

**BOARD OF COMMISSIONERS**  
**AGENDA**  
**Monday, December 14, 2015 - 6:30 PM**

Pledge of Allegiance

Notice of Executive Session on December 14, 2015

1. Approval for the Conditional Offers of Employment to three (3) Police candidates and the approval for their physical and psychological examinations
2. Public Participation

3. Consent Agenda

- a) Disbursement Review and Approval: 2015-11C, 2015-11D, 2015-12A
- b) Approval of the 2016 Township Holiday Schedule
- c) Approval and Acceptance of the 2016 Meeting Dates
- d) Approval and Acceptance of meeting minutes – November 9, 2015; November 16, 2015 & November 23, 2015
- e) Consideration of a Motion to Approve the Certificate of Appropriateness:
  - HARB-2015-20 – 314 Louella Avenue - Demolish deck. Build new 1 story addition. Build new rear porch. New oval window on front elevation. Replace kitchen windows. New windows at addition. New basement egress door. Demolish rear chimney, save stone for new fireplace in the family room.
  - HARB-2015-21 – 423 St Davids Road – Enclose first floor porch creating a new mudroom.
  - HARB-2015-22 – 215 Midland Avenue – Remodel and addition.
- f) Staff Traffic Committee Meeting Minutes - November 18, 2015
- g) Authorization – Authorization to Receive Bids for street light and traffic signal maintenance
- h) Resolution #2015-125 - Amending Resolution 2015-113 Authorizing the Township to Enter into an Agreement with the Woodlynde School for Gymnasium Usage for the 2015-2016 Winter Seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs

4. Committee Reports

**PERSONNEL & ADMINISTRATION**

- A. St. Davids Nursery Presentation Proposal to Improve and Operate the Willows Mansion – Discussion with the Board of Commissioners
- B. Van Rossum RTK Settlement Agreement

**FINANCE & AUDIT**

- C. Ordinance #2015-20 – (**Adoption**) - Adoption of the final Comprehensive Budget for 2016 (v2) which includes appropriations for 2016, the Five-Year Capital Plan and Five-Year Forecast, and establishing the Township Real Estate Tax and Sanitary Sewer Rates for 2016
- D. Resolution #2015-127 – Authorization to Engage Zelenkofske Axelrod LLC as Independent Auditors for a Three Year Engagement
- E. Resolution #2015-126 - Establishing the wage and salary schedule for 2016
- F. Ordinance #2015-25 – (**Introduction**) Amending Chapter §44 of the Township Administrative Code – Investment Policy

**COMMUNITY DEVELOPMENT**

G. White Dog Café Settlement Agreement

**PUBLIC SAFETY**

H. Ordinance #2015-21 (*Adoption*) - Amending Chapter 262, Towing Ordinance to increase the hooking fee, increase the maximum cost of towing flat fee per hour, add a standard cleanup fee, increase the fee for storage costs, establish a Police Administration fee, revise the requirements and regulations for non-consent towing operators and duty towing operators, increase the yearly towing license fee, provide for penalties for violation of this chapter

I. Ordinance #2015-22 – (*Adoption*) - Authorizing a “No Parking Any Time” sign to be installed on Conestoga Road at South Wayne Avenue

J. Ordinance #2015-23 – (*Adoption*) - Authorizing a new stop sign to be installed on Galer Road at Loudan Lane

K. Ordinance #2015-24 - (*Adoption*) - Rescinding Ordinance #1259 dated April 27, 1965, for the 2 hour parking on Gallagher Road

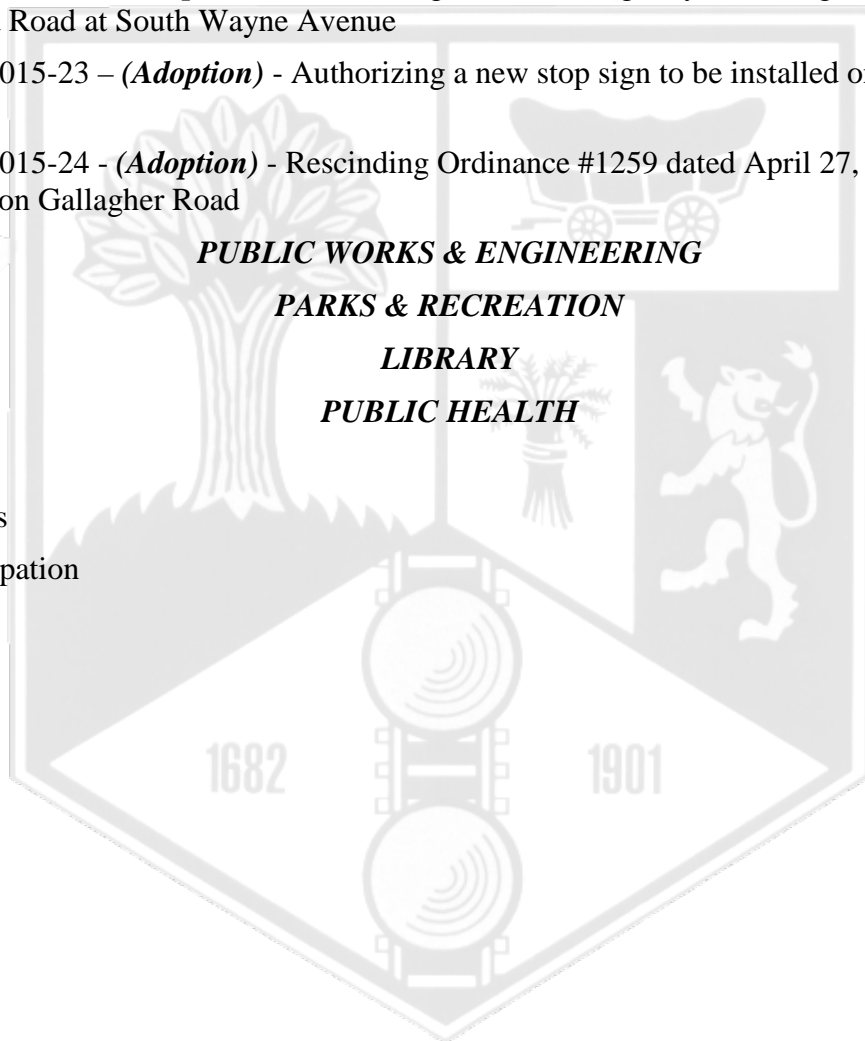
**PUBLIC WORKS & ENGINEERING**

**PARKS & RECREATION**

**LIBRARY**

**PUBLIC HEALTH**

- Old Business
- New Business
- Public Participation
- Adjournment



Approval for the  
Conditional Offers of  
Employment to three  
Police Candidates and the  
Approval for their physical  
and psychological  
examinations

# Public Participation

**RADNOR TOWNSHIP**  
**DISBURSEMENTS SUMMARY**  
**December 14, 2015**

The table below summarizes the amount of disbursements made since the last public meeting held on November 23, 2015. As approved by the Board, the Administration is now making weekly accounts payable disbursement batches and publishing those lists on the Township's web site at the following link. Please refer to those files for a detailed listing of the amounts paid by vendor by account code.

Link: <http://www.radnor.com/egov/apps/document/center.egov?path=browse&id=22>

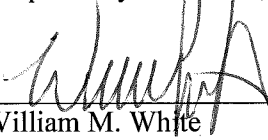
Fund (Fund Number)	2015-11C November 20, 2015	2015-11D November 24, 2015	2015-12A December 4, 2015	Total
General Fund (01)	235,404.41	112,227.25	204,799.55	\$552,431.21
Sewer Fund (02)	8,022.24	546,319.00	2,617.06	556,958.30
Storm Sewer Management (04)	13,564.74	0.00	12,780.78	26,345.52
Capital Improvement Fund (05)	55,725.00	13,965	72,085.13	141,775.13
Police Pension Fund (07)	0.00	0.00	8,403.90	8,403.90
Escrow Fund (10)	3,300.00	300.00	0.00	3,600.00
Civilian Pension Fund (11)	0.00	0.00	6,837.24	6,837.24
Comm. Shade Tree Fund (15)	0.00	0.00	1,927.50	1,927.50
Police K-9 Fund (17)	0.00	0.00	461.98	461.98
\$8 Million Settlement Fund (18)	0.00	0.00	42,550.00	42,550.00
The Willows Fund (23)	1,342.76	0.00	500.92	1,843.68
<b>Total Accounts Payable Disbursements</b>	<b>\$317,359.15</b>	<b>\$672,811.25</b>	<b>352,964.06</b>	<b>\$1,343,134.46</b>
<i>Electronic Disbursements</i>	n/a	n/a	n/a	752,684.38
<b>Grand Total</b>	<b>\$317,359.15</b>	<b>\$672,811.25</b>	<b>\$352,964.06</b>	<b>\$2,095,818.84</b>

In addition to the accounts payable checks, the Township also has various electronic payments including payroll, debt service, credit card purchases and fees as well as others from time to time. The attached table reflects all of the electronic payments made since the last public Board meeting as well as those anticipated prior to the next Board meeting.

The Administration has adopted various internal control and processing procedures to insure that amounts obligated are within the budgetary limits established by the Board of Commissioners. Those procedures are monitored on a daily basis by members of the Finance Department and responsible employees of the various departments. The amounts included in the table above have been scrutinized as part of the internal control and processing procedures and have obtained the required approvals prior to disbursement.

If you should have any questions, please contact the Finance Department.

Respectfully Submitted,

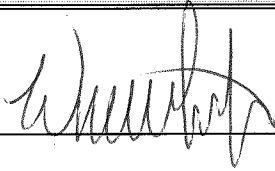
  
 \_\_\_\_\_  
 William M. White  
 Finance Director

**ELECTRONICALLY PAID DISBURSEMENT LISTING**

Estimated Through December 21, 2015

Description	Account No.	Date	Purpose	Amount
Credit Card Revenue Fees - Estimated	Various Funds	12/10/2015	11/15 Credit Card Revenue Processing Fees	\$3,500.00 *
Debt Payment	Various Funds	12/15/2015	TD Bank GOB 2010	\$67,784.38
Payroll [Bi-Weekly] Transaction - Estimated	01-various	12/17/2015	Salaries and Payroll Taxes - General Fund	\$663,000.00
Payroll [Bi-Weekly] Transaction - Estimated	02-various	12/17/2015	Salaries and Payroll Taxes - Sewer Fund	\$18,000.00
Payroll [Bi-Weekly] Transaction - Estimated	17-various	12/17/2015	Salaries and Payroll Taxes - K-9 Fund	\$400.00
<b>Period Total</b>				<b>\$752,684.38</b>

Submitted:



\* Credit card fees are charged to the Township's accounts on the first of the month

Original Estimate			Actual Amount
\$400,000.00	11/19/2015	Salaries and Payroll Taxes - General Fund	\$421,359.11
\$15,000.00	11/19/2015	Salaries and Payroll Taxes - Sewer Fund	\$11,704.28
\$400.00	11/19/2015	Salaries and Payroll Taxes - K-9 Fund	\$398.52
<b>\$415,400.00</b>			<b>\$433,461.91</b>
\$400,000.00	12/3/2015	Salaries and Payroll Taxes - General Fund	\$433,341.93
\$15,000.00	12/3/2015	Salaries and Payroll Taxes - Sewer Fund	\$11,920.59
\$400.00	12/3/2015	Salaries and Payroll Taxes - K-9 Fund	\$665.60
<b>\$415,400.00</b>			<b>\$445,928.12</b>
\$295,000.00	12/1/2015	Longevity - General Fund	\$303,691.60 *
\$10,000.00	12/1/2015	Longevity - Sewer Fund	\$10,917.86 *
<b>\$305,000.00</b>			<b>\$314,609.46</b>

\*Flex Claims are withdrawn from our account twice per month at the discretion of the Administrator. Since these monies are actually withdrawn from employee paychecks and not Twp monies, those transactions are not included on this schedule



## 2016 Radnor Township Holiday Schedule

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New Year's Day	Friday, January 1
Martin Luther King Jr. Day	Monday, January 18
President's Day	Monday, February 15
Good Friday	Friday, March 25
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Thanksgiving Day	Thursday, November 24
Day After Thanksgiving	Friday, November 25
Christmas Eve (1/2 day)	Friday, December 23 (observed)
Christmas Day	Monday, December 26 (observed)
New Year's Eve (1/2 day)	Friday, December 30 (observed)
New Year's Day 2017	Monday, January 2 (observed)

**Radnor Township - Proposed  
2016 MEETING DATES**

**JANUARY**

4	Board of Commissioners Reorganization
4	Board of Commissioners
5	Planning Commission - Tuesday
6	HARB
13	Design Review Board
14	Parks & Recreation Board
14	Stormwater Advisory Committee
19	Board of Health
20	Citizens Communications Council
20	CARFAC
21	Zoning Hearing Board
25	Board of Commissioners
27	Shade Tree Commission
28	Environmental Advisory Council

**FEBRUARY**

1	Planning Commission
3	HARB
8	Board of Commissioners
10	Design Review Board
11	Parks & Recreation Board
11	Stormwater Advisory Committee
16	Board of Health - Tuesday
17	CARFAC
18	Zoning Hearing Board
22	Board of Commissioners
24	Shade Tree Commission
25	Environmental Advisory Council

**MARCH**

2	HARB
7	Planning Commission
9	Design Review Board
10	Parks & Recreation Board
10	Stormwater Advisory Committee
14	Board of Commissioners
16	CARFAC
17	Zoning Hearing Board
21	Board of Health
23	Shade Tree Commission
28	Board of Commissioners
24	Environmental Advisory Council

**APRIL**

4	Planning Commission
6	HARB
11	Board of Commissioners
13	Design Review Board
14	Parks & Recreation Board
14	Stormwater Advisory Committee
18	Board of Health
20	Citizens Communications Council
20	CARFAC
21	Zoning Hearing Board
25	Board of Commissioners
27	Shade Tree Commission
28	Environmental Advisory Comm

**MAY**

2	Planning Commission
4	HARB
9	Board of Commissioners
11	Design Review Board
12	Parks & Recreation Board
12	Stormwater Advisory Committee
16	Board of Health
18	CARFAC
19	Zoning Hearing Board
23	Board of Commissioners
25	Shade Tree Commission
26	Environmental Advisory Council

**JUNE**

1	HARB
6	Planning Commission
8	Design Review Board
9	Parks & Recreation Board
9	Stormwater Advisory Committee
15	CARFAC
16	Zoning Hearing Board
20	Board of Commissioners
20	Board of Health
22	Shade Tree Commission
23	Environmental Advisory Council

**JULY**

5	Planning Commission
6	HARB
13	Design Review Board
14	Parks & Recreation
14	Stormwater Advisory Committee
18	Board of Commissioners
18	Board of Health
20	Citizens Communications Council
20	CARFAC
21	Zoning Hearing Board
27	Shade Tree Commission
28	Environmental Advisory Council

**AUGUST**

1	Planning Commission
3	HARB
10	Design Review Board
11	Stormwater Advisory Committee
15	Board of Commissioners
17	CARFAC
24	Shade Tree Commission
25	Environmental Advisory Council

**SEPTEMBER**

6	Planning Commission
7	HARB
8	Parks & Recreation Board
8	Stormwater Advisory Committee
12	Board of Commissioners
14	Design Review Board
15	Zoning Hearing Board
19	Board of Health
21	CARFAC
22	Environmental Advisory Comm
26	Board of Commissioners
28	Shade Tree Commission

**OCTOBER**

4	Planning Commission - Tuesday
5	HARB
10	Board of Commissioners
12	Design Review Board
13	Parks & Recreation Board
13	Stormwater Advisory Committee
17	Board of Health
19	Citizens Communication Council
19	CARFAC
20	Zoning Hearing Board
24	Board of Commissioners
26	Shade Tree Commission
27	Environmental Advisory Council

**NOVEMBER**

2	HARB
7	Planning Commission
9	Design Review Board
10	Parks & Recreation Board
10	Stormwater Advisory Committee
14	Board of Commissioners
16	CARFAC
17	Zoning Hearing Board
21	Board of Health
28	Board of Commissioners
29	Environmental Advisory Council

**DECEMBER**

5	Planning Commission
6	Shade Tree Commission
7	HARB
8	Parks & Recreation Board
8	Stormwater Advisory Committee
12	Board of Commissioners
14	Design Review Board
14	CARFAC
15	Zoning Hearing Board
19	Board of Health
19	Board of Commissioners

**MEETING TIMES**

**5:30 PM**

Board of Health

**6:00 PM**

Design Review Board  
Environmental Advisory Council  
HARB

**6:30 PM**

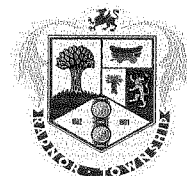
Board of Commissioners  
Citizens Communications Council  
Parks & Recreation Board (2nd Floor Administration)  
Shade Tree Commission

**7:00 PM**

Planning Commission  
CARFAC (Finance Conference Room)  
Stormwater Advisory Committee

**7:30 PM**

Board of Commissioners Reorganization meeting - January 4, 2015  
Zoning Hearing Board





**TOWNSHIP OF RADNOR**  
**Minutes of Public Meeting of November 9, 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***

*James C. Higgins, President*

*John Fisher, Vice President*

*Richard F. Booker*

*John Nagle*

*Donald Curley*

*Elaine Schaefer*

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

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

*Notice of Executive Session on November 9, 2015*

All commissioners were in attendance at the November 9, 2015 executive session; where matters of personnel and litigation were discussed.

1. *Oath of Office to 3<sup>rd</sup> Ward Commissioner*

The Honorable Judge Ann A. Osborne administered the Oath of Office to Lucas A. Clark, Commissioner 3<sup>rd</sup> Ward of Radnor Township. Mr. Clark was joined by his wife Brittany and children.

2. *Presentation - Stormwater Management Advisory Committee*

Heather Gill, Chair Stormwater Advisory Committee as well as Dan Wible, CH2M made a brief presentation which can be found on the Township website at: <http://radnor.com/DocumentCenter/View/11729> followed by a discussion amongst the Commissioners with the agreement for the Stormwater Advisory Committee to reprioritize the projects in the proposed budget as well as work simultaneously on creating hydraulic models of before and after's.

3. *Public Participation*

Gail Morrison, Poplar Avenue – She is in support of the letter of intent for N. Wayne Field and would like to see the project completed.

Leslie Morgan, Farm Road – She gave a brief update on the tree plantings at 115 Strafford Avenue.

Ken Taylor, Wayne – He inquired if Commissioner Booker has requested a ruling for an opinion from the State Ethics Commission in regards to a potential conflict.

Commissioner Booker commented that he has not made a request with the State Ethics Commission and that he does not have a conflict in regards to negotiations of N. Wayne Field.

Chris Todd, WBA – He gave a brief update that PECO has completed phase 2 on N. Wayne Avenue.

Dan Sherry, Wayne – He commented in regards to public participation during the meeting; agenda structure; as well as N. Wayne Field.

Bill Bruno – He commented in regards to the urgency to move forward with the proposed stormwater basin as N. Wayne Field for the safety of the community.

#### 4. Consent Agenda

- a) Disbursement Review and Approval: 2015-10D, 2015-10E, and 2015-10F
- b) Staff Traffic Committee Meeting Minutes - October 21, 2015
- c) WBA request for Free Parking in Downtown Wayne on Saturday's in December
- d) Approval and Acceptance of meeting minutes October 12, 2015 & October 26, 2015
- e) Resolution #2015-113 - Authorizing the Township to Enter into an Agreement with the Woodlynde School for Gymnasium Usage for the 2015-2016 Winter Seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs
- f) Resolution #2015-114 - Authorizing the Township to Approve Gymnasium Usage of Radnor Township School District Facilities for the 2015-2016 Winter Season for the Radnor Youth Basketball Program
- g) Consideration of a Motion to Approve the Certificate of Appropriateness:
  - HARB-2015-18 – 421 Midland Avenue – One story addition for bedroom, bathroom and powder room.
  - ~~HARB-2015-19 – 210 Poplar Avenue – Remodel exterior finishes, add master bedroom over existing great room, renovate 1st and 2nd floors, and install new windows and roof.~~

Kevin Kochanski, Director of Community Development requested for HARB certificate #2015-19 be removed and tabled this evening from the consent agenda.

Commissioner Schaefer made a motion to approve absent HARB #2015-19, seconded by Commissioner Fisher. Motion passed 6-0.

- HARB-2015-19 – 210 Poplar Avenue - Remodel exterior finishes, add master bedroom over existing great room, renovate 1st and 2nd floors, and install new windows and roof.

Mr. Kochanski asked for the item to be tabled this evening and be brought back at the next meeting. Commissioner Curley made a motion to table, seconded by Commissioner Nagle. Motion passed 6-0

#### 5. Committee Reports

##### **PUBLIC WORKS & ENGINEERING**

- D. Resolution #2015-115 - Motion to Authorize Gilmore & Associates to Provide Preliminary Engineering in Accordance With the Grant Application for the Pennsylvania Department of Transportation ACT 89 Multimodal Transportation Funding Grant For a Sidewalk on North Wayne Avenue

Mr. Norcini stated that this would authorize Gilmore to provide preliminary engineering that is required for the grant application. This engineering, as well as completing the grant application, would cost \$31,700 as submitted by Gilmore & Associates. This fee is not reimbursable from the grant if awarded.

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

Commissioner Higgins gave a brief background on the neighbor's position and his to the construction of a sidewalk at this location.

There was a discussion in regards to adding other areas that are in need of sidewalks and that these items are added into the capital budget. Commissioner Curley requested that sidewalks and curbing to be installed at the Wawa property on Morris Road and include this project in the grant project.

Commissioner Curley made a motion to amend the resolution to increase the amount to \$36,700 to include surveying at the area discussed on Morris road in front of Wawa, seconded by Commissioner Nagle.

Public Comment

Dena Honesty, N. Wayne Avenue – She is in support of the proposed project for the sidewalks.

Chris Ellis, Woodsworth Court – He is in support of the proposed sidewalk project.

Charlotte O'Donnell, Woodsworth Court – She is in support of the proposed sidewalk project.

Becky Nutall, W. Beechtree – She is in support of the proposed project.

Bill Knapp, Woodsworth Court – He commented that there is a lot of pedestrian traffic in this area and the dangers are significant for the need for sidewalks.

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

*E. Resolution #2015-116 – Motion to Authorize the Engineering Department to Apply for the Pennsylvania Department of Transportation ACT 89 Multimodal Transportation Funding Grant For a Sidewalk on North Wayne Avenue*

This resolution will be moved to the following meeting.

*A. 220 Lansdowne Avenue - Requesting a waiver for §245-22 of the Stormwater Management Ordinance*  
Representatives for the applicant made a brief presentation. The applicant is requesting a waiver of §245-22 of the Townships Stormwater Management Ordinance which requires the maximizing of the ground water recharge capacity of the area being developed. The applicant has conducted soil testing at 2 locations on the site, and the required percolation was not feasible due to mottled soils, high ground water and percolation testing results of zero. The applicant has made provisions for the installation of a rain garden to address volume management requirements due to the lack of percolation at the site.

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

*B. Caucus - Preliminary/Final - Cottage at Valley Forge Flowers*

Representatives for the applicant made a brief presentation. The applicant is proposing to construct a 589 SF connector building between two existing buildings within the shopping center. The project will be located in the consolidated parcels C&E and Parcel D.

Public Comment

Becky Nuttall – She commented in regards to the required additional parking spaces.

*C. Letter of Intent - North Wayne Field*

Commissioner Schaefer stated that she will not be participating in the conversation on this agenda item. Mr. Rice briefly reviewed the proposed letter of intent.

Commissioner Fisher made a motion to direct staff to provide the letter of Intent to the Radnor Township School District, seconded by Commissioner Nagle.

There was a discussion amongst Commissioners in regards to the effectiveness of the project and the next steps.

#### Public Comment

Becky Nutall, W. Beechtree Rd. - She commented in regards to her concerns with the project moving forward.

Ken Taylor, Willow Avenue – He commented in regards to his support of the project and the need to move forward with the completion.

Dan Sherry, Wayne – He commented in regards his concerns with proceeding with the process before Mr. Clark is able to take his seat as a Commissioner.

Patrick Harper, W. Beechtree – He commented about the use of the stormwater funds as well as his agreement with a comprehensive study of all watersheds.

Bill Bruno, Wayne – He commented about the urgency of this project for the safety of the residents.

Mike Feeley, Willow Avenue – He commented in regards to his support of the project.

Commissioner Higgins called the vote, motion passed 3-2 with Commissioner Booker and Curley opposed and Commissioner Schaefer's recusal.

### **COMMUNITY DEVELOPMENT**

*F. Ordinance #2015-19 – (Introduction) - Fire Loss Reimbursement Claims and Procedures - Creating a New Chapter 183 of the Radnor Township Code, Fire Loss Reimbursement Claims and Procedures, that provides for the transfer of fire insurance proceeds to the Township for payment of delinquent taxes and other municipal claims or be held as security*

John Rice, Township Solicitor briefly explained the above ordinance for introduction. The proposed Fire Loss Reimbursement Claims and Procedures Ordinance specifically provides that in cases where buildings within the Township experience fire losses, the insurance company for that property is directed to transfer the fire insurance proceeds to the Township to be held as security against any potential costs the Township incurs as a result of the fire. Some potential costs incurred by the Township as a result of the fire may include removal, repair, or securing of the building or other structure on the affected property. The proceeds may also be held by the Township for payment of delinquent taxes, assessments, penalties or other municipal claims against the property. By requiring the transfer of fire proceeds to the Township to be held as security, the ordinance aims to deter the commission of arson, to discourage the abandonment of property, and to prevent blight and deterioration of properties within the Township. There was a brief discussion amongst the Commissioners and staff in regards to the proposed ordinance.

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

#### Public Comment

Ken Taylor, Willow Ave. – He is in support of the ordinance.

Dan Sherry, Wayne – He inquired to other Townships that currently have a similar ordinance and urged the Board to have Solicitor Rice to provide that list.

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

Commissioner Schaefer made a motion to extend the meeting time for 30 minutes. Mr. Zienkowski asked the board to consider if they did not want to extend the meeting time there is a special Board of Commissioners meeting next Monday, November 16<sup>th</sup> with just the budget on the agenda along with one resolution for a grant application to allow more discussion time. The board was in agreement.

**FINANCE & AUDIT**

G. Public Hearing #2 - 2016 Township Manager Recommended Budget

None

**PARKS & RECREATION**

Commissioner Nagle announced Santa’s Delivery and that drop offs for gifts will take place on November 28, 2015. He also announced that Wednesday is Veteran’s Day and there is a ceremony at 11 AM at the Way Memorial.

**PERSONNEL & ADMINISTRATION**

None

**PUBLIC SAFETY**

None

**LIBRARY**

None

**PUBLIC HEALTH**

None

Old Business

None

New Business

None

Public Participation

Jane Galli, Barcladen Road – She inquired about the student occupancy in the Villanova dorms as well as requested that the board assign an oversight committee for the Villanova project.

Commissioner Curley agreed that an oversight committee is needed for the project. Mr. Zienkowski commented that there will be a meeting with residents and other interested parties in regards to the project and he will have an independent inspection firm present to the board who would oversee the project with the fees

paid by Villanova. Commissioner Fisher would also like to see an Ad Hoc committee created to oversee the project.

Commissioner Schaefer made a motion to extend the meeting 30 minutes, seconded by Commissioner Higgins. Motion passed 6-0.

There was a discussion amongst the Commissioners in regards to the overcrowding in the dorms at Villanova. Mr. Kochanski commented that the University is over occupancy and they will not allow inspections at this time; the Township is waiting for a response from the University in regards to the findings.

Toni Bailey – She inquired about the trees that are being prepared to be removed for parking at Villanova University and if they are authorized.

Dan Sherry, Wayne – He commented that he hopes that presentations going forward are not in the beginning of the agenda and are appropriately placed on the agenda as well as his disagreement with previous comments made in regards to the Township opening themselves up for liability.

