

## COUNCIL MEETING

September 14, 2022

The regular meeting of the Rose Valley Borough Council was held on September 14, 2022 in the main room of the Old Mill, 9 Old Mill Lane, Rose Valley, PA. President of Council Dave Firn called the meeting to order at 7:30 p.m. Other Council members present were Councilpersons Leonard Busby, Joe Hare, Shannon Prown and Matt Sullivan; Mayor Bill Hale; Controller John Neilson; Treasurer Mario Bacchia and Secretary Paula Healy. Councilpersons Shawn Stancill and Vippy Yee, and Solicitor G. Guy Smith were absent.

Members of the public attending the meeting were Alexa Bradley, Anne Bradley, John Caldwell, Kelly Caulfield, Aaron Childs, Denise Coan, Kevin Coan, Tina DiChiara, Ursula Erb, Monica Gagliardi, Cindy Greene, Gail Hale, Lothar Haselberger, Cindy Holston, Peter Howell, Lionel Monsky, Ada Muellner, Joe Kantner, Jim Kimsey, Stephen Knob, Scott Laughlin, Cindy MacPherson, Richard O'Flynn, Teresa O'Flynn, Dan O'Mara, Margaret O'Mara, Martin O'Rourke, Ron Ploeg, Susan Ploeg, Carol Porter, Pete Prown, Sally Jenkins Redgrave, Eric Root, Katie Rubin, Diane Seider, Katie Sherwood, Alice Strine, Walter Strine, Richard Taxin and Bill Thomas.

### MINUTES

After the Pledge of Allegiance, the Minutes of the August 10, 2022 Council Meeting were approved on a motion made, seconded and unanimously passed.

### PLANNING

Mayor Hale, who serves on the working group for the walking path feasibility study, presented a plan prepared by Borough Engineer Houtmann for a sidepath along the east side of Rose Valley Road from just south of Buttonwood Way to Woodward Road on properties that were once part of the Pew Estate. Mr. Hale reviewed the history of these properties noting that in 1920 the Pews acquired the 27-acre property with the "Gothwold" mansion built in 1893 which is now owned by Alice and Walter Strine. Back then, Rose Valley Road did not go straight across the top of what is now Pew Park and Mrs. Eva Pew was in a car accident at the intersection of Manchester and Ridley Creek Roads. To avoid future accidents, the Pews gave the Borough land for what is now Pew Park and for the extension of Rose Valley Road above the park as a Christmas present on December 25, 1933. John Pew died in 1954 and the following year his widow Eva subdivided off and sold the 410 Woodward Road lot which is now owned by the Thomas family. The deed for this property included a Right-of-Way (RoW) extending 25 feet out from the title line in the center of Rose Valley Road, and inadvertently also included some of the land given by the Pews to the Borough almost entirely within the 25-foot RoW. Eva Pew died in 1958 and her estate sold the remainder of the Pew property to Odmak, Inc in 1960.

Odmak Inc. subdivided the property into 14 lots in 1960 which it subsequently sold off, including 8 lots off Buttonwood Way, 4 off Thornpath Lane and 2 off Rose Valley Road. This was a modern subdivision (similar to the Todmorden development) with the property lines and

rights-of-way set back 25 feet from the center of Rose Valley Road and Buttonwood Way. The Borough did not realize these RoWs existed until the subdivision plan was obtained and reviewed in late spring 2022. The owner of the 1 Thornpath Lane property, which was sold in 1960, apparently delayed paying all the monies owed and also wanted to buy the strip of land consisting of the 25-foot-wide right-of-way from Odmak Inc. Odmak sold him this parcel for \$75 in 1963. The owners of the 2 Thornpath Lane and 2 Buttonwood Way properties, which were also sold by Odmak in 1960, were sold their 25-foot-wide RoW parcels for a nominal dollar in 1963. Whether or not the land in the 25-foot RoW is owned by the adjacent homeowner, the municipality has the right to construct a pedestrian walkway in this RoW. Even if the adjacent property owners do not own the 25-foot-wide RoW, which is usually the case in a modern subdivision, they still have the right to landscape and maintain it as long as they do not interfere with utilities, sightlines, stormwater management and pedestrian walkways.

