

Caln Township Chester County, Pennsylvania
Board of Commissioners March 28, 2024
7:30 PM Hybrid Business Meeting Minutes

Board Members Present: Paul Mullin-President, Joshua B. Young-Vice President, Jane Kennedy-Commissioner, Lorraine Tindaro-Commissioner, and Mark Evans-Commissioner.

Staff Members Present: Don Vymazal-Township Manager and Secretary, Denise Miller-Assistant Township Secretary and Administrative Assistant, Lisa Swan-Director of Finance and Township Treasurer, Police Chief Elias, Johnnie Huggins-Director of Public Works, Scot Gill-Director of Municipal Authority, Ray Stackhouse-Director of Building and Life Safety and Nicole Shannon-Ingleside Golf Course General Manager/Superintendent.

Professionals Present: Kristin Camp-Township Solicitor, Ross Bickhart-Gilmore & Associates, Lou Colagreco-Chair and President of Riley Riper Hollin & Colagreco representing Principal Owner of DPP 2022 Properties LLC. Dana Petrizzio, Mr. Patrick McKenna-Gawthrop Greenwood, PC Attorneys at Law, on behalf of DPP2022 Properties LLC., Lowell Leaman-of ARRO Consulting, Mr. Russella. Also, in attendance was Jim Sipala of KIA of Coatesville.

Special Guest: N/A

The Board of Commissioners' (BOC) March 28, 2024, agenda was posted on the Township website, at the Township building on March 27, 2024, and agendas were made available for the public, at the meeting. The 2024 Township BOC meetings were published in the Daily Local Newspaper, on December 27, 2023.

Commissioner Mullin called the meeting to order at 7:39 PM and Salute to the Flag.

Commissioner Mullin announced an Executive meeting prior to tonight's meeting.

Opening Comments Link

Citizens to be Heard

There were none.

1. Township Solicitor

1.1 CU Hearing Dana Petrizzio Application

Ms. Camp opened the Conditional Use (CU) Hearing for Applicant Dana Petrizzio the principal owner of 4000 Lincoln Highway. The property is owned by DPP2022 LLC located in the TV-1 zoning district. The Board granted CU approval under Section 155.26 C. (9) on May 25, 2023, to allow the property to be developed as a restaurant and driveway service. The Applicant petitioned the Board to amend condition #5 of the CU Order that required the Applicant to install a sidewalk with brick inlay. After the CU approval in May, the Applicant came back and received final land development approval. Part of that approval is to install a brick sidewalk. They are now requesting to have that condition modified. Ms. Camp introduced the Exhibits. B1. Letter from Mr. McKenna dated March 4, 2024, for the CU Application. B2. Proof of Publication on tonight's hearing on March 13, 2024, and March 20, 2024, in the Daily Local News Paper. B3. Affidavit of posting the property on March 7, 2024. B4. March 25, 2023, CU Decision posting.

Mr. McKenna noted that Ms. Petrizio went before the Board requesting a modification to their CU to install a concrete sidewalk.

Commissioner Evans noted that the aesthetics are important to Lincoln Highway.

With no further Board questions or parties to the hearing, Ms. Camp closed tonight's hearing.

Commissioner Mullin entertained a motion to amend the Conditional USE to not include a brick inlay. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

Commissioner Mullin noted that a streetlight was mentioned; however, it is a telephone pole with a cobra head light. In the future, the Board would like to see a decorative light with their other property. Mr. McKenna replied that he will relay this concern to the client.

1.2 Chapter 33 Fire and Emergency Services Advertisement

Mr. Stackhouse noted that this version has been updated as the duties are currently in operation. Ms. Camp noted that this replacement must be advertised seven days before adoption, and will be on the April 25, 2025, agenda for consideration.

Commissioner Mullin entertained a motion to Advertise Chapter 33 of the Caln Township Code Titled, Fire and Emergency Services. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

1.3 KIA Automobile Leasing Motion

Commissioner Kennedy asked if the brick wall around the sign can be extended on both sides of the sign. Mr. Russella replied they were emulating Del Toyota's sign, and they will have landscaping. Mr. Sipala noted that they can extend the wall. Commissioner Mullin stated that the Board is concerned with seeing another parking lot.

Commissioner Mullin asked if their lights would stay on like other dealerships. Mr. Sipala replied that constant lighting is important to protect their property. Commissioner Mullin also asked if they will be using recycled water for the car washes. Mr. Sipala replied that they have a 1-to-2-thousand-gallon tank using recycled water. Commissioner Evans noted that he would have liked to see the building up front and the cars and bays in the back. Mr. Sipala replied that there may be possibilities for this with other properties. Commissioner Young noted that this is not what he wanted to see; however, there are pluses.

Commissioner Young asked how many parking spots there will be. Mr. Sipala replied that they will have approximately two hundred. Commissioner Young asked if one hundred parking spaces will be vacant. Mr. Sipala replied "potentially," but they have them if they need them. Commissioner Young asked if any of the cars from the KIA dealership would be parked on the leasing lot. Mr. Sipala replied, "there could be." Commissioner Young noted that this is not leasing. Mr. Sipala replied that there could be inventory

there that he could bring to the other lot; however, cars will not be sold on this lot. Mr. Sipala also replied that he could sell one of these cars and bring it to the KIA lot to sell. They previously had this conversation with the Township Planning Commission. Commissioner Young noted that he disagrees. The cars on the leasing lot should be for leasing only.