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

*Respectfully submitted,*

*Jennifer DeStefano*

**TOWNSHIP OF RADNOR**  
**Minutes of Public Meeting of November 16, 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**

*James C. Higgins, President*

*John Fisher, Vice President*

*Richard F. Booker*

*John Nagle*

*Donald Curley*

*Elaine Schaefer*

**Also Present:** *Commissioner-Elect, Lucas A. Clark; 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; Tammy Cohen, Director of Community Programming and Recreation; Amy Kaminski,, Traffic Engineer; Roger Philips, Township Engineer and Jennifer DeStefano, Executive Assistant to the Township Manager.*

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

*Notice of Executive Session on November 16, 2015*

All commissioners were in attendance at the November 16, 2015 executive session; where matters of personnel and litigation were discussed.

*1. Public Participation*

Toni Bailey, Conestoga Village – She commented that on December 7, 2015 at 7:00 Pm in the Radnorshire room of the Township Building there will be a public meeting to discuss Villanova University’s creation of an armed Police Department.

*2. Resolution #2015-116 - Requesting a Multimodal Transportation Fund Grant from the Pennsylvania Department of Transportation to be Used for Pedestrian Improvements Along North Wayne Avenue from Eagle Road to Woodsworth Court*

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

There was a discussion amongst Commissioners in regards to proposed sidewalks on Morris Road. Commissioner Curley asked for the support of the other Commissioners for the proposed sidewalks on Morris Road which he proposed at the November 9, 2015 Board of Commissioners meeting which will be paid for from the Capital Budget. There was agreement with the Board that the proposed sidewalks on Morris Road will be funded from the Capital Budget.

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

*3. Public Hearing #3 on 2016 Preliminary Budget*

Susan Shapiro, Executive Director of the Wayne Senior Center, gave a brief presentation requesting \$50,000 for Capital Improvements which would entail new windows and doors as well as replacing the old HVAC units. Representatives from Radnor Fire Company made a brief presentation requesting

\$125,000 operating contributions and include a 5% increase year-over-year to account for increasing costs of apparatus. Mr. White, Finance Director, briefly reviewed the proposed 2016 Preliminary Budget which can be found on the Township website at:  
<http://www.radnor.com/DocumentCenter/Home/View/11535> .

There was an in depth discussion amongst the Commissioners and staff in regards to additional funding for the Radnor Fire Company & EMS; assisting the Fire Company in evaluating current billing and reimbursable practices; potential tax increase to fund the debt service; the status of the bond issuance and going forward; the excess fund balance and review of the stormwater fund.

Staff requested a 5 minute recess to review items in the budget; the Board agreed to a recess. Commissioner Fisher made a motion to direct staff to prepare a millage increase ordinance which would include all of the debt service for the bond issuance that has been approved already and that millage increase will be 0.1717 mills, seconded by Commissioner Nagle.

#### Public Comment

Leslie Morgan, Farm Road – She is not in support of a tax increase and suggested a 6 year capital plan.

Jane Galli – She would like a line item added to the budget for a sewer line that Villanova will be utilizing if Lower Merion doesn't approve.

Paul Perrot – He commented in regards to his disagreement of the monies that have been and are proposed to be used for Park improvements as well as he always hears that people move to Radnor Township because of the schools not the parks.

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

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

*Respectfully submitted,*

*Jennifer DeStefano*



**TOWNSHIP OF RADNOR**  
**Minutes of Public Meeting of November 23, 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, President</i>	<i>John Fisher, Vice President</i>
<i>Richard F. Booker</i>	<i>John Nagle</i>
<i>Donald Curley</i>	<i>Elaine Schaefer</i>
<i>Lucas A. Clark</i>	

**Also Present:** *Robert A. Zienkowski, Township Manager; John Rice, Township Solicitor; William White, Finance Director; William Colarulo, Superintendent of Police; Robert V. Tate, Assistant Finance Director; Amy Kaminski, Traffic Engineer; Roger Philips, Township Engineer and Jennifer DeStefano, Executive Assistant to the Township Manager.*

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

*Notice of Executive Session on November 23, 2015*

All commissioners were in attendance at the November 23, 2015 executive session; where matters of personnel, litigation and real estate were discussed.

1. *Appointments to various Boards and Commissions*

Commissioner Fisher announced that there will not be any appointments this evening. He also announced vacancies for various Board and Commissions which can be found on the Township website at: <http://radnor.com/154/Boards-Commissions>

2. *Certificate of Recognition - Papal Visit*

Superintendent of Police, William Colarulo presented the Radnor Township School District with a Certificate of Recognition for their efforts during the Papal Visit. Dr. Kelly, Superintendent of Radnor Township School District, thanked the Township and commented in regards to the joint efforts.

3. *Public Participation*

Sara Pilling, Garrett Avenue – She commented in regards to the impact a tax increase would have on residents 65 years and older as well as the proposed trail through Martha Brown’s Woods.

Leslie Morgan, Farm Road – She commented about the tree replacement at 115 Strafford Road and also commented about the budget.

Tom Lowy, N. Wayne Avenue – He commented in regards to researching the cost for rear yard trash pick-up for elderly residents.

4. *Consent Agenda*

- a) *Disbursement Review and Approval: 2015-11A, 2015-11B*
- b) ~~*Resolution #2015-117 – Amending Resolution 2014-101 by revising the 2015 Minimum Municipal Obligation*~~
- c) *Acceptance of Department Monthly Reports*

d) ~~Resolution #2015-119 – Authorizing the Public Auction of Township Parking Meters~~

e) Consideration of a Motion to Approve the Certificate of Appropriateness:  
HARB-2015-19 – 210 Poplar Avenue - Remodel exterior finishes, add master bedroom over existing great room,  
renovate 1st and 2nd floors, and install new windows and roof.

Commissioner Booker requested for items b & d to be removed from the consent agenda.

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

b) Resolution #2015-117 - Amending Resolution 2014-101 by revising the 2015 Minimum Municipal Obligation  
Commissioner Booker requested Mr. White to explain the requirements and the amended items in the resolution. Mr. White gave a brief background on the proposed resolution. There was a discussion amongst Commissioners and staff in regards to the obligations of the Minimum Municipal Obligation.

Commissioner Nagle made a motion to approve, seconded by Commissioner Schaefer. Motion passed 6-0 with Commissioner Booker abstaining.

d) Resolution #2015-119 – Authorizing the Public Auction of Township Parking Meters

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

#### 5. Committee Reports

### **PUBLIC WORKS & ENGINEERING**

A. Resolution #2015-121 - Authorizing Bids To Be Received For The Sale Of Tax Map Parcel No. 36-14-44  
Consisting Of 2,500 Square Feet In Accordance With The Township Code

There was a brief discussion amongst Commissioners and Mr. Rice in regards to the parcel as well as whether to table the resolution until the immediate neighbors were notified.

Commissioner Fisher made a motion to approve with it amended to read: *NOW, THEREFORE, be it hereby RESOLVED that the Board of Commissioners of Radnor Township is hereby authorized to advertise for the sale of Tax Map Parcel No. 36-14-44 in accordance with the Township Code with a minimum bid amount value of \$50,000*, seconded by Commissioner Clark.

#### Public Comment

Nick Caniglia, representative to an adjacent landowner – He agreed that Commissioner Booker has been in constant contact with the adjacent homeowners.

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

B. Resolution #2015-122 – (Final Plan Approval) - Cottage at Valley Forge Flowers

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

June Singh, Kaplan Stewart, representing the applicant stated that they are in agreement with the items in the resolution.

Commissioner Higgins called the vote, motion passed 6-0 with Commissioner Nagle out of the room.

C. Resolution #2015-123 - Authorizing Gannett Fleming, Incorporated to Provide Design, Permitting, and Bidding Documents for Storm Sewer Construction Running From School Lane to West Wayne Avenue, per Recommendation of the Stormwater Management Advisory Committee

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

There was a brief discussion amongst the Commissioners and staff in regards to the history behind the storm sewer at School Lane and the capacity of the system at the middle school.

Commissioner Curley made a motion to table the resolution, seconded by Commissioner Booker. Motion failed 3-4 with Commissioner Clark, Fisher, Higgins and Schaefer opposed.

Commissioner Higgins called the vote on the original motion, motion passed 6-0 with Commissioner Booker abstaining.

**COMMUNITY DEVELOPMENT**

D. Ordinance #2015-19 – (Adoption) - Fire Loss Reimbursement Claims and Procedures - Creating a New Chapter 183 of the Radnor Township Code, Fire Loss Reimbursement Claims and Procedures, that provides for the transfer of fire insurance proceeds to the Township for payment of delinquent taxes and other municipal claims or be held as security

Commissioner Curley made a motion to adopt, seconded by Commissioner Nagle. There was a brief discussion amongst the Commissioners and staff in regards to the proposed ordinance. Commissioner Higgins called the vote, motion passed 6-1 with Commissioner Booker opposed.

**FINANCE & AUDIT**

E. Resolution #2015-118 – Authorizing the Township Manager to negotiate an agreement with Tyler Technologies for an Enterprise Resource Planning (“ERP”) software solution as recommended by CARFAC and the Township Administration

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

Bill White, Finance Director made a presentation in regards to the proposed Enterprise Resource Planning software. There was an in depth discussion on clarity points of the proposed resolution such as cloud base storage vs. in-house storage; e-commerce; maintenance; disaster recovery and the expected timeline.

Commissioner Booker made a motion to approve with the resolution amended to negotiate with Tyler and Sungard simultaneously, seconded by Commissioner Clark.

Jerry Linden, CARFAC, briefly commented in regards to the cost benefit as well as the need for the upgrade.

Commissioner Higgins called the vote on the amended motion, motion failed 2-5 with Commissioners Nagle, Fisher, Higgins, Curley and Schaefer opposed.

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

Commissioner Schaefer made a motion to move Public Safety agenda items next on the agenda, seconded by Commissioner Fisher. Motion passed 6-1 with Commissioner Booker opposed.

**PUBLIC SAFETY**

*G. Ordinance #2015-21 (Introduction) - Amending Chapter 262, Towing Ordinance to increase the hooking fee, increase the maximum cost of towing flat fee per hour, add a standard cleanup fee, increase the fee for storage costs, establish a Police Administration fee, revise the requirements and regulations for non-consent towing operators and duty towing operators, increase the yearly towing license fee, provide for penalties for violation of this chapter*

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

Mr. Rice commented that the 3<sup>rd</sup> line of the ordinance should be deleted. There was an in depth discussion amongst the Commissioners and staff in regards to whether the fees are appropriate.

Commissioner Higgins called the vote, motion passed 6-1 with Commissioner Booker opposed.

*H. Ordinance #2015-22 – (Introduction) - Authorizing a “No Parking Any Time” sign to be installed on Conestoga Road at South Wayne Avenue*

Commissioner Schaefer made a motion to introduce, seconded by Commissioner Fisher. Motion passed 7-0.

*I. Ordinance #2015-23 – (Introduction) - Authorizing a new stop sign to be installed on Galer Road at Loudan Lane*

Commissioner Schaefer made a motion to introduce, seconded by Commissioner Fisher. Motion passed 7-0.

*J. Ordinance #2015-24 - (Introduction) - Rescinding Ordinance #1259 dated April 27, 1965, for the 2 hour parking on Gallagher Road*

Commissioner Schaefer made a motion to introduce, seconded by Commissioner Fisher. Motion passed 7-0.

**FINANCE & AUDIT**

*F. Ordinance #2015-20 – (Introduction) - Adoption of the final Comprehensive Budget for 2016 (v2) which includes appropriations for 2016, the Five-Year Capital Plan and Five-Year Forecast, and establishing the Township Real Estate Tax and Sanitary Sewer Rates for 2016*

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

There was an in depth discussion amongst the Commissioners, staff and representatives from Radnor Fire Company in regards to additional funding requested by Radnor Fire Company; the creation of an Ad Hoc committee and the need for a consulting firm to suggest best practices to move forward.

Commissioner Curley made a motion to contribute \$50,000 in additional funding to the Radnor Fire Company to fund the ALS deficit for 2016 conditional upon the fire company reporting back to the Board of Commissioners with a report in March 2016 with a long term solution and that the Township staff review with the Fire Company accountant to make a good faith review of the request, seconded by Commissioner Nagle.

Commissioner Schaefer made a motion to fund the requested deficit this year and it come from a onetime revenue source and that the Fire Company as well as the Township commits to work with a professional consultant to help identify some solutions, seconded by Commissioner Fisher.

Commissioner Fisher made a motion to amend Commissioner Curley's motion to fund Radnor Fire Company for the full ask of the Fire Department in the amount of \$126,000, seconded by Commissioner Higgins. Motion fails 3-4 with Commissioners Clark, Nagle, Booker and Curley opposed.

Commissioner Fisher made a motion to amend Commissioner Curley motion to amend the amount to \$75,000, seconded by Commissioner Schaefer. Motion fails 3-4 with Commissioners Clark, Nagle, Booker and Curley opposed.

Commissioner Higgins called the vote on Commissioner Curley's motion, motion passed 4-3 with Commissioners Fisher, Higgins and Schaefer opposed.

Commissioner Higgins inquired if Commissioner Schaefer wanted to proceed with her motion; she commented that she did not but would urge that the concept of an independent consultant is discussed in the sub-committee meeting.

*Commissioner Nagle made a motion to extend the meeting for 30 minutes, seconded by Commissioner Fisher; motion passed 5-2 with Commissioners Clark and Booker opposed.*

There was a discussion amongst the Commissioners in regards to the proposed tax increase for the Library renovation, improvements to the Park, tax comparisons in surrounding communities, proposed trails and controlling spending.

Public Comment

Mr. Perrot – He commented in regards to the time of night in which the budget is discussed as well as street lights on Lancaster Avenue between Wayne Jewelers & Wawa and Parks Maintenance budget.

Mr. Zienkowski, Township Manager, thanked the staff for all of the work with the budget as well as discussed the current spending along with historical spending. He also commented that he would urge the Commissioners to meet in their sub-committees.

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

**PARKS & RECREATION**

None

**PERSONNEL & ADMINISTRATION**

None

**LIBRARY**

None

**PUBLIC HEALTH**

None

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

*Respectfully submitted,*

*Jennifer DeStefano*

# CERTIFICATE OF APPROPRIATENESS

Radnor Township Historical and Architectural Review Board  
Radnor Township, Pennsylvania



**NAME OF OWNER:** PENA MIGUEL O & SERENE M  
**OWNER ADDRESS:** 314 LOUELLA AVE, WAYNE, PA 19087  
**ADDRESS OF PROPERTY:** 314 LOUELLA AV , WAYNE PA 19087  
**APPLICATION NUMBER:** HARB-2015-20

Subject to the conditions below the above owner, having complied with the Radnor Township Historical and Architectural Review Board (HARB) process, is hereby granted this permit for the

**Demolish deck. Build new 1 story addition. Build new rear porch. New oval window on front elevation. Replace kitchen windows. New windows at addition. New basement egress door. Demolish rear chimney, save stone for new fireplace in the family room.**

at the address specified and may proceed with the building permit process. If not completed within one year of the date hereof, this permit is void and new application must be made. This Approval is subject to the Applicant applying for and receiving all necessary permits and approvals; and complying with all applicable Municipal regulations. Owner specifically gives the building inspector or designated official the right to inspect the work during progress and at completion.

## NOTES AND/OR CONDITIONS OF APPROVAL:

APPROVED AS SUBMITTED

**ISSUED:** Monday, December 14, 2015

**TOWNSHIP OFFICIAL**

**ACCEPTED BY APPLICANT**

\_\_\_\_\_  
James C. Higgins, President

# CERTIFICATE OF APPROPRIATENESS

Radnor Township Historical and Architectural Review Board  
Radnor Township, Pennsylvania



**NAME OF OWNER:** RAMPULLA THOMAS & MELISSA  
**OWNER ADDRESS:** 423 ST DAVIDS RD, WAYNE, PA 19087  
**ADDRESS OF PROPERTY:** 423 ST DAVIDS RD , ST DAVIDS PA 19087  
**APPLICATION NUMBER:** HARB-2015-21

Subject to the conditions below the above owner, having complied with the Radnor Township Historical and Architectural Review Board (HARB) process, is hereby granted this permit for the

## ENCLOSE FIRST FLOOR PORCH CREATING A NEW MUD ROOM

at the address specified and may proceed with the building permit process. If not completed within one year of the date hereof, this permit is void and new application must be made. This Approval is subject to the Applicant applying for and receiving all necessary permits and approvals; and complying with all applicable Municipal regulations. Owner specifically gives the building inspector or designated official the right to inspect the work during progress and at completion.

### NOTES AND/OR CONDITIONS OF APPROVAL:

APPROVED AS SUBMITTED

**ISSUED:** Monday, December 14, 2015

**TOWNSHIP OFFICIAL**

**ACCEPTED BY APPLICANT**

\_\_\_\_\_  
James C. Higgins, President.

# CERTIFICATE OF APPROPRIATENESS

Radnor Township Historical and Architectural Review Board  
Radnor Township, Pennsylvania



**NAME OF OWNER:** 215 MIDLAND LLC  
**OWNER ADDRESS:** 330 ST DAVIDS RD, WAYNE, PA 19087  
**ADDRESS OF PROPERTY:** 215 MIDLAND AV , WAYNE PA 19087  
**APPLICATION NUMBER:** HARB-2015-22

Subject to the conditions below the above owner, having complied with the Radnor Township Historical and Architectural Review Board (HARB) process, is hereby granted this permit for the

## REMODEL AND ADDITION

at the address specified and may proceed with the building permit process. If not completed within one year of the date hereof, this permit is void and new application must be made. This Approval is subject to the Applicant applying for and receiving all necessary permits and approvals; and complying with all applicable Municipal regulations. Owner specifically gives the building inspector or designated official the right to inspect the work during progress and at completion.

### NOTES AND/OR CONDITIONS OF APPROVAL:

APPROVED AS SUBMITTED

**ISSUED:** Monday, December 14, 2015

**TOWNSHIP OFFICIAL**

**ACCEPTED BY APPLICANT**

\_\_\_\_\_  
James C. Higgins, President



# **RADNOR TOWNSHIP POLICE DEPARTMENT**

301 Iven Avenue  
Wayne, Pennsylvania 19087-5297  
(610) 688-0503 ☎ Fax (610) 687-8852

**William A. Colarulo**  
**Police Superintendent**

**TO:** A Staff Traffic Meeting was held on November 18, 2015 and was attended by Commissioner Higgins, Lieutenant Chris Flanagan, Officers Raymond Matus and Alex Janoski, Highway Patrol, William Gallagher, Supervisor of Parking, Paul Bazik, Superintendent of Operations, Vera DiMaio, Administrative Assistant, and Radnor residents.

**RE: STAFF TRAFFIC COMMITTEE MEETING HELD IN THE POLICE ROLL CALL ROOM, WEDNESDAY, NOVEMBER 18, 2015.**

## **NEW BUSINESS:**

1. Valley Forge Military Academy (VFMA) requests permission to hold a 5K Run on Saturday, April 23, 2016.

Highway Patrol states Valley Forge Military Academy has fulfilled the needs required to hold the Annual 5K Run on Saturday, April 23, 2016. The race will be manned by Valley Forge Military Academy. They will coordinate with the Radnor Fire Company for safety measures. All parking will be on Valley Forge Military Academy campus. Insurance Certificate has been received by the Township. One police detail officer will be present on Eagle Road. No road closer permits are required. Highway Patrol approves to move this item onto the Board of Commissioners for final approval.

2. Sheila Elision requests parking restriction placed on Francis Avenue.

Mr. Nick Elisio spoke on behalf of himself and his wife Sheila (not present). Mr. Elisio spoke about his concerns for parking on Francis Avenue. Stated that residents cannot park on the street as it is always occupied by people who work in the surrounding areas and whom do not wish to pay for parking. Officer Raymond Matus stated this issue arose back in 2011. At that time, a letter was hand delivered to the residents of Francis Avenue who never responded back to the Township as to any recourse. Officer Raymond Matus suggested a Petition be drawn up amongst the residents of Francis Avenue to help with parking on Francis Avenue. Officer Raymond Matus suggests two options. One, permit parking for Francis Avenue, or two, 2-hour parking signs on Francis Avenue. A Petition should be received by the Township within 30 days with a majority of signatures listed to move forward. Mr. Elisio stated he would begin the process.

3. Christopher Todd of the Wayne Business Association requests permission to hold the Annual Wayne Hotel Tree Lighting on Friday, December 4, 2015.

Highway Patrol approves for the Wayne Business Association to hold its Annual Wayne Hotel Tree Lighting on Friday, December 4, 2015.

4. Mr. Goldener of 217 Radnor Chester Road spoke about aggressive driving on Radnor Chester Road and his concerns. He met with PennDot who owns the road, and speed limit signs were placed. After one year since this meeting, Mr. Goldener states nothing has improved and comes to the Township requesting help. Mr. Goldener further states that he will be requesting another meeting with PennDot, along with the state representatives in regards to his continuing concerns. Lieutenant Chris Flanagan requests that the Township be invited to such meeting so that we can try to get involved and help. Mr. Goldener will send letter and Petition to Board of Commissioners.
5. Crispin May inquired as to why Braxton Road residents are being ticketed on the street. The entire length of Braxton Road on the North/West side of the inner loop from North Black Friar Road to County Line Road is posted No Parking. The East side of Braxton Road is posted 2 hour parking from 8am-2pm Mon-Fri. Highway Patrol suggested he get a Petition to rescind the 2-hour parking on Braxton Road. Mr. May said he would do so.
6. Sandy Kheradi expressed concern for speeding on South Wayne Avenue. She requested traffic calming enforcement throughout the day to control this concern. Officer Ray Matus will put a counter on the street to do an assessment for speeding on South Wayne Avenue.

**Radnor Township**  
**PROPOSED MOTION**

DATE: December 7<sup>th</sup>, 2015

TO: Radnor Township Board of Commissioners

FROM: Stephen F. Norcini, P.E., Director of Public Works *SFN*

CC: Robert A. Zienkowski, Township Manager  
William R. White, Director of Finance

Motion: Authorization to Receive Bids for Street Light Maintenance & Repairs, and Traffic Signal Maintenance and Repairs

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**LEGISLATIVE HISTORY:** The street light and traffic signal maintenance contract is bid annually (or bi-annually; there is a clause which allows the Board to extend the contract for an additional year).

**PURPOSE AND EXPLANATION:** The Street Light Maintenance and Repairs Contract is used to maintain the Township's 1,452 street lights. The contract is based on the contractor providing specific maintenance (replacement of bulbs, refractors, etc.) for a fixed fee, based on the number of street lights in the contract. This fee is then broken down into 12 monthly payments. The contractor also supplies hourly rates for equipment and manpower, in the event work is needed to be performed outside of the maintenance portion of the contract. The Traffic Signal Maintenance and Repair Contract is used to maintain the Township's forty six signalized intersections. The contract provides for hourly rates of technicians, provides the required Department of Pennsylvania inspections, and hourly rates for emergency repairs. I recommend the contract be let for a one year period, with the Board of Commissioner's option to renew for a second year.

**IMPLEMENTATION SCHEDULE:** 1.) Receipt of sealed bids via Penn Bid e-bidding system 2.) Award of bid by the Board of Commissioners, 3.) Award letter and contract documents sent to lowest qualified bidder, 4.) Signed contract documents and bonds returned to the Township, 5.) Notice to Proceed sent to low bidder. 6.) Contract begins for a one year period

**FISCAL IMPACT:** Funding for these projects is provided in the State Liquid Fuels Fund Account: #03439-4880

**RECOMMENDED ACTION:** *I respectfully request the Board of Commissioners authorize the Public Works Department to receive sealed bids for Street Light Maintenance & Repairs, and Traffic Signal Maintenance and Repairs.*

**MOVEMENT OF LEGISLATION:** It is being requested that the Board approve the legislation for this project to provide for proper maintenance of Township owned street lights and traffic signals.

**RESOLUTION NO. 2015-125 (AMENDING RESOLUTION 2015-113)  
RADNOR TOWNSHIP**

**A RESOLUTION OF RADNOR TOWNSHIP, DELAWARE COUNTY,  
PENNSYLVANIA AMENDING RESOLUTION 2015-113 AUTHORIZING  
THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH THE  
WOODLYNDE SCHOOL FOR GYMNASIUM USAGE FOR THE 2015-  
2016 WINTER SEASONS FOR THE RADNOR YOUTH BASKETBALL  
AND GRYPHON VOLLEYBALL PROGRAMS.**

*WHEREAS*, the Radnor Township Recreation & Community Programming Department offers various programming to improve the quality of life throughout the year; and

*WHEREAS*, the Township annually contracts with local public and private schools for gymnasium usage for the Radnor Youth Basketball and Gryphon Volleyball Programs; and

*WHEREAS*, the Home Rule Charter Chapter 7.11(D) requires that any contract in excess of \$7,500 be formally approved by the Board of Commissioners; and

*WHEREAS*, the gymnasium agreement for the 2015-2016 winter seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs will result in a contractual payment to the Woodlynde School that will exceed the \$7,500 threshold stipulated by the Home Rule Charter and therefore will require Board approval.

*WHEREAS*, the Township previously approved Resolution 2015-113 authorizing the Township to enter into an agreement with the Woodlynde School for gymnasium usage for the 2015-2016 winter seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs in the amount of \$12,150.00; and

*WHEREAS*, after approval of Resolution 2015-113, it was determined that additional gymnasium time was needed to accommodate the programs.

*NOW, THEREFORE*, it is hereby **RESOLVED** that the Board of Commissioners of Radnor Township hereby authorizes the Township to enter into an agreement for gymnasium usage with the Woodlynde School for the 2015-2016 winter seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs, per the attached contract, in the amount of \$13,740.00.

*SO RESOLVED*, at a duly convened meeting of the Board of Commissioners of Radnor Township conducted on this 14<sup>th</sup> day of December 2015.

RADNOR TOWNSHIP

By: \_\_\_\_\_

Name: James C. Higgins  
Title: President

ATTEST: \_\_\_\_\_

Name: Robert A. Zienkowski  
Title: Township Manager/Secretary

# Radnor Township



## PROPOSED LEGISLATION

**DATE:** December 8, 2015

**TO:** Board of Commissioners

**FROM:** Tammy Cohen, Director of Recreation and Community Programming

⑨

**LEGISLATION:** Resolution 2015-125 amending Resolution 2015-113 authorizing the Township to enter into an agreement for gymnasium usage with the Woodlynde School for the 2015-2016 winter seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs.

**LEGISLATIVE HISTORY:** This is an amendment to Resolution 2015-113 that authorized the Township to enter into an agreement for gymnasium usage with the Woodlynde School for the 2015-2016 winter seasons for the Radnor Youth Basketball and Gryphon Volleyball Programs. The purpose for the amendment is to reflect the increase in cost for gym time due to the need for additional time to accommodate the programs. Since the gymnasium agreement for the program will exceed \$7,500, the Charter requires that the Board formally approved the agreement.

**PURPOSE AND EXPLANATION:** The Recreation and Community Programming Department would like to contract with the Woodlynde School to use gymnasium space for the 2015-2016 winter season for the Radnor Youth Basketball and Gryphon Volleyball Programs. The gymnasium agreement for the program will exceed \$7,500 due to the level of enrollment for the programs requiring gym space from local public and private schools. The purpose for the resolution is to satisfy the Charter requirement that any contract that exceeds \$7,500 must be formally approved by the Board of Commissioners.

**FISCAL IMPACT:** The purpose for the amendment is to reflect the increase in cost for gym time due to the need for additional time to accommodate the programs. The increase is \$1,590.00 more as a result of the increase in time - the contract was \$12,150.00 and is now \$13,740.00. The impact of the gymnasium agreement with the Woodlynde School is that it will exceed \$7,500 and that the contracted amount of \$13,740.00 will be directly covered by programming sales generated from the 2015-2016 winter season for the Radnor Youth Basketball and Gryphon Volleyball Programs. The cost for the Woodlynde School facility usage has been budgeted under the *Recreation Programming – Programs* area of the budget under *Contractual Services: Rentals*.

**RECOMMENDED ACTION:** The Administration respectfully recommends that the Board adopt this resolution at the December 14<sup>th</sup>, 2015 Board of Commissioner meeting.

December 2, 2015

Ms. Laura Huff  
C/O Radnor Township Parks & Recreation Department  
301 Ivan Ave.  
Wayne, PA 19087

Laura,

Woodlynde School is pleased to be able to provide gymnasium time for your basketball/volleyball programs. Attached are the dates and times that are available.

