

TOWNSHIP OF RADNOR
Minutes of Public Meeting of August 26, 2013

The Radnor Township Board of Commissioners met at approximately 6:45PM 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; Steve Norcini, Director of Public Works; 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
Commissioner Schaefer announced that the following items will be moved to earlier in the meeting:

- Discussion of the 2013-2014 Proposed Fund Balance Allocation
- Discussion of the Proposed \$8 Million BPT Tax Settlement Allocation

Notice of Executive Session preceding the Board of Commissioners meeting of August 26, 2013

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

Announcement of Vacancies: Board of Health & Civil Service Commission

Commissioner Schaefer announced that there are vacancies on the Board of Health & Civil Service Commission. Any interested parties please submit their resumes to Robert Zienkowski, Township Manager at Radnor Municipal Building, 301 Iven Avenue, Wayne, PA 19087.

Update from the Comprehensive Plan Implementation Committee

Cheryl Tumola, Chair – Comprehensive Plan Implementation Committee discussed that after discussions with the Township Manager there is a need for an update to the Comprehensive Plan. Dorothy Ives-Dewey who participates on the committee is also a professor at West Chester University will make a presentation to the Board of Commissioners

Consent Agenda: Consideration of a Motion to approve the Certificates of Appropriateness:

HARB 2013-15 -- 113 Runnymede Avenue – Construct screened porch at rear of house. Porch finish details similar to existing porch at front and sides of house

HARB 2013-16 -- 212 Midland Avenue – 2 ½ story addition to a non-contributing resource in the South Wayne National Register Historic District. The addition continues in the same material palette as the previous addition to the original 1950's one story dwelling

HARB 2013-17 -- 29 Louella Court – Rebuild of existing house in which the south wall is failing for approximately 40% of the existing foundation

HARB 2013-18 -- 417 Oak Lane – Additions: front porch, rear kitchen, breakfast room, mud room, rear deck addition, exterior renovations/restorations

HARB 2013-19 -- 106 Walnut Avenue – Addition of 3rd floor shed dormer to rear of house

Resolution #2013-101 – For Plan Resolution for New Development, 229 W. Wayne Avenue Planning Module – Jardin Tract

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

Ordinance #2013-14 – (Adoption) Amending Chapter 115, Animals, of the Code of the Township Of Radnor, by Providing for New Regulations Pertaining to the Vaccination of Dogs and Cats, Seizure of Unlicensed and/or Unvaccinated Dogs and Cats, Procedures for Rabies Vaccination and the Quarantine of High Risk Animals, and Procedures for the Control of Dogs and Cats Running At-Large

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

Commissioner Nagle made a motion for the following amendments: Definition of Owner to read - *Includes any person having a right of property in any animal and any person who keeps or harbors an animal or has it in his/her care, or allows it to remain on or about any premises occupied by him/her.* Add definition of TNR to read - *A nonlethal approach to feral cat population control where Feral Cats are humanely trapped, sterilized and vaccinated, fitted with a collar with the NASPHV recommended tag attached thereto or implanted with a microchip or other permanent marking or tag approved by the Board of Health, and then returned to the location where they were originally trapped.* Also §115.9 – Cats at Large to read - *Regular feeding of a Feral Cat is discouraged unless part of a regular TNR Program.* Commissioner Fisher seconded the motion.

Commissioner J. Higgins discussed suggestions of changes to §115-9 Cats at Large and §115-18 Violations and penalties.

Commissioner J. Higgins made a motion to approve with the following amendment: *§115-9. Any feeding of a Feral Cat is to be discouraged. Regular feeding of a Feral Cat constitutes ownership, with its resultant responsibilities as outlined in this Chapter, provided that no responsibility of ownership shall devolve upon a person who regularly feeds a Feral Cat (i) if the person is making good-faith efforts to trap-neuter and release the animal, (ii) for violation of §115-8 (pertaining to cleaning up of excrement on others' property), and (iii) for violation of §115-15 (pertaining to keeping a female cat on the premises of the owner or keeper when the cat is in heat).* Commissioner Curley seconded the motion.

There was a discussion amongst Commissioners in regards to feeding of cats, violations and penalties and trap, neuter and release program.

Public Comment

Liz Foltz, Staff Attorney at Alley Cat Allies – She supports Commissioner Nagle’s amendment.

