARB Certificates, seconded by Commissioner Spingler. Motion passed 7-0.

Adoption 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

Commissioner Curley made a motion to approve, seconded by Commissioner Spingler.

Public Comment

Baron Gemmer – He asked for clarification for the outdoor dining hours at White Dog according to their settlement agreement. Mr. Rice stated that he did not have that agreement in front of them.

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

Resolution #2013-32 - Amendment to the Radnor Township 2013 Consolidated Fee Schedule to address Outdoor Dining

Commissioner Curley made a motion to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Review of Municipal Use Ordinance # 2013-XX - Amending Chapter 280 of the Radnor Code, Zoning Ordinance, by establishing regulations for Municipal Uses on lands owned, operated, leased and/or maintained by Radnor Township

This ordinance will allow limited development of municipally controlled property. The Ordinance will provide the Commissioners with flexibility to approve municipal projects that may otherwise not be permitted by other zoning ordinance regulations but are in the best interest of the public's health, safety, and welfare. However, the ordinance has been revised to specifically note that the area and dimensional requirements shall meet the underlying district regulations (unless otherwise approved). In addition, public notification of those properties within 500 feet of the subject property will be required as these types of projects are required to be approved at a public meeting.

Commissioner Curley made a motion to send the above Ordinance to County and Township Planning Commissions, seconded by Spingler.

Commissioner Schaefer stated that she remains uncomfortable with the ordinance and is interested in hearing what the Planning Commissions comments are.

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

Review and Referral of Ordinance #2013-XX - Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by prohibiting Outdoor Dining in the GH-CR Zoning District

Commissioner Curley made a motion to send the above Ordinance to County and Township Planning Commissions, seconded by Commissioner Fisher.

Public Comment

Patty Barker – Thanked the Commissioners for moving so quickly with the ordinance.

After a brief discussion, Commissioner Schaefer called the vote, motion passed 6-0 with K. Higgins not present for the vote.

Bloomington Avenue Settlement Agreement

Commissioner Curley made a motion to approve, seconded by Commissioner Spingler. Motion passed 6-0 with K. Higgins not present for the vote.

Radnor Racquet Club Settlement Agreement

Commissioner Curley made a motion to approve, seconded by Commissioner Spingler. Motion passed 6-0 with K. Higgins not present for the vote.

PUBLIC WORKS & ENGINEERING

Resolution #2013 -33 – Sewage Facility Planning Module 200 Radnor Creek Road

Commissioner J. Higgins made a motion to approve, seconded by Commissioner Spingler. Commissioner Spingler mentioned that this is Ithan Creek not Radnor Creek. Changes will be made to the resolution.

Steve Norcini explained that the purpose of this resolution is to "re-submit" the previously noted Planning Module. The resolution amends the Township's Act 537 Plan to accommodate the flows from this three lot subdivision. The net flow increase is for that of two houses, since there is an existing house on the parcel. Upon adoption of the resolution by the Board of Commissioners, the Sewage Facility Planning Module will be submitted to the Pennsylvania Department of Environmental Protection for their review.

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

Authorization to Purchase Vehicles and Equipment for the Public Works & Community Development Departments

Resolution #2013-34 – Authorization to purchase one new and unused Tractor Mounted Leaf Blower

Resolution #2013-51 – Authorization to purchase one new and unused vehicle diagnostic unit

Resolution #2013-52 – Authorization to purchase one new and unused 2013 Ford Escape

Resolution #2013-53 – Authorization to purchase one new and unused Snow Plow

Resolution #2013-54 – Authorization to purchase one new and unused 2013 Stake Body truck

Resolution #2013-55 – Authorization to purchase one new and unused 2013 Ford Explorer

Resolution #2013-56 – Authorization to purchase one new and unused 2013 4x4 pickup truck with plow

Resolution #2013-57 – Authorization to purchase one new and unused Snow Plow

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

Resolution #2013-35 – Authorization for the Sale of Surplus Vehicles and Equipment

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

Resolution #2013-58 – Authorization for the sale of the 1995 asphalt hotbox to Willistown

Township

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

Presentation by 115 Strafford Avenue LLC – Sketch Plan for 115 Strafford Avenue

George Broseman, attorney for applicant and Bo Erixson, applicant gave a brief presentation of the proposed sketch plan for 115 Strafford Avenue. 115 Strafford Avenue, LLC is proposing to develop a mixed use upscale development. This 2.2 acre property will consist of eight (8) luxurious carriage homes and a restored Villa Strafford Mansion. The existing building will be used for commercial offices, and the carriage homes will be sold to individual homeowners. This community will be marketed to age targeted buyers who will have minimal economic impact on Radnor Township, since the Home Owners Association will own, maintain, and provide many services required for this property.