- \* The attached dates are confirmed. Please send check made payable to Woodlynde School by November 30, 2015.
- \* Cancellation of a block of time in excess of two contracted dates will result in a 50% penalty. (Not to include the Friday dates until Radnor confirms)
- \* Normal day to day cancellations with 24 hours notice will have no penalty.
- \* No refunds will be given for cancellations made with less than 24 hours notice.
- \* As a general rule, if Woodlynde School is closed due to weather conditions, the facility will be closed to outside renters.
- \* Rental includes the gym and bathroom facilities. All other parts of the building are off limits to our guests.
- \* Please provide a certificate of insurance naming Woodlynde School as an insured.
- \* Rental rate is \$60.00/hour.
- \* Total hours 229 X \$60.00/hour = \$13,740.00

Building Rules:

1. All participants and spectators must enter at the rear of the building.
2. Only water is permitted in the building. No sport drinks, juices etc.

Please sign and return one copy.

Should you have any questions, please feel free to call me.

Sincerely,

Dave Shank

**2015-16 Radnor Township  
Woodlynde School Gym Rental Schedule**

<b>DATE</b>	<b>HOURS</b>	<b>TOTAL HOURS</b>
12/5/15	9:00 AM-5:00 PM	8
12/7/15	6:00-9:00 PM	3
12/8/15	6:00-9:00 PM	3
12/9/15	6:00-8:00 PM	2
12/10/15	6:00-9:00 PM	3
12/11/15	6:00-9:00 PM	3
12/12/15	9:00 AM-5:00 PM	8
12/14/15	6:00-9:00 PM	3
12/15/15	6:00-9:00PM	3
12/16/15	6:00-8:00 PM	2
12/17/15	GYM NOT AVAILABLE	0
12/18/15	6:00-9:00 PM	3
12/19/15	9:00 AM-5:00 PM	8
1/2/16	9:00 AM-5:00 PM	8
1/4/16	6:00-9:00 PM	3
1/5/16	6:00-9:00 PM	3
1/6/16	6:00-8:00 PM	2
1/7/16	6:00-9:00 PM	3
1/8/16	6:00-9:00 PM	3
1/9/16	9:00 AM-5:00 PM	8
1/11/16	6:00-9:00 PM	3
1/12/16	6:00-9:00 PM	3
1/13/16	6:00-8:00 PM	2
1/14/16	6:00-9.00 PM	3
1/15/16	6:00-9:00 PM	3
1/16/16	9:00 AM-5:00 PM	8
1/18/16	GYM NOT AVAILABLE	0
1/19/16	6:00-9:00 PM	3
1/20/16	6:00-8:00 PM	2
1/21/16	6:00-9:00 PM	3
1/22/16	GYM NOT AVAILABLE	0
1/23/16	9:00 AM-5:00 PM	8
1/25/16	6:00-9:00 PM	3
1/26/16	6:00-9:00 PM	3

1/27/16	6:00-8:00 PM	2
1/28/16	6:00-9:00 PM	3
1/29/16	6:00-9:00 PM	3
1/30/16	9:00-5:00 PM	8
2/1/16	6:00-9:00 PM	3
2/2/16	6:00-9:00 PM	3
2/3/16	6:00-8:00 PM	2
2/4/16	6:00-9:00 PM	3
2/5/16	GYM NOT AVAILABLE	0
2/6/16	9:00 AM-5:00 PM	8
2/8/16	6:00-9:00 PM	3
2/9/16	6:00-9:00 PM	3
2/10/16	6:00-8:00 PM	2
2/11/16	6:00-9:00 PM	3
2/12/16	6:00-9:00 PM	3
2/13/16	9:00 AM-5:00 PM	8
2/15/16	GYM NOT AVAILABLE	0
2/16/16	6:00-9:00 PM	3
2/17/16	6:00-8:00 PM	2
2/18/16	6:00-9:00 PM	3
2/19/16	6:00-9:00 PM	3
2/20/16	9:00 AM-5:00 PM	8
2/22/16	6:00-9:00 PM	3
2/23/16	6:00-9:00 PM	3
2/24/16	6:00-8:00 PM	2
2/25/16	6:00-9:00 PM	3
2/26/16	6:00-9:00 PM	3
2/27/16	GYM NOT AVAILABLE	0
2/29/16	GYM NOT AVAILABLE	0
3/1/16	GYM NOT AVAILABLE	0
3/2/16	GYM NOT AVAILABLE	0
3/3/16	GYM NOT AVAILABLE	0
3/4/16	GYM NOT AVAILABLE	0
3/5/16	9:00 AM-5:00 PM	8
3/7/16	6:00-9:00 PM	3
3/8/16	6:00-9:00 PM	3
3/9/16	6:00-8:00 PM	2
3/10/16	GYM NOT AVAILABLE	0
3/11/16	GYM NOT AVAILABLE	0
3/12/16	GYM NOT AVAILABLE	0
<b>TOTAL HOURS</b>		<b>229</b>



Presentation by St. David's  
Nursery School – Willows  
Mansion

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW**

<b>TOWNSHIP OF RADNOR</b>	:	<b>NO. 2015-06907</b>
	:	
	:	
<b>v.</b>	:	
	:	<b>STATUTORY APPEAL</b>
	:	
<b>MAYA VAN ROSSUM</b>	:	

**STIPULATION AND SETTLEMENT AGREEMENT**

This Stipulation and Settlement Agreement, is entered by and between Maya van Rossum (“van Rossum”) and Radnor Township (“Township”), collectively referred to as the “Parties”, to resolve the above-captioned action and establish guidelines for the Township’s response to current and future requests made by van Rossum to the Township under the Right-to-Know Law, 65 P.S. §67.101 *et seq.*, (hereinafter “RTKL”) for records of communications involving the Radnor Township Stormwater Management Advisory Committee (hereinafter “SWMAC”), as more specifically described herein. The parties, intending to be legally bound, agree as follows:

**RECITALS:**

A. On April 9, 2015, van Rossum submitted a request to the Township Open Records Officer under the RTKL which sought the following records created from February 13, 2015 through April 9, 2015:

1. Copies of any correspondence from the public to the Stormwater Citizens Advisory Committee including by the township website and/or direct written correspondence including, but not limited to, letters and emails.
2. Copies of any responses from members of the Stormwater Citizens Advisory Committee to correspondence received from the public, including letters and emails.
3. Copies of correspondence, including but not limited to email communications, between Stormwater Citizens Advisory Committee members discussing committee business.
4. Copies of correspondence, including but not limited to emails, between members of the Stormwater Citizens Advisory Committee and any member of the Board of Commissioners of Radnor and/or township staff including Bob Zienkowski and/or Steve Norcini, and/or the township solicitor’s office including John Rice.

5. Copies of all documents provided to the Stormwater Citizens Advisory Committee by representatives of CH2MHill and/or from Radnor Township staff, including but not limited to memos, email correspondence, reports, budget sheets, financial reports on the stormwater fee or stormwater projects discussed by the committee, written or photographic documents of any kind, etc.

B. The Township response to van Rossum's April 9, 2015 RTKL request, dated May 8, 2015, produced records to van Rossum that were within the Township's actual possession and responsive to the request and further denied in part van Rossum's request as to other records.

C. On May 29, 2015, van Rossum filed an appeal from the Township's May 8, 2015 response to her April 9, 2015 RTKL request with the Pennsylvania Office of Open Records, under docket number 2015-0862.

D. On July 8, 2015, the OOR issued a Final Determination which granted, in part, van Rossum's appeal and directed the Township to obtain and produce to van Rossum all records responsive to the April 9, 2015 RTKL Request, including those located in the private email accounts and computers of the citizens that comprised the membership of the SWMAC, within thirty days.

E. The parties disagree as to whether the OOR erred as a matter of law in its July 8, 2015 Final Determination.

F. The Township filed a Petition for Review of the Final Determination of the OOR with the Court of Common Pleas of Delaware County, under the docket number referenced above, which remains pending and which the Parties wish to resolve through this Settlement Agreement.

G. On July 10, 2015, van Rossum submitted a second RTKL request to the Township, which sought the same types of records as her April 9, 2015 RTKL request covering the period of time from April 9, 2015 through July 10, 2015. ("Second Request")

H. The Township responded to van Rossum's July 10, 2015 RTKL request on August 17, 2015 and produced those records that the Township asserts were responsive to the request and within the Township's actual possession and those records that were in the Township's constructive possession and located on the private computers and email accounts of the citizen members of the SWMAC and further denied in part the release of other records the Township deemed exempt.

I. On September 3, 2015, van Rossum filed an appeal from the Township's August 17, 2015 response to her July 10, 2015 RTKL request with the Pennsylvania Office of Open Records, under docket number AP 2015-1802 ("Second Appeal").

J. The Second Appeal to the OOR under docket number AP 2015-1802 remains pending before the OOR and the Parties wish to resolve that appeal through this Settlement Agreement as well.

K. In the spring of 2015, van Rossum communicated her intent to make RTKL requests to the Township for the same types of records and has confirmed that she will continue to make requests going forward.

L. The Parties agree that it is in their mutual best interests to develop a set of mutually acceptable standards and guidelines for the Township to follow in responding to van Rossum's current and future RTKL requests that will adequately resolve both the Township's Petition for Review currently pending before the Court of Common Pleas of Delaware County under the above-captioned docket number and the Second Appeal to the OOR under docket no. AP 2015-1802 and should reduce or eliminate the need for further litigation going forward.

### **AGREEMENT:**

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, the Parties agree to the following provisions, which shall be construed as guidelines for the Township in responding to RTKL requests from van Rossum seeking records substantially similar in description to those set forth in her April 9, 2015 request restated above:

1. To confirm that the Township is in actual possession of all email communications from members of the SWMAC regarding the business of the SWMAC, the members of the SWMAC shall be instructed to copy every email communication that an SWMAC committee member issues regarding SWMAC business to the email address of stormwater@radnor.org, in addition to the intended recipients, and to forward any email a SWMAC member receives regarding SWMAC business to the email address of stormwater@radnor.org. The Township will make its best effort to ensure compliance with this provision by issuing written instructions to the members of the SWMAC on an annual basis and to any new member of the SWMAC.

2. In the determination of whether email records, email attachments and associated documents responsive to the RTKL request are "public records" within the meaning of the RTKL and subject to disclosure, the Township Open Records Officer shall treat email communications involving a quorum (currently three or more members) of the SWMAC as presumptively subject to disclosure, even if the communication would otherwise be exempt from disclosure under the RTKL as a record reflecting the Township's pre-decisional deliberations. Conversely, the Township Open Records Officer shall treat email communications of less than a quorum of the SWMAC as presumptively not constituting a record of a Township transaction or Township activity and, therefore, not subject to disclosure under the RTKL, but shall review such communication to ensure the presumption applies. Further the Township will release attachments to the email communications that it releases unless the attachment or a portion thereof is subject to a privilege or is otherwise exempt from disclosure under the RTKL.

3. Any communication sent to or from a quorum of the SWMAC members from or to members of the public regarding SWMAC business shall be presumed to be public record and disclosed to van Rossum. Conversely, communications between members of the public and less than a quorum of the SWMAC presumptively shall not constitute a public record or be subject to disclosure to van Rossum.

4. The Parties recognize that there may be instances where the Township Open Records Officer determines the interests that underlie the pre-decisional deliberations exemption under the RTKL so strongly outweigh the interests of disclosure of a record that the presumption of disclosure that would apply to a record in accordance with Paragraph 2 of this Agreement shall be overcome and the Township may withhold disclosure of that record. In that event, the

Open Records Officer shall, in the Township's response to a RTKL request from van Rossum, disclose the existence of the record by date, topic, author, and recipient, with sufficient specificity to enable van Rossum to assess the validity of the exemption asserted. Van Rossum retains her right to request additional information from the Township regarding the basis for any record withheld from disclosure by the Township and to appeal any withholding of a record by the Township to the OOR within the statutory period of time permitted to do so. Conversely, the Parties recognize that there may be instances where the Township Open Records Officer determines that the interests that underlie the pre-decisional deliberations exemption under the RTKL are so strongly outweighed by the interests of disclosure of a record that the presumption of non-disclosure that would apply to a record in accordance with Paragraph 2 of this Agreement shall be overcome and the Township will disclose that record.

5. With respect to van Rossum's RTKL requests that currently are on appeal to either the OOR or the Court of Common Pleas of Delaware County, Pennsylvania, specifically those requests referenced above and dated April 9, 2015 and July 10, 2015, the Township agrees to exercise its discretion under RTKL §506, 65 P.S. §67.506, to produce records containing the Township's pre-decisional deliberations to van Rossum, which are exempt from disclosure under the RTKL, as the Township has determined that notwithstanding the presence of statutory exemptions, that the public interest in favor of disclosure outweighs the privacy interests that form the basis for the exemptions under the RTKL.

6. The Parties acknowledge that the Township's withholding of records responsive to van Rossum's April 9, 2015 and July 10, 2015 RTKL requests formed the basis for the Petition for Review filed in the Court of Common Pleas of Delaware County, Pennsylvania, under the above-captioned docket number, and also for the Appeal before the OOR under OOR docket number AP 2015-1802, and agree that both matters are adequately resolved by this Agreement and, further agree to file appropriate documentation to withdraw both matters from consideration by the Court and the OOR. Specifically, the Township agrees to mark its Petition for Review filed under the above-captioned docket number as "settled, discontinued and ended" and van Rossum agrees to withdraw her Appeal to the OOR filed under docket number AP 2015-1802.

7. Nothing within this Agreement shall preclude the Township from asserting any other exemption to the disclosure of records or portions thereof that exist under the RTKL or any successor statute, including but not limited to records that reflect personal identification information and drafts of ordinances. Further, nothing within this Agreement is intended to change or expand the definition of a "public record" under the RTKL, which, among other things excludes records protected by the attorney-client or other privileges. In the event that the Open Records Officer withholds documents under a claim of privilege or exemption(s), the Open Records Officer shall, in the Township's response to a RTKL request from van Rossum, disclose that records were withheld from disclosure and identify the legal basis for withholding that record. van Rossum retains the right to request additional information from the Township regarding the identification of the record(s) withheld or the legal basis for withholding the record. van Rossum further retains the right to appeal any withholding of a record by the Township to the OOR within the statutory period of time permitted to do so.

8. The Parties further recognize that the records sought in RTKL requests substantially similar to those set forth in van Rossum's April 9, 2015 and July 10, 2015 require a substantial amount of time to retrieve, assemble and review. Accordingly, the Parties agree to extend the Township's time to respond to any such future RTKL request beyond the statutory

five-day period until the end of the 30-day extension period to which the Township is entitled under the RTKL. This extended time period for response may be further extended by agreement of the Parties.

9. The Parties agree that the Township's Open Records Officer will process future requests from the Delaware Riverkeeper Network in the same way the Township has agreed to process requests from Maya van Rossum.

10. The Parties agree to execute further documents or take further acts as may be necessary to carry out the provisions and intent of this Agreement.

11. This Agreement shall be governed by, construed, and enforced in accordance with and subject to the laws of the Commonwealth of Pennsylvania applicable to agreements made and to be performed entirely within the Commonwealth of Pennsylvania.

12. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same instrument.

13. This Agreement constitutes the entire agreement and understanding between the Parties relating to the subject matter contained herein and supersedes any prior agreements, whether oral or written with respect thereto. This Agreement may not be altered, amended or modified in any respect except by a writing duly executed by authorized representatives of each party.

14. Each and every provision of this Agreement is an integral part of the bargained-for settlement between the Parties. Accordingly, the provisions of this Agreement shall not be severable; and in the event that any provision of this Agreement is deemed to be void and unenforceable, the entire Agreement shall be deemed void and unenforceable.

IN WITNESS WHEREOF, the Parties, intending to be legally bound, have executed this Agreement this \_\_\_\_\_ day of December, 2015.

\_\_\_\_\_  
**Maya van Rossum**

**Radnor Township Board of Commissioners**

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Secretary**

**ORDINANCE NO. 2015-20**  
**FISCAL YEAR 2016 OPERATING/CAPITAL TAX LEVY**

**AN ORDINANCE OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING A FINAL  
COMPREHENSIVE BUDGET FOR FISCAL YEAR 2016, AND ESTABLISHING  
THE TOWNSHIP MILLAGE RATE AND SANITARY SEWER RENT**

*The Board of Commissioners of Radnor Township, Delaware County, Pennsylvania, hereby ENACTS and ORDAINS, as follows:*

**Section 1.** That the Final 2016 Budget, attached hereto and incorporated herein, is hereby adopted setting forth all proposed revenues and appropriations for all Township funds for fiscal year 2016.

**Section 2.** The total tax millage rate for 2016 shall be increased by 0.1717 mills and established at 3.9228 mills and is allocated as follows:

Operational / Capital tax levy	-	3.7511 mills (unchanged from 2012)
Debt Service tax levy	-	0.1717 mills
Total tax levy 2016	-	3.9228 mills

The specific purpose for the debt service tax levy is outlined as follows:

Library Improvement Bond Portion	0.0520
Park Improvement Bond Portion	0.0895
Trail Improvement Bond Portion	0.0302
Total Millage Increase	0.1717

**Section 3.** The annual sewer service charges for all real property within the Township shall be set at the amount of \$5.90 per 1,000 gallons of water used in the year 2015 as certified by Aqua.

**Section 4.** That all other permit, service and user fees for fiscal year 2016 shall be set by Ordinance 2013-24, as amended, of the Board of Commissioners as amended and subject to further amendment at a future time.

**Section 5.** Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 6.** Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 7.** Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

*ENACTED AND ORDAINED* this 14<sup>th</sup> day of December, 2015

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: James C. Higgins  
Title: President

ATTEST: \_\_\_\_\_  
Name: Robert A. Zienkowski  
Title: Township Manager / Secretary



J. LAWRENCE GRIM, JR.  
JEFFREY G. TRAUGER  
MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO \*  
DANIEL J. PACI \* †  
JONATHAN J. REISS ◊  
GREGORY E. GRIM †  
PETER NELSON \*  
PATRICK M. ARMSTRONG  
SEAN M. GRESH  
COLBY S. GRIM  
DIANE M. SODANO \*  
JOEL STEINMAN  
KELLY L. EBERLE \*  
MATTHEW J. MCHUGH  
MATTHEW E. HOOVER  
STEPHEN J. KRAMER

\* ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
\* ALSO A CERTIFIED PUBLIC ACCOUNTANT

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120TH ANNIVERSARY 1895-2015

[www.grimlaw.com](http://www.grimlaw.com)

PLEASE REPLY TO:  
PERKASIE

John B. Rice  
e-mail: [jrice@grimlaw.com](mailto:jrice@grimlaw.com)

JOHN FREDERIC GRIM, OF COUNSEL

104 S. SIXTH STREET  
P.O. BOX 215  
PERKASIE, PA. 18944-0215  
(215) 257-6811  
FAX (215) 257-5374

P.O. BOX 380  
QUAKERTOWN, PA, 18951-0380  
(215) 536-1200  
FAX (215) 538-9588

P.O. BOX 1369  
DOYLESTOWN, PA, 18901  
(215) 348-2199  
FAX (215) 348-2520

December 1, 2015

**SENT VIA ELECTRONIC CORRESPONDENCE**

Delaware County Daily Times  
Attn: Legal Department  
500 Mildred Avenue  
Primos, PA 19018

Re: 2016 Comprehensive Budget Ordinance - Radnor Township

Dear Legal Department:

Enclosed please find for advertisement one (1) time in the December 4<sup>th</sup> edition of your newspaper, a Legal Notice for the possible enactment of the above ordinance by the Board of Commissioners of Radnor Township at their meeting on December 14, 2015. Kindly provide proof of publication and your invoice for the advertisement directly to Radnor Township, c/o Robert Zienkowski, 301 Iven Avenue, Wayne, PA 19087. A full copy of the text of the ordinance is enclosed for public inspection. If you have any questions regarding the enclosed, please do not hesitate to contact my office.

Sincerely,

**GRIM, BIEHN & THATCHER**

By: 

John B. Rice

JBR/hlp  
Enclosure

cc: Jennifer Destefano (w/encl.) – via email  
Robert A. Zienkowski (w/encl.) – via email

## LEGAL NOTICE

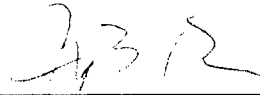
Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance, of which this Notice is a summary, adopting a final comprehensive budget for fiscal year 2016, and establishing the Township millage rate and sanitary sewer rent.

The Board of Commissioners will hold a public hearing on December 14, 2015, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087 to consider the ordinance. Copies of the full text of the proposed ordinance are available at the Township offices, the Delaware County Law Library, and the offices of this newspaper during normal business hours.

RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS  
301 Iven Avenue  
Wayne, PA 19087-5297

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on December 14, 2015.



---

John B. Rice, Esquire  
Grim, Biehn & Thatcher  
Township Solicitor

RESOLUTION NO. 2015-127

A RESOLUTION OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE SELECTION OF ZELENKOFSKE AXELROD LLC AS THE CERTIFIED PUBLIC ACCOUNTING FIRM FOR THE YEARS 2015, 2016 AND 2017

WHEREAS The Radnor Home Rule Charter Chapter §7.13 requires [in part] that “The Board of Commissioners shall provide for an independent annual audit of township receipts, expenditures, accounts and reports by Pennsylvania certified public accountant or a certified public accounting firm...”; and

WHEREAS The Township solicited for and received qualifications from eight different public accounting firms; and

WHEREAS The Administration and the Audit Subcommittee of the Citizens Audit Review and Financial Advisory Committee (CARFAC) have reviewed the qualifications and recommend the selection of Zelenkofske Axelrod LLC (ZA) for the audit years 2015, 2016 and 2017.

NOW, THEREFORE, be it RESOLVED by the Board of Commissioners of Radnor Township does hereby authorize the selection of Zelenkofske Axelrod LLC to serve as independent auditors for Radnor Township for the audit years 2015, 2016 and 2017 at the following annual prices (subject to change in the event that the Township is required to also receive a Federal Single Audit if federal grant revenues exceed \$500,000 in any given audit period).

	2015	2016	2017
ZA Audit Fees	33,750	33,750	33,750

SO RESOLVED, at a duly convened meeting of the Board of Commissioners of Radnor Township conducted on this 14<sup>th</sup> day of December, 2015.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: James C. Higgins  
Title: President

ATTEST: \_\_\_\_\_  
Name: Robert A. Zienkowski,  
Title: Township Manager / Secretary

# Radnor Township



## PROPOSED LEGISLATION

**DATE:** December 8, 2015

**TO:** Board of Commissioners

**FROM:** William M. White, Finance Director

A handwritten signature in black ink, appearing to read "William M. White".

**LEGISLATION:** A resolution authorizing the Board of Commissioners to select Zelenkofske Axelrod LLC as the Township's independent auditors for the audit years 2015, 2016 and 2017.

**PURPOSE AND EXPLANATION:** Radnor Township Home Rule Charter Chapter §7.13, requires that "The Board shall provide for an independent annual audit of township receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or certified public accounting firm..." Chapter §7.13 also mandates that "The Board shall review the work of such auditor annually and, at intervals not to exceed three (3) years, shall obtain proposals for future audits from at least two (2) other qualified firms for comparison with the incumbent auditor's proposal."

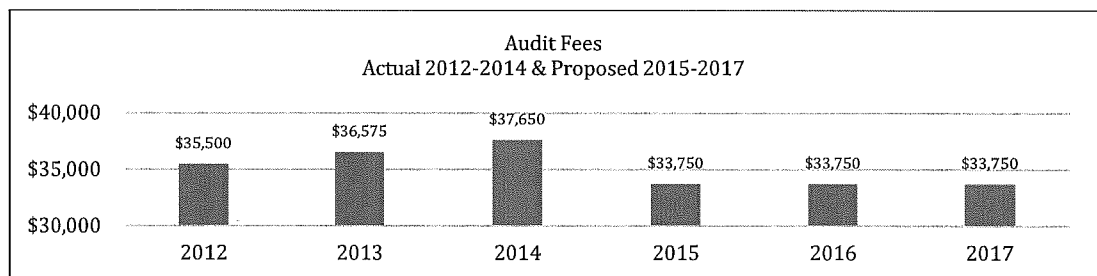
At the Board's direction, the Administration solicited for Proposals from qualified accounting firms. The Township received eight proposals that were due on November 16, 2015. The Administration worked with the CARFAC audit subcommittee to review all proposals, narrow the field down to four (4) firms, conduct phone interviews with each of the four firms, and then further selected one firm (not including the incumbent) for a meeting. Representatives of the Finance department met and interviewed the audit team of the firm.

The Administration and CARFAC audit subcommittee have reviewed the audit proposals from the CPA firms that submitted based upon the Township's RFP. After a full review of the qualifications, the fee proposed and experience working with a number of the firms, it is our unanimous recommendation that Zelenkofske Axelrod LLC (ZA) be retained for the next three years.

**FISCAL IMPACT:** The engagement is proposed at amounts shown below along with the amounts paid during the prior engagement period:

	Prior Engagement - Actual			Next Engagement - Proposed		
	2012	2013	2014	2015	2016	2017
<b>Audit Fees</b>	\$35,500	\$36,575	\$37,650	\$33,750	\$33,750	\$33,750

(note: None of the above years included a Federal Single Audit)



**RECOMMENDED ACTION:** The Administration respectfully requests the Board to adopt this Resolution at the December 14, 2015 Board of Commissioner Meeting.

**RESOLUTION NO. 2015-126**

**A RESOLUTION OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, ADOPTING THE 2016 WAGE AND SALARY SCHEDULE PURSUANT TO THE RADNOR TOWNSHIP HOME RULE CHARTER**

*WHEREAS*, Section 6.05 of the Radnor Township Home Rule Charter requires that the Board of Commissioners adopt human resource policies and procedures as part of the Township's Administrative Code; and

*WHEREAS*, the Administrative Code establishes pay-setting practices based upon applicable Federal, State and Township laws; and

*WHEREAS*, the Board of Commissioners and the Fraternal Order of Police (FOP) entered into a collective bargaining agreement with Resolution 2014-49 adopted on May 19, 2014, which sets forth base wage increases of 2.75% for all uniformed police officers effective January 1, 2016; and

*WHEREAS*, the Board of Commissioners and the Radnor Association of Township Employees (RATE) entered into a collective bargaining agreement with Resolution 2014-50 adopted on May 19, 2014 which sets forth base wage increases of 2.75% for all RATE employees effective January 1, 2016; and

*WHEREAS*, the 2016 Comprehensive Budget includes base wage increases for all non-union full and part time employees of up to 2.75% which will be based on certain effective dates and each employees' performance at the discretion of the Township Manager.

*NOW, THEREFORE*, be it hereby *RESOLVED* that the Board of Commissioners of Radnor Township does hereby adopt the attached Exhibit A - Wage and Salary Schedule for fiscal year 2016.

*SO RESOLVED*, this 14<sup>th</sup> day of December, A.D. 2015.

RADNOR TOWNSHIP

By: \_\_\_\_\_

Name: James C. Higgins

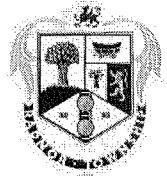
Title: President

ATTEST: \_\_\_\_\_

Name: Robert A. Zienkowski

Title: Township Manager / Secretary

# Radnor Township



## PROPOSED LEGISLATION

**DATE:** December 2, 2015

**TO:** Board of Commissioners

**FROM:** William M. White, Finance Director

A handwritten signature in black ink, appearing to read "William M. White".

**LEGISLATION:** Resolution 2015-126 establishing the 2016 Wage and Salary schedule for all Township employees.

**LEGISLATIVE HISTORY:** Previously, the Board of Commissioners adopted Resolution 2014-49 approving a replacement contract agreement with the FOP which set forth a 2.75% wage increase for uniformed police officers, and Resolution 2014-50 which set forth a 2.75% wage increase for all RATE employees. Further, the 2016 Comprehensive Budget, as proposed, includes appropriations for up to 2.75% wage increases for all full and part time non-union employees.

**PURPOSE AND EXPLANATION:** Pursuant to the Township's Home Rule Charter and Administrative Code, and in the interest of full transparency, Resolution 2015-126 authorizes the wage adjustments for Township employees.

