

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

The Radnor Township Board of Commissioners met at approximately 7:15 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; Paul Bazik, Superintendent of Public Works; Tammy Cohen, Director of Recreation; Kevin Kochanski, Director of Community Development; 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

Introduction of Public Document Center located in Lobby

At the request of the Board at the June 10th meeting the Administration has put together a test pilot program. In interest of saving paper, beginning tonight we have implemented a touchscreen document kiosk located in the lobby for you to print documents related to this evenings agenda. There are brief instructions located at the table as well as Jennifer DeStefano on hand to help guide you through. If there is an item that is larger in size, there will be copies on the table already for you to pick up.

Public Participation

Cliff David, Jeffrey Miller Catering – He asked that the Commissioners consider extending the vote for the contract on the Willows so there would be more time to allow more thought in the process.

Betty Surbeck, Poplar Avenue – She wanted to encourage the work on the Stormwater ordinance and submitted photos as well to the Commissioners.

Roberta Winters, League of Woman’s Voters –She read a letter into record that was submitted to the Commissioners:

On behalf of the League of Women Voters of Radnor, I wish to applaud your efforts to save the Willows Mansion and property as a valued resource of our Township. We appreciate the time you have given to this important decision and are grateful for the opportunity to provide input. As you may be aware, the League of Women Voters is a grassroots organization that studies issues and reaches positions through consensus. At the local level, our position on Land Use states: We shall continue to monitor and examine all activities in the Township pertaining to zoning, planning, transfer and acquisition of land. We support the protection of open space and recreational land, and take action when appropriate. Based on what we have learned about the upcoming item regarding the Willows on the July 8th agenda of the Board of Commissioners, we believe it would be useful for you to consider numerous aspects of the relevant national position, adopted in 2012, on privatization: The League of Women Voters of the United States believes that when governmental entities consider the transfer of governmental services, assets and/or functions to the private sector, the community impact and goals of such transfers must be identified and considered. Further, the LWV believes that transparency, accountability, and preservation of the common good must be ensured. The decision to privatize a public service should be made after an informed, transparent planning process and thorough analysis of the implications of privatizing service delivery. While

specific criteria will vary by service and local conditions, the League believes the following considerations apply to most decisions to transfer public services, assets and functions to the private sector: • On-going and timely communication with stakeholders and the public; • Statement of the circumstances as they exist and what is to be gained; • Definition of the quality, level and cost of service expected; • Assessment of the private market; whether there are providers to assure competitive pricing and delivery; (in some cases there may not be multiple providers if a service is so specialized. i.e. high tech, airports.) • Cost-benefit analyses evaluating short and long-term costs of privatization, including the ongoing costs of contract administration and oversight; • An understanding of the impact on customers, the broader community, environment and public employees; • An open, competitive bidding process with clearly defined criteria to be used in selecting a contractor; • A provision and process to ensure the services or assets will be returned to the government if a contractor fails to perform; • A data-driven selection of private entities whose goals, purposes, and means are not incompatible with the public well-being; • The careful negotiation and drafting of the controlling privatization contract; and • Adequate oversight and periodic performance monitoring of the privatized services by the government entity to ensure that the private entity is complying with all relevant laws and regulations, contract terms and conditions, and ethical standards, including public disclosure and comment. Based on the information provided to the public, we believe that the Township staff and the Commissioners have not given adequate consideration to many of the points above. Specifically, we believe the following items need further clarification prior to Board action.

The Three-way Agreement between Conroy Catering/Dale Corporation (Conroy), Radnor Township and Public Facilities Investment Corporation (PFIC) - Why is off-balance sheet financing being used?

- What is the actual amount of debt (principal and interest) that Radnor Township is assuming for Conroy? - What accountability practices will be in place to verify revenues and operating expenses? - What liability will the taxpayers incur as a result of this agreement? - What is the timeframe of the loan/repayment? - Will taxpayers be responsible for interest and principal should Conroy default on any of its payments at any time? - To mitigate risks, Radnor will hold \$530,000 in a reserve account to cover anticipated payments over the last two years of the loan? Will the amount that Conroy agrees to pay first to the Township include anything beyond the lease/loan payment such as the guaranteed the rent and/or the revenue sharing? - Will the title of the real property, including the Willows Mansion, be held by PFIC to secure the loan it takes out on behalf of the Township? Will the property be subdivided? - On what basis are the projected and real revenues determined as well as operating costs? - What accountability practices will be in place to verify revenues and operating expenses?

