

TOWNSHIP OF RADNOR
Minutes of Public Meeting of August 12, 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 Rice, Township Solicitor; William White, Finance Director; William Colarulo, Superintendent of Police; Stephen Norcini, Director of Public Works; Kevin Kochanski, Director of Community Development; Roger Phillips, P.E., Township Engineer; and Jennifer DeStefano, Executive Assistant to the Township Manager.*

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

Public Participation

Kenneth Lane & Eugene Prince, W. Wayne Avenue – They would like to request a waiver from the Board of Commissioners to not have to go through HARB to construct a glass greenhouse on their front porch.

Commissioner K. Higgins made the motion to waive the process and have the item placed on the HARB agenda for August 21, 2013 then to the Board at the August 26, 2013 meeting, seconded by Commissioner Spingler. Motion passed 7-0.

Notice of Executive Session preceding the Board of Commissioners meeting of August 12, 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 April 22, 2013, May 13, 2013 & May 22, 2013

April 22, 2013 minutes - Commissioner Spingler made a motion to approve, seconded by Commissioner Fisher. Motion passed 7-0.

May 13, 2013 - Commissioner Spingler made a motion to approve, seconded by Commissioner J. Higgins. Motion passed 7-0.

May 22, 2013 - Commissioner Spingler made a motion to approve, seconded by Commissioner Fisher. Motion passed 7-0.

Consent Agenda

Motion Adopting the 2014 Budget Program Calendar

Motion authorizing the emergency expenditure of \$10,220 for the replacement of RTV equipment

Approval of Staff Traffic Meeting Minutes – June & July meetings

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

Disbursements Acceptance and Approval: 2013-7A, 2013-7B, 2013-7C and 2013-7D

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

Motion to accept Department Reports

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

Commissioner Fisher made mention of a few highlights throughout the Finance monthly report.

PUBLIC SAFETY

Introduction and Approval of Resolution #2013-94 - Approve two (2) K9 Bomb/Patrol Dogs, Equipment and Training

Lieutenant Christopher Flanagan and Lieutenant Andrew Block made a brief presentation in regards to K-9 patrol dogs for the Police Department. The presentation is available on the Radnor Township website http://www.radnor.com/egov/docs/1375102310_770965.pdf.

After a brief discussion and clarification of the program, Commissioner Spingler made a motion to approve, seconded by Commissioner Fisher.

Commissioner Schaefer discussed that when this she first heard about the program she was very skeptical but the Police have made a very convincing presentation of the need for K-9's.

Commissioner Nagle is not in favor of the resolution; he does not believe that the need is there.

Commissioner Fisher is in support; he believes that the dogs will provide a lot of abilities.

Commissioner J. Higgins will support the program; anything that can make the Township safer for the residents we all will benefit from.

Commissioner Curley is in support; this is the capability the community wants.

Mr. Zienkowski discussed that the necessity to bring in another tool to the Department will be a great benefit. He fully supports the program.

Public Comment

Sara Pilling – She has a concern about adequate liability insurance to protect the public to potential dog bites by the new dogs.

Lieutenant Flanagan stated that the Police Departments liability insurance covers the dogs along with an additional \$1,100 for loss of the dogs. He also announced that Officer Dan Lunger and Officer Jennifer Cocco will be the K-9 officers.

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

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

Commissioner Spingler made a motion to adopt Ordinance #2013-16, seconded by Commissioner Nagle.

Commissioner Schaefer thanked the Police Department for their tremendous effort in consolidating the traffic code.

John Rice read into record two additions to the Ordinance which was the following:

Page 49 Garrett Avenue	West	Handicapped parking	Commencing in front of 38 Garrett Avenue in a southerly direction for a distance of 18 feet	
Page 29 - Yield Sign on Barcladen Circle			Direction of Travel	At Intersection of
			East	Barcladen Road

Commissioner Spingler made a motion to adopt the ordinance with the above additions, seconded by Commissioner Fisher. Motion passed 7-0.

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

Mr. Zienkowski recommends that the ordinance be tabled and the following resolution be approved to implement Trap-Neuter-Return.