Please note that increases for non-union staff will be "up to" 2.75% and will be based on each employee's performance evaluation.

**FISCAL IMPACT:** The 2.75% increase will increase the Township's payroll and related expenses by approximately \$290,000 in 2016. This increase is built into the 2016 Comprehensive Budget, as proposed.

**RECOMMENDED ACTION:** The Administration respectfully recommends that the Board adopt this resolution at the December 14, 2015 Board of Commissioner meeting.

**Radnor Township, PA**  
2016 Wage Schedule for Non-Union Staff  
For the Year Beginning January 1, 2016

Count	Department	Position	Emp#	12/31/2015 % of the Year Worked	Base Annual Hourly Rate at 12/31/2015	Adjustments		1/1/2016 Hourly Rate	Notes: Other Effective Dates based on Hire or Promotion Date
						Merit Pay Increases	Base Rate Increases		
<b>ADMINISTRATION: FULL TIME</b>									
1	Administration	Township Manager	15	100%	\$ 96.7033	0.00%	\$ -	\$ 96.7033	
2	Administration	Executive Assistant	17	100%	\$ 38.6482	2.75%	\$ -	\$ 39.7110	
3	Finance	Finance Director	21	100%	\$ 77.7780	2.75%	\$ -	\$ 79.9169	
4	Fin / HR	Assistant Finance Director/HR Manager	29	100%	\$ 62.4317	2.75%	\$ -	\$ 64.1486	
5	Fin / HR	HR and Finance Coordinator	26	100%	\$ 37.9704	2.75%	\$ -	\$ 39.0146	
6	Finance	Revenue Coordinator	40	100%	\$ 39.7439	2.75%	\$ -	\$ 40.8369	
7	Finance	Expense Coordinator	230	100%	\$ 24.9126	2.75%	\$ -	\$ 25.5977	
8	Finance	Purchasing & Contracts Coordinator	36	100%	\$ 44.8821	2.75%	\$ -	\$ 46.1164	
9	Info. Tech.	Web, Cable and Comm. Coordinator	8	100%	\$ 33.0461	2.75%	\$ -	\$ 33.9549	
10	Info. Tech.	IT Coordinator	18	100%	\$ 34.2084	2.75%	\$ -	\$ 35.1491	
11	Comm. Dev.	Community Development Director	32	100%	\$ 49.9453	2.75%	\$ -	\$ 51.3188	
12	Comm. Dev.	Health Officer	39	100%	\$ 43.9464	2.75%	\$ -	\$ 45.1549	
13	Comm. Dev.	Codes and Inspections Officer	41	100%	\$ 38.8658	2.75%	\$ -	\$ 39.9346	
14	Comm. Dev.	Codes and Inspections Officer	33	100%	\$ 29.0597	2.75%	\$ -	\$ 29.8588	
15	Rec. Program.	Recreation Prog. Director	506	100%	\$ 53.2811	2.75%	\$ -	\$ 54.7463	
16	Rec. Program.	Recreation Program Supervisor	510	100%	\$ 33.2418	2.75%	\$ -	\$ 34.1559	
17	Police Civilians	Supervisor of Parking & Aux. Svcs.	225	100%	\$ 36.7188	2.75%	\$ -	\$ 37.7286	
18	Public Works	Public Works Director	319	100%	\$ 70.4289	2.75%	\$ -	\$ 72.3657	
19	Public Works	Superintendent: Operations	327	100%	\$ 49.4214	2.75%	\$ -	\$ 50.7805	
20	Public Works	Supervisor: Fleet	335	100%	\$ 41.0143	2.75%	\$ -	\$ 42.1422	
21	Public Works	Supervisor: Solid Waste / Highway	337	100%	\$ 38.3111	2.75%	\$ -	\$ 39.3647	
22	Public Works	Supervisor: Parks / Sewers	526	100%	\$ 38.3111	2.75%	\$ -	\$ 39.3647	
<b>PARTIAL YEAR: EFFECTIVE ON HIRE/PROMOTION ANNIVERSARY DATE</b>									
23	Rec. Program.	Recreation Program Coordinator	509	100%	\$ 22.5275	0.00%	\$ -	\$ 22.5275	Base Hourly Rate Increase to 23.6264 Effective 6/1/16 Based on Performance
<b>PART-TIME: EFFECTIVE 1/1/2015</b>									
	Finance	Cash Management Coordinator	22	100%	\$ 28.98	2.75%	\$ -	\$ 29.78	
	Info. Tech.	Information Technology Coordinator	220	100%	\$ 27.05	2.75%	\$ -	\$ 27.79	
	Comm. Dev.	Codes Official III	34	100%	\$ 42.70	2.75%	\$ -	\$ 43.87	
	Comm. Dev.	Rental Housing Inspector	n/a	100%	\$ 18.50	2.75%	\$ -	\$ 18.50	
	Comm. Dev.	Administrative Assistant	43	100%	\$ 12.67	2.75%	\$ -	\$ 13.02	
	Comm. Dev.	Fire Marshal	38	100%	\$ 35.00	0.00%	\$ -	\$ 35.00	
	Public Works	Seasonal Public Works Laborers	Various	100%	\$ 12.87	2.75%	\$ -	\$ 13.22	
	Public Works	Seasonal Public Works Laborers	Various	100%	\$ 10.82	2.75%	\$ -	\$ 11.12	
	Police	School Crossing Guards	Various	100%	\$ 15.65	2.75%	\$ -	\$ 16.08	
	Police	Parking Meter Inspectors	Various	100%	\$ 16.89	2.75%	\$ -	\$ 17.35	
	Police	Parking Meter Inspectors	Various	100%	\$ 16.44	2.75%	\$ -	\$ 16.89	



**Randor Township, PA**  
2016 Wage Schedule for RATE (Collectively Bargained) Staff  
For the Year Beginning January 1, 2016

Count	Department	Position	Emp#	Base Annual Hourly Rate at 12/31/2015	Adjustments		1/1/2016 Hourly Rate	Notes: Other Effective Dates based on Hire or Promotion Date
					Merit Pay Increases	Base Rate Increases		
1	Community Development	Administrative Assistant	35	\$ 34.3994	2.750%	\$ -	\$ 35.3454	
2	Community Development	Administrative Assistant	306	\$ 34.3994	2.750%	\$ -	\$ 35.3454	
3	Public Works	Administrative Assistant	502	\$ 34.3994	2.750%	\$ -	\$ 35.3454	
4	Police	Administrative Assistant	11	\$ 25.4859	2.750%	\$ -	\$ 26.1868	
5	Police	Administrative Assistant	234	\$ 28.0593	2.750%	\$ -	\$ 28.8309	
6	Police	Administrative Assistant	232	\$ 33.0489	2.750%	\$ -	\$ 33.9577	
7	Engineering	Administrative Assistant	304	\$ 33.0489	2.750%	\$ -	\$ 33.9577	
8	Engineering	Engineering Inspector	302	\$ 44.0827	2.750%	\$ -	\$ 45.2950	
9	PW: Building & Grounds	Skilled Laborer	534	\$ 29.2817	2.750%	\$ -	\$ 30.0869	
10	PW: Streets & Highways	Mechanic I	538	\$ 32.3812	2.750%	\$ -	\$ 33.2717	
11	PW: Streets & Highways	Mechanic I	339	\$ 30.4569	2.750%	\$ -	\$ 31.2945	
12	PW: Streets & Highways	Field Leader I	333	\$ 31.5397	2.750%	\$ -	\$ 32.4070	
13	PW: Streets & Highways	Field Leader I	338	\$ 31.5397	2.750%	\$ -	\$ 32.4070	
14	PW: Streets & Highways	Heavy Equipment	332	\$ 30.4569	2.750%	\$ -	\$ 31.2945	
15	PW: Streets & Highways	Light Equipment	529	\$ 29.8706	2.750%	\$ -	\$ 30.6920	
16	PW: Streets & Highways	Driver I	522	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
17	PW: Streets & Highways	Driver I	361	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
18	PW: Streets & Highways	Driver I	435	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
19	PW: Streets & Highways	Driver I	570	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
20	PW: Streets & Highways	Driver I	440	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
21	PW: Streets & Highways	Laborer	331	\$ 29.0379	2.750%	\$ -	\$ 29.8364	
22	PW: Streets & Highways	Laborer	461	\$ 29.0379	2.750%	\$ -	\$ 29.8364	
23	PW: Solid Waste	Field Leader I	408	\$ 31.5397	2.750%	\$ -	\$ 32.4070	
24	PW: Solid Waste	Driver II	346	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
25	PW: Solid Waste	Driver II	442	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
26	PW: Solid Waste	Driver II	462	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
27	PW: Solid Waste	Driver II	456	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
28	PW: Solid Waste	Driver II	443	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
29	PW: Solid Waste	Driver II	533	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
30	PW: Solid Waste	Driver II	479	\$ 30.0661	2.750%	\$ -	\$ 30.8929	
31	PW: Solid Waste	Collector	450	\$ 28.9676	2.750%	\$ -	\$ 29.7642	
32	PW: Solid Waste	Collector	419	\$ 29.2372	2.750%	\$ -	\$ 30.0412	
33	PW: Solid Waste	Collector	229	\$ 28.7841	2.750%	\$ -	\$ 29.5757	
34	PW: Solid Waste	Collector	344	\$ 28.8395	2.750%	\$ -	\$ 29.6326	
35	PW: Solid Waste	Collector	409	\$ 29.0900	2.750%	\$ -	\$ 29.8900	
36	PW: Solid Waste	Collector	474	\$ 28.8369	2.750%	\$ -	\$ 29.6299	
37	PW: Solid Waste	Collector	436	\$ 28.7841	2.750%	\$ -	\$ 29.5757	
38	PW: Solid Waste	Collector	469	\$ 28.9141	2.750%	\$ -	\$ 29.7092	
39	PW: Solid Waste	Collector	433	\$ 28.9125	2.750%	\$ -	\$ 29.7076	
40	PW: Solid Waste	Collector	434	\$ 29.0977	2.750%	\$ -	\$ 29.8979	

**Randor Township, PA**  
2016 Wage Schedule for RATE (Collectively Bargained) Staff  
For the Year Beginning January 1, 2016

Count	Department	Position	Emp#	Base Annual Hourly Rate at 12/31/2015	Adjustments		1/1/2016 Hourly Rate	Notes: Other Effective Dates based on Hire or Promotion Date
					Merit Pay Increases	Base Rate Increases		
41	PW: Solid Waste	Collector	485	\$ 22.3125	2.750%	\$ -	\$ 22.9261	Base Hourly Rate Increase to \$23.6250 Effective 2/2/2016 (12 mos) and Base Hourly Rate Increases to \$24.9375 Effective 8/2/16 (18 mos)
42	PW: Solid Waste	Collector	494	\$ 22.3125	2.750%	\$ -	\$ 22.9261	Base Hourly Rate Increase to \$23.6250 Effective 1/21/2016 (12 mos) and Base Hourly Rate Increases to \$24.9375 Effective 7/21/16 (18 mos)
43	PW: Parks Maintenance	Field Leader I	535	\$ 31.5397	2.750%	\$ -	\$ 32.4070	
44	PW: Parks Maintenance	Heavy Equipment	438	\$ 30.4569	2.750%	\$ -	\$ 31.2945	
45	PW: Parks Maintenance	Light Equipment	575	\$ 29.8706	2.750%	\$ -	\$ 30.6920	
46	PW: Parks Maintenance	Light Equipment	536	\$ 29.8706	2.750%	\$ -	\$ 30.6920	
47	PW: Parks Maintenance	Light Equipment	540	\$ 29.8706	2.750%	\$ -	\$ 30.6920	
48	PW: Parks Maintenance	Driver I	342	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
49	PW: Parks Maintenance	Skilled Laborer	532	\$ 29.3358	2.750%	\$ -	\$ 30.1425	
50	PW: Parks Maintenance	Laborer	755	\$ 28.8390	2.750%	\$ -	\$ 29.6321	
51	PW: Parks Maintenance	Laborer	746	\$ 28.8390	2.750%	\$ -	\$ 29.6321	
52	PW: Parks Maintenance	Laborer	531	\$ 29.0273	2.750%	\$ -	\$ 29.8255	
53	PW: Parks Maintenance	Laborer	537	\$ 28.9141	2.750%	\$ -	\$ 29.7092	
54	PW: Parks Maintenance	Laborer	572	\$ 28.8928	2.750%	\$ -	\$ 29.6874	
55	PW: Parks Maintenance	Laborer	550	\$ 28.8390	2.750%	\$ -	\$ 29.6321	
56	PW: Sanitary Sewer	Field Leader I	437	\$ 31.5397	2.750%	\$ -	\$ 32.4070	
57	PW: Sanitary Sewer	Driver I	525	\$ 29.6755	2.750%	\$ -	\$ 30.4916	
58	PW: Sanitary Sewer	Driver I	543	\$ 29.6755	2.750%	\$ -	\$ 30.4916	

Radnor Township, PA  
2016 Wage Schedule for FOP (Collectively Bargained) Officers  
For the Year Beginning, January 1, 2016

Count	Department	Position	Emp#	Base Annual Hourly Rate at 12/31/2015	Adjustments		1/1/2016 Hourly Rate	Notes: Other Effective Dates based on Hire or Promotion Date
					Merit Pay Increases	Base Rate Increases		
0	Police - Uniformed	Superintendent	171	\$ 80.3808	2.750%	\$ -	\$ 82.5913	
1	Police - Uniformed	Lieutenant	101	\$ 58.6105	2.750%	\$ -	\$ 60.2223	
2	Police - Uniformed	Lieutenant	114	\$ 58.6105	2.750%	\$ -	\$ 60.2223	
3	Police - Uniformed	Sergeant	110	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
4	Police - Uniformed	Sergeant	126	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
5	Police - Uniformed	Sergeant	134	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
6	Police - Uniformed	Sergeant	163	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
7	Police - Uniformed	Sergeant	142	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
8	Police - Uniformed	Sergeant	161	\$ 48.8410	2.750%	\$ -	\$ 50.1842	
9	Police - Uniformed	Corporal	117	\$ 44.7711	2.750%	\$ -	\$ 46.0023	
10	Police - Uniformed	Corporal	140	\$ 44.7711	2.750%	\$ -	\$ 46.0023	
11	Police - Uniformed	Detective	158	\$ 43.9572	2.750%	\$ -	\$ 45.1660	
12	Police - Uniformed	Detective	137	\$ 43.9572	2.750%	\$ -	\$ 45.1660	
13	Police - Uniformed	Detective	139	\$ 43.9572	2.750%	\$ -	\$ 45.1660	
14	Police - Uniformed	Patrol	155	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
15	Police - Uniformed	Patrol	166	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
16	Police - Uniformed	Patrol	157	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
17	Police - Uniformed	Patrol	111	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
18	Police - Uniformed	Patrol	169	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
19	Police - Uniformed	Patrol	170	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
20	Police - Uniformed	Patrol	121	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
21	Police - Uniformed	Patrol	167	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
22	Police - Uniformed	Patrol / Traffic	159	\$ 43.9572	2.750%	\$ -	\$ 45.1660	
23	Police - Uniformed	Patrol	124	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
24	Police - Uniformed	Patrol	168	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
25	Police - Uniformed	Patrol / Traffic	128	\$ 43.9572	2.750%	\$ -	\$ 45.1660	
26	Police - Uniformed	Patrol	153	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
27	Police - Uniformed	Patrol	149	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
28	Police - Uniformed	Patrol	146	\$ 40.7011	2.750%	\$ -	\$ 41.8204	
29	Police - Uniformed	Patrol	172	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
30	Police - Uniformed	Patrol	173	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
31	Police - Uniformed	Patrol	176	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
32	Police - Uniformed	Patrol	177	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
33	Police - Uniformed	Patrol	178	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
34	Police - Uniformed	Patrol	179	\$ 34.5959	2.750%	\$ 4,349.00	\$ 35.5473	Base Hourly Rate Increase to \$37.6380 Effective 4/29/2016 (36 mos)
35	Police - Uniformed	Patrol	181	\$ 32.5609	2.750%	\$ 4,349.00	\$ 33.4563	Base Hourly Rate Increase to \$35.5473 Effective 1/27/2016 (24 mos)
36	Police - Uniformed	Patrol	182	\$ 30.5258	2.750%	\$ 4,349.00	\$ 31.3653	Base Hourly Rate Increase to \$33.4563 Effective 3/23/2016 (18 mos)
37	Police - Uniformed	Patrol	183	\$ 30.5258	2.750%	\$ 4,349.00	\$ 31.3653	Base Hourly Rate Increase to \$33.4563 Effective 4/14/2016 (18 mos)
38	Police - Uniformed	Patrol	184	\$ 30.5258	2.750%	\$ 4,349.00	\$ 31.3653	Base Hourly Rate Increase to \$33.4563 Effective 6/16/2016 (18 mos)
39	Police - Uniformed	Patrol	185	\$ 30.5258	2.750%	\$ -	\$ 31.3653	
40	Police - Uniformed	Patrol	Vacant	\$ 30.5258	2.750%	\$ -	\$ 31.3653	Budgeted to be filled in 2015
41	Police - Uniformed	Patrol	Vacant	\$ 30.5258	2.750%	\$ -	\$ 31.3653	Budgeted to be filled in 2015
42	Police - Uniformed	Patrol	Vacant	\$ 30.5258	2.750%	\$ -	\$ 31.3653	Budgeted to be filled in 2015
43	Police - Uniformed	Patrol	Vacant	\$ 30.5258	2.750%	\$ -	\$ 31.3653	Budgeted to be filled in 2015

**Radnor Township, PA**  
Recreation and Community Programming Department  
2016 Radnor Day Camp and Summer Pre-School Camp Staff Hourly Wage Schedule

Radnor Day Camp 2016 - Pay Ranges by Position			
Position	# of Project Positions*	Minimum Hourly Rate	Maximum Hourly Rate
Director	1	\$ 15.00	\$ 23.00
Assistant Director	1	\$ 11.00	\$ 18.00
Specialty Coordinator **	6	\$ 11.00	\$ 18.00
Special Needs Support Staff	4	\$ 11.00	\$ 16.00
Lifeguard / Swim Instructor	4	\$ 8.00	\$ 11.00
Leader II ***	11	\$ 7.50	\$ 11.00
Leader I	11	\$ 7.25	\$ 10.00

**Footnotes:**

- \* Number of projected positions is based on camp enrollment, projected not to exceed 225 participants
- \*\* Specific role titles for Radnor Day Camp Specialty Coordinators are subject to change
- \*\*\* Staff "Chameleon" position is included in Leader II Category. This role is responsible for filling in for an open position at the camp where assigned for the day by the Director of Camp, along with all other duties as assigned

Summer Pre-School Camp 2016 - Projected Pay Ranges by Position			
Position	# of Project Positions*	Minimum Hourly Rate	Maximum Hourly Rate
Director	1	\$ 12.00	\$ 16.00
Co-Director/Specialty Coordinator	1	\$ 9.00	\$ 15.00
Leader	6	\$ 7.25	\$ 8.50

**Footnotes:**

- \* Number of Projected positions is based on enrollment of 40 participants
- \*\* Specific role titles for Pre-School Camp Specialty Coordinators are subject to change.

**General Information:**

1. All positions are filled through an interview/evaluation process; process starts in January
2. Position pay rates and qualifications vary based on tenure, experience, and special certifications
3. Some returning staff receive minimal wage increases which vary based on qualifications and performance
4. All positions are hired commensurate with camp enrollment which can vary
5. Staff members sometimes fulfill roles in other areas such as assisting with community events or running other programs

# Radnor Township

## PROPOSED LEGISLATION



**DATE:** December 1, 2015

**TO:** Board of Commissioners

**FROM:** William M. White, Finance Director

A handwritten signature in cursive script, appearing to read "William M. White".

**LEGISLATION:** Ordinance 2015-25 Amending Chapter 44, Financial Policies, by revising definitions, scope and goals, permissible investments for Township funds, police and civilian employee pension benefit funds and post-employment benefit funds.

**LEGISLATIVE HISTORY:** The Township last amended Chapter 44 in March 2013 under Ordinance 2012-17.

**PURPOSE AND EXPLANATION:** Periodic review and updates to any financial policy is good business practice. This particular review was conducted with the Township's pension/OPEB trust financial advisor who provided some recommended clean up items as well as an updated Asset Allocation Range and Target values. The updated allocation ranges and targets are based on the investment goals of the pension and OPEB trusts. Most of the other changes identified provide clarification by including "OPEB" in areas where the Policy refers to the pension/OPEB boards.

A red-line version of Chapter 44 is attached to this summary for informational purposes only.

**IMPLEMENTATION SCHEDULE:** Introduce on December 14, 2015; Advertise for the public hearing to be held on January 4, 2016; Hold the public hearing prior to the consideration for adoption at the January 4, 2016 Board of Commissioner meeting.

**FISCAL IMPACT:** There is no direct fiscal impact in adopting these amendments.

**RECOMMENDED ACTION:** The Administration respectfully recommends that the Board of Commissioners introduce Ordinance 2015-24 at the December 14, 2015 meeting and adopt the Ordinance at the January 4, 2016 meeting.

**ORDINANCE NO. 2015-25**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 44, FINANCIAL POLICIES, BY REVISING DEFINITIONS, SCOPE AND GOALS, PERMISSIBLE INVESTMENTS FOR TOWNSHIP FUNDS, POLICE AND CIVILIAN EMPLOYEE PENSION PLAN FUNDS, AND POST EMPLOYMENT BENEFIT PLAN FUNDS.**

*WHEREAS*, the Board of Commissioners adopted Resolution 2003-11 on July 21, 2003 establishing Article I, "Investment of Township Funds"; and

WHEREAS, the Board of Commissioners amended Chapter 44 in March 2013 under Ordinance 2012-17; and

*WHEREAS*, the independent auditors have recommended that periodic reviews and updates to the Investment Policy should be conducted by the Township; and

*WHEREAS*, the Administration worked with PFM, Financial Advisor for pension and OPEB assets, to make minor adjustments and clean up amendments to the policy as needed to execute the investment strategies of the pension and OPEB trust assets.

*NOW, THEREFORE*, be it *ORDAINED* and *ENACTED* that the Radnor Township Board of Commissioners does hereby adopt the following:

**Section 1.**

Chapter 44, Financial Policies, Article I Investment of Township Funds, is hereby amended revising § 44-1 Definitions, § 44-2 Scope, goals and objectives, § 44-3 Permissible investments, and § 44-4 Police and civilian employee pension plans, to read as follows:

**§ 44-1. Definitions.**

For purposes of this Article, the following terms shall have the noted meanings:

**BOND PROCEEDS**

Financial proceeds derived from the sale of general obligation bonds or notes or other types of tax-exempt securities.

**CASH**

Certificates of deposit, bank checking and savings accounts, money market/mutual funds, and other short-term instruments, generally maturing in 90 days or less.

**COLLATERALIZATION**

Process by which a bank or other financial institution pledges securities, property, or other deposits to secure funds invested by the Township. For example, Pennsylvania banks that

accept funds from Radnor Township in excess of amounts covered by federal deposit insurance (generally, \$250,000) are required to pledge 120% of the excess amount in U.S. Treasury bills as collateral in the event of that bank's default.

**COMMERCIAL PAPER**

An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

**CREDIT RISK**

The risk of financial loss due to the failure of the security issuer or backer.

**DERIVATIVE**

A type of financial investment, whose value is derived from, or depends on, the value of one or more other types of investment (examples include interest rate swaps, reverse repurchase agreements, etc.).

**DIVERSIFICATION**

The process of investing financial assets among a range of securities by type of investment, sector, maturity, and quality rating.

**EQUITY**

Common or preferred stock, which shall be restricted to high quality, readily marketable securities of corporations that are actively traded on all major exchanges.

**FIDUCIARY RESPONSIBILITY**

The obligation of an official to provide fiscal stewardship towards financial assets under his/her control.

**FIXED INCOME**

High quality, marketable securities with assets invested in obligations guaranteed by the U.S. Treasury or other federal agencies or investment grade corporate bonds and notes, including convertibles with a rating of A or higher.

**GENERAL OPERATING FUNDS**

Generally, governmental-type, internal service, and proprietary funds whose assets finance the day-to-day operations of the Township, such as the General Fund, General Debt Service Fund, Sewer Fund, Storm Water Management Fund, Liquid Fuels Fund, Capital Improvement Fund, Police Investigation Fund, Police Equitable Sharing Fund, Commemorative Shade Tree Fund, Parks Improvement and Open Space Fund, Educational Service Agency Fund, and Willows Fund.

**INTEREST RATE RISK**

The risk associated with declines or rises in interest rates, which cause an investment in a fixed-income security to increase or decrease in value.

**MARKET RISK**

The risk that the value of a security will rise or decline as a result of changes in market conditions.

**MARKET VALUE**

Current market price of a security.

**MARK-TO-MARKET**

The process whereby the book value or collateral value of a security is adjusted to reflect its current market value as of any given date.

**MATURITY**

The date on which payment of a financial obligation is due.

**PENSION PLANS**

Financial assets of the Township's Police Pension Trust Fund and the Civilian Employee Pension Trust Fund, which are held for the payment of benefits to retired employees.

**OTHER POST-EMPLOYMENT BENEFIT (OPEB) PLAN**

Financial assets of the Township deposited into the Post-Employment Benefits Obligation Trust Fund to be held for the payment of accrued but unused leave time, post-retirement healthcare, and any other post-retirement benefit that falls within the "OPEB" category.

**PRINCIPAL**

The face, or par, value of an investment instrument.

**PRUDENT INVESTMENT PRINCIPLES**

A standard that generally limits investment activities to those that a prudent, or reasonable, investor would engage in.

**REPURCHASE AGREEMENT**

An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

**SWAP**

An investment instrument whereby one asset is traded for another.

**TREASURY BILLS**

Short-term U.S. government debt securities with maturities of no longer than one year and issued in minimum denominations of \$ 10,000.

**TREASURY BONDS**

Long-term U.S. government debt securities with maturities of 10 to 30 years and issued in minimum denominations of \$1,000.



## TREASURY NOTES

Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1,000,000 or more.

### § 44-2. Scope, goals and objectives.

- A. The purpose of this Article shall be to provide guidance to Radnor Township (Township) officials in discharging their fiduciary responsibility to prudently invest Township funds by identifying objectives, assigning responsibilities, and addressing certain risk factors to enhance investment performance.
- B. Scope. This Article shall apply to all financial assets of the Township, including general operating funds, bond proceeds, OPEB assets, and pension fund assets, and any of its component units, except as otherwise noted.
- C. Objectives. The primary objectives of this Article shall be as follows:
  - 1. Safety. Investments generally shall be made foremost with the preservation of principal in mind and by minimizing the effects of the following types of risk:
    - a. Credit risk. The Township shall minimize credit risk by:
      - (1) Limiting the investment of funds to the safest types of securities.
      - (2) Prequalifying the financial institutions, broker/dealers, intermediaries, and advisors with which the Township will conduct business.
      - (3) Diversifying investments so that potential losses on individual securities will be minimized.
    - b. Interest rate risk. The Township shall minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:
      - (1) Structuring investments so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
      - (2) Investing funds primarily in shorter-term securities, money market mutual funds, or similar investment pools where appropriate.
    - c. Market risk. Investment decisions generally shall not be made to anticipate possible changes in equity, fixed income, or other market conditions.
  - 2. Liquidity. Investments shall be structured to ensure that adequate funds are on hand to pay reasonably anticipated Township obligations (such as payroll, scheduled debt payments, other operating expenses, and pension benefits) in a timely manner.

Because all possible cash demands cannot be anticipated, the portfolio should consist of investments with active or resale markets.

3. Return.

- a. Investment earnings are of secondary importance compared to safety and liquidity objectives. Except as otherwise indicated, investments generally shall be structured to attain a market average rate of return based on performance benchmarks established herein. These benchmarks shall be periodically reviewed by the Finance Director and may be adjusted with the approval of the Township Manager to reflect changes in the economic performance of the selected investment instruments.
- b. Investments as a rule shall be structured to exceed those benchmarks only when consistent with prudent investment principles and only if safety and liquidity objectives can be met.