A section of the sidepath will be located on a part of Pew Park which extends across the road in front of the 6 Rose Valley Road Seider property. Similarly to the Thomas property, the latter property also inadvertently includes a small slice of land given by the Pews to the Borough for the construction of Rose Valley Road across the top of Pew Park.

The Borough plans to redirect the \$75,890 Green Ways Connect Grant monies it has been awarded, with the permission of the Delaware County Planning Department, to address the most dangerous section of Rose Valley Road to walk along, namely the 173 Rose Valley Road Strine property where there is a stone wall right next to the edge of the road and the adjacent 2 Buttonwood Way Lindsay property. The current plan is to take down the old 5-foot-high wrought-iron estate fence on the Lindsay property, which is in poor condition because it has not been re-painted to protect it from rusting. It also blocks the sightline looking right when pulling out of Buttonwood Way onto Rose Valley Road. A new 5-foot powder-coated aluminum estate fence would be installed along the property line for privacy with the sidepath constructed on the road side of this new fence.

A new 5-foot powder-coated aluminum estate fence would also be installed along the property line for privacy on the Strine property. However, the old 5-foot wrought-iron estate fence on this property is in good condition because it has been well cared for and is above the 3-to-4-foot-high stone wall and therefore has been much better protected from road salt and water. If this estate fence was taken down, a 42" fence would then have to be installed to prevent people from falling off the stone wall into the roadway. It therefore appears to be better to leave the 300 feet of historic and iconic wrought iron fence above the stone wall in place and put the path on the inside of this fence, within the 25-foot RoW, with plantings and fencing provided to screen the path from the residence.

The 1 Thornpath Lane Coan property also has old 5-foot wrought-iron estate fence which is in fairly good condition. The Coans would like the sidepath to go on the road side of this existing fence. The Seiders would like the sidepath to go on the road side of the trees which block the lights of vehicles turning from Ridley Creek Road onto Rose Valley Road. The Borough intends to try to accommodate these requests to the extent possible in order to balance the legitimate interests of the property owners along the road with the common interest of improved pedestrian safety.

The meeting was subsequently opened up for public comment. Numerous people spoke in favor of a safe pedestrian path along the road and to the train station. Other comments and questions elicited the following responses. The sidepath would have to be ADA compliant to the extent possible. In areas where the slope of the path is 5% or greater, short “benches” with a slope of less than 5% may be periodically required. The Borough has indicated that it would be responsible for the construction, maintenance and repair of the walking path and that homeowners would not be required to remove snow and ice and would be shielded from liability by State law. Owning the RoW parcels conveys no benefit to the homeowners and those who currently own such parcels could convey them to the Borough to further insulate themselves without losing their right to maintain the RoW grounds. Some trees would have to be taken down to make room for the path, primarily old white pines, however new trees could be planted on the affected properties or elsewhere in compensation. A safe pedestrian path to the Moylan/Rose Valley Train Station would probably increase home values in the area it served. The walking path is expected to cross Rose Valley Road just north of Roylecroft Lane because the road is straight at this location with good visibility for 300 feet in both directions. A crossing with flashing stop signs at this location is not envisioned because pedestrians cross RV Road at many locations and will continue to do so. No additional lighting will be required for the walking path because the streetlights along RV Road are sufficient.

The Borough plans to pay for the design and construction of the sidepath along Rose Valley Road from Possum Hollow Road to the Moylan/Rose Valley Train Station with grant money to the extent possible. In furtherance of this approach, Mr. Sullivan motioned that Council authorize the Borough to apply for a Round 3 Delco Green Ways Connect Grant due October 7 with the required Borough Resolution, and a PA Department of Conservation and Natural Resources (DCNR) Trails Grant due October 27, for a sidepath along the east side of Rose Valley Road from just south of Buttonwood Way to Woodward Road. This motion was duly seconded and unanimously passed. To support these grant applications, Mr. Sullivan motioned that Council authorize the Borough Engineer to prepare a cost estimate for the project scope which was duly seconded and unanimously passed. The DCNR Grant requires 20% matching funds for small municipalities. The Delco Green Ways Grants do not require matching funds and can be used as matching funds for the DCNR Grant.

