

Caln Township Board of Commissioners  
253 Municipal Drive  
Thorndale, PA 19372  
April 27, 2017, 7:30 PM

**Call to order and pledge of allegiance.**

**Attendance**

Present - Cynthia Eshleman, President; Jennifer Breton, Vice President; John Contento, Commissioner; Joshua Young, Commissioner; Chuck Wilson, Finance Director; Kristen Denne, Township Manager; Tom Wilkes, Township Engineer; and Margaret Driller, Recording Secretary  
Absent - George Chambers, Commissioner

**Moment of Silence** – Commissioner Eshleman called for a moment of silence for all first responders and military serving around the world.

**Executive Session**

Commissioner Eshleman announced that prior to tonight's meeting, an Executive Session was held to discuss legal and personnel matters.

**Citizens to be Heard**

Ms. Donna DiPrinzio, 211 Garden View Drive, had concerns about the two signs in front of her community that are deteriorating and she would like to find out who she should talk to so they can be repainted. She also wanted to know the limit for dog ownership at one residence. She was concerned about paving and street cleaning to clear gravel off their roads. Commissioner Young stated that no one technically owns the signs; the citizens on Turnberry Road are concerned and want to help. Commissioner Young is stating that he can get an email to her to connect with the people who can help with painting of the signs and cleanup near the road as these people live across the road. The signs on Route 30 or adjacent, if they are from the township we usually take down our signs, and some signs are put up on Friday and they are usually gone on Monday. Paving will be discussed later, we share a street sweeper with other townships and it is being repaired as soon as it is finished we will have it for our township to use in the weeks ahead. Solicitor Camp took on the question in regard to dog ownership, it's hard to define the proper amount of the dogs to be held within each house. SPCA can look into this and they can investigate the home, kennels can have 26 dogs and only a municipality can regulate how many pets that can be kept in a home. Commissioner Eshleman stated that Ms. DiPrinzio should follow up with the SPCA and have the site checked for violations. Solicitor Camp has been working on a sign zoning amendment and she would like to set up a meeting to discuss all signs in the area, we have so many signs in the township and she would like to make it clear in the zoning amendment what signs are acceptable and consolidate these into a sign zoning amendment. Voting signs usually have 30 days before and after the election to be taken down, but there is a Supreme Court ruling that these signs can stay up indefinitely on a citizens yards as this is a part of their first amendment right.

Ms. Vivian Reeves, 43 Johnson Avenue, has concerns with people parking right in front of her driveway. There are trucks in her driveway; they are blocking her in so she cannot leave. She doesn't want to call the police to her site every time this occurs. She wanted to know if she could get a sign put in the driveway and across from her driveway that they cannot park there. She owns another property on Potts Avenue, the drain on Potts and Caln Road is so full of debris that water cannot pass through, and the water is backing up into the backyards. Trucks at the site of #2 Johnson Avenue are making it hard to get out; she had to go down a one way street to get out. Commissioner Eshleman referred this question to Police Chief Elias in regards to people blocking her driveway. Ms. Reeves went on to state that the owner of the truck parks

there all day, she has talked to the man but he continues to park there. The vehicle owner lives on Toth Avenue and comes around the corner to park. Four or five big trucks are also sitting around the corner. Can they be ticketed? She also asked if she could get a sign for her driveway. Chief Elias stated that the location is densely populated and the roadway is tight, but the vehicle Code clearly addresses parking regulations. Officer Ashe has responded there before, and Chief Elias will talk to her to get more information and follow up. There was a brief discussion about limiting parking to one side of the street. Ms. Denne will look into the situation to help resolve these issues.

Mr. Ed Klunk, 65 North Bailey Road, wanted to speak about the liquor license at the Giant Store location. He had several concerns, we are double the quota system in our township and are already over the licenses needed and we will have another one at Turkey Hill who has been given a license with conditions. Solicitor Camp stated that if a contract is with the township and the conditions for these licenses are not met, the township will file a breach of the contract claim through the Courts of Common Pleas to have this settled. Commissioner Young had a question for Solicitor Camp in regards to licenses given, conditions are for the site only, it must stay 5 years in the township it can be transferred to another site, and the contract runs with the license. Conditions stay with the license and if it is transferred there could be more conditions for the new site as needed.