4. Securities generally shall not be sold before they mature except as follows:

- a. A security that assumes an unforeseen underlying risk may be sold early to minimize loss of principal.
- b. Liquidity needs of the Township require the security be sold.
- c. Based on financial management recommendation with proper qualitative analysis.

D. Public trust and ethics.

1. Township officials in the investment process shall act as responsible custodians of the public interest and shall avoid any transaction that may impair public confidence in the governance of the Township.
2. Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of Township investments or that could impair their ability to make impartial decisions.
3. Officials involved in the investment process shall be governed by the Code of Ethics of the Township, and they also shall abide by the Code of Ethics of the Government Finance Officers Association (see Appendix A), incorporated as a part hereof. *Editor's Note: Appendix A, Code of Ethics of the Government Finance Officers Association, is included at the end of this chapter.*

**§ 44-3. Permissible investments – governmental funds.**

A. Township general operating funds and bond proceeds may be invested in cash, fixed income, and equity instruments and shall be in accordance with federal, state, and other applicable laws and regulations, as follows:

1. General operating funds. These shall be invested pursuant to Pennsylvania Act 72 of 1971, as amended (53 P.S. § 56705.1). Types of investment instruments permissible include, U.S. Treasury bills, obligations backed by the full faith and credit of the U.S. government or its agencies, shares of money market or mutual funds of companies that invest solely in authorized investments, funds pooled by other municipalities and governmental entities, including the Pennsylvania Local Government Investment Trust, certificates of deposit, guaranteed investment contracts, repurchase agreements, and commercial paper to the extent they are collateralized according to law.

a. Investment Credit Quality Restrictions:

(1) An “Approved Institution” is any financial institution with total assets in excess of \$2 billion and which carry a short term debt rating of A1 or better by Standard and Poor’s or Moody’s Rating Services. All United States Banks must be a member of the Federal Deposit Insurance Corporation.

(2) Commercial Paper must be rated A1 or better by Standard & Poor’s or Moody’s Rating Services. A split rating is acceptable so long as one of the ratings is A1 or better.

(3) Money Market Funds must have over \$1 billion in assets, must be managed by major bank trust department portfolio managers, and must be regulated by U.S. Government under Investment Company Act rule 2a-7 and/or 3c7. The funds will seek to maintain a \$1 per share net asset value.

(4) All investments in municipal bonds or agencies must be rated AA or better by Standard & Poor’s or Moody’s Rating Services.

2. Bond proceeds. These shall be invested in any instruments authorized for general operating funds and in other types of investments permitted by the Pennsylvania Local Unit Debt Act (53 Pa.C.S.A., Chapters 80-82); these latter generally include any type of securities in which the Commonwealth of Pennsylvania is authorized to invest.

3. Prohibited investments: Only those investments identified in subsection A. of this Section are permissible. Neither the Township Administration nor outside investment managers are permitted to invest in any investment outside of what is permissible in subsection A of this Section which includes, but is not limited to

hedge, derivative or asset backed investments or other non-permissible investments that jeopardize the objectives of this investment policy as set forth in Section 44-2 of this Chapter.

- B. Safekeeping and custody. As a rule, all Township investments shall be stored in safekeeping by an unrelated third party not underwriting a particular investment.
1. Authorized financial dealers and institutions. The Finance Director shall maintain a list of financial institutions authorized to provide investment services and of approved security broker/dealers.
  2. Financial dealers/brokers who desire to offer investment transactions to the Township shall supply the following, as requested by the Finance Director:
    - a. Proof of Financial Industry Regulatory Authority (FINRA) certification.
    - b. Proof of state registration.
    - c. Certification of having read and understood and agreeing to comply with this Article.
    - d. Certification that the financial institution in which the investment is being purchased from has a rating of A1 or better from either Standard & Poor's or Moody's Rating Services;
  3. The Finance Director shall conduct, at least annually, a review of the performance and qualifications of the financial condition and registration status of qualified financial brokers/dealers, as well as financial institutions holding Township investments.
- C. Performance measures. The performance of Township investments shall be measured annually by the following criteria:
1. Safety. The extent to which any investments lost principal during a calendar year.
  2. Liquidity. The extent to which any investment had to be liquidated before its maturity to meet an expense.
  3. Return. The extent to which the average return of all investments met their objectives. To measure whether investments of general operating funds and bond proceeds meet their return objectives, the Finance Director shall use the following or other appropriate indexes as benchmarks: ninety-one-day Treasury bill yield; six-month certificate of deposit rate (CD); and twelve-month CD rate. The performance of pension plan assets shall be measured in accordance with § 44-4B.

- D. Reporting. An annual report shall be provided to the Board of Commissioners that includes, at a minimum, the following information for invested general operating funds, bond proceeds, and pension plan assets:
1. Listing of individual investments held at the end of the year.
  2. Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity.
  3. Dollar-weighted yield to maturity of portfolio on investments as compared to applicable benchmarks, as described in § 44-3C.
  4. Listing of investments by maturity dates.
  5. Percentage of the total portfolio that each type of investment represents.
  6. Analysis of credit risk and other appropriate factors.
- E. Investment procedures. The Finance Director may establish appropriate staff procedures that govern the investment of Township funds pursuant to this Article under the direction of the Township Manager.

**§ 44-4. Police and civilian employee pension plans and other post-employment benefit obligation plan.**

- A. Objectives. The objectives of the police and civilian employee pension plans and Other Post-Employment Benefit Fund (collectively, the “Plans”) shall be to:
1. Pension Plans: Provide full funding for retirement benefits for each plan's respective participants and beneficiaries.
  2. Other Post-Employment Benefit Obligation Plan: Provide full funding for retirement related obligations including accrued but unused leave time, retiree healthcare and any other benefit the Township is obligated to provide to both uniformed and civilian retirees
  3. Maximize return within reasonable and prudent levels of risk.
  4. Ensure that the plans' assets will be invested in accordance with all relevant legislation and regulations in a manner consistent with fiduciary standards.
- B. Investment guidelines.
1. Time horizon. The plans' objectives are based on a long-term investment horizon so that interim fluctuations should be viewed with appropriate perspective; that is,

with the view that the chances and duration of investment losses are carefully weighed against the long-term potential for appreciation of assets.

2. Diversification. Investments shall be diversified with the intent to minimize the risk of investment loss. Consequently, the total portfolio of each plan will be constructed and maintained to provide prudent diversification of the concentration of holdings in individual issues, issuers, countries, governments or industries.
  - a. Not more than 5% of the total stock portfolio valued at market may be invested in common stock of any one corporation.
  - b. Not more than 25% of stock valued at market may be held in any one industry category.
  - c. Fixed income securities of any one issuer shall not exceed 5% of the total fixed income portfolio at the time of purchase (this shall not apply to issues of the U.S. Treasury or other federal agencies).
  - d. Derivatives shall not be purchased for the purpose of portfolio leveraging.
3. Asset allocation.
  - a. To achieve the greatest likelihood of meeting the plans' objectives and the best balance between risk and return for optimal diversification, the plans' assets shall be allocated in accordance with the ranges for each asset class as follows:

Asset Classes	Allocation (percentage)	
	Range	Target
<b>Growth Assets:</b>		
Domestic Equity	24% - 54%	39%
International Equity	6% - 36%	21%
Other	0% - 20%	0%
<b>Income Assets</b>		
Fixed Income	25% - 55%	40%
Other	0% - 20%	0%
<b>Real Return Assets</b>	0% - 20%	0%
<b>Cash Equivalents</b>	0% - 20%	0%

- b. The pension/OPEB boards, with approval of the Township Manager, are authorized to adjust the allocation targets from time-to-time as circumstances warrant.
4. Rebalancing procedures. The asset allocation ranges established under § 44-4B(3) represent a long-term perspective. As such, rapid unanticipated market shifts or changes in economic conditions may cause the asset mix to fall outside the policy range. These divergences should be of a short term nature, and the respective plan's pension/OPEB boards, under the direction of the Township Manager, shall be responsible for rebalancing the assets and ensuring that money managers selected by the pension/OPEB boards keep divergences as brief as possible. Money managers shall have discretion to temporarily invest a portion of the assets in cash reserves when they deem it appropriate. However, the managers shall be evaluated against their peers on the performance of the total funds under their direct management.
5. Risk tolerances. The objectives of these plans cannot be achieved without incurring a certain amount of principal volatility. Therefore, the plans shall be managed in a style that seeks to minimize principal fluctuations over the established time horizon and that is consistent with the plans' stated objectives.
6. Performance expectations.
  - a. The investment objectives for these plans shall be to achieve an average total annual rate of return equal to or greater than the Plan's stated actuarial return assumptions. Performance will be measured against specific benchmarking of the Plan's assets against the biggest possible index in each of the asset classes (see §44-4(D)(2)(b) for examples of possible benchmarks). The actual returns may vary significantly from these targets on a year-to-year basis.
  - b. The pension/OPEB boards, with approval of the Township Manager, are authorized to adjust these performance targets from time-to-time as circumstances warrant.

C. Guidelines for portfolio holdings.

1. Equities. Equity holdings shall be restricted to high quality, readily marketable securities of corporations that are actively traded on all major exchanges.
2. Fixed income.
  - a. Fixed investments shall be high-quality, marketable securities with a preponderance of the investments in U.S. Treasury, federal agencies, and U.S. Government guaranteed obligations, and investment grade corporate issues including convertibles.

- b. The overall Moody's or Standard & Poor's rating of the fixed-income assets shall be at least A. In cases where the yield spread adequately compensates for additional risk, securities of below-investment-grade ratings can be purchased up to a maximum of 25% of total market value of fixed-income securities.
  - c. Active bond management is hereby encouraged and may require transactions that will temporarily lower the investment return or change the maturity of the plans' portfolios in anticipation of market changes. Holdings of individual securities shall be large enough for liquidation.
- 3. Cash. Cash and short-term instruments maturing in 90 days or less shall be registered to a maximum of 20% of total assets at all times. Cash equivalent reserves shall consist of cash instruments having a quality rating of A-2, P-2 or higher.
  - 4. Safekeeping. A custodian appointed by the pension/OPEB boards for safekeeping shall hold all securities. The custodian shall produce statements at least monthly listing the name and value of all assets held.

D. Control procedures.

- 1. Review of investment objectives. An investment advisor, selected by the pension boards, shall regularly review the appropriateness of this portion of the Township investment policy for achieving the plans' stated objectives.
- 2. Review of investment performance.
  - a. The investment advisor shall report quarterly to the pension/OPEB boards to review the plans' investment performance. In addition, the investment consultant will be responsible for keeping the pension boards advised of any material change in all money managers' personnel, investment strategy, and other pertinent information potentially affecting the performance of all investments.
  - b. The investment advisor shall compare the investment results on a quarterly basis to appropriate benchmarks, as well as market index returns in both equity and debt markets. Examples of benchmarks and indexes that will be used are the S&P 500 Index for large companies; Russell 2000 Index for small companies; MSCI Europe, Australasia and Far East Index (EAFE) for international equities; Barclays Capital Aggregate Index for fixed-income securities; and the U.S. 91-Day Treasury Bill Index for cash equivalents.
- 3. The Township Manager or the pension/OPEB boards from time-to-time may engage the services of an additional consultant to review the performance of the investment advisor, money managers, and this policy.



**Section 2.**

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.**

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 5.**

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

***ENACTED*** and ***ORDAINED*** this 4<sup>th</sup> day of January, 2016.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name:  
Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski,  
Township Manager / Secretary

**ORDINANCE NO. 2015-25**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 44, FINANCIAL POLICIES, BY REVISING DEFINITIONS, SCOPE AND GOALS, PERMISSIBLE INVESTMENTS FOR TOWNSHIP FUNDS, POLICE AND CIVILIAN EMPLOYEE PENSION PLAN FUNDS, AND POST EMPLOYMENT BENEFIT PLAN FUNDS.**

*WHEREAS*, the Board of Commissioners adopted Resolution 2003-11 on July 21, 2003 establishing Article I, "Investment of Township Funds"; and

WHEREAS, the Board of Commissioners amended Chapter 44 in March 2013 under Ordinance 2012-17; and

*WHEREAS*, the independent auditors have recommended that periodic reviews and updates to the Investment Policy should be conducted by the Township; and

*WHEREAS*, the Administration worked with PFM, Financial Advisor for pension and OPEB assets, to make minor adjustments and clean up amendments to the policy as needed to execute the investment strategies of the pension and OPEB trust assets.

*NOW, THEREFORE*, be it *ORDAINED* and *ENACTED* that the Radnor Township Board of Commissioners does hereby adopt the following:

**Section 1.**

Chapter 44, Financial Policies, Article I Investment of Township Funds, is hereby amended revising § 44-1 Definitions, § 44-2 Scope, goals and objectives, § 44-3 Permissible investments, and § 44-4 Police and civilian employee pension plans, to read as follows:

**§ 44-1. Definitions.**

For purposes of this Article, the following terms shall have the noted meanings:

**BOND PROCEEDS**

Financial proceeds derived from the sale of general obligation bonds or notes or other types of tax-exempt securities.

**CASH**

Certificates of deposit, bank checking and savings accounts, money market/mutual funds, and other short-term instruments, generally maturing in 90 days or less.

**COLLATERALIZATION**

Process by which a bank or other financial institution pledges securities, property, or other deposits to secure funds invested by the Township. For example, Pennsylvania banks that accept funds from Radnor Township in excess of amounts covered by federal deposit insurance (generally, \$250,000) are required to pledge 120% of the excess amount in U.S. Treasury bills as collateral in the event of that bank's default.

**COMMERCIAL PAPER**

An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

**CREDIT RISK**

The risk of financial loss due to the failure of the security issuer or backer.

**DERIVATIVE**

A type of financial investment, whose value is derived from, or depends on, the value of one or more other types of investment (examples include interest rate swaps, reverse repurchase agreements, etc.).

**DIVERSIFICATION**

The process of investing financial assets among a range of securities by type of investment, sector, maturity, and quality rating.

**EQUITY**

Common or preferred stock, which shall be restricted to high quality, readily marketable securities of corporations that are actively traded on all major exchanges.

**FIDUCIARY RESPONSIBILITY**

The obligation of an official to provide fiscal stewardship towards financial assets under his/her control.

**FIXED INCOME**

High quality, marketable securities with assets invested in obligations guaranteed by the U.S. Treasury or other federal agencies or investment grade corporate bonds and notes, including convertibles with a rating of A or higher.

**GENERAL OPERATING FUNDS**

Generally, governmental-type, internal service, and proprietary funds whose assets finance the day-to-day operations of the Township, such as the General Fund, General Debt Service Fund, Sewer Fund, Storm Water Management Fund, Liquid Fuels Fund, Capital Improvement Fund, Police Investigation Fund, Police Equitable Sharing Fund, Commemorative Shade Tree Fund, Parks Improvement and Open Space Fund, Educational Service Agency Fund, and Willows Fund.

**INTEREST RATE RISK**

The risk associated with declines or rises in interest rates, which cause an investment in a fixed-income security to increase or decrease in value.

**MARKET RISK**

The risk that the value of a security will rise or decline as a result of changes in market conditions.

**MARKET VALUE**

Current market price of a security.

**MARK-TO-MARKET**

The process whereby the book value or collateral value of a security is adjusted to reflect its current market value as of any given date.

**MATURITY**

The date on which payment of a financial obligation is due.

**PENSION PLANS**

Financial assets of the Township's Police Pension Trust Fund and the Civilian Employee Pension Trust Fund, which are held for the payment of benefits to retired employees.

**OTHER POST-EMPLOYMENT BENEFIT (OPEB) PLAN**

Financial assets of the Township deposited into the Post-Employment Benefits Obligation Trust Fund to be held for the payment of accrued but unused leave time, post-retirement healthcare, and any other post-retirement benefit that falls within the "OPEB" category.

**PRINCIPAL**

The face, or par, value of an investment instrument.

**PRUDENT INVESTMENT PRINCIPLES**

A standard that generally limits investment activities to those that a prudent, or reasonable, investor would engage in.

**REPURCHASE AGREEMENT**

An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

**SWAP**

An investment instrument whereby one asset is traded for another.

**TREASURY BILLS**

Short-term U.S. government debt securities with maturities of no longer than one year and issued in minimum denominations of \$ 10,000.

**TREASURY BONDS**

Long-term U.S. government debt securities with maturities of 10 to 30 years and issued in minimum denominations of \$1,000.

**TREASURY NOTES**

Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1,000,000 or more.

**§ 44-2. Scope, goals and objectives.**

- A. The purpose of this Article shall be to provide guidance to Radnor Township (Township) officials in discharging their fiduciary responsibility to prudently invest Township funds by identifying objectives, assigning responsibilities, and addressing certain risk factors to enhance investment performance.
- B. Scope. This Article shall apply to all financial assets of the Township, including general operating funds, bond proceeds, OPEB assets, and pension fund assets, and any of its component units, except as otherwise noted.
- C. Objectives. The primary objectives of this Article shall be as follows:
  - 1. Safety. Investments generally shall be made foremost with the preservation of principal in mind and by minimizing the effects of the following types of risk:
    - a. Credit risk. The Township shall minimize credit risk by:
      - (1) Limiting the investment of funds to the safest types of securities.
      - (2) Prequalifying the financial institutions, broker/dealers, intermediaries, and advisors with which the Township will conduct business.
      - (3) Diversifying investments so that potential losses on individual securities will be minimized.
    - b. Interest rate risk. The Township shall minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:
      - (1) Structuring investments so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
      - (2) Investing funds primarily in shorter-term securities, money market mutual funds, or similar investment pools where appropriate.
    - c. Market risk. Investment decisions generally shall not be made to anticipate possible changes in equity, fixed income, or other market conditions.
  - 2. Liquidity. Investments shall be structured to ensure that adequate funds are on hand to pay reasonably anticipated Township obligations (such as payroll, scheduled debt

payments, other operating expenses, and pension benefits) in a timely manner. Because all possible cash demands cannot be anticipated, the portfolio should consist of investments with active or resale markets.

3. Return.

- a. Investment earnings are of secondary importance compared to safety and liquidity objectives. Except as otherwise indicated, investments generally shall be structured to attain a market average rate of return based on performance benchmarks established herein. These benchmarks shall be periodically reviewed by the Finance Director and may be adjusted with the approval of the Township Manager to reflect changes in the economic performance of the selected investment instruments.
- b. Investments as a rule shall be structured to exceed those benchmarks only when consistent with prudent investment principles and only if safety and liquidity objectives can be met.

4. Securities generally shall not be sold before they mature except as follows:

- a. A security that assumes an unforeseen underlying risk may be sold early to minimize loss of principal.
- b. Liquidity needs of the Township require the security be sold.
- c. Based on financial management recommendation with proper qualitative analysis.

D. Public trust and ethics.

1. Township officials in the investment process shall act as responsible custodians of the public interest and shall avoid any transaction that may impair public confidence in the governance of the Township.
2. Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of Township investments or that could impair their ability to make impartial decisions.
3. Officials involved in the investment process shall be governed by the Code of Ethics of the Township, and they also shall abide by the Code of Ethics of the Government Finance Officers Association (see Appendix A), incorporated as a part hereof. *Editor's Note: Appendix A, Code of Ethics of the Government Finance Officers Association, is included at the end of this chapter.*

**§ 44-3. Permissible investments – governmental funds.**

A. Township general operating funds and bond proceeds may be invested in cash, fixed income, and equity instruments and shall be in accordance with federal, state, and other applicable laws and regulations, as follows:

1. General operating funds. These shall be invested pursuant to Pennsylvania Act 72 of 1971, as amended (53 P.S. § 56705.1). Types of investment instruments permissible include, U.S. Treasury bills, obligations backed by the full faith and credit of the U.S. government or its agencies, shares of money market or mutual funds of companies that invest solely in authorized investments, funds pooled by other municipalities and governmental entities, including the Pennsylvania Local Government Investment Trust, certificates of deposit, guaranteed investment contracts, repurchase agreements, and commercial paper to the extent they are collateralized according to law.

a. Investment Credit Quality Restrictions:

(1) An “Approved Institution” is any financial institution with total assets in excess of \$2 billion and which carry a short term debt rating of A1 or better by Standard and Poor’s or Moody’s Rating Services. All United States Banks must be a member of the Federal Deposit Insurance Corporation.

(2) Commercial Paper must be rated A1 or better by Standard & Poor’s or Moody’s Rating Services. A split rating is acceptable so long as one of the ratings is A1 or better.

(3) Money Market Funds must have over \$1 billion in assets, must be managed by major bank trust department portfolio managers, and must be regulated by U.S. Government under Investment Company Act rule 2a-7 and/or 3c7. The funds will seek to maintain a \$1 per share net asset value.

(4) All investments in municipal bonds or agencies must be rated AA or better by Standard & Poor’s or Moody’s Rating Services.

2. Bond proceeds. These shall be invested in any instruments authorized for general operating funds and in other types of investments permitted by the Pennsylvania Local Unit Debt Act (53 Pa.C.S.A., Chapters 80-82); these latter generally include any type of securities in which the Commonwealth of Pennsylvania is authorized to invest.

3. Prohibited investments: Only those investments identified in subsection A. of this Section are permissible. Neither the Township Administration nor outside investment managers are permitted to invest in any investment outside of what is permissible in subsection A of this Section which includes, but is not limited to

hedge, derivative or asset backed investments or other ~~non-traditional-permissible~~ investments that jeopardize the objectives of this investment policy as set forth in Section 44-2 of this Chapter.

- B. Safekeeping and custody. As a rule, all Township investments shall be stored in safekeeping by an unrelated third party not underwriting a particular investment.
1. Authorized financial dealers and institutions. The Finance Director shall maintain a list of financial institutions authorized to provide investment services and of approved security broker/dealers.
  2. Financial dealers/brokers who desire to offer investment transactions to the Township shall supply the following, as requested by the Finance Director:
    - a. Proof of Financial Industry Regulatory Authority (FINRA) certification.
    - b. Proof of state registration.
    - c. Certification of having read and understood and agreeing to comply with this Article.
    - d. Certification that the financial institution in which the investment is being purchased from has a rating of A1 or better from either Standard & Poor's or Moody's Rating Services;
  3. The Finance Director shall conduct, at least annually, a review of the performance and qualifications of the financial condition and registration status of qualified financial brokers/dealers, as well as financial institutions holding Township investments.
- C. Performance measures. The performance of Township investments shall be measured annually by the following criteria:
1. Safety. The extent to which any investments lost principal during a calendar year.
  2. Liquidity. The extent to which any investment had to be liquidated before its maturity to meet an expense.
  3. Return. The extent to which the average return of all investments met their objectives. To measure whether investments of general operating funds and bond proceeds meet their return objectives, the Finance Director shall use the following or other appropriate indexes as benchmarks: ninety-one-day Treasury bill yield; six-month certificate of deposit rate (CD); and twelve-month CD rate. The performance of pension plan assets shall be measured in accordance with § 44-4B.



D. Reporting. An annual report shall be provided to the Board of Commissioners that includes, at a minimum, the following information for invested general operating funds, bond proceeds, and pension plan assets:

1. Listing of individual investments held at the end of the year.
2. Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity.
3. Dollar-weighted yield to maturity of portfolio on investments as compared to applicable benchmarks, as described in § 44-3C.
4. Listing of investments by maturity dates.
5. Percentage of the total portfolio that each type of investment represents.
6. Analysis of credit risk and other appropriate factors.

E. Investment procedures. The Finance Director may establish appropriate staff procedures that govern the investment of Township funds pursuant to this Article under the direction of the Township Manager.

**§ 44-4. Police and civilian employee pension plans and other post-employment benefit obligation plan.**

A. Objectives. The objectives of the police and civilian employee pension plans (plans) and Other Post-Employment Benefit Fund (collectively, the "Plans") shall be to:

1. Pension Plans: Provide full funding for retirement benefits for each plan's respective participants and beneficiaries.
2. Other Post-Employment Benefit Obligation Plan: Provide full funding for retirement related obligations including accrued but unused leave time, retiree healthcare and any other benefit the Township is obligated to provide to both uniformed and civilian retirees
3. Maximize return within reasonable and prudent levels of risk.
4. Ensure that the plans' assets will be invested in accordance with all relevant legislation and regulations in a manner consistent with fiduciary standards.

B. Investment guidelines.

1. Time horizon. The plans' objectives are based on a five-year long-term investment horizon so that interim fluctuations should be viewed with appropriate

perspective; that is, with the view that the chances and duration of investment losses are carefully weighed against the long-term potential for appreciation of assets.

2. Diversification. Investments shall be diversified with the intent to minimize the risk of investment loss. Consequently, the total portfolio of each plan will be constructed and maintained to provide prudent diversification of the concentration of holdings in individual issues, issuers, countries, governments or industries.
  - a. Not more than 5% of the total stock portfolio valued at market may be invested in common stock of any one corporation.
  - b. Not more than 25% of stock valued at market may be held in any one industry category.
  - c. Fixed income securities of any one issuer shall not exceed 5% of the total fixed income portfolio at the time of purchase (this shall not apply to issues of the U.S. Treasury or other federal agencies).
  - d. Derivatives shall not be purchased for the purpose of portfolio leveraging.
3. Asset allocation.
  - a. To achieve the greatest likelihood of meeting the plans' objectives and the best balance between risk and return for optimal diversification, the plans' assets shall be allocated in accordance with the ranges for each asset class as follows:

Asset Classes	Allocation (percentage)	
	Range	Target
<b>Growth Assets:</b>		
Domestic Equity	24% - 54%	39%
International Equity	6% - 36%	21%
Other	0% - 20%	0%
<b>Income Assets</b>		
Fixed Income	25% - 55%	40%
Other	0% - 20%	0%
<b>Real Return Assets</b>	0% - 20%	0%
<b>Cash Equivalents</b>	0% - 20%	0%

(1) Police pension plan:

Asset Class	Allocation (percentage)
-------------	-------------------------

<i>Asset Class</i>	<i>Allocation (percentage)</i>
Equities, domestic	27.5%-37.5%
Equities, international	13.0%-23.0%
Fixed income	36.5%-46.5%
Real estate and other Equity	0.0%-8.0%
Cash Equivalents	0.0%-10.0%

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(2) Civilian pension plan:

Asset Class	Allocation (percentage)
Equities, domestic	27.5%-37.5%
Equities, international	13.0%-23.0%
Fixed income	36.5%-46.5%
Real estate and other Equity	0.0%-8.0%
Cash Equivalents	0.0%-10.0%

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- b. The pension/OPEB boards, with approval of the Township Manager, are authorized to adjust the allocation targets from time-to-time as circumstances warrant.
4. Rebalancing procedures. The asset allocation ranges established under § 44-4B(3) represent a long-term perspective. As such, rapid unanticipated market shifts or changes in economic conditions may cause the asset mix to fall outside the policy range. These divergences should be of a short term nature, and the respective plan's pension/OPEB boards, under the direction of the Township Manager, shall be responsible for rebalancing the assets and ensuring that money managers selected by the pension/OPEB boards keep divergences as brief as possible. Money managers shall have discretion to temporarily invest a portion of the assets in cash reserves when they deem it appropriate. However, the managers shall be evaluated against their peers on the performance of the total funds under their direct management.
5. Risk tolerances. The objectives of these plans cannot be achieved without incurring a certain amount of principal volatility. Therefore, the plans shall be managed in a style that seeks to minimize principal fluctuations over the established time horizon and that is consistent with the plans' stated objectives.
6. Performance expectations.
- a. The investment objectives for these plans shall be to achieve an average total annual rate of return equal to or greater than the plan's Plan's stated actuarial return assumptions. Performance will be measured against specific benchmarking of the pension Plan's assets against the biggest possible index in each of the asset classes (see §44-4(D)(2)(b) for examples of possible benchmarks). The actual returns may vary significantly from these targets on a year-to-year basis.

- b. The pension/OPEB boards, with approval of the Township Manager, are authorized to adjust these performance targets from time-to-time as circumstances warrant.