• The Objectives of the RFP Relative to the Proposed Agreement - Which one of the final two proposals will provide the most revenue to the Township? - Does the Township relinquish ownership of any or all of the Willows property as part of this proposal? - Is the contractor really “paying” for any renovations and capital improvements? - What contingency plans are in place if the operating revenue fails to cover expenses? - Are there any requirements as to the “improved” condition of the Willows Mansion at the conclusion of the lease agreement? We trust that you are aware of the vision for the future of the Willows in the Radnor community and the vulnerability of catering business to economic swings. The League is optimistic that you will review our position statement and seek to obtain answers to questions raised prior to acting on this matter.

Dr. David Humphrey – He would like to see resolution #2013-86 - Approving the Installation of Athletic Field Lights at Memorial Field be postponed until all residents in Ward 2 are notified properly.

Ralph Fey, Architect for Jeffrey Miller Catering – Would like to request a delay in the voting of the Willows agenda item.

*Notice of Executive Session preceding the Board of Commissioners meeting of
July 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 February 25, 2013; March 11, 2013; March 18, 2013, March 26, 2013 and April 8, 2013

Commissioner Spingler made a motion to accept, seconded by Commissioner Fisher.

Commissioner K. Higgins stated that there is a minor word change on page 3, 4th paragraph of the March 11, 2013 meeting minutes - it needs to read investigated not invested.

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

Recognition of Years of Service and Retirement for Radnor Township Police Officer Gregory Mattioli

Commissioner Spingler presented Officer Mattioli with a plaque for his years of service to the Radnor Township Police Department and wished him well in his retirement.

Consent Agenda

Resolution #2013-92 -Authorizing the purchase of a replacement street sweeper

Resolution #2013-93 - Authorizing the purchase of a replacement garbage truck

~~Motion to approve BPT Settlement 2013-06~~ **This item has been removed from Consent Agenda**

Resolution #2013-90 - Authorize Use of Radnor School District Facilities and Support Staff for the 2013 Summer Radnor Day Camp and Pre-School Camp in an amount not to exceed \$22,000

Resolution #2013-85 - Authorization for Repairs to the Sprinkler System at the Public Works Facility

Consideration of a Motion to approve the Certificate of Appropriateness:

HARB 2013-13 -- 213 Orchard Way – Modify approved drawings. Proposed mudroom to receive brick to match house instead of approved siding.

HARB 2013-14 -- 29 Louella Court – Removal of roof and front wall of existing garage, replace roof (same). Install one course of block to solidify existing walls that have gaps. Install a door and garage door on the front. New concrete floor.

Resolution #2013-88 - Approving the Fall Festival on September 15, 2013 and waiver of fees

Resolution #2013-89 - Approving the purchase of the Safran Morphotrust, USA, livescan model TP5900 ED upgrade product from Pennsylvania Chiefs of Police Association (PCPA) in the amount of \$25,337.00

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

Motion to approve BPT Settlement 2013-06

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

Update of Deer Culling

William Gallagher, Animal Control - Radnor Police Department gave an update in regards to Deer Culling in the Township. (Presentation can be found with the following link:

http://www.radnor.com/egov/docs/1378754436_651123.pdf)

Update of Parking Kiosks

William Gallagher, Ordinance Enforcement Officer & Parking Supervisor - Radnor Police Department gave an update in regards to Parking Kiosks. (Presentation available on Township Website)

Motion to accept Department Reports

Commissioner Spingler made a motion to accept, seconded by Commissioner Fisher. Motion passed 7-0. Commissioner Fisher made mention of a few highlights throughout the monthly reports.

PERSONNEL & ADMINISTRATION

Ordinance #2013-13 – (Introduction) Approving a Lease Agreement between the Township of Radnor and the Main Line School Night Association for the Creutzberg Center

Bonnie Shuman, Chairman of the Main Line School Association discussed the history of the lease. John Rice, Township Solicitor summarized the lease for the Board of Commissioners. After discussion in regards to changes to section 7, Tenant Responsibilities, the Board of Commissioners along with Main Line School Night agreed to work on the language in that section and re-introduce the ordinance at the next meeting.