Ms. Lorraine Tindaro, 1701 Olive Street, asked can we remind the voters of the primary election date of May 16, 2017 from 7am to 8pm. Caln #4 voting location has been moved to a new site at Beaver Knoll Clubhouse, 631 Lancaster Court, Downingtown, Pa 19335. Could we please advertise the general election in the fall, as well as in the newsletter. We have two newsletters per year and one is in print with another to go out before the November election. There is a post for the primary election and we will put one in for the fall. Ms. Denne informed Ms. Tindaro that there will be a link on the website to show all the polling sites for the two voting days.

### **Township Solicitor – Ms. Camp** **Giant Conditional Licensing Agreement**

On March 30, 2017 the Board conducted a hearing to review the application for Giant Foods Store, LLC for the intermunicipal transfer of the Restaurant Liquor License to 3477 Lincoln Highway, Thorndale. The Board of Commissioners exercised their right for a sixty day extension to review this application. Giant's representatives were in attendance, Ms. Ellen Freeman, Esquire and Mr. Josh Erb. Solicitor Camp read through the main items in a Conditional Licensing Agreement that Giant offered. Giant has requested to be able to have live entertainment similar to an acoustical singer. The Board discussed this request and the manager suggested that Giant could obtain a special event permit for permission for music through the code office. It was suggested that the applicant come before the Board with how many times they will have entertainment and it can be added to this agreement. The decision was made that if Giant seeks to have live entertainment, it must seek the Board's approval to modify the agreement. Commissioner Contento asked if the changes that were proposed were acceptable to the Giant representatives and they responded yes.

Mr. Tony DiSario, 251 Loomis Avenue, had a question of the hours beer would be sold at the Giant site. The response from the applicant was that the proposed hours of operation for this restaurant will be Monday through Saturday from 7am-10pm, Sunday from 9am-10pm. He asked the serving size, and was informed that one 12 ounce beer would be served per patron.

Ms. Janene Mullen, 1101 Bondsville Road commented that this is ridiculous to have a liquor license for Giant, especially with children playing right across the road from the site. Commissioner Eshleman stated

that she and Commissioner Contento have stated that they will only be able to serve one beer to each customer for safety reasons.

Mr. Tony DiSario, 251 Loomis Avenue, asked how many drinks are they allowed at Wegmans. They have a two drink minimum, they must drink responsibly and their operations have a program and has not had a problem as to anyone over drinking. Tony stated that the Italian Village has a six pack limit and he has seen people sitting in there and drinking. At the 33 Giant locations, Ms. Freeman stated that it is a normal situation for consumption area to only serve one beer and have a restaurant license that it why when someone is drinking on the site that have to monitor it at all times.

Nathan Lentz, 7 Joseph Court, stated Giant is not responsible to watch over all situations. He is stated that if someone is drinking during a baseball game and has one drink, what would make them not come back later and have a second drink. There will be scenarios that will be looked at if this would occur.

Commissioner Eshleman entertained a motion to approve a resolution approving the intermunicipal transfer of the license to the Giant conditioned on Giant entering the Conditional Licensing Agreement as described and corrected by Solicitor Camp based on the Board's comments, moved by Commissioner Contento seconded by Commissioner Breton. Motion approved 3-0, with Commissioner Young abstaining and one Commissioner absent. Solicitor Camp will change the conditions listed above per the Board's direction and the original will then be given to be signed by all the Commissioners present.

### **Atkins Avenue O&M Agreement**

Solicitor Camp explained that the Township must enter a Stormwater Best Management Practices and Conveyance Operation and Maintenance Agreement dated April 4, 2017 for the property at 243 Atkins Avenue. Owner propose to build a single family dwelling and must install stormwater management facilities. Commissioner Eschelman entertains a motion to approve the Atkins Avenue O&M Agreement for 243 Atkins Avenue, moved by Commissioner Breton and seconded by Commissioner Young. Commissioner Contento asked who has reviewed and approved the storm water plans for the township, a letter was issued by our township engineers and they are satisfied all the conditions; Mr. Ray Stackhouse and Cedarville Engineering per Mr. Tom Wilkes have approved this plan, the property owners and the builder have also approved this plan. Motion carried 4-0.

Solicitor Camp stated that Toll Brothers would like to donate a remnant parcel of land on the North Side of North Bailey Road and South of the bypass, along the golf course to the township, PennDOT used to store Stormwater from Route 30 through the pipe there. With the expansion of Route 30, this parcel could be used to store the stormwater away from the bypass at Route 30 and down from Williams and alongside Larson Road. Toll has offered to have an environmental study performed to make sure there are no hazardous wastes on site. Provided the environmental study comes back with no hazardous waste on site, the Board will accept this land.

