

TOWNSHIP OF RADNOR
Minutes of Public Meeting of January 28, 2013

The Radnor Township Board of Commissioners met at approximately 7:00 PM in the Radnorshire Room in the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087

Commissioners Present

Elaine Schaefer, President
John Fisher
John Nagle
William Spingler

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

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

Public Participation

Susan Michelson, 2 Harford Lane – Would like to request the reopening of discussions in regards to the snow/ice maintenance on the Radnor Trail.

Notice of Executive Session preceding the Board of Commissioners meeting of January 28, 2013

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

Approval of minutes for the Board of Commissioners meeting of November 12, 2012 & November 18, 2012

Commissioner Fisher moved to approve the November 12, 2012 minutes, seconded by Commissioner Spingler. Motion passed 7-0.

Commissioner Fisher moved to approve November 18, 2012 minutes, seconded by Commissioner Spingler. Motion passed 7-0.

Presentation of the New Donated Radnor Police Motorcycles to the Board of Commissioners

Superintendent William Colarulo presented to the Board of Commissioners two Motorcycles that were donated to the Police Department by a resident who wished to remain anonymous. He also thanked the Philadelphia Police Highway Patrol Unit who trained seven of Radnor Police Officers.

Mr. Zienkowski thanked Superintendent Colarulo and Lieutenant Flanagan for a tremendous job.

Recognition of Declan Evans, Eagle Scout Project at Skunk Hollow Community Garden Project

Commissioner Schaefer presented Declan Evans with a Certificate of Appreciation for building the custom design toolshed for Skunk Hollow Community Garden as part of his Eagle Scout Project.

Recognition of past members of Boards, Commissions and Committees

Commissioner Schaefer presented Brenda Gotanda with a Certificate for her years of service on the Environmental Advisory Council.

Appointments to various Boards, Commissions and Committees

Commissioner Fisher moved to appoint Lisa Weber Yakulis to the Design Review Board, seconded by Commissioner Spingler. Motion passed 7-0.

Commissioner Fisher moved to appoint Michael Antonopolos to CARFAC, seconded by Commissioner Spingler. Motion passed 7-0.

Commissioner Schaefer announced that there are other Boards looking for members. They are the following: Citizens Communication Council, Garrett Hill Implementation Committee, Comprehensive Plan Implementation Committee, Rental Housing Appeals Board, Code Appeals Board and Planning Commission. Interested parties please send resume to Township Manager Mr. Zienkowski.

Motion to accept Department Reports

Commissioner Spingler moved to accept, seconded by Commissioner Nagle. Motion passed 7-0.

PARKS & RECREATION

Board Discussion in regards to the Willows RFP and a motion to move selected firms on to the next phase of the evaluation & development process for the adaptive re-use of the Willows Mansion and Cottage

Commissioner Nagle made a motion that after careful consideration of all proposals that were submitted in response to the Township's RFP for the future of the Willows Mansion and Willows Cottage, the Board of Commissioners recommends the following four firms be moved to the 2nd phase of the selection process: Jeffrey Miller Catering & Lake House Inn, LLC, Cross Street Capital, Open Aire Affairs, Perfect Settings in addition to Conroy Catering/Dale Corporation. The motion was seconded by Commissioner J. Higgins.

Commissioner K. Higgins stated that his opinion is that the parameters for final proposal are a big "ask" of the firms.

Commissioner Schaefer intends to support Commissioner Nagle's motion. The goal of the whole process was to find a way to preserve the structures and the land.

Commissioner Curley will support the motion as stated. He would like to see the cottage separated from the mansion in regards to the proposals. He would like to also see an all residential option.

Commissioner Schaefer stated that she would support an 8th item added to the criteria so that individual proposals for the Willows Mansion or the Willows Cottage itself are welcomed and will be considered.

Public Comment

Rob McManus – He is happy to see the direction of the proposals.

Commissioner Fisher moved to amend the original motion made to add #8 to read as “Individual proposals for the Willows Mansion or the Willows Cottage are welcomed and will be considered”, seconded by Commissioner Nagle. Motion passed 6-1 with Commissioner K. Higgins opposed.

Resolution #2013-09 - Authorization to Submit an Application for the Temporary Road Closing Permit for North Wayne Avenue for the Wheels of Wayne Car Show Event on Sunday, April 21, 2013 and Sunday, April 28, 2013 (Rain Date)

Commissioner Nagle moved to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Motion to Approve Radnor Township Advertising Policy

Commissioner Nagle moved to approve, seconded by Commissioner Spingler.