Commissioner Schaefer – Initial reaction was that a lot was being placed on the site, not sure if the density modification statute would apply and she likes the idea of the mixed use.

Commissioner Curley – Plan B seems to be the plan out of the others presented that he would agree with.

Commissioner Nagle – Inquired about the concept drawings and the height of the 3-story building and adequate parking. He agrees with Commissioner Schaefer in that there is too much on the property.

Commissioner J. Higgins – He stated that if he can save the building that would be a great achievement.

Commissioner Fisher – He discussed density issue concerns, concerned how fire trucks will make their way in and stormwater management at the site.

Public Comment

Robert Zelden, Windsor Avenue – He would like to see less density and plan A is much more appealing.

Leslie Morgan, Farm Road – She is opposed to density and mixed-use of the lot. She and other neighbors would like to see single family homes.

Lee Williams, Windsor Avenue – He is concerned about the stormwater on the property.

Mr. DerSimonian, Farm Road – He is concerned about the viewscape from his home.

Mr. Zienkowski stated that at the last Shade Tree Commission meeting, fines were recommended in the amount of \$14,000 to the previous owner that had removed numerous trees from the site.

PUBLIC SAFETY

Introduction of Ordinance # 2013-XX - Updating and codifying Chapter 270, Vehicles and Traffic, of the Code of the Township of Radnor and establishing fines and penalties for violations

Removed from the agenda and will be referred to the Public Safety sub-committee.

Resolution #2013-36 – Approving the purchase of three (3) new vehicles for use by the Radnor Township Police Department

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

Resolution #2013-37 – Directing and authorizing the Township Manager to execute agreements with United Public Safety for the purchase of parking management software and electronic hand held ticket machines

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

Resolution #2013-38 – Approving the Main Line Jazz Fest and waiver of fees

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

PARKS & RECREATION

Resolution #2013-44 - Authorizing the Township to Approve the Recreation & Community Programming Department Usage of Radnor Township School District Transportation Services for Radnor Day Camp 2013 in an Amount Not to Exceed \$20,000

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

Resolution #2013-45 - Authorizing the Township to enter into agreement with David Broida for Summer Tennis Lessons

Resolution #2013-46 - Authorizing the Township to enter into agreement with Theatre Horizon for Summer Theatre Camps

Resolution #2013-47 - Authorizing the Township to enter into agreement with the United States Sports Institute for Summer Sport Camps

Resolution #2013-48 - Authorizing the Township to enter into agreement with GeoVentures for Summer Geocaching Camps

Resolution #2013-49 - Authorizing the Township to enter into agreement with World Cup Sports Academy for Summer Sports and Nature Camps

Resolution #2013-50 - Authorizing the Township to enter into agreement with Brandywine Learning Center for Summer Harry Potter Camps

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

Tammy Cohen, Director of Recreation and Community Development thanked everyone who participated in the Shred the Park event this past weekend. She also mentioned the Wheels of Wayne - April 21st, Youth Trout Run Derby – April 21st at Saw Mill Park, Arbor Day – April 23rd at Friends of Radnor Trail Park. Also registration for summer camp is open and available on the Township website.

Commissioner J. Higgins announced a Rain Garden Seminar at Cowan Park on April 23, 2013.

FINANCE & AUDIT

Disbursement Acceptance & Approval (2013-3C, 2013-3D, 2013-3E)

Commissioner K. Higgins made a motion to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Resolution #2013-39 - Authorizing the Manager to bind workers compensation coverage for the Radnor Fire Company for the year beginning March 1, 2013 through March 1, 2014.

Commissioner K. Higgins made a motion to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Resolution #2013-40 - Bond Counsel Agreement with respect to the 2004 Bond Refunding and Swap Termination

Bill White described the following: The Board of Commissioners appointed Cozen O'Conner as Bond Counsel with the adoption of Resolution 2010-42, adopted Monday September 13, 2010. Included in that Resolution was the recognition that future debt issues will arise and will require specialized legal assistance (from Bond Counsel). The Resolution recognizes that Cozen O'Conner is the Township's Bond Counsel and authorizes the Administration to expend not to exceed \$25,000 for the advance refunding of the Series, 2004 General Obligation Bonds. The Series 2004 General Obligation Bonds were issued in 2004 with a principal value of \$17,195,000 and a 30 year maturity with serial interest rates ranging from 2.500% - 5.125%. Then, in 2005, the Township entered into an interest rate swap agreement with Lehman Brothers (LB). The Swap agreement carries the following conditions (summarized):

- The Swap Option Date is 8/14/2014 and LB has the sole option authority
- If the option is executed by LB, the Township will pay LB 4.81% (fixed rate) through 2034
- If the option is executed by LB, the Township will receive from LB 67% of Libor (variable rate) through 2034
- If the option is executed by LB, the Township would have to issue variable rate refunding bonds (in order to satisfy the 2004 bonds and limit the interest rate expense associated with the interest rate Swap amounts noted above).