Solicitor Camp explained that the proposed WAWA on Lincoln Highway and Bondsville was approved and applicant must obtain a highway occupancy permit from PennDOT to install stormwater drainage facilities in Lincoln Highway. The township must be a co-permittee and can shift the maintenance obligations to the applicant after construction has been completed. The applicant will have all responsibilities of insurance, inspections and indemnity. This agreement will be the same agreement as the Board approved for the Giant gasoline facility. Commissioner Breton and Commissioner Young think this is fine to get the paperwork signed once the paperwork is created and reviewed so that building on the site can commence with the drainage plan. Commissioner Eshleman entertained a motion to approve the Drainage Improvement Operations and Maintenance Agreement with PROVCO for the drainage facilities along Lincoln Highway,

after being approved by Solicitor Camp and reviewed by Tom Wilkes, Caln Engineer. Moved by Commissioner Breton and seconded by Commissioner Contento. Motion carried 4-0. One Commissioner not in attendance.

### **Township Manager – Kristen Denne**

#### **SALDO Ordinance Administration**

Ms. Denne is currently working on several items to be mentioned here at the meeting. We currently do not have an internal policy for escrow of 5% to draw on developers in the township and we have been financing the developers over the past several years. Internally we are working on a policy to set forth to have a 5% escrow to be placed on new development within the township. She will help develop the policy and the Board can approve this.

#### **Budget Update**

A resolution was presented amending the 2017 Budget for operating and capital needs. Section 1701 of the First Class Township Code allows for amendment of the budget by resolution after three months of the fiscal year have passed. Commissioner Eshleman entertained a motion to approve Resolution No. 2017-17 amending the 2017 budget for Operating and Capital Needs for the township. Moved by Commissioner Breton and seconded by Commissioner Young. Motion carried 4-0, one Commissioner was not in attendance.

Commissioner Contento stated that we have an overage of \$233,000 at this time and he asked why this money is being used by the township without saving some for a future date. Ms. Denne stated that we had unanticipated requirements such as the need for a license plate reader for the Police Department, additional vehicle maintenance for public works and fire vehicles, and additional road maintenance and paving that needs to be done. She indicated that we are not spending monies on items that are not needed. Of the \$233,000, \$93,000 is being put in the Capital Reserve Fund. The Capital Reserve Fund is showing a negative balance at this time as there are outstanding reimbursements due from PennDOT for the ARLE grants and from the County for the comprehensive plan update. At the end of the year, we are projecting that \$50,000 would be left in fund prior to the additional transfer of \$93,000 under the budget amendment resolution. There are funds remaining in the Capital Bond Fund to cover the local match for the Lincoln Highway Wedgewood sidewalk project.

A line striping machine will be purchased from the Liquid Fuels Fund for \$4,000.00 so we can do some of the line striping work in-house. Commissioner Contento asked when we will have fog lines put onto the intersections, as the BOC agreed to have a study to put in fog lines on designated roads in 2016. Mr. Wilson indicated that \$4,000 was put into the 2017 Budget for this work. Commissioner Young stated that we now have people like Ms. Denne who are in charge and in place to do the job with the Director of Public Works, Mr. Fragale, able to carry out a project like fog lines. The report was given to Ms. Denne and Mr. Fragale to execute what needs to be done. We need a policy for road lines and fog lines from PennDOT. There are policies currently needed for safety and the health and welfare of our citizens. They have to be identified as to what concerns need to be addressed on the roads. Mr. Fragale stated that the new line striping machine cannot do fog lines but it can do line striping and small items. His staff can come out at night to do cross walks, line striping and do it within a week. Commissioner Young requested to work with the Township Manager to find out what roads need to be striped or have fog lines added at this time.

#### **Block Party Request**

Block Party request is not until July 1, 2017 this is a thru street, we do not have a policy in place as to who is responsible for the barricades and safety concerns and who is responsible to notify the neighbors on the

street at the time of the party. There are three cul de sacs they could move it there; we will talk about this at the May 11, 2017 meeting to set up a policy for all safety concerns in regard to a Block Party Request.

### **Comprehensive Plan Comments**

The Comp Plan is due for a public hearing at May 25, 2017 at 7 PM, and the Board can take action on the plan that same evening at their meeting time.