Brian McGowan – He supports Commissioner Nagle’s amendment.

Joanne Fredericks – She asked for clarification of Commissioner Nagle’s amendment. Mr. Rice re-read the amendment.

Eleanor Donahue – Clarified that TNR is not an organization that it is simply someone who traps, neuter and returns.

Commissioner Schaefer called the vote on the following motion:

Commissioner J. Higgins made a motion to approve with the following amendment: §115-9. Any feeding of a Feral Cat is to be discouraged. Regular feeding of a Feral Cat constitutes ownership, with its resultant responsibilities as outlined in this Chapter, provided that no responsibility of ownership shall devolve upon a person who regularly feeds a Feral Cat (i) if the person is making good-faith efforts to trap-neuter and release the animal, (ii) for violation of §115-8 (pertaining to cleaning up of excrement on others’ property), and (iii) for violation of §115-15 (pertaining to keeping a female cat on the premises of the owner or keeper when the cat is in heat).

Commissioner Curley seconded the motion.

Motion fails 2-5 with Commissioner K. Higgins and J. Higgins in support.

Commissioner Schaefer called the vote on the following motion:

Commissioner Nagle made a motion for the following amendments: Definition of Owner to read - Includes any person having a right of property in any animal and any person who keeps or harbors an animal or has it in his/her care, or allows it to remain on or about any premises occupied by him/her. Add definition of TNR to read - A nonlethal approach to feral cat population control where Feral Cats are humanely trapped, sterilized and vaccinated, fitted with a collar with the NASPHV recommended tag attached thereto or implanted with a microchip or other permanent marking or tag approved by the Board of Health, and then returned to the location where they were originally trapped. Also §115.9 – Cats at Large to read - Regular feeding of a Feral Cat is discouraged unless part of a regular TNR Program.

Commissioner Fisher seconded the motion.

Motion passed 5-2 with Commissioner J. Higgins and K. Higgins opposed.

Commissioner Schaefer called the vote on the ordinance as amended, motion passed 6-1 with K. Higgins opposed.

Motion to Appointment Hearing Officer for Ardrossan Conditional Use

John Rice, Township Solicitor explained the purpose of a Hearing Officer for Ardrossan Conditional Use Hearing.

Commissioner Spingler made a motion to appoint Mr. Bolla as the hearing officer for Ardrossan Conditional use, seconded by Commissioner J. Higgins. After a brief discussion, motion passed 7-0.

Motion to Appointment Conflict Hearing Officer for Tax Appeals

Mr. White explained that this appointment would be as a back-up to the current conflict hearing officer for Business Privilege and Mercantile Tax appeals. Proposed is Steven Harris at a rate of \$150/hr. which is consistent with the other hearing officer's rates.

Commissioner Spingler made a motion to appoint Mr. Harris as the hearing officer for Tax Appeals, seconded by Commissioner J. Higgins. Motion passed 7-0.

Discussion of the 2013-2014 Proposed Fund Balance Allocation

Mr. White explained that in recognition of four of the large unfunded liabilities on the Township's Balance Sheet, the Board of Commissioners adopted Resolution 2011-156 on December 12, 2011 establishing an excess fund balance allocations aimed at beginning to address these large unfunded liabilities. Resolution 2011-156 established the following priorities to any excess General Fund balance for 2011 and 2012: 50% to Compensated Absences, 30% to Capital Funding, 10% to OPEB, and 10% to Pension Obligations. Resolution 2011-156 only included allocation of excess fund balances from 2011 and 2012, and has now expired. The purpose of this agenda is to begin the conversation of establishing a replacement resolution that will allocate excess fund balances (that may or may not exist) for 2013 and 2014. The Administration recommends that we work with CARFAC on establishing the final allocation method. However, to begin the conversation, we wanted to update the Board on where we stand with the four funding priorities addressed with the prior Resolution:

> **Compensated Absences:** The balance sheet liability has dropped from \$4,152,735 in 2008 to \$2,580,240 in 2012, prior to any excess fund balance being applied. As a result of the excess balances from 2011 and 2012, this liability now has sufficient assets to cover. Moving forward, it is recommended that this item be managed through "use it or lose it" policies where applicable while making sure that sufficient assets continue to cover future liabilities.