Motion to authorize the Administration and Township Solicitor to proceed with Conroy Catering/Dale Corp. to prepare a draft Development, Financial and Operating Agreements acceptable to the Township for the Willows Mansion and Cottage Adaptive Re-use and to be approved by the Board of Commissioners

Commissioner Nagle stated that he is interested in making two motions that would allow staff to further negotiate with Conroy Catering/Dale Corp. and to also receive opinions from the solicitor, bond counsel and Township auditor in regards to the background of the financing and risk mitigation. He wanted to be sure everyone understood that this is not a final decision but one to allow proceeding to the next level with Conroy Catering/Dale Corp. With this current proposal the Township starts out with a complete renovation of the Mansion.

Commissioner Nagle made a motion to authorize staff to further negotiate with Conroy/Dale Corp. to move forward with the development of final contract terms which should include risk reduction strategies including those currently proposed also the key performance insurance; along with checkpoints built in that within the terms of the contract we could pull out, seconded by Commissioner Spingler.

Commissioner Schaefer stated that the Administration will be the ones working with the chosen firm. She also briefly discussed the level of debt needs to be mitigated further. She supports Commissioner Nagle's motion however she would like the debt relationship needs to be changed so the Township is not at risk as much.

Commissioner K. Higgins stated that he is not in favor of a proposal that would put the Township at risk.

Commissioner Curley stated that he as well is not in favor of a proposal that would put the Township at risk. He would like to see Conroy to return with an alternate funding as he is troubled by the Township having to guarantee the loan.

Commissioner Fisher thanked the staff for all of their work that has been involved leading up to their recommendation.

Commissioner J. Higgins stated that he is in favor of moving forward with Conroy Catering/Dale Corp. He also stated that at any time while working through the draft agreement the Township is not bound to proceed.

Public Comment

Jeffrey Miller, Jeffrey Miller Catering – Mr. Miller and his architect stated their proposed plans again to the Board. Mr. Miller explained that they are prepared to finance the renovations themselves with no risk to the Township.

Sara Pilling, Garrett Avenue – She stated that as a resident who utilizes the many acres at the Willows the money is in the land not the house. She is in favor of the proposal from Jeffrey Miller.

Sara Armstrong – She suggested looking into indemnification insurance.

Commissioner Schaefer called the vote which was - *Commissioner Nagle made a motion to authorize staff to further negotiate with Conroy/Dale Corp. to move forward with the development of final contract terms which should include risk reduction strategies including those currently proposed also the key performance insurance; along with checkpoints built in that within the terms of the contract we could pull out, seconded by Commissioner Spingler.* Motion passed 4-3 with Commissioners K. Higgins, Curley and Fisher opposed.

Commissioner Schaefer call the vote which was - *Commissioner Nagle made a motion to have staff to receive formal opinions from the Township Solicitor, Bond Counsel and Clifton Larson Allen in regards to the background of the financing, also risk reduction insurance, key performance man, etc.* Motion passed 6-1 with Commissioners K. Higgins opposed.

FINANCE & AUDIT*Disbursement Acceptance and Approval - 2013-6A, 2013-6B, 2013-6C, 2013-6D*

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

Bill White stated that the 2012 Annual CAFR report is available on the Township website under the Finance & Reporting section.

PARKS & RECREATION*Motion to Authorize the Radnor Township EAC to Create and Recommend a Sustainable Parks Policy to the Board of Commissioners*

Commissioner Nagle made a motion to authorize, seconded by Commissioner Spingler.

Public Comment

Jim Schneller, St. David's – He is not in favor of the above mentioned Policy.

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

PUBLIC WORKS & ENGINEERING*Ordinance #2013-15 – (Introduction) Establishing a User Fee for Stormwater Collection and Management*

Commissioner J. Higgins made a motion to introduce, seconded by Commissioner Spingler.

Commissioner Schaefer stated that she fully supports and the necessity of the ordinance however, she is not in support of introducing the ordinance tonight. She continues to believe that the public needs to be educated before they receive a bill in the mail. She would also like the consultants to look into if the Township was to place a cash infusion how it would affect the billing rate.

Commissioner K. Higgins stated that the rate structure does not seem fair and that there needs to be more education.