Public Comment

Greg Miller, Chamounix Road – He stated that he was against the proposed feral cat ordinance and is in support of the TNR resolution. He made a brief PowerPoint presentation.

Adam Corbett, a Veterinarian with the SPCA – Supports the TNR Program, stating that when the cats are taken to a vet to be neutered, they are also vaccinated; feral cats do not present a significant health risk to Radnor Township. While the township Health Board was concerned about rabies and toxoplasmosis when it recommended the feral cat ordinance, in reality there have been no cases of rabies in Delaware County for the last 10 years.

Amanda Novotny, Alley Cat Allies in Bethesda, Md., - Residents who trap, neuter and release provide a service without asking the township for support.

Elizabeth Holtz, an attorney for Alley Cat Allies - A substantial number of cities and towns have trap neuter and return policies.

Susan Spinello, Executive Director Spayed Club - Offered to provide spaying services for \$30 per cat for Radnor cat trappers.

Joseph Siciliano, Eachus Avenue – He is opposed to the ordinance but is in support of the TNR resolution.

Patty Kershner, Bryn Mawr – She is in support of TNR and education is critical.

Joanne Fredericks – She supports TNR and recommends the ordinance is tabled.

Dawn Manning, Animal Friends of Lansdowne – Her group has been utilizing TNR since 2002. Key element is educating the public.

Melanie Shain, Francisvale Home for Smaller Animals Board President - Requested the feral cat ordinance be tabled and said that she supports trapping, neutering and releasing as the most humane way to manage the feral cat population.

Eleanor Donahue – She pointed out a few items in the ordinance that she is not in agreement with. She also stated that she believes that TNR is the most effective program.

Bryan & Joyce McGowan, Glenbrook – Never viewed themselves as caregivers but have taken in many cats in the last few years. They have researched and educated themselves with TNR with the help of surrounding organizations.

Commissioner Spingler made a motion to table the ordinance, seconded by Commissioner Fisher.

Commissioner Curley stated that the ordinance has been in discussion for a long time and it needs to be voted up or down.

Commissioner Fisher supports the ordinance if the language is struck about becoming an owner if they feed the cat. He will support tabling the ordinance and fully supports the TNR resolution.

Commissioner Schaefer called the vote to table the ordinance, motion fails 3-4 with Commissioners Curley, Schaefer, J. Higgins and Nagle opposed.

Resolution #2013-100 - Promoting Voluntary Participation For Residents And Non-Profit Organizations To Participate In Trap-Neuter-Return Programs As The Most Effective Way To Control The Stray Population Of Cats And Dogs

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

Commissioner K. Higgins made a motion to amend the resolution to read:

NOW, THEREFORE, be it hereby **RESOLVED** that the Radnor Township Board of Commissioners does hereby advocate and promote voluntary participation in Trap-Neuter-Return procedures and will make township **personnel** resources available **at the discretion of the Township Manager** to **township** residents and/or non-profit organizations to assist them in facilitating TNR activities.

Commissioner Curley seconded the amendment to the resolution, Motion passed 5-2 with Commissioner Spingler and Fisher opposed.

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

PERSONNEL & ADMINISTRATION

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

Commissioner Nagle made a motion to introduce Ordinance #2013-13, seconded by Commissioner Spingler.

Commissioner J. Higgins has recommended a few changes to section 7 of the agreement.

Bonnie Shuman stated that Main Line School Night is not opposed to establishing a minimum obligation of improvements.

After a brief conversation in regards to a minimum & maximum of obligation more concrete by Main Line School Night, Mr. Rice asked that the Board gives him a chance to incorporate the changes and then bring it back to the Board at the September 9, 2013 meeting. The Board of Commissioners agreed to Mr. Rice's request.

Commissioner Nagle rescinded his motion.

FINANCE & AUDIT

Resolution #2013-95 - Transfer of Excess 2012 General Fund Balance to Various Funds

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

This Resolution (2013-95) formally recognizes and authorizes the amounts to be transferred based on the completion of the 2012 Audited Financial Statements (as reported on page 17 of the Comprehensive Annual Financial Report, Balance Sheet – Governmental Funds).