> **Pension:** As reported in the 2012 CAFR, the unfunded actuarial accrued liability was \$22.1 million, based on the January 1, 2011 actuary report. Since the CAFR was published, the Township has received its January 1, 2013 actuary report. The unfunded actuarial accrued liability has increased up to \$24.9 million. Consequently, the Township's annual Minimum Municipal Obligation (MMO) will increase to cover the increased amortization of the unfunded liability by \$627,328. Additionally, the assumptions used in funding the pensions carry more risk than any other of these long-term liabilities. Risks include the unfunded costs of disability retirements as well as meeting the asset growth assumption. Therefore, it would seem prudent to give pension funding the *highest* priority of funding with excess fund balances moving forward to help cover risk variances and given the deteriorating funding percentage that has continued for the last decade.

> **OPEB:** The *actuarial* liability is \$54 million, as reported by CARFAC in December 2012, with the sum of all of the future obligation payments exceeding \$214 million. Excess fund balances from 2011 and 2012 totaled \$503,745 and was combined with compensated absence assets in an attempt to combine all "post-employment" expenses. In June 2013, the administration presented five funding alternatives, with the assistance of CARFAC and the

Township's actuary benefits firm. In accordance with the alternatives presented, the Township Manager's Recommended 2014 Budget will introduce the 10 year ramp up funding method. Under that funding method, additional OPEB funding of approximately \$200,000 will be needed each year over the 10 year ramp up period. The additional \$200,000 will be added to the pay as you go funding amount already included in the Township's annual budgeted expenses. As discussed in June, any excess fund balance allocations should be used to *supplement* the funding plan; not be used in replacement of it.

>**Capital Plan:** Beginning in 2013, the Township has enacted a five-year capital plan along with a commitment towards funding it. For 2013, excess fund balances from 2011 and 2012, totaling \$1,511,233, was sufficient to fund this year's plan expense. Moving forward, it's expected that the 2014 plan expense will be funded through an allocation of the \$8.0 million business tax settlement. Therefore, the first year in which capital funding will not be covered through excess / one-time revenues is expected to be 2015. Consequently, it would be prudent to continue to allocate ongoing excess fund balances towards this item to help minimize any tax adjustment necessary to fund the capital program. The current average annual capital plan expense is \$1.7 million per year through 2028 (this amount is subject to fluctuation from year to year based on capital priorities).

There was discussion amongst the Commissioners and Mr. White in regards to where the surplus is at this point in 2013, syncing fund approach for CARFAC to review, clarifications on the compensated absences decline and unfunded actuarial accrued liability

Discussion of the Proposed \$8 Million BPT Tax Settlement Allocation

Mr. White explained that as you may recall, in July 2013 the Board authorized the Business Privilege Tax settlement in the amount of \$8,000,000. Those funds were received in early August. Administratively, we have established the following distribution for discussion purposes. As with excess fund balance allocation, it is recommended that this be reviewed by CARFAC before any final decision is made:

| Funding Priority | Amount |
|------------------------------------|---------------------------|
| 1. Pension | 1,750,000 |
| 2. OPEB | 1,022,231 |
| 3. Capital Program | 2,697,769 |
| 4. Storm Water Capital | 1,230,000 |
| 5. Operational Efficiency Projects | 1,300,000 |
| Total | <u>\$8,000,000</u> |

Commissioner K. Higgins asked for clarification on the allocation for Operation Efficiency Projects. He also discussed the Capital Programs, if the allocation for Willows is correct. Mr. White responded that yes that it would be used for the public portion of the improvements to the Willows which include but not limited to the water line, roads and everything leading up to the Mansion itself. This would help reduce the long-term risk away from the Township. There was brief discussion in regards to the allocation to the Willows public improvements.

Commissioner Schaefer wanted to point out that in this recommendation there is \$1,230,000 allocated towards stormwater capital and the question has been why not to allocate the whole \$8,000,000 to stormwater capital. She went on to explain that it would defeat the whole equity goal of the fee system that we are striving to achieve.

Commissioner Fisher explained that the tax settlement is making up for non-compliance over a long time and he supports dividing this among more categories rather than less.

Mr. Zienkowski recognized the Board for all of their efforts in this area.