Mr. Zienkowski thanked John Rice and Tammy Cohen for their work on the policy. He wanted to recognize Tammy for all the work that she put into the policy. This is a great start to alternatives for funding different Township activities and programs. Last year her department rose over \$20,000 in sponsorship money.

Tammy Cohen, Director of Community Programming & Recreation stated that the Township Advertising Policy and its definitions are outlined for the purpose to guide Radnor Township throughout the implementation of advertising opportunities while considering that these guidelines may evolve as they advance in being carried out. It further sets forth the requirements for use of advertising space on Township property, which includes communication publications or defined areas, such as projects that the Township owns, operates and manages for potential local, regional, and national organizations and businesses who have interest in promoting their entity, goods or services.

Commissioner Schaefer stated that this is the most thorough advertising policy. It will be tightly controlled and managed.

Commissioner J. Higgins stated his opinion is that the policy is -very thorough -but would hope that it would be shortened.

Commissioner Fisher stated that he appreciates the detail.

Commissioner Curley will vote against the policy as he does not think the Township needs to name the facilities for revenue. If it came back scaled back with more incidental advertising he would support it. His opinion is it is too much opportunity for too many things.

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

PERSONNEL & ADMINISTRATION

Motion to Approve Bashore Settlement Agreement

Commissioner Fisher recapped the history and Mr. Rice detailed the settlement agreement.

Commissioner Spingler moved to approve, seconded by Commissioner J. Higgins.

Commissioner Curley intends to support the approval of the settlement agreement.

Commissioner K. Higgins intends to support the approval as well.

Commissioner Schaefer intends to support the approval of the settlement agreement.

Commissioner J. Higgins intends to support the approval of the settlement agreement.

Commissioner Nagle intends to support the approval of the settlement agreement.

Commissioner Fisher does not intend to support the settlement agreement. He thanked John Osborne for having the courage to stand up and do the right thing.

Public Comment

Diane Ebril, Spruce Tree Road – Thanked Commissioner Fisher for his work and dedication through the process. She also thanked others for all of their work mostly through the Right to Know process in gathering information throughout the process.

Martin Heldring, Audubon Avenue – He asked for clarity of the lessons learned. He stated that the taxpayers need some comfort that there is some prudence and governance around the tax dollars that they pay.

Sarah Armstrong – Thanked Commissioner Fisher and Christina Perrone for all of their hard work

Dan Sherry – He stated his dissatisfaction with the settlement agreement and the process leading to it.

Christina Perrone, Walnut Avenue – Asked that the Commissioners table the agreement and for more discussion.

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

FINANCE & AUDIT

Disbursement Acceptance & Approval

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler. Commissioner Curley noted he has recused himself from payments to Office Basics. Motion passed 7-0 with Commissioner Curley's recusal on the Office Basics line items.

Resolution 2013-01 - Authorizing the Township Manager to bind Workers Compensation Coverage for 2013 at a price of \$433,035

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler. Motion passed 7-0.

Resolution 2013-08 - 2013 Board authorization of the reduction in FOP Pension contributions from 5% to 3% pursuant to Act 600

Mr. White explained that the Township's current CBA with the Delaware County FOP limits member contributions to 3%. Therefore, in order to comply with the provisions of Act 600, the Township must adopt a resolution officially reducing the member contributions from 5% to the collectively bargained rate of 3%. This official action will be required annually so long as the member contribution rates are less than what is set forth in Act 600. In order to satisfy the Audit Finding included in the Township's past two Auditor General pension audits and in order to comply with the provisions of Act 600, the Administration to approve resolution 2013-08.

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler.

After a brief discussion for clarification, Commissioner Schaefer called the vote, motion passed 7-0.

BPT 2013-01 in the amount of \$19,500

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler. Motion passed 7-0.

BPT 2013-02 in the amount of \$30,650

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler. Motion passed 7-0.

BPT 2013-03 in the amount of \$96,000

Commissioner K. Higgins moved to approve, seconded by Commissioner Spingler. Motion passed 7-0.

COMMUNITY DEVELOPMENT

Presentation by URDC on status of Planned Institutional Zoning Update and request for additional meeting attendance.

Charlie Schmehl briefly spoke in regards to URDC's work to assist in updating the zoning ordinance for the Planned Institutional Zoning District. While much headway has been made, there is still more work to do with the Planning Commission.