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

Resolution #2013-96 - Renewing the Township's Property, General, Auto, Police Professional, Public Officials, Employee Practice and Umbrella Liability Insurance for the year beginning August 1, 2013 through July 31, 2014 with Travelers

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

PUBLIC WORKS & ENGINEERING***Resolution #2013-97 - Award of Radnor Memorial Library Feasibility Study to Kimmel Bogrette Architecture***

Commissioner J. Higgins made a motion to approve, seconded by Commissioner Curley.

Kathy Mulroy explained the Radnor Memorial Library has issued a Request for Proposals (RFP) to determine what additions could occur on the current site of the existing library, and to evaluate the HVAC system. By moving forward in this manner, any alterations to the library could be incorporated into the HVAC design. The library is to be considered the "owner" for this contract.

Mr. Zienkowski asked for consideration of the Township Building to be utilized since it is currently underutilized.

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

Resolution #2013-99 - 299 Hares Lane Subdivision, Preliminary/Final

George Broseman, attorney for applicant discussed that Mr. Bentley had a meeting earlier today with Mr. Norcini and there has been a few changes to the resolution. The revisions are as follows: *page 2 – 4d – add unless required by PECO; page 2 – 4e to read - All trees to be removed from Applicant’s use of the easement area shall be replaced in accordance with the Shade Tree Ordinance replacement formula in the same area. Page 2 – 5 to read - The Applicant shall take **construction** access to the Property from Gulph Creek Road through the adjacent Harford Park to the Property,Page 2 – 5c last sentence to read: The Applicant shall post \$10,000 for the paving, repair and resurfacing of the Harford Park driveway and shall not be responsible for other driveway damage **unless there is extensive, unforeseen driveway damage done** by the Applicant during construction of its project.*

Public Comment

Sara Pilling – She is concerned about the dogs and the families that come to use the park during construction and hopes that there is some type of barrier to protect them.

Adam Sobel, Biddulph Rd – He hopes that the development is approved.

Maya van Rossen – She discussed difference between considerable damage and unforeseen in general.

Dave Palmer, Hares Lane – Thanked all parties involved especially Commissioner K. Higgins for all of their hard work.

Diane Myer, Wyndham Lane – Inquired what was being completed on the project pertaining to stormwater management.

After a brief discussion, John Rice read the amendments to be made to the resolution as follows:

*page 2 – 4d – add unless required by PECO; page 2 – 4e to read - All trees to be removed from Applicant’s use of the easement area shall be replaced in accordance with the Shade Tree Ordinance replacement formula in the same area. Page 2 – 5 to read - The Applicant shall take **construction** access to the Property from Gulph Creek Road through the adjacent Harford Park to the Property,Page 2 – 5c last sentence to read: The Applicant shall post \$10,000 for the paving, repair and resurfacing of the Harford Park driveway and shall not be responsible for other driveway damage **unless there is extensive, unforeseen driveway damage done** by the Applicant during construction of its project.*

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

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

Commissioner J. Higgins summarized the ordinance. Commissioner Schaefer explained that several meetings in the coming months will be educational sessions and to hear concerns from residents. Also, the residents

should have received in their mailbox an educational mailer. In addition, the Radnor League of Women Voters is hosting a series of public information meetings on the following dates:

Thursday, August 29th from 7—9pm; Thursday, September 12th from 1—3pm & 7—9pm. These meetings will include a presentation on the stormwater program funding study as well offer the public the opportunity to ask questions and provide comment on the proposed program and funding method.

The current rate that is in the ordinance is \$56.00 per billing unit.

There was discussion amongst the Commissioners and Staff in regards to how much impervious/pervious surface a resident has; the correlation is correct but would use more tiers and funds for capital improvements on a watershed basis.

Brian Merritt discussed the watershed scenario as follows: We don't generally recommend this approach as the program was intended to establish a program of services, level of service and funding for the whole community. Spending and prioritization of specific projects is up to the Township and Township leadership to determine on an annual basis. Codifying it could tie the Township's hands in addressing issues across the Community and it may have unintended consequences such as not being able to address emergencies or priorities if projects within a given watershed exceed an annual funding limit (percent or \$ amount); requiring contractors to provide services in a manner which may not optimize cost – requiring mobilization and demobilization in each watershed rather than systematically working through the Township; etc.