C. Guidelines for portfolio holdings.

1. Equities. Equity holdings shall be restricted to high quality, readily marketable securities of corporations that are actively traded on all major exchanges.
2. Fixed income.
  - a. Fixed investments shall be high-quality, marketable securities with a preponderance of the investments in U.S. Treasury, federal agencies, and U.S. Government guaranteed obligations, and investment grade corporate issues including convertibles.
  - b. The overall Moody's or Standard & Poor's rating of the fixed-income assets shall be at least A. In cases where the yield spread adequately compensates for additional risk, securities of below-investment-grade ratings can be purchased up to a maximum of ~~15~~25% of total market value of fixed-income securities.
  - c. Active bond management is hereby encouraged and may require transactions that will temporarily lower the investment return or change the maturity of the plans' portfolios in anticipation of market changes. Holdings of individual securities shall be large enough for liquidation.
3. Cash. Cash and short-term instruments maturing in 90 days or less shall be registered to a maximum of ~~10~~20% of total assets at all times. Cash equivalent reserves shall consist of cash instruments having a quality rating of A-2, P-2 or higher.
4. Safekeeping. A custodian appointed by the pension/OPEB boards for safekeeping shall hold all securities. The custodian shall produce statements at least monthly listing the name and value of all assets held.

D. Control procedures.

1. Review of investment objectives. An investment advisor, selected by the pension boards, shall regularly review the appropriateness of this portion of the Township investment policy for achieving the plans' stated objectives.
2. Review of investment performance.

- a. The investment advisor shall report quarterly to the pension/OPEB boards to review the plans' investment performance. In addition, the investment consultant will be responsible for keeping the pension boards advised of any material change in all money managers' personnel, investment strategy, and other pertinent information potentially affecting the performance of all investments.
  - b. The investment advisor shall compare the investment results on a quarterly basis to appropriate benchmarks, as well as market index returns in both equity and debt markets. Examples of benchmarks and indexes that will be used are the S&P 500 Index for large companies; Russell 2000 Index for small companies; MSCI Europe, ~~Australia~~-Australaisa and Far East Index (EAFE) for international equities; Barclays Capital ~~Aggregate~~ Index for fixed-income securities; and the U.S. 91-Day Treasury Bill Index for cash equivalents.
3. The Township Manager or the pension/OPEB boards from time-to-time may engage the services of an additional consultant to review the performance of the investment advisor, money managers, and this policy.

**Section 2.**

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.**

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 5.**

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

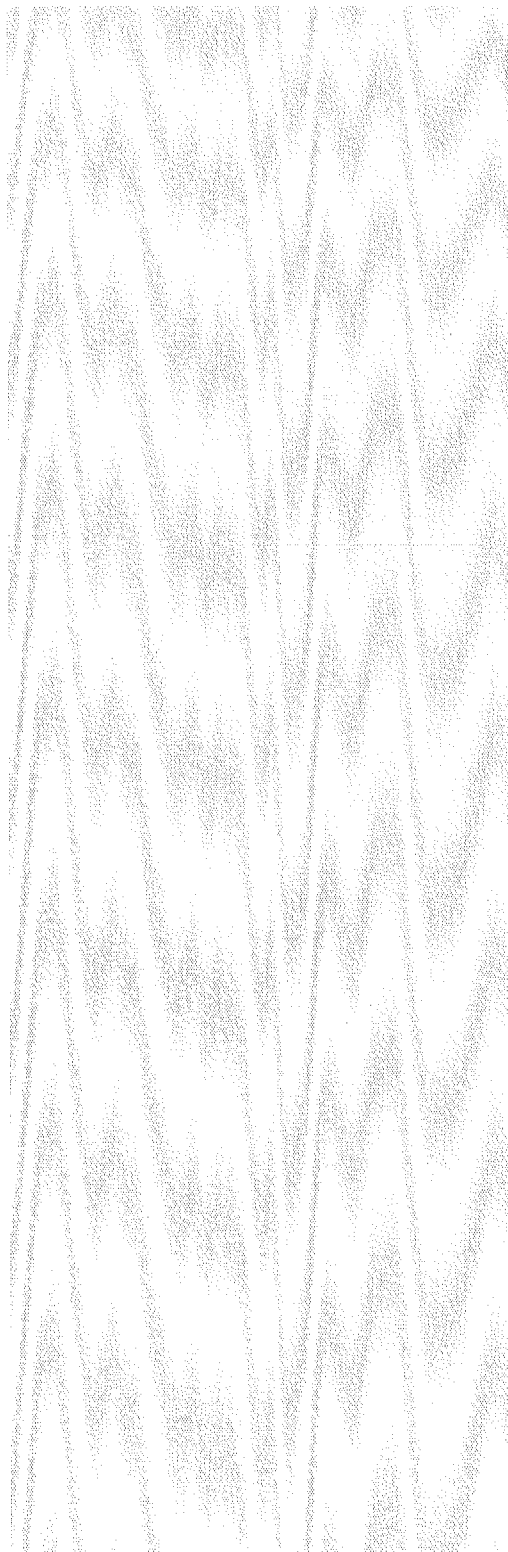
**ENACTED** and **ORDAINED** this \_\_\_\_\_<sup>4<sup>th</sup></sup> day of \_\_\_\_\_, January, 2013/2016.

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RADNOR TOWNSHIP

By: \_\_\_\_\_  
 Name: Elaine P. Schaefer  
 Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski,  
Township Manager / Secretary



**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
gbroseman@kaplaw.com

Attorney for Appellant  
Lucky Dog Enterprises, LLC

**GRIM, BIEHN & THATCHER**

BY: John B. Rice, Esquire  
I.D. No. 46489  
104 South Chestnut Street  
P.O. Box 215  
Perkasie, PA 18944  
(215)-257-6811  
jrice@grimlaw.com

Attorney for  
Radnor Township

**APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM VARIOUS DECISIONS OF  
MAGISTERIAL COURT NO. 32129**

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY**

**DOCKET No. s:SA-1032-13 & SA-1407-1**

**SETTLEMENT AGREEMENT**

**THIS SETTLEMENT AGREEMENT (“Agreement”)** by and between **Lucky Dog Enterprises, LLC (“LDE”)**, a Pennsylvania limited liability company, with an address of c/o White Dog Café, 200 W. Lancaster Avenue, Wayne, PA 19087 and **Radnor Township (“Township”)**, a Pennsylvania Township of the first class with an address of 301 Iven Avenue Radnor, PA 19087.

**BACKGROUND**

- A. LDE leases space, including an adjacent outdoor patio area, within a multi-tenant building (“**Building**”) located at the property now known as Town Center at Wayne at 200 West Lancaster Avenue (“**Property**”) in Wayne, Radnor Township, Delaware County, PA.



- B. The Property is owned by Wayne Town Center, LP (“**WTCLP**”), a Pennsylvania Limited Partnership. The Property is improved with two buildings that contain a mix of uses and 157 off-street parking spaces.
- C. There is a large public parking lot located across Lancaster Avenue from the Building containing approximately 102 public parking spaces (“**Bellevue Municipal Parking Lot**”).
- D. Pursuant to the provisions of the Radnor Township Code, (“**Code**”), the Property is located in the Wayne Business Overlay District (“**WBOD**”). The WBOD was adopted to enhance the character and vibrancy of the downtown Wayne area. The WBOD permits a mix of uses including restaurants and outdoor dining.
- E. LDE, within the space it leases, operates a restaurant known as The White Dog Café (“**WDC**”), which is a Township licensed food establishment.
- F. LDE has a certificate of occupancy from the Township that permits 118 indoor dining seats in the WDC within the Building. Pursuant to a settlement agreement dated 05/21/2012, (“**Outdoor Dining Agreement**”), LDE has approval for 47 outdoor dining seats on the Patio (“**Outdoor Dining Area**”). A copy of the Outdoor Dining Agreement, together with follow-up letters dated June 14, 2012 from John Rice, Esquire to George W. Broseman, Esquire, and a letter dated June 29, 2012 from George W. Broseman, Esquire to John Rice, Esquire are attached as Exhibit A.
- G. The Township has issued certain citations alleging certain Code violations in connection with the operation of WDC. Those citations allege that LDE has exceeded the number of allowed seats and persons within WDC and has failed to properly post these capacity requirements. Those citations are subject to various appeals (“**LDE Appeals**”) pending in the Court of Common Pleas of Delaware County (“**Court**”).
- H. Based on analysis of the Code, WDC can accommodate a greater number dining seats and occupants than is currently permitted by the Township.
- I. The Township and LDE have reached an amicable resolution of the LDE Appeals and are entering into this Agreement to confirm their understandings regarding the disposition of the LDE Appeals, the number of dining seats, the number of occupants, and certain operational aspects of WDC.

### **AGREEMENT**

NOW THEREFORE, intending to be legally bound, LDE and the Township agree as follows:

- 1. **Indoor Dining Area**. WDC shall be permitted a seating capacity of one hundred forty (140) indoor dining seats in accordance with the Building Permit Plan

(defined below) and this Agreement. In connection with the increase in indoor dining seating from the currently permitted number, certain modifications/improvements to WDC, including but not limited to, addition of another means of egress, are proposed.

2. **Permits for Indoor Dining Seats.** Not later than thirty (30) business days after submission of the full and complete Building Permit Application (defined below) to the Township, if said submission is found to be compliant with all applicable codes, the Township shall issue to LDE all of the necessary building permits, and other required permits and approvals (“**Work Permits**”) to carry out the necessary modifications/improvements to WDC to allow for one hundred forty (140) indoor dining seats and an indoor occupant load of two hundred Nine (209) persons (collectively “**Work**”) subject to the following requirements:
  - a. LDE shall file a fully and properly completed building permit application for the Work in form as attached on Exhibit B (“**Building Permit Application**”);
  - b. LDE shall pay the building permit application fee to the Township based on the Township’s current Consolidated Fee Schedule;
  - c. LDE shall file a fully and properly completed application for an annual license to operate a public eating or drinking place; and
  - d. LDE shall submit the plans for the Building Permit Application (“**Building Permit Plan**”) to the Township in accordance with the plan entitled “White Dog Cafe Life Safety Plan” bearing revision date of 02/25/15, prepared by EBL Fire Engineering (“**EBL Plan**”) attached as Exhibit C with the following modifications where indicated:
    - i. Dining A (Garden Room) – No modifications.
    - ii. Dining B (Living Room<sup>1</sup>) – No modifications to the number and arrangement of seats in this room. The Building Permit Plan, however, shall show the emergency exit to the Outdoor Dining Area as depicted on the EBL Plan and shall also show and note the installation of an interior wall wash for the exterior wall and this emergency exit. This wall wash shall be similar to and match or exceed the effectiveness of the interior wall wash currently installed in Dining A (Garden Room).
    - iii. Dining C (Kitchen) – No modifications to the number and arrangement of seats in this room. The Building Permit Plan, however, shall show that the first two-person table along the bench seats on the left side as you enter this room shall be bolted to the floor so that it cannot be moved closer to the entrance way.

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<sup>1</sup> The EBL Plans refer to this area as the “Living Room”. WDC refers to it as the “Library”.

- iv. Dining D (Family Room) – The Building Permit Plan shall note that the non-handicapped two-person table along the bench and closest to the Bar shall be bolted to the floor so that it cannot be moved closer to the Bar.
- v. Bar Area – No modifications.
- vi. Wait Station – No modifications.
- vii. Employees – Total staff shall be listed and capped as not to exceed thirty (30) employees on the largest shift.
- viii. Exterior Dining (Terrace) – The Building Permit Plan shall contain the following modifications:
  - (1) The Building Permit Plan shall note that no objects, including furniture and decorations, shall be located within or impinge upon any of the required egress paths on the Outdoor Dining Area.
  - (2) The four-person table closest to the left exit from the Outdoor Dining Area (the one going to the parking lot) shall be bolted to the floor so that it cannot be shifted closer to this exit.

3. **Occupant Load.** The legal indoor occupant load for the WDC shall be two hundred nine (209) in accordance with the EBL Plan and the Building Permit Plan. After the Work is completed in accordance with Paragraph four (4) below, the Township shall issue certificates of occupancy and any other permits and approvals for the legal indoor occupant load of two hundred nine (209) persons in accordance with the Building Permit Plan. As part of the Work, LDE shall create and post within each dining room/area new seating plans for that room/area in compliance with the Code.

4. **Certificates of Occupancy etc.** Not later than seven (7) business days after LDE notifies the Township that Work, or a portion thereof, has been completed, the Township shall conduct the required rough or final inspection to determine if the Work, or portion thereof, has been completed in accordance with the Township Codes, Ordinances, Rules and Regulations, along with the Building Permit Application; the Building Permit Plan; and the issued Permits (collectively “**Building Documents**”) and take the following actions, when applicable:

- a. If the Work has been completed in accordance with the Building Documents, the Township shall, not later than five (5) business days thereafter, issue to WDC a certificate of occupancy, and a food establishment license, and all other required permits and approvals to operate WDC with one hundred forty (140) indoor dining seats and an indoor occupant load of two hundred nine (209) persons (collectively “**Permits & Approvals**”), so long as WDC has

filed a fully and properly completed applications and has paid all appropriate fees for such permits and approvals,. This provision does not require the automatic issuance of future permits and/or approvals by the Township.

- b. If the Work has not been completed in accordance with the Building Documents, the Township shall within five (5) business days of the inspection provide LDE with a written description specifically detailing how the Work does not comply with the Building Documents. In such event LDE shall have the following options: (1) correct the stated deficiencies and request a new inspection, in which case the process outlined in this Paragraph 4 shall again be applicable; (ii) provide a written response to the Township detailing why it believes the Township has erroneously determined that the Work was not carried out in accordance with the Building Documents, in which case the Township shall provide a written response within three (3) business days accepting the response and issuing the Permits & Approvals or specifically describing how the response fails to address the claimed deficiencies; (iii) appeal to the Radnor Township Code Appeals Board; or (iv) submit the issue(s) to a mediator in accordance with Paragraph 11 below.
5. **Outdoor Dining Seats.** WDC shall be permitted 47 outdoor dining seats in accordance with the Outdoor Dining Agreement.
6. **Outdoor Dining Agreement.** The Outdoor Dining Agreement shall continue in full force and effect.
7. **Employee Parking.** WDC employees who drive an automobile to work shall continue to park that automobile in public parking lots as required by the Outdoor Dining Agreement.
8. **Required Parking.** Notwithstanding any Code provisions to the contrary, no additional off-street parking spaces shall be required on the Property or otherwise due to the increase in the number of indoor seats from the previously approved number of one hundred eighteen (118) seats with twenty (20) employees to the one hundred forty (140) indoor seats and two hundred nine (209) person indoor occupancy load set forth under this Agreement. LDE shall contribute to the Township the sum of Five Thousand Dollars (\$5,000.00) that the Township shall use to address parking issues.
9. **Table/Seating Arrangement Flexibility.** It is acknowledged that restaurants need and are afforded flexibility in the arrangement of their seating to accommodate groups of patrons of differing sizes. For purposes of illustration, and not by way of limitation, for example, two smaller tables with two dining seats each might be slid together to accommodate a group of three or four patrons; or a table with four seats might be joined with a table with two seats to accommodate a group of five or six patrons. Therefore, provided that the overall dining seat count, or occupant load is not increased beyond the capacities

permitted under this Agreement or the Outdoor Dining Agreement, the table and seating layout maybe adjusted as described herein, provided further that such adjustments do not interfere with required exits or required pathways. This flexibility and adjustment, however, shall not permit the following:

- a. Tables and chairs shall not be moved within Dining D (Family Room).
- b. No additional seats shall be added to the Bar area.
- c. Tables and chairs shall not be moved between rooms.
- d. Indoor tables cannot be more than doubled in size (based on the number of seats of the largest table being moved).

10. **Permits/Approvals.** The Permits and Approvals shall not be conditioned on any item that is not required by this Agreement and/or applicable codes.

11. **Mediation of Building Permit/Certificate of Occupancy Issues.** LDE shall have the right to submit any dispute as to whether the Work Permits or the Permits & Approvals should be issued or whether any Work performed is in compliance with the Building Documents, this Agreement, and/or applicable codes to mediation. In such case, the relevant materials shall be submitted to David A. Naples (presently of Remington & Vernick Engineers and Affiliates), or another licensed Building Code Official acceptable to the Township and LDE (“**Mediator**”). The Mediator’s decision shall be based on whether the Building Documents comply with this Agreement or whether the Work has been completed in accordance with the Building Documents and shall be final and binding. If the Mediator determines that the Township has improperly withheld the Work Permits, the Permits & Approvals, refused to approve any work, or otherwise acted improperly, the Township shall within five (5) business days issue the Work Permits and the Permits & Approvals, as the case may be. If the Mediator determines that the Township has acted properly, LDE shall correct the deficiencies and the Township shall again review the Building Permit Plan and/or the Work in accordance with Paragraphs 3 and 4 above. LDE shall be solely responsible to bear the Mediator’s costs for the services performed under this Paragraph 11.

12. **Future Violations.** If it is determined by the Township Zoning Officer that the number of indoor dining seats exceeds one hundred forty (140), the number of indoor occupants exceeds two hundred nine (209), or the number of outdoor dining seats exceeds forty-seven (47), LDE shall be subject to a fine of \$1,000.00 (“**Occupancy Fine**”) for the first time the number of dining seats or occupants is determined to be in excess of the permitted limits set forth in this Agreement. Such determination must be made as the result of an actual seat/occupancy count performed by the Zoning Officer or a duly appointed Township Code Official. (“**Occupancy Violation**”). A WDC representative currently onsite and identified

to the Township must be given the opportunity to witness the Township's count and make his or her own count at the same time. Notice of any Occupancy Violation shall be submitted to LDE in writing and LDE shall be required to remit the Occupancy Fine to the Township within seven (7) business days of receipt of written notice. If there is more than one Occupancy Violation in any 12 month period, then the fines for the additional Occupancy Violations in that period, shall double for each additional Occupancy Violation. For purposes of illustration, if there is an additional Occupancy Violation within 12 months of the initial Occupancy Violation, the second Occupancy Fine would increase to \$2,000 (Two Thousand Dollars); if there is third Occupancy Violation within 12 months of the first, then the third Occupancy Fine would increase to \$4,000 (Four Thousand Dollars); and so on. Unless it has reasonable cause to believe that the number of dining seats or occupants at WDC is in violation of this Agreement, the Township shall not subject WDC to more frequent seat or occupant counts than it conducts at other food establishments in the Township. Other alleged violations will be subject to the procedures of applicable law.

13. **Future Renovations.** Future renovations to WDC shall be permitted and shall not affect the continued validity of this Agreement, unless such renovations change the size of the individual rooms of the WDC, the size and/or location of furniture and/or fixtures within the rooms, the width and/or location of access ways within the WDC, or the width and/or location of exits from the WDC. This Agreement shall not be construed to permit any additional seats or increase in occupant load over those permitted in this Agreement, unless applicable codes are satisfied for such increase(s) or this Agreement is duly amended to allow for such increase(s). Any future renovations must be done in compliance with the applicable Township Codes, Ordinances, Rules and Regulations, including, but not limited to, application for and receipt of all necessary permits and approvals.
14. **Court Approval and Enforcement.** Upon approval of this Agreement by the parties hereto, the Joint Motion for Court Approval of this Agreement in form as attached as Exhibit D, shall be filed by the Parties with the Court. Upon approval, the Parties agree that the Court shall retain jurisdiction for purposes of enforcement. Prior to seeking Court enforcement of this Agreement, the party seeking such relief shall provide at least ten (10) business days prior written notice and opportunity to cure of the alleged breach to the allegedly breaching party. Any legal action arising out of this Agreement must be filed in the Court of Common Pleas of the County of Delaware, and this Agreement shall be interpreted in accordance with Pennsylvania law. Any breach of this Agreement shall not release the non-breaching party from its obligations under this Agreement, unless the relief granted by the Court to the non-breaching party in response to legal action against the breaching party is inconsistent with any provision of this Agreement. In such a case, the Court's relief shall supersede the inconsistent provision.

15. **Withdrawal of LDE's Appeal.** Not later than five (5) business days after issuance of the Work Permits and the expiration of any applicable appeal periods, LDE shall terminate the LDE Appeals by filing a praecipe to "settle, discontinue and end" the LDE Appeals with the Court.
16. **Time of Essence.** All times stated in this Agreement shall be of the essence of this Agreement.
17. **Business Day.** For purposes of this Agreement, a "business day" shall mean any day that is not: a Saturday, a Sunday, a legal holiday recognized by the Commonwealth of Pennsylvania; a day on which the Radnor Township Administration Building is closed; a "snow day" for the Radnor Township School District; and/or a day on which a "state of emergency" has been declared for the area that includes any portion of Radnor Township.
18. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Parties and their successors and assigns, including any successor owner of WDC.
19. **Drafting Party.** This Agreement was negotiated by the Parties and accordingly it shall not be construed against any individual party as the drafter.
20. **Background/Exhibits.** The Background and exhibits hereto shall form a part of this Agreement.
21. **Counterparts.** This Agreement may be executed in counterparts. Photocopied, scanned, or facsimile signatures shall be acceptable for an effective agreement.
22. **Amendment.** This Agreement may be amended from time to time pursuant to subsequent written amendments signed by the parties.
23. **Non-Admission of Liability.** The parties agree that neither this Agreement nor the furnishing of consideration in exchange for this Agreement shall be deemed or construed at any time for any purpose as an admission by either party of any liability or unlawful conduct of any kind.
24. **Incorporation.** The parties agree that this Agreement contains all of the agreements between the parties and that there are no other agreements or representations made by either of them. This Agreement sets forth the entire understanding between the parties and any representations, oral or written, not contained therein are without affect.
25. **Waiver.** The parties agree that neither this Agreement nor the furnishing of consideration in exchange for this Agreement shall be deemed or construed at any time for any purpose as a waiver by any party of any right or obligation under any statute, ordinance, rule, and/or regulation of any kind, except as provided for

herein and in the Outdoor Dining Agreement. Moreover, forbearance by either party to exercise their rights under this Agreement in the event of any breach by the other party shall not be deemed or construed to be a waiver of any of non-breaching party's rights under this Agreement. No delay or omission by a party in the exercise of any right or remedy upon any breach by the other party shall impair such right or remedy or be construed as a waiver.

26. **Review and Consultation.** The parties represent that they have had the opportunity to review the terms of this Agreement with their legal counsel, and they understand all of the terms, conditions, and obligations contained herein.

27. **Notices.** To be effective, any notice required under this Agreement must be in writing and either hand delivered to the party entitled to such notice or given by mail. If given by mail, such notice must be forwarded to the following addresses or such other address as designated by notice from a party hereto:

For LDE           to: Martin Grims  
                          2419 Whitehorse Road  
                          Berwyn, PA 19312

                  with a copy to: George W. Broseman, Esquire  
                                  Kaplin Stewart  
                                  Union Meeting Corporate Center  
                                  910 Harvest Drive  
                                  P.O. Box 3037  
                                  Blue Bell, PA 19422-0765

For Township   to: Robert Zienkowski, Township Manager  
                          Radnor Township  
                          301 Iven Avenue  
                          Radnor, PA 19087

                  with a copy to: John Rice, Esquire  
                                  Grim, Biehn & Thatcher  
                                  104 South Sixth Street  
                                  P.O. Box 215  
                                  Perkasie, PA 18944

28. **Recording.** A memorandum of this Agreement shall be recorded in the Delaware County Recorder of Deeds Office.

29. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid, unenforceable, unconstitutional, or void, for any reason, only that provision shall be illegal, invalid, unenforceable, unconstitutional, or void and the remainder of this Agreement shall be in full force and effect.

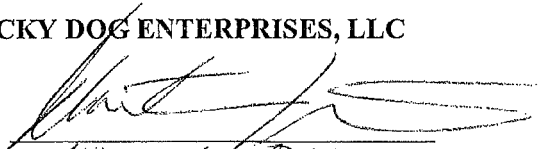


30. **Survivability.** The provisions of this Agreement shall survive the settlement contemplated hereunder; and shall be binding on all current and subsequent owners of the WDC.
31. **Effective Date.** The Effective Date of this Agreement shall be the date on which both parties have signed this Agreement.

WHEREFORE, the Parties have executed this Agreement on the dates set forth below.

**LUCKY DOG ENTERPRISES, LLC**

Dated: 10/20, 2015

By:   
Name: MARTIN GRIMS  
Title: Managing Member

**RADNOR TOWNSHIP**

Dated: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
gbroseman@kaplaw.com

Attorney for Appellant  
Lucky Dog Enterprises, LLC

**GRIM, BIEHN & THATCHER**

BY: John B. Rice, Esquire  
I.D. No. 46489  
104 South Chestnut Street, P.O. Box 215  
Perkasie, PA 18944  
(215)-257-6811  
jrice@grimlaw.com

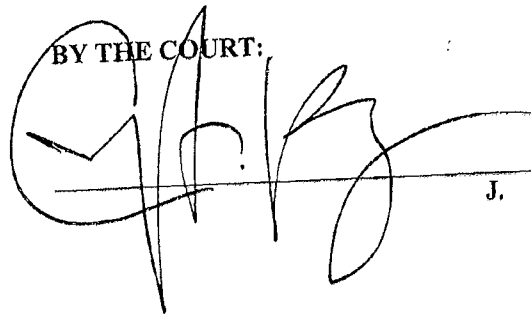
Attorney for  
Radnor Township

APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM THE DECISION OF THE ZONING HEARING BOARD OF RADNOR TOWNSHIP DATED JULY 27, 2011	IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY No. 11-006590 LAND USE APPEAL
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AND NOW, this 24 day of MAY, 2012, upon consideration of the  
Uncontested Joint Motion of Lucky Dog Enterprises, LLC and Radnor Township for Court  
Approval of Settlement Agreement pertaining to the above-captioned appeal, it is hereby  
ORDERED and DECREED that:

1. The Settlement Agreement is approved.
2. The Court shall retain jurisdiction for purposes of enforcement of the Settlement Agreement.

BY THE COURT:

  
J.

2012 MAY 24 AM 10:35

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
gbroseman@kaplaw.com

Attorney for Appellant  
Lucky Dog Enterprises, LLC

**GRIM, BIEHN & THATCHER**

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Attorney for  
Radnor Township

**APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM THE DECISION OF  
THE ZONING HEARING BOARD OF RADNOR TOWNSHIP DATED JULY 27,  
2011**

**IN THE COURT OF COMMON  
PLEAS OF DELAWARE COUNTY**

No. 11-006590

LAND USE APPEAL

**SETTLEMENT AGREEMENT**

**THIS SETTLEMENT AGREEMENT ("Agreement") by and between Lucky Dog Enterprises, LLC ("LDE"), a Pennsylvania limited liability company, with an address of c/o White Dog Café, 200 W. Lancaster Avenue, Wayne, PA 19087 and Radnor Township ("Township"), a Pennsylvania Township of the first class with an address of 301 Iven Avenue Radnor, PA 19087.**

**BACKGROUND**

- A. LDE leases space, including an adjacent outdoor patio area ("**Patio**"), within a multi-tenant building ("**Building**") located at the property now known as Town Center at Wayne at 200 W. Lancaster Avenue ("**Property**") in Wayne, Radnor

Township, Delaware County, PA. The Patio is located between the Building and Lancaster Avenue (*a.k.a. Route 30*).

- B. The Property is owned by Wayne Town Center, LP (“WTCLP”), a Pennsylvania Limited Partnership. The Property is improved with two buildings that contain a mix of uses with differing peak parking demand times and 158 off-street parking spaces.
- C. Pursuant to the provisions of the Radnor Township Code, (“Code”), the Property is located in the Wayne Business Overlay District (“WBOD”). The WBOD was adopted to enhance the character and vibrancy of the downtown Wayne area. The WBOD permits a mix of uses including restaurants and outdoor dining.
- D. LDE, within the space it leases, operates a restaurant known as The White Dog Café (“WDC”), which is a Township licensed food establishment. LDE and WTCLP intended that the Patio be available for outdoor dining accessory to WDC.
- E. The WBOD in Code section 280-53.16 permits outdoor dining as an accessory use to a licensed food establishment.
- F. LDE applied for a permit from the Township to allow outdoor dining accessory to WDC on the Patio (“**Outdoor Dining Area**”) pursuant to the WBOD provisions. In accordance with Code section 280-53.16.A(8), the Township Design Review Board (“**DRB**”) issued approval for the Outdoor Dining Area.
- G. The Township Zoning Officer denied the outdoor dining permit application solely on the ground that the Code-required parking was not provided. LDE filed a timely appeal to the Township Zoning Hearing Board (“**ZHB**”), contending that the Code does not require parking for accessory outdoor dining facilities. The ZHB denied that appeal.
- H. LDE filed a timely appeal of the ZHB decision (“**LDE’s Appeal**”) to the Court of Common Pleas of Delaware County (“**Court**”). The Township and WTCLP intervened in LDE’s Appeal.
- I. The Township and LDE have reached an amicable resolution of LDE’s Appeal and are entering into this Agreement to confirm their understandings regarding the Outdoor Dining Area.
- J. The other parties to LDE’s Appeal, WTCLP and the ZHB, do not object to this Agreement.