Commissioner Schaefer commented that there has not been a lot of input from the educational institutions. Is there a way to formalize/request that they participate fully going forward.

Commissioner Curley made a motion to authorize URDC to attend the stated additional meetings, seconded by Commissioner Spingler.

Commissioner Nagle is not in favor of the process and believes the billing rate is excessive.

Commissioner Schaefer called the vote, motion passed 5-2 with Commissioner Fisher and Nagle opposed.

Appeal of DRB Decision 2012-61 by the owner/applicant, Robert. F. Whalen Jr.

The Applicant originally requested at the Design Review Board meeting to have 30 inch letters on the SLEEPY'S Sign. The Design Review Board only permitted 16 inch letters for SLEEPY'S and 8 inch letters for "The Mattress Professional." The applicant is requesting that 18 inch letters be permitted and they in turn will not install the 8 inch "The Mattress Professionals."

Commissioner Schaefer moved to approve, seconded by Commissioner K. Higgins. Motion passed 7-0.

Hearing regarding the Inter-municipal Transfer of a Liquor License to Pietro's Italian Restaurant – 200 Radnor Chester Road.

Hearing regarding the Inter-municipal Transfer of a Liquor License to Estia Taverna Restaurant – 200 Radnor Chester Road.

The applicant's attorney explained that the applicant does meet all statutory requirements for both Inter-municipal transfers of Liquor Licenses. He presented the Commissioners with Agreement of Sales for both establishments.

Commissioner Fisher stated that he is in support of this, his only concern is if the business does not succeed that a non-restaurant does not move in and take the liquor license.

After a brief conversation between Commissioners, Commissioner Fisher moved to approve with the following provisions - subsequent use of the site have liquor sales not to exceed 30% of total revenue of the establishment and no deliveries being made between 10 PM and 7 AM, seconded by Commissioner Spingler.

Public Comment

Jim Schneller – He objects to the inter-municipal transfer of the liquor licenses.

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

Review and Referral of revisions to Ordinance #2012-09 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts.

Kevin Kochanski, Director of Community Development explained there have been multiple revisions to this draft ordinance over the course of the last several months. As a result of these multiple changes one of staff's original intents has been changed inadvertently. Specifically, staff had always intended a public street to serve as the only buffer between an outdoor dining area and an adjacent residential use or zoning district. The current language would require an additional 100 foot buffer from the property line which could be the centerline of the public street.

There was in depth conversation between Commissioners and Staff in regards to items such as buffers, setbacks, alcoholic beverage purchases with or without food.

Commissioner Curley moved to refer to the Planning Commission the following change to Section 10.F: Outdoor dining areas shall not be permitted to the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two family detached or semi-detached dwelling unit or residentially zoned district. However, the outdoor dining area can be located to the rear or side of the principal restaurant building when the outdoor dining area is more than 500 feet from the property line of the immediately adjacent single family or two family detached or semi-detached dwelling unit or residentially zoned district. Motion seconded by Commissioner Spingler.

Public Comment

Jim Schneller, St. David's – He discussed that he is not in support of the Commissioners regulating advertising on umbrellas.

Sara Pilling – She discussed how she believed that a road would not violate a 100 ft. rule. Which in Garrett Hill this particularly appropriate.

Baron Gemmer – Discussed the setbacks and language used in section 10b.

Commissioner Schaefer called the vote, motion passed 5-2 with Commissioner Fisher and Commissioner Nagle opposed.

Introduction of Ordinance #2012-11 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, amending the heights of athletic field light standards in the PLU (Public Land Use) District.

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

Kevin Kochanski explained that the standards within the existing Zoning Ordinance language limit the maximum height of buildings and structures to 38 feet within the Public Land use District (PLU). These regulations prohibit the installation of field lighting at heights customarily associated with athletic fields. The proposed language would allow field lighting, up to 85 feet in height, on Township owned property when specifically authorized at the discretion of the Board of Commissioners.

There was a discussion in regards to the light spillage, Commissioner Schaefer made a recommendation that the Ordinance be amended stating that property owners within 500 feet be notified.

Commissioner Nagle moved to amend section 1 - E2 to read “Lights shall not exceed a maximum foot-candle reading at the property line in excess of 0.2 fc (footcandles) unless otherwise approved by the Board of Commissioners”, seconded by Commissioner K. Higgins. Motion passed 4-3, Commissioners Schaefer, Curley and Spingler opposed.