A Road Program will be discussed by Mr. Wilkes and Mr. Fragale, PennDOT to start the design for the sidewalks to be put in at Wedgewood. Storm Water Meeting to be held on May 9, 2017 with a guest speaker talking how they would proceed in the future. Mr. Young is setting up a meeting with Mr. Hatt to talk about a new baseball field in the township. Commissioner Contento has asked if our Board has set up a liaison for the Storm Water Advisory Board on May 9, 2017 with Ms. April Barkasi. A deep and wide pot hole needs to be filled in at the corner as you turn onto Reeceville Road. This is a state road for PennDOT, and we can put in a request to have this repaired. Ms. Denne is working with Ms. April Barkasi to have a short site survey done for offloading of cars at the site in Wedgewood; we need to move forward with a policy at this area.

### **Township Engineer – Mr. Thomas Wilkes, Cedarville Engineering**

The Engineering Report was divided into three sections. Mr. Wilkes reported that land development continues with the two WAWA projects and 301 Bondsville has to have a resubmittal done. Royal Farms is now in construction. He has been working on a sidewalk program for Wedgewood and road sections with current problem spots. There are cost estimates coming in for each road segment in the township, the cost for each road separately should be completed to cut down on expenses. There was a spreadsheet that had been developed, and currently we have no rankings to which road should be done first. Paving according to each section with ranking is needed for future years. The worst case roads will be given priority with planning and budgeting tools for road paving are also needed and pricing. Sealing, paving, sidewalks and storm water meetings are to be accomplished in the weeks ahead. The Sewage Project occurring at the Dogwood – Scott area is ready to move forward. Caln Meetinghouse Road is being looked at in regard to utilities. Commissioner Young stated that G.O. Carlson Boulevard, west of Buchanan, has water going up the right side of the road, and next to the large culvert there is a depression and cracks where puddles of water tend to stay in this area. The walkway along G.O. Carlson has sunk down below the curb. Lloyd Avenue Bridge, which the county maintains, needs PennDOT to look at this location. The possibility for a control light at this location may provide a smoother flow of traffic. Financing would have to be done to get this accomplished. Mr. Wilkes will need to explore this option with PennDOT with a preliminary estimate after a traffic study, to see if a light is warranted at this location.

### **Ordinances and Resolutions for Consideration**

#### **Resolution No. 2017-15 Fulton Lease Purchase Agreement 2016 F550 Dump Truck**

Commissioner Eshleman entertained a motion to accept the Resolution 2017-15 for the Fulton Lease Purchase Agreement for a 2016 F550 Dump Truck. Moved by Commissioner Contento and seconded by Commissioner Breton. Commissioner Contento asked how long the term of this agreement is, and was informed it is for five years with total of \$81,347.00. He also had a question about paragraph 4 and it was explained to him it was the total amount of \$10 million dollars per year which is a standard for tax-exempt obligations. Motion carried 4-0.

#### **Resolution No. 2017-16 WAWA Bondsville LD 2016 Application for Traffic Signal Approval**

Commissioner Eshleman entertained a motion to approve the Resolution No. 2017-16 for the WAWA Bondsville LD 2016 Traffic Signal Approval. Moved by Commissioner Young and seconded by

Commissioner Breton. Motion carried 4-0. They are replacing the signal with a portable generator backup and Commissioner Young would like to have a generator battery backup added to this site as we own several to be used and it gives the township time to reset the traffic signal.

Commissioner Contento asked if PennDOT would allow a light at the Lloyd Avenue Bridge, is it a possibility with a smart light that would allow a smoother amount of traffic. It would be a cost to the township, and we need to find out if this is a possibility with PennDOT. We will need a preliminary cost to do a study for PennDOT. We would like to have a smart light exploration at this site and a report back to the Board with financing to be done by the township. We would like a rough estimate of costs for this light.

## **Public Safety**

### **Police Chief Elias**

Police Chief Elias submitted his monthly report for March. He discussed the skimming devices that were discovered at the Exxon Gas Station. There could be up to 1,500 victims. The perpetrators installed the devices inside the pump, and used them to download and capture credit and debit card information to create cloned cards. The cards are then sold here in the U.S. and overseas, and the banking industry estimates 5K in losses on average per victim which could result in millions of dollars in losses in this case. He is asking residents to make a habit of checking their bank statement to identify possible fraudulent activity. Commissioner Young stated that all citizens should pay for gas with credit card where they will be protected from theft. Assaults, vandalism and disorderly conduct were discussed, and on a monthly comparison it was a slight increase from month to month.