## AGREEMENT

NOW THEREFORE, intending to be legally bound, LDE and the Township agree as follows:

1. **Outdoor Dining Area.** The Patio may be used for outdoor dining accessory to WDC. The Outdoor Dining Area shall consist of a wait station, other equipment/appurtenances facilitating outdoor dining (e.g. *umbrellas, fencing, etc.*), and tables and chairs with a maximum seating capacity of fifty (50), subject to compliance with all applicable health, building, accessibility, fire and plumbing codes of Radnor Township. No other patron facilities for the Outdoor Dining Area will be permitted without prior written approval on behalf of the Township and WTCLP. The furniture utilized shall be in accordance with DRB approval. LDE meets Code requirements for onsite parking for WDC. No additional onsite parking spaces shall be required for the operation of the Outdoor Dining Area.
  
2. **Hours/Dates of Operation.** The use of the Outdoor Dining Area shall be limited to April 1 through September 30 of each calendar year ("**Season**") during the hours of (a) 5:30 p.m. to 10:00 p.m. Monday through Friday and (b) 11:00 a.m. to 10:00 p.m. on Saturday and Sunday (collectively "**Permitted Hours**"). The Season and Permitted Hours may be extended if: (i) the Code is amended to allow longer periods of use, it being understood, however, that the Permitted Hours on Monday through Friday shall only be extended if WTCLP approval is also obtained; or (ii) permission is obtained for an expanded Season or expanded Permitted Hours from both WTCLP and the Township.
  
3. **Employee Parking.** WDC employees who drive an automobile to work shall park that automobile in public parking lots. LDE shall adopt, enforce, and provide to its employees, a written policy requiring adherence to this policy. Consistent violations of this policy will be a violation of this Agreement and order of the Court, and may subject LDE to per diem fines and penalties for each day of violation. Each employee shall be given a copy of the policy and shall provide their automobile make and model description and license number to LDE. If the Township has a reasonable belief that the policy is being violated, the Township may require that LDE provide the Township with employee automobile make, model and license tag information for the sole purpose of verifying compliance with the policy on a monthly basis. Upon receipt of this information, the Township shall keep it strictly confidential, not release, show and/or reveal it to any other person or entity, and shall not use it for any purpose other than verification of compliance with the policy.


The general form of this policy is attached as **Exhibit "A"**.

4. **Continuation of Outdoor Dining.** LDE shall be entitled to operate the Outdoor Dining Area each Season in accordance with this Agreement, provided it pays applicable permitting fees, and subject to compliance with applicable health, sign, building and plumbing code regulations.
5. **Court Approval.** Upon approval of this Agreement by the parties hereto the Joint Motion for Court Approval of this Agreement shall be filed by the Parties with the Court. Upon approval, the Parties agree that the Court shall retain jurisdiction for purposes of enforcement.
6. **Issuance of Permits.** Upon Court approval of this Agreement, and payment by LDE to the Township of the annual outdoor dining fee the Township shall issue to LDE all necessary permits and approvals to allow the use of the Outdoor Dining Area subject to compliance with applicable health, sign, building and plumbing code regulations.
7. **Withdrawal of LDE's Appeal.** Not later than five (5) business days after issuance of all necessary permits and approvals for the Outdoor Dining Area, LDE shall (i) terminate LDE's Appeal by filing a praecipe to "settle, discontinue and end" LDE's Appeal with the Court, and (ii) pay to the Township the sum of Four Thousand Dollars (\$4,000.00) to assist in defraying the costs of installing a parking kiosk system in the Bellevue Avenue municipal lot.
8. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Parties and their successors and assigns, including any successor restaurant to WDC.
9. **Drafting Party.** This Agreement was negotiated by the Parties and accordingly it shall not be construed against any individual party as the drafter.
10. **Background/Exhibits.** The Background and exhibits hereto shall form a part of this Agreement.
11. **Counterparts.** This Agreement may be executed in counterparts.
12. **Recording.** A memorandum of this Agreement shall be recorded in the Delaware County Recorder of Deeds Office.

[SIGNATURE PAGE FOLLOWS ON NEXT PAGE]

WHEREFORE, the Parties have executed this Agreement on the dates set forth below.

Dated: May 18<sup>th</sup>, 2012

LUCKY DOG ENTERPRISES, LLC  
By:   
Name: MARTIN BRINK  
Title: PRESIDENT

Dated: May 21, 2012


RADNOR TOWNSHIP  
By:   
Name: William Spangler  
Title: President



EXHIBIT A

FORM OF WHITE DOG CAFÉ (RADNOR TOWNSHIP) POLICY ON EMPLOYEE  
PARKING

In deference to residents who are concerned with availability of parking on the residential streets of the neighborhood, White Dog Café employees who drive an automobile to work are to refrain from parking on these streets, and are required to park in the Bellevue Avenue or other municipal parking lots. This is a requirement of an agreement with Radnor Township. Employees who drive an automobile to work will be required to provide automobile make, model and license tag information, which information will be shared with Radnor Township on a confidential basis for purposes of enforcement of this policy. LDE will monitor employees' compliance with these requirements.

LAW OFFICES  
**GRIM, BIEHN & THATCHER**

J. LAWRENCE GRIM, JR.  
STEPHEN P. MOYER  
JEFFREY C. TRAUGER  
MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO \*  
DANIEL J. PACI \* †  
JONATHAN J. REISS †  
GREGORY E. GRIM †  
PETER NELSON \*  
COLBY S. GRIM  
DIANE M. SODANO \*  
PATRICK M. ARMSTRONG  
JOEL STEINMAN  
LAURA A. CULLEN  
SEAN M. GRESH  
KELLY L. EBERLE\*  
MATTHEW J. MCHUGH

\* ALSO ADMITTED IN NEW JERSEY  
‡ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
‡ ALSO A CERTIFIED PUBLIC ACCOUNTANT

A PROFESSIONAL CORPORATION  
SUCCESSOR TO  
GRIM & GRIM AND BIEHN & THATCHER  
ESTABLISHED 1895 AND 1956,  
RESPECTIVELY  
116TH ANNIVERSARY 1895-2011

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PLEASE REPLY TO:  
PERKASIE

John B. Rice  
e-mail: [jrice@grimlaw.com](mailto:jrice@grimlaw.com)

JOHN FREDERIC GRIM, OF COUNSEL  
JEAN M. KEELER, OF COUNSEL  
LAURA A. CULLEN, OF COUNSEL

104 S. SIXTH STREET  
P.O. Box 215  
PERKASIE, PA  
18944-0215  
(215) 257-6811  
FAX (215) 257-5374

P.O. Box 380  
QUAKERTOWN, PA  
18951-0380  
(215) 536-1200  
FAX (215) 538-9588

P.O. Box 1369  
DOYLESTOWN, PA 18901  
(215) 348-2199  
FAX (215) 348-2520

RT #11-16

June 14, 2012

*VIA ELECTRONIC CORRESPONDENCE*

George W. Broseman, Esquire  
KAPLIN STEWART  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422

Re: White Dog Settlement Agreement

Dear George:

This letter is to confirm the agreement between White Dog, Wayne Town Center LP, and Radnor Township that the outdoor dining seats will be reduced from 50 to 47, notwithstanding the approved settlement agreement. As you know, the settlement agreement required compliance with all Township building code requirements and the reduction in the outdoor seating is directly related to that compliance issue. It is the Township's understanding that a second means of egress will be constructed from the outdoor area resulting in the loss of one on-site parking space.

Based on the foregoing agreement, the certificate of occupancy will continue conditioned on the foregoing compliance. If you have any questions regarding this matter, please feel free to call me.

Sincerely,

GRIM, BIEHN & THATCHER

By: 

John B. Rice

JBR/LDG

cc: Kevin Kochanski, Director – via email  
Robert A. Zienkowski – via email  
John Kelly – via email

**George W. Broseman**  
Direct Dial: (610) 941-2459  
Direct Fax: (610) 684-2005  
Email: [gbroseman@kaplaw.com](mailto:gbroseman@kaplaw.com)  
[www.kaplaw.com](http://www.kaplaw.com)

June 29, 2012

**VIA E-MAIL (JRICE@GRIMLAW.COM)**

John Rice, Esquire  
Grim Biehn & Thatcher  
Sixth & Chestnut Streets  
P.O. Box 215  
Perkasie, PA 18944

**Re: White Dog Settlement Agreement**  
**Our Reference: 11859-002**

Dear Mr. Rice:

I am writing in response to your June 14, 2012 letter regarding the agreement between Lucky Dog Enterprises, LLC (Operator of the White Dog Café Restaurant), Wayne Town Center, LP in Radnor Township regarding the outdoor dining area for the White Dog Café Restaurant. Your letter correctly noted that the outdoor dining seats will be reduced from 50 to 47. As a further compromise, and at the Township's request, a second means of egress for the outdoor dining area was constructed and one parking space at the end of that egress point was eliminated. I am writing to clarify the understanding of the parties as confirmed in a June 13, 2012 e-mail which is attached. Namely, that the reduction in outdoor dining seats from 50 to 47 compensates for the loss of one parking space on the site. The use and operations of the remainder of White Doge Café or other uses on the site will not be affected by the loss of the one parking space.

I am pleased that we were able to amicably resolve the issues regarding outdoor dining and believe that the outdoor dining will prove to be an attractive amenity for the Wayne Business District.

Sincerely,



George W. Broseman

Enclosure

Kaplin Stewart Meloff Reiter & Stein, PC  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422-0765  
(610) 260-6000 (ext.)

GWB 11859/2 2584735v106/29/2012

Offices in:  
Pennsylvania  
New Jersey

John Rice, Esquire  
June 29, 2012

cc via e-mail: Marty Grims  
Kevin Kochanski  
John Kelly  
David Sikora  
Nicholas Caniglia

## George W. Broseman

---

**From:** John B. Rice [jrice@grimlaw.com]  
**Sent:** Wednesday, June 13, 2012 9:25 PM  
**To:** George W. Broseman; Kevin Kochanski; Marty Grims; jkelly@easternpropertygroup.com  
**Cc:** Bob Zienkowski  
**Subject:** RE: White Dog [KS-IMAN\_BB.FID585994]

George: Kevin and I discussed this today and please accept this as confirmation of the compromise outlined in your email. I will follow up with a letter confirming that the 47 seats is consistent with the court settlement. Thanks

---

**From:** George W. Broseman [gbroseman@kaplaw.com]  
**Sent:** Wednesday, June 13, 2012 2:16 PM  
**To:** Kevin Kochanski; Marty Grims; jkelly@easternpropertygroup.com  
**Cc:** Bob Zienkowski; John B. Rice  
**Subject:** RE: White Dog [KS-IMAN\_BB.FID585994]

Kevin

Thank you for following up.

Your proposal will be an acceptable compromise of our position that a second means of egress should not be required, with the understanding that the reduction in the permitted outdoor dining seats from 50 per the Settlement Agreement to 47 seats will allow for the loss of the one parking space as you have outlined and that the number of indoor seats and employees permitted at White Dog Café will not be reduced as a result of the loss of the one parking space from the site.

As to timing it is my understanding that John Kelly has made arrangements to have the work you described performed and tomorrow. Upon completion we would then like to be in a position to have authorization to use all 47 outdoor dining seats starting Friday June 15th. This will allow us to meet the deadline under the temporary certificate of occupancy and get up to the 47 seat level for this weekend which is another Holiday weekend (Father's Day already) during which Marty expects strong demand for outdoor seating especially given the promising weather forecast.

Assuming that you agree with this the work will be commenced and we will not need the letter from Ray Daly since we will not need to proceed to the Township Code Appeals Board.

Please confirm that we may move ahead as outlined above.

Thanks

George Broseman

George W. Broseman  
Attorney-at-Law  
Kaplin Stewart  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-0765

gbroseman@kaplaw.com <mailto:gbroseman@kaplaw.com>  
[www.kaplaw.com](http://www.kaplaw.com) <http://www.kaplaw.com/>  
direct dial 610.941.2459 (land line)  
wireless 215.565.6448  
K/S Main 610.260.6000  
fax 610.684.2005  
Assistant-Sandy Lagan -- 610.941.2511

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From: Kevin Kochanski [mailto:kkochanski@radnor.org]  
Sent: Tuesday, June 12, 2012 12:57 PM  
To: George W. Broseman; 'Marty Grims'; jkelly@easternpropertygroup.com  
Cc: Bob Zienkowski; John Rice  
Subject: RE: White Dog [KS-IMAN\_BB.FID585994]

George,

I just spoke with Bob and he agreed with my recommendation as follows:

A second means of egress is to be provided from the western side of the patio. The width of the opening at the patio shall be no less than 42". The width of the egress path shall be no less than 36" and shall exit into and through an existing parking space on the western side of the site. This space shall be permanently striped as an egress area and can no longer be utilized as a parking space. As a result of the loss of this parking space, the total permitted number of outdoor dining seats shall be reduced by three (3); so that no more than forty-seven (47) seats are permitted on the patio.

Once you have had the chance to discuss this with your client, please let me know if this is acceptable or not. If this is not acceptable, we can issue you a formal letter on the code issue. Please remember that the Temporary Certificate of Occupancy for the outdoor dining area expires this Friday June 15th. I would like to have an understanding of how we will be proceeding prior to this date.

Kevin

Kevin W. Kochanski, RLA, CZO  
Director of Community Development

Radnor Township  
301 Iven Avenue  
Wayne, PA 19087  
(610) 688-5600 ext. 168

kkochanski@radnor.org<mailto:kkochanski@radnor.org>  
[www.radnor.com](http://www.radnor.com)<<http://www.radnor.com>>

From: George W. Broseman [mailto:gbroseman@kaplaw.com]  
Sent: Tuesday, June 12, 2012 12:17 PM  
To: Kevin Kochanski  
Cc: Marty Grims; jkelly@easternpropertygroup.com  
Subject: RE: White Dog [KS-IMAN\_BB.FID585994]

Kevin

Can we meet with you and Bob to talk this through. Would be helpful to have John Rice there too.

George W. Broseman  
Attorney-at-Law  
Kaplin Stewart  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-0765

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K/S Main 610.260.6000  
fax 610.684.2005  
Assistant-Sandy Lagan -- 610.941.2511

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From: Kevin Kochanski [<mailto:kkochanski@radnor.org>]<<mailto:kkochanski@radnor.org>>  
Sent: Tuesday, June 12, 2012 12:10 PM  
To: George W. Broseman  
Cc: 'Marty Grims'; [jkelly@easternpropertygroup.com](mailto:jkelly@easternpropertygroup.com)<<mailto:jkelly@easternpropertygroup.com>>  
Subject: RE: White Dog [KS-IMAN\_BB.FID585994]

George,

Any reduction in the size of the already non-conforming spaces will require the Commissioners' approval. I would agree that the change is de minimis. If this is the option that is accepted, then I would encourage you to use that argument with the Board.

The options are what they are and I will express those to you after I meet with Bob. Concessions will be required of all parties. If none of the options are acceptable to you or Marty, we will issue the code determination letter and we can proceed from there.

Kevin

Kevin W. Kochanski, RLA, CZO  
Director of Community Development

Radnor Township  
301 Iven Avenue  
Wayne, PA 19087  
(610) 688-5600 ext. 168

[kkochanski@radnor.org](mailto:kkochanski@radnor.org)<<mailto:kkochanski@radnor.org>>  
[www.radnor.com](http://www.radnor.com)<<http://www.radnor.com>>

From: George W. Broseman [<mailto:gbroseman@kaplaw.com>]<<mailto:gbroseman@kaplaw.com>>  
Sent: Tuesday, June 12, 2012 11:27 AM  
To: Kevin Kochanski  
Cc: Marty Grims; [jkelly@easternpropertygroup.com](mailto:jkelly@easternpropertygroup.com)<<mailto:jkelly@easternpropertygroup.com>>  
Subject: RE: White Dog [KS-IMAN\_BB.FID585994]

Thanks

As I noted I am happy to discuss with Bob as well if that would be productive.

Please be aware that certain of your options are not acceptable to my client, so let's try to find one that works for everyone. In my opinion the option I highlighted should not need B or C approval given the de minimis nature of the space size adjustment (approx 3 inches) and will allow us to timely resolve this matter.

George

George W. Broseman  
Attorney-at-Law  
Kaplin Stewart  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-0765

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fax 610.684.2005  
Assistant-Sandy Lagan -- 610.941.2511

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From: Kevin Kochanski [<mailto:kkochanski@radnor.org>]<<mailto:kkochanski@radnor.org>>  
Sent: Tuesday, June 12, 2012 11:23 AM  
To: George W. Broseman  
Cc: 'Marty Grims'; [jkelly@easternpropertygroup.com](mailto:jkelly@easternpropertygroup.com)<<mailto:jkelly@easternpropertygroup.com>>  
Subject: RE: White Dog [KS-IMAN\_BB.FID585994]

George, I should hopefully be meeting with Bob today on this matter. There are several options some of which may require BOC approval. I will be in touch later today.

Kevin W. Kochanski, RLA, CZO  
Director of Community Development

Radnor Township  
301 Iven Avenue  
Wayne, PA 19087  
(610) 688-5600 ext. 168

[kkochanski@radnor.org](mailto:kkochanski@radnor.org)<<mailto:kkochanski@radnor.org>>  
[www.radnor.com](http://www.radnor.com)<<http://www.radnor.com>>

From: George W. Broseman [<mailto:gbroseman@kaplaw.com>]<<mailto:gbroseman@kaplaw.com>>  
Sent: Tuesday, June 12, 2012 9:31 AM  
To: Kevin Kochanski  
Cc: Marty Grims; [jkelly@easternpropertygroup.com](mailto:jkelly@easternpropertygroup.com)<<mailto:jkelly@easternpropertygroup.com>>  
Subject: White Dog [KS-IMAN\_BB.FID585994]

Kevin

Following up on our call from last Friday.

Are we going to be able to move forward with the proposal to provide the disputed second means of egress by restriping the 12 spaces?

We need to know ASAP.

Thanks

George

George W. Broseman  
Attorney-at-Law  
Kaplin Stewart  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-0765



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IRS REGULATIONS REQUIRE THAT WE INFORM YOU THAT NEITHER YOU NOR ANY RECIPIENT MAY USE ANY DISCUSSION OF FEDERAL TAX MATTERS CONTAINED IN THIS COMMUNICATION TO AVOID ANY PENALTIES THAT MAY BE IMPOSED UNDER FEDERAL TAX LAWS. IF YOU WOULD LIKE US TO PREPARE WRITTEN TAX ADVICE INTENDED TO PROVIDE PENALTY PROTECTION, PLEASE CONTACT US.

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**EXHIBIT B**



301 Iven Avenue  
Wayne, PA 19087  
610-688-5600  
610-971-0450

**RADNOR TOWNSHIP**  
**Community Development Department**  
**Application for Building/Zoning Permit**

Permit No. \_\_\_\_\_

CO No. \_\_\_\_\_

Fee: \_\_\_\_\_

\*\*Include \$4.00 PA Surcharge and \$2.00 Administrative fee.

**Location of Building**

Street Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Is property located in the Historic District? Yes  No

*2 sets of Engineered or Architectural plans must be submitted with this application, unless not required by the Code Official. A CD containing the final building plans in either a .pdf or .tif format must be submitted before issuance of Certificate of Occupancy*

**Ownership**

Private (individual, corporation, nonprofit, institutional, etc.)  Public (Federal, State, or local government)

**Type of Improvement**

- New Building
- Addition
- Alteration
- Repair, replacement
- Demolition
- Foundation only
- Fence
- Garage
- Shed
- Interior Alteration
- Other \_\_\_\_\_

**Proposed Use**

Residential  Non-Residential

**Cost of Project**

Building \_\_\_\_\_  
Electrical \_\_\_\_\_  
Plumbing \_\_\_\_\_  
HVAC \_\_\_\_\_  
Sprinkler \_\_\_\_\_  
Other \_\_\_\_\_  
Total cost \_\_\_\_\_

**Principal type of frame**

Masonry  Wood Frame  Structural Steel  Reinforced Concrete  Other \_\_\_\_\_

**Principal type of heating fuel**

Gas  Electricity  Oil  Coal  Other \_\_\_\_\_

**Type of sewage disposal**

Public  Private

**Type of water supply**

Private company  Well

**Type of mechanical**

Air conditioning  Elevator

**# Off-Street Parking Spaces**

Enclosed \_\_\_\_\_  
Outdoors \_\_\_\_\_

**Residential Buildings Only**

Number of Bedrooms \_\_\_\_\_  
Number of Bathrooms Full \_\_\_\_\_  
Partial \_\_\_\_\_

**Dimensions**

No. of Stories \_\_\_\_\_  
Total Square Feet of floor area, all floors, based on exterior dimensions \_\_\_\_\_  
Total land area \_\_\_\_\_

**Radnor Township requires contractors submitting for building permits to submit ALL sub-contractors permit applications at the same time**

**PERMITS ARE NON-TRANSFERRABLE**

<b>DESCRIPTION OF WORK</b>

<b>IDENTIFICATION—to be completed by all applicants</b>		
Owner or Lessee		Telephone
Mailing Address		
Email Address		Cell Phone
Contractor/Company Name		Telephone
Mailing Address		HIC#
Email Address		Cell Phone
Architect/Engineer		Telephone
Mailing Address		
Email Address		Cell Phone
<i>The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction. Please note: An incomplete application is subject to rejection.</i>		
Signature of applicant	Address	Date

DO NOT WRITE BELOW THIS LINE

\_\_\_\_\_  
Township Official

\_\_\_\_\_  
Date Approved

Workers' Compensation Insurance Coverage Information  
(attach to building permit application)

**A. The applicant is**

A contractor within the meaning of the Pennsylvania Workers' Compensation Law

Yes       No

If the answer is "yes", complete Sections B and C below as appropriate.

---

**B. Insurance Information**

Name of Applicant \_\_\_\_\_

Federal or State Employers Identification No. \_\_\_\_\_

Applicant is a qualified self-insurer for workers' compensation.

\_\_\_\_\_ Certificate Attached

Name Workers Compensation Insurer \_\_\_\_\_

Workers Compensation Insurance Policy No. \_\_\_\_\_

\_\_\_\_\_ Certificate Attached

Policy Expiration Date \_\_\_\_\_

---

**C. Exemption**

Complete Section C if the applicant is a contractor claiming exemption from providing workers' compensation insurance.

The undersigned swears or affirms that he/she is not required to provide workers' compensation insurance under the provisions of Pennsylvania Workers' Compensation Law for one of the following reasons, as indicated:

Contractor with no employees. Contractor prohibited by law from employing any individual to perform work pursuant to this building permit unless contractor provides proof of insurance to the Township.

Religious exemption under the Workers' Compensation Law.

Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Signature of Notary Public)

My commission expires: \_\_\_\_\_ (Seal)

Signature of applicant \_\_\_\_\_  
Address \_\_\_\_\_

County of \_\_\_\_\_  
Municipality of \_\_\_\_\_

**EXHIBIT C**





**EXHIBIT D**

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
[gbroseman@kaplaw.com](mailto:gbroseman@kaplaw.com)

Attorney for Appellant  
Lucky Dog Enterprises, LLC

**GRIM, BIEHN & THATCHER**

BY: John B. Rice, Esquire  
I.D. No. 46489  
104 South Chestnut Street  
P.O. Box 215  
Perkasie, PA 18944  
(215)-257-6811  
[jrice@grimlaw.com](mailto:jrice@grimlaw.com)

Attorney for  
Radnor Township

APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM VARIOUS DECISIONS OF MAGISTERIAL COURT NO. 32129	IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  No. SA-1032-13 No. SA-1407-1  LAND USE APPEAL
--	--

**UNCONTESTED JOINT MOTION OF LUCKY DOG ENTERPRISES, LLC AND  
RADNOR TOWNSHIP FOR COURT APPROVAL OF SETTLEMENT AGREEMENT**

Lucky Dog Enterprises, LLC (“LDE”) and Radnor Township (“Township”) (collectively, “Parties”) by and through their respective attorneys, Kaplin, Stewart, Meloff, Reiter & Stein, P.C., and Grim, Biehn & Thatcher hereby jointly move this Court to approve the Settlement Agreement regarding the use and operation of a restaurant known as White Dog Café. entered into between LDE, and the Township, and in support thereof state as follows:

1. LDE leases space, including an adjacent outdoor patio area, within a multi-tenant building (“Building”) located at the property now known as Town Center at Wayne at 200 W. Lancaster Avenue (“Property”) in Wayne, Radnor Township, Delaware County, PA

2. The Property is owned by Wayne Town Center, LP (“**WTCLP**”), a Pennsylvania Limited Partnership. The Property is improved with two buildings that contain a mix of uses with differing peak parking demand times and 157 off-street parking spaces.
3. There is a large public parking lot located across Lancaster Avenue from the Building containing approximately 102 public parking spaces (“**Bellevue Municipal Parking Lot**”).
4. Pursuant to the provisions of the Radnor Township Code, (“**Code**”), the Property is located in the Wayne Business Overlay District (“**WBOD**”). The WBOD was adopted to enhance the character and vibrancy of the downtown Wayne area. The WBOD permits a mix of uses including restaurants and outdoor dining.
5. LDE, within the space it leases, operates a restaurant known as The White Dog Café (“**WDC**”), which is a Township licensed food establishment.
6. LDE has a certificate of occupancy from the Township that permits 118 indoor dining seats in the WDC within the Building.
7. The Township has issued certain citations alleging certain Code violations in connection with the operation of WDC. Those citations allege that LDE has exceeded the number of allowed seats and persons within WDC and has failed to properly post these capacity requirements. Those citations are subject to various appeals (“**LDE Appeals**”) pending in the Court of Common Pleas of Delaware County (“**Court**”).
8. Based on analysis of the Code, WDC can accommodate a greater number dining seats and occupants than is currently permitted by the Township.
9. The Township and LDE have reached an amicable resolution of the LDE Appeals and are entering into this Agreement to confirm their understandings regarding the disposition of the LDE Appeals, the number of dining seats, the number of occupants, and certain operational aspects of WDC.
10. The Settlement Agreement advances the public interest and resolves all of the issues involved in the LDE Appeals.
11. There is a strong judicial policy in favor of parties voluntarily settling litigation. *See, Rothman v. Fillette*, 503 Pa. 259, 469 A.2d 543 (Pa. 1983); *Muhammad v. Strassburger, McKenna, Messer, Shilobod and Gutnick*, 526 Pa. 541, 587 A.2d 1346 (Pa. 1991); *Gallagher Bassett Services v. Workers’ Compensation Appeal Board*, 756 A.2d 702 (Pa. Cmwlth. 2000).
12. Under Pennsylvania law, Court approval of settlements of use cases involving land use issues are customary and lawful. *Summit Township Taxpayers Association v. Summit Township Board of Supervisors*, 411 A.2d 1263 (Pa.

Cmwlth. 1980); *Boeing Co. v. Zoning Hearing Board of Ridley Township*, 822 A.2d 153 (Pa. Cmwlth. 2003); *Rees v. Board of Supervisors of Indiana Township*, 513 A.2d 584 (Pa. Cmwlth. 1986).

13. Based upon the foregoing, LDE and the Township respectfully request that the Court approve the Settlement Agreement as an Order of the Court, with continuing jurisdiction for purposes of enforcement of the Settlement Agreement.

GRIM BIEHN & THATCHER

KAPLIN STEWART MELOFF REITER &  
STEIN, P.C.