Commissioner Curley would like to see the fees collected, be divided up between the four watersheds

Commissioner J. Higgins stated that there are backlogs of at least ten projects that need to be completed and by looking at it from a watershed perspective it would prolong the process.

Mr. Zienkowski gave a brief presentation of pictures submitted by Township residents of flooding throughout the Township.

Commissioner Fisher supports introducing the ordinance as is with a lot more education and community feedback over the next few months.

Commissioner Nagle stated that he would vote to introduce the Ordinance but will vote against final approval until such time as public education efforts have been undertaken.

After in depth conversation, Commissioner Curley made a motion to direct staff to craft language for section 13 that incorporates the idea of a watershed approach, seconded by Commissioner Fisher. Motion passed 6-1 with Commissioner Spingler opposed.

Public Comment

Sara Armstrong – She is in agreement that more education is needed.

John – Walnut Avenue – He would like to urge everyone to continue to move along with the process and not stop because of vacations.

Kevin Maroney, Poplar Avenue – He shares the concern that there needs to be more education on the topic but would also like to see this move along.

Commissioner Schaefer called the vote for the original motion to introduce the ordinance. Motion passed 4-3 with Commissioner K. Higgins, Curley and Schaefer opposed.

Resolution #2013-91 - Authorize the Township's Continued Use of Herbicide to Control Weeds in Township Parks and Public Spaces

Commissioner Nagle made a motion to approve as amended with use of endorse rather than authorize, seconded by Commissioner J. Higgins.

Public Comment

Sara Pilling – She would urge that there is a pre and post posting of when, where and what was sprayed to protect Township residents.

After a brief conversation for clarification, motion passed 6-1 with Commissioner K. Higgins opposed. Commissioner Fisher asked staff to be sure that it is posted before and after treatment.

Caucus: 299 Hares Lane Subdivision, Preliminary/Final

George Broseman presented the plans for the above subdivision and stated that they have received a clean review letter. Mr. Broseman also discussed that there is one open issue which would be the property has the right of access from Old Hares Lane however the neighbors have expressed that the property forgo the right for construction vehicles to enter that way and access the property through Harford Park. The neighbors have agreed to reimburse the developer for installing and removing a temporary construction access road.

Commissioner K. Higgins questioned if there is an easement on another property on Biddulph Lane that the developer would use as access to the property and Mr. Broseman stated no, that it is a utility easement. Commissioner K. Higgins also questioned if the developer was removing trees from another property and Mr. Broseman said that if they were required to remove any trees in the easement by PECO the developer would treat it the same as Shade Tree with compensatory plantings; Mr. Horgan the property owner agreed.

There was a discussion amongst the Commissioners, developer and developer's attorney in regards to exploration and clarification of a footpath, fire truck access, daily road cleaning from mud at construction site and the developer is asking for no waivers.

Public Comment

Steve Marshall, Attorney for residents near subdivision – He stated that there are stormwater management issues around many of the homes and they are hopeful that the stormwater management that the developer is installing will help.

COMMUNITY DEVELOPMENT

Review of Community Development Sub-Committee Meeting held on February 13, 2013

Commissioner Curley stated that this meeting was not advertised properly so the meeting will need to be rescheduled. The sub-committee instructed Kevin Kochanski to work on an explanation for each favorable item. The Board of Commissioners has asked Kevin Kochanski to draft an ordinance/memo with the pros/cons of each item and his recommendation. They will then choose to forward on to Planning Commission or table at that time.

Resolution #2013-86 - Approving the Installation of Athletic Field Lights at Memorial Field

Commissioner K. Higgins made a motion to table the resolution, seconded by Commissioner Curley. Motion failed 2-5 with Commissioner Spingler, Schaefer, J. Higgins, Fisher and Nagle opposed.

Commissioner K. Higgins stated that the proposed lights being installed do not comply with the ordinance. Commissioner Nagle stated that the ordinance gives Commissioners the authority to waive that number based on circumstances and in the case of these lights the area where the illumination is above the standard in on Matsonford Road not on adjacent properties.

Commissioner Spingler made a motion to approve the resolution, seconded by Commissioner J. Higgins. Motion passed 5-2 with Commissioner K. Higgins and Fisher opposed.