If the option is terminated by either party, the Township has the option to pay a termination fee which would then allow the Township to issue any method of refunding bonds, including a more predictable and cost effective fixed rate structure. The Administration and CARFAC have worked together in analyzing the options associated with the Swap agreement and the refunding of the 2004 Bonds. Appointing Bond Counsel is an important step to make sure that the Township has the legal assistance required available depending on what direction the Township elects to go with regard to the Swap agreement.

Commissioner K. Higgins made a motion to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Resolution #2013-41 - Underwriter Agreement with respect to the 2004 Bond Refunding and Swap Termination

Mr. White explained the following: Authorizing the Township to proceed with Boenning & Scattergood, Inc as Underwriter at a price equal to 0.650% (Discount Rate) of the principal amount for the advance refunding of the General Obligation Bonds, Series 2004. Beginning with the 2012 Series Refunding (of the 2007 Bonds), the Township elected to proceed with proceeding with negotiated underwriting services as opposed to hiring a financial advisor and bidding the underwriting services. Resolution 2012-31 was adopted associated with the 2012 refunding and this resolution is following that same approval process.

Similar to Resolution 2013-40 on the same agenda, the Series 2004 General Obligation Bonds were issued in 2004 with a principal value of \$17,195,000 and a 30 year maturity with serial interest rates ranging from 2.500% - 5.125%. Then, in 2005, the Township entered into an interest rate swap agreement with Lehman Brothers (LB). The Swap agreement carries the following conditions (summarized):

- The Swap Option Date is 8/14/2014 and LB has the sole option authority
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- If the option is executed by LB, the Township will receive from LB 67% of Libor (variable rate) through 2034
- If the option is executed by LB, the Township would have to issue variable rate refunding bonds (in order to satisfy the 2004 bonds and limit the interest rate expense associated with the interest rate Swap amounts noted above).
- If the option is terminated by either party, the Township has the option to pay a termination fee which would then allow the Township to issue any method of refunding bonds, including a more predictable and cost effective fixed rate structure.

The Administration and CARFAC have worked together in analyzing the options associated with the Swap agreement and the refunding of the 2004 Bonds. Appointing an Underwriter is an important step to make sure that the Township has the specialized bond market assistance required available depending on what direction the Township elects to go with regard to the Swap agreement.

Commissioner K. Higgins made a motion to approve, seconded by Commissioner Spingler.

Commissioner J. Higgins moved to amend the resolution for the second and third whereas clause to read as follows:

WHEREAS, the Township subsequently entered into an interest rate swap agreement with Lehman Brothers that provided the Township with \$1,080,000 in up front proceeds and puts the Township in a position whereby it may be required to refund the 2004 Bonds with variable rate bonds, pay Lehman Brothers a fixed interest rate of 4.81% and receive 67% of Libor over the remaining life of the Bonds, if such option is elected by Lehman Brothers effective August 1, 2014; and

WHEREAS, the Township is considering its options relative to the 2005 Swap Agreement and associated 2004 Series General Obligation Bonds which may include terminating the Swap Agreement and issuing fixed rate advance refunding bonds or being subject to Lehman Brothers' exercise of the swap option in August 2014 which would then require the Township to issue variable rate refunding bonds; and

The amended was seconded by Commissioner Nagle, motion passed 7-0.

Commissioner Schaefer called the vote for the original motion, motion passed 7-0.

Resolution #2013-42 – Accepting the Swap Termination Fee and Authorizing the Manager to execute a Swap Termination Agreement

Commissioner K. Higgins made a motion to approve, seconded by Commissioner Spingler.

Mr. White stated that the fee is subject to non-disclosure.

Commissioner J. Higgins made a motion that the second whereas clause should also reflect Lehman Brothers in place of counter party, Commissioner Nagle seconded.

Commissioner Schaefer called the vote on the amended, motion passed 7-0.

Commissioner Schaefer called the vote on the original motion, motion passed 7-0.

Public Comment

Rob Murdocca – Inquired why the termination fee is subject to non-disclosure.

Ordinance #2012-17 - [Adoption] - Amending Chapter 44 of the Administrative Code – Investment Policy

Commissioner K. Higgins made a motion to adopt Ordinance #2012-17, seconded by Commissioner Spingler. Motion passed 7-0.

LIBRARY

None

PUBLIC HEALTH

None

Old Business

None

New Business

Commissioner J. Higgins inquired if the Feline ordinance will be on the next meeting agenda. Commissioner Schaefer agreed that it will be on the next agenda.

Public Participation

None

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

Respectfully submitted,

Jennifer DeStefano