Commissioner Spingler made a motion to introduce the ordinance with the following changes made:

Light fixtures shall be shielded to reduce light spillage beyond the extent of the property line.

Notice of any proposed field lighting project shall be provided to adjacent property owners within 500 feet of the subject site.

Motion seconded by Commissioner Fisher. Motion passed 6-1 with Commissioner K. Higgins opposed.

Public Comment

Jim Schneller – Would like adjacent properties within 1000 feet of subject site be given notice.

Introduction of Ordinance #2013-01- Amending Chapter 255 of the Radnor Township Code, Subdivision and Land Development Ordinance to establish regulations for the mandatory dedication of recreation land as part of a subdivision or land development; and to establish a fee in-lieu-of the dedication of recreation land when it is determined that the dedication of the land required for recreation purposes is not feasible.

Kevin Kochanski explained that Ordinance 2013-01 amending Chapter 255 of the Radnor Township Code, Subdivision and Land Development Ordinance to establish regulations for the mandatory dedication of park and recreation lands, construction of recreational facilities, or for a fee in-lieu-of dedication of such land/facilities. The proposed regulations would be applicable to any new residential or nonresidential subdivision or land development. As development continues within the Township, existing Township recreational facilities will become more taxed which could lead to scheduling and safety issues as a result of overuse. The proposed regulations would ensure that there are adequate recreational areas and facilities for future residents and users of the Township’s facilities.

Commissioners Spingler, K. Higgins, Curley do not support the Ordinance.

Commissioner Schaefer asked for “or as be amended” be added to section 1 A2, E3B, C3D insert a clause stating as amended.

Commissioner J. Higgins made a motion to introduce the ordinance, seconded by Commissioner Fisher. Motion passed 4-3 with Commissioners Curley, K. Higgins and Spingler opposed.

Public Comment

Jim Schneller – Would like language added that explains recreation.

Resolution #2013-07 - Approving the Open Space Acquisition, Evaluation, and Documentation Policy

Commissioner Schaefer thanked everyone that worked on creating the policy.

Commissioner Curley moved to approve, seconded by Commissioner K. Higgins.

Commissioner Schaefer would like to amend the original motion with the following changes: Phase 2 in section 2a 5 – include a calculation showing the financial impact taking into consideration debt costs and operating expenses.

John Rice stated that all the underlined in the document was input from various Commissioners and there were a few typos that he corrected.

Commissioner K. Higgins stated that he disagrees with Commissioner Schaefer’s amendment; for the interest of full disclosure to the residents, it is a reasonable calculation and should be disclosed to the residents. Commissioner Fisher agreed with Commissioner K. Higgins; he stated that the Board chooses to spend money on open space.

After an in depth conversation, Commissioner Schaefer made a motion to amend the policy with the following change: Phase 2 in section 2a 5 – include a calculation showing the potential financial impact of this purchase on the average taxpayer taking into consideration debt costs and operating costs. The motion was seconded by Commissioner Spingler. Motion passed 4-3 with Commissioners K. Higgins, Curley and Fisher opposed.

Public Comment

Rob Murdocca – He suggested a few minor changes to the policy.

Commissioner Schaefer made a motion to incorporate Rob Murdocca edits, seconded by Commissioner Spingler. The motion passed 7-0.

Commissioner Curley made a motion to approve the policy in its entirety, seconded by Commissioner Spingler. The motion passed 6-1 with Commissioner K. Higgins opposed.

***PUBLIC WORKS & ENGINEERING
PUBLIC HEALTH
PUBLIC SAFETY
LIBRARY***

Commissioner J. Higgins announced that the Library Committee met last week. There was a brief discussion on whether a donor makes a contribution to the Library, which is a Section 501(c)(3) organization, if it is a tax deduction for the donor.

Old Business
None

New Business

Mr. Zienkowski discussed that he spoke with the Superintendent of Police in regards to the abuse of running red lights and stop signs in the Township. He asked the Superintendent to send a message out to the officers to take an aggressive approach in regards to this and the Superintendent has sent out a directive to the Police Officers.

Public Participation

Rob Murdocca – Asked several questions in regards to Ardrossan such as if an appraisal had been completed and what type. He asked for the public to have more time to digest the information once it would go public. He also inquired what the maximum turnaround time is for a Right to Know Request.

Commissioner Schaefer commented that when there is an Agreement of Sale then that along with all other documents will become public information.

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

Respectfully submitted,

Jennifer DeStefano