Public Comment

Sara Pilling – She is deeply troubled with \$1,100,000 being placed into the Willows which will benefit a for profit organization and only a merely \$100,000 into the Cruetzburg Center who's mission as a non-profit is to educate everyone.

Susan Stern – Asked for clarification on the allocations to the Willows. She also suggested that in addition to the monies allocated for parking kiosks that we consider the same as Lower Merion Township with the first 10 minutes free parking.

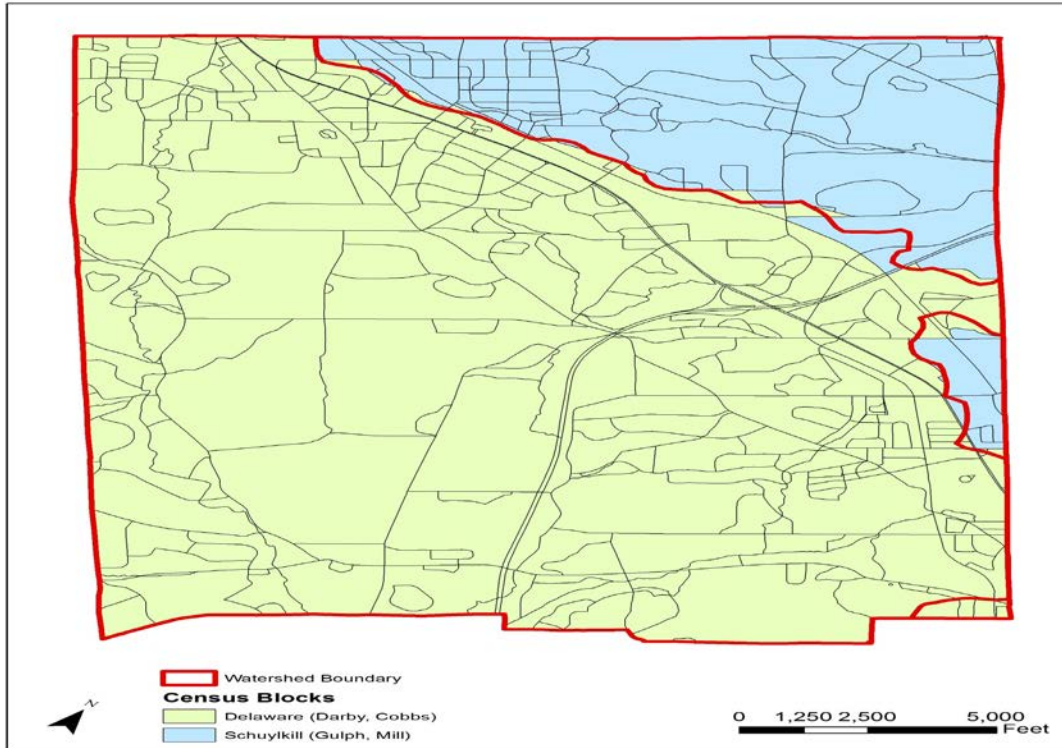
Maya von Rossum, S. Roberts Road – Supports the comments by Commissioner K. Higgins and Sara Pilling. She also stated that it should always be a priority to honor a commitment to Township staff with the funding of pensions.

Ordinance #2013-15 – (Discussion) Establishing a User Fee for Stormwater Collection and Management

Commissioner Schaefer announced that there are three more educational sessions that the League of Women Voters is hosting. They are on Thursday, August 29th at 7:00 PM; Thursday, September 12th at 1:00 PM and 7:00 PM.

Commissioner J. Higgins discussed why there is a wait to enact the ordinance until after the educational sessions when this has been in discussion since March 2012. Commissioner Schaefer stated that not everyone in the Township is aware of the ordinance and the mailing that was sent out was their first notification of the ordinance.