### **Fire Chief Cordisco**

Chief Cordisco reviewed his monthly report. Fire responses included 32 calls for the month, an average response time of 9.30 seconds, average responder 8 per call, and total staff hours in service of 257.76 for the month. Hazmat and other trainings occurred during the month. The Fund drive total received as of 4/17/17 was \$29,971.00 dollars, and a second letter is to go out requesting more donations. Under financial update the fire equipment fund had a beginning balance of \$34,345.82, and ending balance of \$31,763.78. Scott Piersol spoke to COG and he wants to develop a plan for all of the municipalities to give a tax rebate for emergency responders, such as a discount on the earned income tax. The fire house may have to change their by-laws to cover all personnel who work for the fire company. There is a public meeting that has to be set up between the Board and the Fire Company, dates were given but no meeting was held as there was not a consensus. Ms. Denne will suggest alternate dates in order to get another date that will work for both the Board and the Fire Company.

## **Building and Public Safety Director – Mr. Raymond Stackhouse**

### **Building and Life Safety Report**

Mr. Ray Stackhouse was absent, a copy of his report of April 21, 2017 was provided for the Board to review.

### **Ingleside Golf Club Report**

Mr. Chris Ward was absent, a copy of his report of April 18, 2017 was provided for the Board to review.

### **Finance Report – Mr. Wilson**

Mr. Wilson gave a copy to the Board for the month ending March 31, 2017. Total Caln Township funds are \$4,457,356.00 Total police pension total was \$6,936,461.00. Revenue page seems fine, with fees coming in ahead of time. Commissioner Young asked for the total real estate taxes collected to date. Mr. Wilson

stated that as of today it was \$1,815,036.27 and that is 75% of what was billed. We receive several hundred dollars each day. Leases have been added to this report from the last several months.

### **Bill List – General Check’s # 39710 - #39842 – Motion to Approve**

Commissioner Eshleman entertained a motion to approve General Checks # 39710 - # 39842. Moved by Commissioner Young and seconded by Commissioner Breton. Motion carried 4-0.

### **Approval of Minutes of March 9, 2017 & March 30, 2017**

Commissioner Eshleman entertained a motion to approve the March 9, 2017 meeting minutes with small revisions noted by the Recording Secretary. Moved by Commissioner Contento and seconded by Commissioner Breton. Motion carried 4-0.

Commissioner Eshleman entertained a motion to approve the March 30, 2017 meeting minutes with small revisions noted by the Recording Secretary. Moved by Commissioner Breton and seconded by Commissioner Contento. Motion carried 3-0, with Commissioner Young abstaining.

### **Additional Business**

Commissioner Contento asked about the term of our new constable, Mr. Glenn Markley, and he will finish out the term from the previous constable. Ms. Denne will look into his term of service.

Commissioner Eshleman is moving out of state and requested that we accept her resignation as President of the Board of Commissioners by the Board Members as of May 11, 2017. Commissioner Breton recommended that we should accept the resignation of Ms. Cynthia Eshleman as President to the Board of Commissions. This resignation was accepted, moved by Commissioner Breton and seconded by Commissioner Young. Motion passed 4-0. A plaque was presented to our President, Commissioner Eshleman, stating the township’s appreciation for all of her hard work over the years of 2014-2017, and for her devotion to helping Caln Township grow and develop. All of the Commissioners will be forever grateful for her help over the past several years. Commissioner Young stated that the job of President and/or job of Commissioner include work hours of 20 to 40 hours each week, and it takes a lot of hard work and dedication. Commissioner Eshleman has not only been a leader but a teacher to the other members of the Board, and they wanted to sincerely thank her for her help and for all of the help she has given to the township over the past several years.

### **Public Comments**

Nathan Lentz, 7 Joseph Court, requested that sidewalks be constructed near the Beaver Run area. Lloyd Park is close to their development and there is no safe way to access the park off of Lloyd Avenue. There are no sidewalks on Lloyd Avenue or G.O. Carlson Boulevard. There will be no safe way to go to the Royal Farms development and down to the Park. He inquired if the Board could look for funding and if the developer could set aside funds for a sidewalk to connect the streets. Commissioner Young has been trying to move forward to put in sidewalks where we can throughout the township. Ms. Denne will look into the development of sidewalks at this site.

### **Adjournment**

Commissioner Eshleman entertained a motion to adjourn the April 27, 2017 meeting at 9:40 PM.

Respectfully Submitted by,  
Margaret Driller  
Recording Secretary