If language must be included, it might be written as - the Township will consider (or prioritize) projects and activities within each of the Township's watersheds when distributing (or selecting or establishing) funding.

Note: there are currently no references to the specific watersheds defined in the ordinance (or in the program).

Specific language should be developed in consultation with the Township's Solicitor.

Public Comment

Armond Novelli, Eagle Road – We are becoming a township with low taxes and high fees. This is a problem that we have had for years.

Clara Pellerin, 115 Poplar – When she first bought her house it was not in a flood plain. The problem is getting worse.

Baron Gemmer, S. Wayne Avenue – Inquired in regards to definitions within the ordinance.

Maya van Rossen – Would like to see a Q&A session with the public after the educational sessions held.

It was agreed amongst the Commissioners to look into the Watershed approach compared to the population distribution approach.

Motion authorizing the expenditure of \$8,200 to Pentamation for the system changes necessary to add the billing features for the Stormwater program

This item was moved to fall after the Stormwater discussion.

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

After a brief discussion on timing of the implementation of the software, Commissioner Schaefer called the vote. Motion passed 5-2 with Commissioner Curley and K. Higgins opposed.

COMMUNITY DEVELOPMENT

Ordinance #2013 -07 - (Adoption) Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by prohibiting Outdoor Dining in the GH-CR Zoning District

Commissioner Curley made a motion to adopt Ordinance #2013-07, seconded by Commissioner Fisher.

Public Comment

Patti Barker – Thanked the Commissioners for approval of the ordinance in such a timely manner.

Commissioner Schaefer called the vote, motion passed 6-0 with Commissioner J. Higgins absent for the vote.

Ordinance #2013-12 - (Adoption) Amending Chapter 280 of the Radnor Code, Zoning Ordinance, by establishing regulations for Municipal Uses on lands owned, operated, leased and/or maintained by Radnor Township

Commissioner Curley made a motion to adopt Ordinance #2013-12, seconded by Commissioner Spingler.

Commissioner K. Higgins inquired why this ordinance is needed now and why the language “*and/or maintained by Radnor Township*” is used.

Mr. Kochanski responded that if a sign needed to be placed in an area that the township is not the owner but maintains it this would be helpful.

Commissioner Schaefer is not in support of the ordinance.

Public Comment

Baron Gemmer, S. Wayne Ave. – He stated that the ordinance is too broad and ordinances such as this do not help build trust with the residents.

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

Motion to set a hearing date for BioMed’s Zoning Petition

Commissioner Curley made a motion to set the hearing date for September 9, 2013, seconded by Commissioner Spingler.

Public Comment

George Broseman, attorney for Brandywine Realty Trust – It is his understanding that his clients property at 201 King of Prussia Road is being included in this petition. This petition is different than most that you have seen as it includes property of another land owner so it will affect more than the applicant. He stated that they feel it is premature to set a hearing date; this is a big application. He would ask that the action for this motion is not taken until Brandywine has been given a copy of the petition and ample time to review.

Mr. Rice stated that Biomed submitted a petition that included only their property.

After conversation amongst Mr. Rice, Mr. Kochanski and Commissioners in regards to the process of the zoning petition, Commissioner Schaefer called the vote, motion passed 7-0.

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

Commissioner Fisher stated that he will postpone the subject until the next meeting.

PARKS & RECREATION

Commissioner Nagle announced that the Radnor Concert Celebration at Clem Macrone Park will take place on Wednesday, August 14, 2013 (Rain Date: Thursday, August 15) 6:30 to 8:30 PM. Also, Radnor Summer Concert Celebration at Bo Connor Park August 21, 2013 (Rain Date: August 23) 6:30 to 8:30 PM

LIBRARY

None

PUBLIC HEALTH

None

Old Business

None

New Business

Commissioner Schaefer discussed that there will be an Open Space Committee will meet on August 20th at 6 PM held in the Powy's Room of the Municipal Building.

Public Participation

Baron Gemmer – Asked if traffic calming locations in the Township be placed in the traffic ordinance.

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

Respectfully submitted,

Jennifer DeStefano