Brian Merritt, AMEC discussed that at the August 12, 2013 Radnor Township Board of Commissioners Meeting, the Board requested an estimate of the population in each of Radnor's two major watersheds. The following data available from the Pennsylvania Spatial Data Access (PASDA) was used: Spatial watershed boundaries (source: Pennsylvania Department of Environmental Protection); and Municipal boundary data. Watershed boundaries were then delineated for the Schuylkill River and Delaware River watersheds. Based on these delineations, the watersheds were truncated at the Township boundary. Using 2010 spatial and population data available from the U.S. Census Bureau's Topologically Integrated Geographic Encoding and Referencing (TIGER) system, AMEC selected those census blocks located within Radnor Township's boundary. Each census block was then categorized into either the Delaware or Schuylkill watershed. Census blocks do not share boundaries with the watersheds, so some census blocks have land area split between the two watersheds. In these cases, census blocks were assigned to the watershed in which their center point occurred (i.e. individual census blocks remain whole and are not split between watersheds). The Figure 1 below presents how census blocks were distributed between the two watersheds.



Population data was then applied to the spatial features, and the total population per watershed was calculated. The results of this calculation are presented in the Table 1, along with the overall watershed area in acres.

Table 1 - Radnor Township Land Area and Population Statistics by Watershed

| Watershed | Land Area (acres) | | Population | |
|---|-------------------|------|------------|------|
| Delaware River (Darby Creek, Cobbs Creek) | 7,201 | 82% | 23,860 | 76% |
| Schuylkill River (Gulph Creek, Mill Creek) | 1,631 | 18% | 7,671 | 24% |
| TOTAL | 8,832 | 100% | 31,531 | 100% |

Commissioner Curley discussed that he has proposed language for section 7 of the ordinance which would read: The Township shall determine the percentage of the total stormwater fee that is from each of the Townships watersheds. Funds collected via the fee and used for capital projects should be distributed as per this percentage, capital funds dedicated to the specific watersheds but not spent shall accumulate until used for projects in that watershed.

There was in depth conversation with Commissioners and staff in regards to the language proposed above and the funding of the projects.

Public Comment

Doug Blazey, Upland Way – He was not familiar with this particular ordinance until last week. He is not opposed to the fee but he is interested where the legal authority is.

Ken Taylor, Willow Avenue – He is looking forward to the educational sessions with the League of Women Voters. He also discussed the fee structure and the watershed concept.

Randy Roberts, Conestoga Road – His road is a State Road and his concern is that the fee would not help him because of that. The inlets are not cleaned by Township but by PennDot.

James Guthlein, Banbury Way – His area floods greatly to the point of manhole covers blowing off. He questioned if the fee will expire at the completion of all projects.

Maya von Rossum, S. Roberts Road – She is not opposed to the fee but is opposed to the ordinance because she does not believe the language will achieve the goals. She submitted a letter with comments/suggestions to Mr. Zienkowski and Mr. Norcini for distribution to the Commissioners. She highlighted a few of the key thoughts in her letter.

Commissioner Schaefer stated that years ago Chagrin Valley surveyed residents to see where the hotspots were in the Township which will help to prioritize the project list.

The Township Administration's Recommendation on the 2013 Trash Fee

Mr. Zienkowski and Mr. White explained that the Administration is recommending that the \$36.00 per home fee that was established to pass through the Delaware County Solid Waste Authority's tipping fee, be suspended for 2013.

After a brief discussion the Board agreed to have a resolution brought in front of them at the next Board of Commissioners meeting.

Preview of the 2014 Proposed Budget

Mr. Zienkowski stated that his intention is to bring a recommendation to the Board of Commissioners of a 0% tax increase for 2014.

Public Participation

Commissioner Nagle inquired about the clean up along the stream at the Willows. Mr. Norcini explained that the crews have cutdown the growth along the stream, removed dead trees, etc with the intention of the riparian buffer growing back.

Sara Piling, Skunk Hollow Community Garden – The garden has 57 families this year, they have collected for PhilAbundance and now Philabundance would like to donate plants, they have performed numerous educational sessions with area groups and schools and Whole Foods in Devon will be sending 40 employees to help clean it up for fall. She wanted to state on the record that there was a rumor that the Township was going to take the garden back and give to Conroy catering so rather than let this float and cause a lot of anxiety on the gardeners she contacted Mr. Zienkowski and his reply was as follows:

Good morning Sara! That is a new one to me! There is NO TRUTH TO THAT RUMOR! The garden is you're for as long as you want it! You, Katrina and everyone involved have done an incredible job and it looks fantastic! I hope this helps Sara! Thanks for reaching out to me!

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

Respectfully submitted,

Jennifer DeStefano