---

JOHN B. RICE., ESQUIRE  
Attorney for Township

---

GEORGE W. BROSEMAN, ESQUIRE  
Attorney for LDE

**EXHIBIT "1"**

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
[gbroseman@kaplaw.com](mailto:gbroseman@kaplaw.com)

Attorney for Appellant  
Lucky Dog Enterprises, LLC

**GRIM, BIEHN & THATCHER**

BY: John B. Rice, Esquire  
I.D. No. 46489  
104 South Chestnut Street  
P.O. Box 215  
Perkasie, PA 18944  
(215)-257-6811  
[jrice@grimlaw.com](mailto:jrice@grimlaw.com)

Attorney for  
Radnor Township

APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM VARIOUS DECISIONS OF MAGISTERIAL COURT NO. 32129	IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY No. SA-1032-13 No. SA-1407-1 LAND USE APPEAL
--	--

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2015, upon consideration of the Uncontested Joint Motion of Lucky Dog Enterprises, LLC and Radnor Township for Court Approval of Settlement Agreement pertaining to the above-captioned appeals, it is hereby ORDERED and DECREED that:

1. The Settlement Agreement is approved.
2. The Court shall retain jurisdiction for purposes of enforcement of the Settlement Agreement.

**BY THE COURT:**

\_\_\_\_\_  
**J.**

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

BY: George W. Broseman, Esquire  
I.D. No. 62649

Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422-3037  
(610) 941-2459  
[gbroseman@kaplaw.com](mailto:gbroseman@kaplaw.com)

Attorney for Appellant  
Lucky Dog Enterprises, LLC

APPEAL OF LUCKY DOG ENTERPRISES, LLC FROM VARIOUS DECISIONS OF MAGISTERIAL COURT NO. 32129	IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  No. SA-1032-13 No. SA-1407-1  LAND USE APPEAL
--	--

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "Uncontested Joint Motion of Lucky Dog Enterprises, LLC and Radnor Township for Court Approval of Settlement Agreement" was caused to be sent by First-Class Mail, postage prepaid by the undersigned on the date stated below, to the addressees stated below, and at the addresses stated below:

John Rice, Esquire  
Grim Biehn & Thatcher  
Sixth & Chestnut Streets  
P.O. Box 215  
Perkasie, PA 18944

---

George W. Broseman, Esquire  
Attorney I.D. No. 62649  
Kaplin Stewart Meloff Reiter & Stein, P.C.  
Union Meeting Corporate Center  
P.O. Box 3037  
Blue Bell, PA 19422  
(610) 260-6000  
Attorney for Appellant

**Dated:** \_\_\_\_\_, 2015

# David A. Naples

## Building Code Official/Master Code Professional

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Mr. Naples is well-versed in a wide array of construction skills, including contracting, construction techniques, project management and monitoring of construction. These skills include knowledge of electrical, plumbing, mechanical and building systems.

---

### Work History

2011 to Present

Remington, Vernick & Beach Engineers

2010 to 2011

Division of Consumer & Regulatory Affairs,  
Washington, DC

2000 to 2010

New Castle County, DE

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### Education

University of Delaware, 1980-1994

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### Certifications/Registrations

Master Code Professional  
Certified Housing Code Official  
Certified Building Code Official (ICC & PA)  
Certified Mechanical Code Official  
Certified Building Official  
Certified Plumbing Code Official  
Certified Electrical Code Official  
Certified Building Official  
Energy Code Specialist  
Residential Electrical Inspector (ICC & PA)  
Residential Energy Inspector/Plans Examiner (ICC & PA)  
Residential Plumbing Inspector (ICC & PA)  
Residential Mechanical Inspector (ICC & PA)  
Commercial Electrical Inspector (ICC & PA)  
Commercial Building Inspector (ICC & PA)  
Commercial Plumbing Inspector (ICC & PA)  
Commercial Energy Inspector with ASHRAE 90.1 (ICC & PA)  
Commercial Energy Plans Examiner (ICC & PA)  
Commercial Energy Plans Examiner with ASHRAE 90.1  
Commercial Mechanical Inspector (ICC & PA)  
Commercial Combination Inspector  
Combination Plans Examiner  
Mechanical Inspector  
Accessibility Inspector/Plans Examiner (ICC & PA)  
Building Plans Examiner  
Building Inspector  
Plumbing Plans Examiner  
Green Building Residential Examiner  
Electrical Plans Examiner  
Plumbing Inspector  
Mechanical Plans Examiner  
Electrical Inspector  
Certified Building Code Administrator (Florida-inactive)  
Emergency Preparedness Responder (DE)

### Representative Project Experience

#### Building Code Officer/Building Inspector Experience

**Building Code Official, Town of Townsend, DE** – Conducting plan reviews and inspections for all residential and commercial projects requested by the City. Enforcing the property maintenance code and assisting with other duties as directed under the City Ordinances.

**Building Code Official, City of Harrington, DE** – Conducting plan reviews and inspections for all residential and commercial projects requested by the City. Assisting the Fire Marshall with Fire Inspections. Enforcing the property maintenance code and assisting with other duties as directed under the City Ordinances.

**Building Code Official, Conshohocken Borough, PA** – Conducted plan reviews and inspections for all residential and commercial projects requested by the Township. Assisted the Fire Marshall with Fire Inspections. Enforced the property maintenance code and assisted with other duties as directed under the Township Ordinances.

**Building Code Official, Plymouth Township, PA** – Conducted plan reviews and inspections for all residential and commercial projects requested by the Township. Assisted the Fire Marshall with Fire Inspections. Enforced the property maintenance code and assisted with other duties as directed under the Township Ordinances.

**W.B. Simpson Elementary School Building Inspection Services, Town of Wyoming, DE** – Providing building code compliance and inspection services for the construction at W.B. Simpson Elementary School Building in the Town of Wyoming, DE.

**Deputy Chief Building Official, Division of Consumer & Regulatory Affairs, Washington, DC** – Responsible for the daily management of a staff of 40 certified building and site inspectors. Oversaw daily workload, job assignments, training and quality control. Ensured prompt delivery of inspection services. Responsible for the maintenance of quality standards. Mr. Naples resolved customer concerns and handled more complex concerns and inspections, when needed. He also developed and authored revisions to the DC construction codes.

**Assistant Land Use Administrator, New Castle County, DE** – Mr. Naples was promoted to this position after serving for three years as a certified building inspector. He was responsible for the daily management of staff, including 15 certified building and site inspectors. He oversaw the daily workload, job assignments, quality control and training. As a certified building and site inspector, he was responsible for ensuring that construction met code standards and maintained accurate records for all inspections completed.

**2001-2013 ICC International Energy Code Exam Development Committee** -- serves as the Vice Chair of committee. Responsible for the development of questions for the ICC Certification Exam for the 2012 International Energy Conservation Code and for updating/auditing of questions for the 2006 and 2009 versions of those tests as well. Also respond to challenges of exam questions by candidates.



**ORDINANCE NO. 2015 – 21**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 262 TOWING, OF THE RADNOR TOWNSHIP CODE OF ORDINANCES TO INCREASE THE HOOKING FEE; INCREASE THE MAXIMUM COST OF TOWING FLAT FEE PER HOUR; ADD A STANDARD CLEANUP FEE; INCREASE THE FEE FOR STORAGE COSTS; ESTABLISH A POLICE ADMINISTRATION FEE; REVISE THE REQUIREMENTS AND REGULATIONS FOR NON-CONSENT TOWING OPERATORS AND DUTY TOWING OPERATORS; INCREASE THE YEARLY TOWING LICENSE FEE; AND PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS CHAPTER**

The Radnor Township Board of Commissioners does hereby enact and ordain:

**Section 1.** Chapter 262, Towing, Sections 262-1.B.1 and B.2 shall be amended to read as follows:

- (1) In all instances, when a vehicle is hooked and the owner/operator returns prior to the vehicle being moved, tow operators shall charge no more than a \$95 hooking fee and immediately release the vehicle to its owner.
- (2) If the owner/operator is unable to pay the hooking fee, the tow operator has the option of towing the vehicle to an impound facility or releasing the vehicle to the owner/operator and issuing a written bill at the scene. Tow operators are encouraged to allow vehicle owners/operators 15 minutes to obtain funds to pay hooking fees before towing the vehicle to an impound facility.

**Section 2.** Chapter 262, Towing, Sections 262-2 shall be amended to read as follows:

- A. Police towing services. The costs for towing services ordered by the Police Department for passenger cars and trucks with the gross vehicle of 10,000 pounds or less, to be paid and received by any authorized towing service or approved pound keeper, shall be due upon a vehicle being hooked and removed from the premises and shall not be in excess of the flat rate of \$125. The standard cleanup fee is \$25; if excessive cleanup is needed, a flat fee of \$45 will be charged.
- B. Towing costs of heavy vehicles. (For vehicles with a gross weight in excess of 10,000 pounds.) The costs of towing trucks and other heavy vehicles shall not exceed \$200 flat rate per hour, commencing on arrival at the tow scene.
- C. Storage costs:

(1) The cost of storage of any impounded passenger car or truck with a gross vehicle weight of 10,000 pounds or less shall not exceed the rate of \$45 per storage day.

(2) Storage costs of heavy vehicles with a gross vehicle weight in excess of 10,000 pounds shall not exceed \$75 per storage day.

D. Police administration fee. Prior to release of the vehicle, the impound yard shall collect an administrative fee of \$25 and a release form from the Police Department. This payment shall be made to the Township for each vehicle towed, by the order of the Police Department. Records of such payment will be included in the monthly reports provided to the Police Department.

E. Review of all fines, towing, storage and administrative fees. All fines, towing, storage and administrative fees may be amended from time to time by separate Resolution of the Board of Commissioners.

**Section 3.** Chapter 262, Towing, Section 262-3 shall be amended to read as follows:

The following regulations shall apply to the towing of vehicles parked or left unattended on private property without the consent of the property owner:

A. No towing service shall remove vehicles parked or left unattended on private property without the written authorization of the property owner who shall be present at the time of the removal of the vehicle if he or she is available. No towing service shall pay a fee to a private property owner in consideration for contracted towing services. The towing service must be issued a license by the Township on a yearly basis authorizing them to do so. The license shall be issued by the Radnor Township Police Department upon completion of an application and payment of a fee in the amount of \$200 per year or as amended by separate Resolution by the Board of Commissioners. The license shall be effective for one year for the date of its issuance and shall be renewed every year by the towing service by the procedures established in this section. The application form shall contain, at a minimum, the following information:

(1) The name and address of the towing service.

(2) The name and business address of all persons or entities having an ownership interest in the towing service.

(3) The name and address of all persons, businesses and institutions from whose property in Radnor Township the towing service is authorized to remove vehicles.

(4) The address of the storage yard where vehicles removed from private property in Radnor Township will be towed.

(5) The name of the insurance company and the name and address of the insurance company agent through whom the insurance required by this section has been issued.

B. If any licensed towing service commits a violation of any provision of this Chapter, the Superintendent of Police, upon determining that any provision of this section has been violated, shall issue a written warning to the licensed towing service informing them of the violation. In the event that a second violation of this Chapter occurs within the same calendar year, the Superintendent of Police may revoke a license issued hereunder together with the right to reapply for a subsequent license for a period of up to two years. The Superintendent of Police shall notify the towing service in writing no less than 5 days prior to the revocation of its license and provide an explanation of the violation of this Chapter and the length of the revocation. Superintendent of Police may issue an intent to revoke a license for a period of up to two years. Upon receipt of the intent to revoke a license, the towing service may request a pre-termination hearing before the Superintendent of Police or his/her designee.

C. Authorized towing services shall:

- (1) Provide certificates of insurance to the Township as follows: in the minimum amount of \$500,000 combined single limit for any auto, hired autos, non-owned autos; \$100,000 for each personal injury; and garage keepers' liability in the amount of \$50,000 per occurrence. The towing services must provide the Township with immediate notice of any change in coverage.
- (2) Notify the Radnor Township Police Department of the removal of a vehicle from private property within one hour of such removal and provide a description and license number of the vehicle thus removed.
- (3) Treat all owners of towed vehicles with courtesy and dignity and provide secure well-lighted and maintained facilities which at all times promote the safety and protection of towed and impounded vehicles and owners thereof who visit such facility.

**Section 3.** Chapter 262, Towing, Sections 262-4.B.4, B.8 and B.9 are hereby amended to read as follows:

- (4) Applications for duty tow licenses must be accompanied by a fee of \$200 per year to offset the cost of investigation and processing of licenses.
- (8) The applicant's place of business shall be located within the Township boundaries in order that the response time to a call for duty tow service is within 15 minutes.

- (9) After consideration of the Township Manager's recommendations, the Board of Commissioners shall appoint one or more duty towers meeting the requirements of this Ordinance by January 31<sup>st</sup> of each year to serve for a period of two years. The Police Department shall determine an on call schedule for all licensed duty towers in the township.

**Section 4.** Chapter 262, Towing, Section 262-4.C is hereby amended to read as follows:

C. Specific duties of duty tow licensees shall be as follows:

- (1) All licensees shall respond within 15 minutes from their receipt of the Police Department's call requesting service to the arrival of the licensee's towing vehicle at the location of the disabled, wrecked, or abandoned vehicle, except during adverse roadway conditions.
- (2) If any licensee cannot respond to the service call from the Police Department with the appropriate towing vehicle or within the required response time, the licensee shall so advise the police dispatcher. If the licensee's vehicle is delayed while in transit to the requested location, the vehicle operator shall advise the police dispatcher of the delay and of his present location, whereupon a determination shall be made by the appropriate police official as to whether the secondary duty tower shall be called.
- (3) Any licensee who performs duty towing services as an independent contractor to the Township of Radnor shall not exceed the maximum rates established in Chapter 262.
- (4) All licensees shall be responsible for removing vehicular parts and debris from the highway. Minor liquid cleanup is required of the licensee.
- (5) All licensees shall comply with all rules and regulations established by the Township Manager or Police Department.
- (6) Duty tow licensees must secure a towed vehicle in a designated impound yard. The windows and doors of the towed vehicle must be closed and/or locked whenever possible. The vehicle's key must be deposited with a copy of the invoice for services in the impound yard office.
- (7) An invoice for each tow service must be completed by the licensee, which invoice shall include the following information:
  - (a) The incident number.
  - (b) The date and location.
  - (c) Whether a police release is required.

- (d) The make, model, vehicle identification number and license plate number.
- (e) Indication of status i.e., wrecked, stolen, abandoned, disabled or impounded.
- (f) Amount charged, including storage fees.

**Section 5.** Chapter 262, Towing, Section 262-5 is hereby amended to read as follows:

Any person, firm, association or corporation who operates a towing service without a license in violation of this Chapter, upon conviction thereof, shall be subject to a fine or penalty of not less than \$50 or more than \$600 for each and every offense. Such fines or penalties shall be collected as like fines or penalties are now by law collected, and shall be in addition to any other penalty provided for herein.

**Section 6. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 7. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners of Radnor Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

**Section 8. Effective Date.** This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

***ENACTED AND ORDAINED*** this 14<sup>th</sup> day of December, 2015.

RADNOR TOWNSHIP

BY: \_\_\_\_\_  
Name:  
Title:

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski, Secretary

J. LAWRENCE GRIM, JR.  
JEFFREY G. TRAUGER  
MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO \*  
DANIEL J. PACI †  
JONATHAN J. REISS ◊  
GREGORY E. GRIM †  
PETER NELSON \*  
PATRICK M. ARMSTRONG  
SEAN M. GRESH  
COLBY S. GRIM  
DIANE M. SODANO \*  
JOEL STEINMAN  
KELLY L. EBERLE \*  
MATTHEW J. MCHUGH  
MATTHEW E. HOOVER  
STEPHEN J. KRAMER

\* ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
\* ALSO A CERTIFIED PUBLIC ACCOUNTANT

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120TH ANNIVERSARY 1895-2015

[www.grimlaw.com](http://www.grimlaw.com)

PLEASE REPLY TO:  
PERKASIE

John B. Rice  
e-mail: [jrice@grimlaw.com](mailto:jrice@grimlaw.com)

JOHN FREDERIC GRIM, OF COUNSEL

104 S. SIXTH STREET  
P.O. BOX 215  
PERKASIE, PA. 18944-0215  
(215) 257-6811  
FAX (215) 257-5374

P.O. BOX 380  
QUAKERTOWN, PA, 18951-0380  
(215) 536-1200  
FAX (215) 538-9588

P.O. BOX 1369  
DOYLESTOWN, PA, 18901  
(215) 348-2199  
FAX (215) 348-2520

December 2, 2015

**VIA ELECTRONIC CORRESPONDENCE**

Delaware County Daily Times  
Attn: Legal Department  
500 Mildred Avenue  
Primos, PA 19018

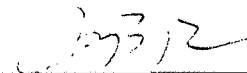
Re: Radnor Township – Towing Ordinance

Dear Legal Department:

Enclosed please find for advertisement one (1) time in the December 4<sup>th</sup> edition of your newspaper, a Legal Notice for the possible enactment of the above ordinance by the Board of Commissioners of Radnor Township at their meeting on December 14, 2015. Kindly provide proof of publication and your invoice for the advertisement directly to Radnor Township, c/o Robert Zienkowski, 301 Iven Avenue, Wayne, PA 19087. A full copy of the text of the ordinance is enclosed for public inspection. If you have any questions regarding the enclosed, please do not hesitate to contact my office.

Sincerely,

**GRIM, BIEHN & THATCHER**

By:   
John B. Rice

JBR/hlp  
Enclosure

cc: Jennifer Destefano (w/encl.) – via email  
Robert A. Zienkowski (w/encl.) – via email

## LEGAL NOTICE

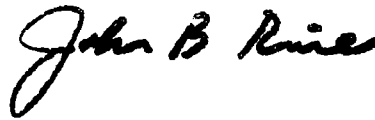
Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance, of which this Notice is a summary, amending Chapter 262 Towing, of the Radnor Township Code of Ordinances to increase the hooking fee; increase the maximum cost of towing flat fee per hour; and add a standard cleanup fee; increase the fee for storage costs; establish a police administration fee; revise the requirements and regulations for non-consent towing operators and duty towing operators; increase the yearly towing license fee; and provide for penalties for violations of this Chapter.

The Board of Commissioners will hold a public hearing on December 14, 2015, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087 to consider the ordinance. Copies of the full text of the proposed ordinance are available at the Township offices, the Delaware County Law Library, and the offices of this newspaper during normal business hours.

RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS  
301 Iven Avenue  
Wayne, PA 19087-5297

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on December 14, 2015.

A handwritten signature in black ink that reads "John B. Rice". The signature is written in a cursive style with a large initial "J" and "R".

---

John B. Rice, Esquire  
Grim, Bieln & Thatcher  
Township Solicitor



**ORDINANCE NO. 2015- 22**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,  
PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF  
RADNOR, CHAPTER 270, VEHICLES AND TRAFFIC, SECTION 270-28,  
PARKING PROHIBITED AT ALL TIMES.**

**The Board of Commissioners of the Township of Radnor does hereby ENACT and ORDAIN the following amendments to Chapters 270-28 as follows:**

**Section 1.** Section 270-28, Parking Prohibited at all times, of the Code of the Township of Radnor is hereby amended as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
<b>Conestoga Road</b>	<b>North</b>	<b>For a distance of 320 feet west from South Wayne Avenue</b>
<b>Conestoga Road</b>	<b>North</b>	<b>For a distance of 160 feet east from South Wayne Avenue</b>

**Section 2.** Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.** Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 4.** Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

**ENACTED** and **ORDAINED** this 14<sup>th</sup> day of December, 2015.

RADNOR TOWNSHIP

By: \_\_\_\_\_

Name: James C. Higgins  
Title: President

ATTEST: \_\_\_\_\_

Robert A. Zienkowski, Secretary

J. LAWRENCE GRIM, JR.  
JEFFREY G. TRAUGER  
MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO \*  
DANIEL J. PACI †  
JONATHAN J. REISS †  
GREGORY E. GRIM †  
PETER NELSON \*  
PATRICK M. ARMSTRONG  
SEAN M. GRESH  
COLBY S. GRIM  
DIANE M. SODANO \*  
JOEL STEINMAN  
KELLY L. EBERLE \*  
MATTHEW J. MCHUGH  
MATTHEW E. HOOVER  
STEPHEN J. KRAMER

\* ALSO ADMITTED IN NEW JERSEY  
◇ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
◆ ALSO A CERTIFIED PUBLIC ACCOUNTANT

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PLEASE REPLY TO:  
PERKASIE

John B. Rice  
e-mail: [jrice@grimlaw.com](mailto:jrice@grimlaw.com)

JOHN FREDERIC GRIM, OF COUNSEL

104 S. SIXTH STREET  
P.O. BOX 215  
PERKASIE, PA. 18944-0215  
(215) 257-6811  
FAX (215) 257-5374

P.O. BOX 380  
QUAKERTOWN, PA, 18951-0380  
(215) 536-1200  
FAX (215) 538-9588

P.O. BOX 1369  
DOYLESTOWN, PA, 18901  
(215) 348-2199  
FAX (215) 348-2520

December 1, 2015

**VIA ELECTRONIC CORRESPONDENCE**

Delaware County Daily Times  
Attn: Legal Department  
500 Mildred Avenue  
Primos, PA 19018

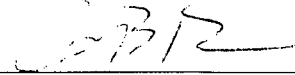
Re: Radnor Township – Traffic Ordinance Amendment – Conestoga Road

Dear Legal Department:

Enclosed please find for advertisement one (1) time in the December 4<sup>th</sup> edition of your newspaper, a Legal Notice for the possible enactment of the above ordinance by the Board of Commissioners of Radnor Township at their meeting on December 14, 2015. Kindly provide proof of publication and your invoice for the advertisement directly to Radnor Township, c/o Robert Zienkowski, 301 Iven Avenue, Wayne, PA 19087. A full copy of the text of the ordinance is enclosed for public inspection. If you have any questions regarding the enclosed, please do not hesitate to contact my office.

Sincerely,

**GRIM, BIEHN & THATCHER**

By:   
John B. Rice

JBR/hlp  
Enclosure

cc: Robert A. Zienkowski (w/encl.) – via email  
Jennifer Destefano (w/encl.) – via email

## LEGAL NOTICE

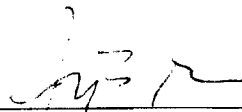
Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance, of which this Notice is a summary, amending Chapter 270, Vehicles and Traffic, Section 270-28, Parking Prohibited at all times on Conestoga Road.

The Board of Commissioners will hold a public hearing on December 14, 2015, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087 to consider the ordinance. Copies of the full text of the proposed ordinance are available at the Township offices, the Delaware County Law Library, and the offices of this newspaper during normal business hours.

RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS  
301 Iven Avenue  
Wayne, PA 19087-5297

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on December 14, 2015.



---

John B. Rice, Esquire  
Grim, Biehn & Thatcher  
Township Solicitor

**ORDINANCE 2015-23**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF RADNOR, SECTION 270-16, STOP INTERSECTIONS, FOR GALER ROAD AND LOUDAN LANE.**

**The Board of Commissioners of the Township of Radnor does hereby ENACT and ORDAIN the following amendments to Chapters 270-16 as follows:**

Section 1. Section 270-16 Stop Intersections, of the Code of the Township of Radnor is hereby amended as follows:

<b>Stop Sign On:</b>	<b>Direction of Travel:</b>	<b>Intersection With:</b>
<b>Galer Road</b>	<b>South</b>	<b>Loudan Lane</b>

Section 2: Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 3: Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 4: Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

**ENACTED** and **ORDAINED** this 14<sup>th</sup> day of December, 2015.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: James C. Higgins  
Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski, Secretary

J. LAWRENCE GRIM, JR.  
JEFFREY G. TRAUGER  
MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO †  
DANIEL J. PACI †  
JONATHAN J. REISS ◊  
GREGORY E. GRIM †  
PETER NELSON \*  
PATRICK M. ARMSTRONG  
SEAN M. GRESH  
COLBY S. GRIM  
DIANE M. SODANO \*  
JOEL STEINMAN  
KELLY L. EBERLE \*  
MATTHEW J. MCHUGH  
MATTHEW E. HOOVER  
STEPHEN J. KRAMER

\* ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
♦ ALSO A CERTIFIED PUBLIC ACCOUNTANT

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DOYLESTOWN, PA, 18901  
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December 1, 2015

**VIA ELECTRONIC CORRESPONDENCE**

Delaware County Daily Times  
Attn: Legal Department  
500 Mildred Avenue  
Primos, PA 19018

Re: Stop Intersection Ordinance- Galer Road at Loudan Lane  
Radnor Township

Dear Legal Department:

Enclosed please find for advertisement one (1) time in the December 4<sup>th</sup> edition of your newspaper, a Legal Notice for the possible enactment of the above ordinance by the Board of Commissioners of Radnor Township at their meeting on December 14, 2015. Kindly provide proof of publication and your invoice for the advertisement directly to Radnor Township, c/o Robert Zienkowski, 301 Iven Avenue, Wayne, PA 19087. A full copy of the text of the ordinance is enclosed for public inspection. If you have any questions regarding the enclosed, please do not hesitate to contact my office.

Sincerely,

**GRIM, BIEHN & THATCHER**

By:   
John B. Rice

JBR/hlp  
Enclosure

cc: Robert A. Zienkowski (w/encl.) – via email  
Jennifer Destefano (w/encl.) – via email

## LEGAL NOTICE


Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance, of which this Notice is a summary, amending the code of the Township of Radnor, Section 270-16, Stop Intersection on Galer Road at Loudan Lane.

The Board of Commissioners will hold a public hearing on December 14, 2015, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087 to consider the ordinance. Copies of the full text of the proposed ordinance are available at the Township offices, the Delaware County Law Library, and the offices of this newspaper during normal business hours.

RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS  
301 Iven Avenue  
Wayne, PA 19087-5297

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on December 14, 2015.



---

John B. Rice, Esquire  
Grim, Biehn & Thatcher  
Township Solicitor



**ORDINANCE NO. 2015-24**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF RADNOR, CHAPTER 270, VEHICLES AND TRAFFIC, SECTION 270-30 TIME LIMIT PARKING.**

**The Board of Commissioners of the Township of Radnor does hereby ENACT and ORDAIN the following amendments to Chapters 270-30 as follows:**

**Section 1.** Section 270-30, Parking Requirements, of the Code of the Township of Radnor is hereby amended by rescinding the following parking requirements:

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
<b>Gallagher Road</b>	<b>West</b>	<b>2 hours 8:00 am - 6:00 pm Except Sundays &amp; Holidays</b>	<b>Entire Length</b>

**Section 2.** Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.** Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**Section 4.** Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

**ENACTED** and **ORDAINED** this 14<sup>th</sup> day of December, 2015.

**RADNOR TOWNSHIP**

By: \_\_\_\_\_

Name: James C. Higgins

Title: President

ATTEST: \_\_\_\_\_

Robert A. Zienkowski, Secretary

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DOYLESTOWN, PA, 18901  
(215) 348-2199  
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December 2, 2015

**VIA ELECTRONIC CORRESPONDENCE**

Delaware County Daily Times  
Attn: Legal Department  
500 Mildred Avenue  
Primos, PA 19018

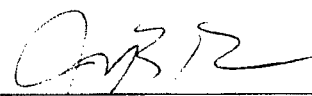
Re: Radnor Township – Traffic Ordinance – Gallagher Road

Dear Legal Department:

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Sincerely,

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By:   
John B. Rice

JBR/hlp  
Enclosure

cc: Robert A. Zienkowski (w/encl.) – via email  
Jennifer Destefano (w/encl.) – via email

## LEGAL NOTICE

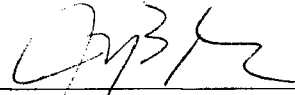
Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance, of which this Notice is a summary, amending Chapter 270, Vehicles and Traffic, Section 270-30, Time Limit Parking, rescinding the 2 hour parking requirement on Gallagher Road.

The Board of Commissioners will hold a public hearing on December 14, 2015, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087 to consider the ordinance. Copies of the full text of the proposed ordinance are available at the Township offices, the Delaware County Law Library, and the offices of this newspaper during normal business hours.

RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS  
301 Iven Avenue  
Wayne, PA 19087-5297

ATTEST:

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John B. Rice, Esquire  
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Township Solicitor