Resolution #2013- 87 - Amending the Final Approval Resolution #2011-140 to remove condition #4 regarding off-street parking calculations for 200 Radnor Chester Road

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

Public Comment

Jim Schneller, St. David's – He is not in favor of the resolution.

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

Student Rental Licenses – Board Discussion item as requested by Commissioner Fisher

This item was tabled.

Motion to authorize John Rice to attend the Zoning Hearing Board meeting: Appeal #2892- 115
Strafford Ave.

Commissioner J. Higgins made a motion to authorize the solicitor to attend the July 18, 2013 Zoning Hearing Board meeting to express the Boards interest in the preservation of the building on the property, seconded by Commissioner Curley.

Commissioner Nagle stated that it is unfortunate that the last iteration did preserve the Villa Strafford however the developer was trying to satisfy the neighbors who were pushing for a huge set-back which forced him to move the entire development forward so the community's interest is being trampled by the interest of the immediate neighbors in his opinion.

Public Comment

George Broseman, Attorney for applicant – He stated that they have worked in earnest with the neighbors and they are up to their tenth plan. He is not in agreement of sending the Solicitor to the Zoning Hearing Board Meeting.

John Sheehan, Windsor Avenue- He is concerned that the developer will walk away if this is not approved and the building will remain empty and abandoned. The neighbors are happy with the current plan.

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

Ordinance #2013-14 – (Introduction) Amending Chapter 115, Animals, of the Code of the Township of Radnor, By Providing for New Regulations and Revisions to the Code Upon Recommendation of the Radnor Township Board Of Health

Commissioner Curley made a motion to introduce the ordinance with a hearing at the August meeting but will not be voted or adopted until the September meeting, seconded by Commissioner Spingler.

Commissioner Schaefer explained that this ordinance is not a feeding ban. She also stated that when the ordinance was in front of the Board of Health, they received a letter from PETA who are in full support of the ordinance.

Commissioner Fisher commented that he does not support the ordinance as written because it penalizes those who do care but does nothing to those who actually abandon their animals.

Public Comment

Baron Gemmer, S. Wayne Avenue – He would like to see a marked up version of the document. He also discussed the feeding of cats section of the ordinance.

Kathy – She stated that the Township may not want to use PETA as their example for how humane treatment should occur because the statistics that come from their website is that they kill 90% of what they take in.

Joe Siciliano, Eachus Ave – He would like to see the Township to have resources for the residents to deal with the issue. He is in support with TNR.

Commissioner Schaefer called the vote, motion passed 6-1 with Commissioner Fisher opposed.

Motion to set a Hearing date on Villanova's Zoning Petition

Commissioner Curley made a motion to set the hearing date for the September 23, 2013 Board of Commissioners meeting, seconded by Commissioner Spingler.

Public Comment

Philip Ahr, Meredith Avenue – He inquired if the traffic studies will be complete prior to the hearing. Mr. Rice stated that they will not be complete until the Land Development phase.

Roberta Winters, Garrett Hill – Her hope by the second meeting in September there will be adequate time to discuss.

Commissioner Schaefer called the vote but will recuse herself, motion passed 6-0 with Commissioner Schaefer recusal.

PUBLIC SAFETY

Ordinance #2013-16 – (Introduction) Updating and codifying Chapter 270, Vehicles and Traffic, of the Code of the Township of Radnor and establishing fines and penalties for violations thereof

Commissioner Spingler made a motion to introduce, seconded by Commissioner Nagle.

After a brief discussion among the Commissioners and Staff, motion passed 7-0.

Public Comment

Baron Gemmer, S. Wayne Avenue – Commented for clarification on parking in parks on section 270.37 and he would also like to see what traffic calming is in place throughout the Township.

LIBRARY

None

PUBLIC HEALTH

Commissioner Nagle discussed that there was a meeting held with representatives of the Board of Health and Main Line Health in regards to closing the Cardiothoracic Surgery at Bryn Mawr Hospital. Main Line Health has postponed the decision for a year.

Old Business

None

New Business

Commissioner Schaefer announced there is a vacancy on the Civil Service Commission. Interested parties please forward your resume to Robert Zienkowski, Township Manager, 301 Iven Avenue, Wayne, PA 19087.

Public Participation

None

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

Respectfully submitted,

Jennifer DeStefano