### EAC & ENVIRONMENT

Mr. Busby asked Council’s permission for Mrs. Healy to advertise the bid requests for the 2023 recycling program for once-a-week and every-other-week single stream pickup. This permission was granted on a motion made, seconded and unanimously passed. It had been suggested that Rose Valley might join with Nether Providence in a joint recycling contract, however this was not possible for 2023. Nether Providence is creating a refuse committee to look into future recycling options which representatives from Rose Valley and other municipalities will be welcome to join.

Mr. Busby noted that EAC member Jim Audley is working on a project to install wooden posts with tile trail markers in the preserves and that the spring work effort went well with 12

volunteers working over 6 days. Two spotted lantern fly trap trees were treated by Davey Tree Company.

Mr. Busby reported that the EAC recommends to Council that the 2022 – 2023 Deer Management Program be the same as last year's and again consist of one select bow hunter being allowed to hunt in the Todmorden Woods only from 11/28/22 to 12/09/22 and from 1/03/23 to 1/27/23. He would only hunt during the week, not on weekends. The cost for this service would be \$800 for the hunter plus \$150 per deer harvested. This recommendation was approved by Council on a motion made, seconded and unanimously passed.

There will be a free tree seedling give-away on September 24 at the home of Katie Rubin at 31 S. Longpoint Lane. These trees were obtained through the Ten Million Trees for Pennsylvania Initiative.

### HIGHWAYS

Mr. Sullivan reported that Engineer Houtmann is preparing to send out the bidding documents for the Todmorden Drive culvert repair project. Mr. Hale met with Michael Alessi of 509 W. Brookhaven Road to discuss the erosion problem which is affecting Todmorden Drive and the need for permission or an easement to extend the 42" diameter concrete stormwater pipe further downstream and construct a new end-wall on his property. Mr. Alessi said he would be willing to grant an easement. He also asked that the stop sign on Todmorden Drive be moved closer to Brookhaven Road since it is now located too far from the intersection.

Mr. Houtmann is also working on updating the Borough's Stormwater Management Ordinance to stay in compliance with the PA Department of Environmental Protection's MS4 (Municipal Separate Storm Sewer System) Program.

Mr. Sullivan requested that Council authorize Mrs. Healy to advertise for snowplowing bids for the 2022-2023 season. This request was approved on a motion made, seconded and unanimously passed.

### LIBRARY & TECHNOLOGY

Mr. Firn reminded everyone that the Helen Kate Furness Library is holding its Well-Red fundraiser on Friday, September 23 at 7:30 p.m. and encouraged all to attend.

### PUBLIC SAFETY

The August Police Report showed a burglary in the Todmorden neighborhood on the 29th with a detailed description of the incident which was read aloud. Mr. Busby discussed the State Police not following up with a neighbor who observed activity related to the case. The August Fire Report showed a response to an incident involving electrical wires on the 4th. Fire Marshall Matt Poissant provided a flier on electrical safety.

Mr. Stancill talked with All Traffic Solutions about the reporting problems with the speed devices and the Borough is now able to download reports for both the Parking Lot and Thunderbird Lodge devices. His discussion also clarified that the Borough owns the speed devices and indicated the Borough can continue to download the reports even if we don't renew the annual agreement, which seems to only provide remote service and support. Mr. Stancill would like to review the contract in detail before deciding whether to renew the annual agreement.

### FINANCES

Mr. Bacchia reviewed the Status of Funds for August and reported that he had reconciled all the Borough bank accounts with QuickBooks. Mr. Hare went over the Income Reports for August. Mr. Neilson reviewed the Bills for Approval and answered questions. On a motion made, seconded and unanimously passed, the Bills in the amount of \$21,674.81 were approved. Mr. Hare reminded all Council members that he needed their input for the 2023 budget.

There being no further business, on a motion made, seconded and unanimously passed, the meeting adjourned at 10:00 p.m.

Paula W. Healy, Secretary