Commissioner Mullin asked how this works with the Township codes. Ms. Camp replied that there is a condition that applicant will utilize the property for automobile in accordance with Section 255.26 C. (9) of the zoning ordinance which permits this use by right in the TV-1 district. New and used vehicles that are available for lease will be brought to the property prepared for lease by removing protective materials utilized for shipping washed and detailed as needed and parked on the property as part of leasing inventory. Vehicles will be available for short-term and long-term leasing. Leasing transactions will occur on the property. Those interested in vehicle sales will be directed to conduct business at the KIA of Coatesville dealership at 2535 East Lincoln Highway where automobile sales is permitted. Vehicle inventory is available for both lease and sale may be parked on the property Vehicle inventory that is only for sale will not be parked on the property.

Commissioner Kennedy asked about the lighting plan. Mr. Russella replied that the lighting plan is compliant, so it does not spill light over and contains all the light in the property. It is also light controlled, no glare, LED, and no flood lighting. Through Final Approvals, they could discuss the hours and what is deemed security and what is lighting to remain on all the time. Commissioner Mullin asked if there are decorative streetlamps. Mr. Russella replied that their lighting will be a safety factor for their parking lot and the street. Mr. Sipala stated that they can do those. Commissioner Evans asked if Casa Herrera's has a front sidewalk that they could connect to. Mr. Russella also replied that there is not; however, they are providing it to the extent of the property line. Mr. Sipala replied that there is plenty of room in the back to do that.

Commissioner Mullin asked the age of leasing vehicles. Mr. Sipala replied that they will mostly be new. They could be between 3 and 5 years old or older; however, they are not going to go that old.

Ms. Camp noted that she drafted a motion that would grant preliminary approval based on the plan set of April 7, 2023, last revised February 13, 2024, subject to the compliance with outstanding review letters from ARRO February 16, 2024, Gilmore and Associates Inc. dated February 13, 2024, and Pennoni Associates Inc. dated March 4, 2024. The Board of Commissioners hereby grants waivers from the following sections of the Caln Township Subdivision and Land Development Ordinance. Section 135-305.A. and Section 135-306.A. to allow Applicant to install a PVC-lined underground stormwater facility to manage the proposed stormwater volume increase as an alternative to the required volume reduction and Section 135-311.C to allow Applicant to use stormwater pipes at a slope of less than 1%. The other conditions are related to the use that it must be used exclusively for automobile leasing. The other ones are obtaining the approval from the Township Municipal Authority for public sewer, paying a payment of \$3,847.50 for a fee in lieu of open space, and the others are the standard execution development agreement, financial security, and post security agreements. Ms. Camp also noted that from the last time she spoke about adding conditions, there are additional ones. 1) Implement the Land Scaping Plan dated March 27, 2024. 2) Implement the street scape plan dated March 27, 2024, with the addition of a knee or

hip wall made of brick that extends from the sign. Both details to be determined during final land development. 3) Cooperate and work with the Board during final land development to determine how the lighting can be minimized to a certain extent to primarily be security lighting. 4) Agree to only park new inventory in the front and used cars towards the rear of the lot.

Commissioner Mullin told Mr. Sipala that the Board appreciates what he does in the township. Their pushback is because how they would like to see their street scape look like driving down Lincoln Highway.

Commissioner Mullin entertained a motion as described by Ms. Camp. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. The vote passed 4-1.

2. Township Manager

2.1 Honorary Street Name Designation Applications

Mr. Vymazal offered 2 Honorary Street Name Designation Applications.

Commissioner Kennedy noted that applications were received for Thelma B. Vaughn and Bishop George L. Eggleston. Ms. Vaughn and Bishop Eggleston were energetic leaders in the Carver Court Community. Both leave a legacy in their community. These name signs will be placed under the street names and will not impact resident addresses. Commissioner Kennedy also noted that the community would like to celebrate the placement of these signs in July 2024.

Commissioner Young noted that “Eggleston Boulevard” was named in honor of Bishop Eggleston. Commissioner Young asked Ms. Swan what the color of the honorary signs will be. Ms. Swan replied that they will be green on white.

Commissioner Mullin asked Ms. Swan the location of the honorary signs. Ms. Swan replied that Ms. Vaughn’s sign will be at the corner of Brooks Lane and Foundry Street and Bishop Eggleston’s sign will be on the Carver Court-Foundry Street Entrance sign.

Commissioner Mullin entertained a motion to approve the Thelma B. Vaughn and Bishop George L. Eggleston honorary street name designation signs. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

2.2 Beaver Creek Trail Segment #5 PSA

Mr. Vymazal noted that he met with representatives from the Department of Conservation and Natural Resources (DCNR) in May to explore grant funding for this project. He was advised that the largest portion of this project will come in the form of construction grants and was advised for to take steps to advance the project to the point where it is eligible for construction funding. The deadline to apply specifically targeting the C2P2 Conservation Partnership Program Grant Fund would be this time 2025. Mr. Vymazal also noted that Segment 5 is the primary connection for access to the dog park. Mr. Vymazal also noted that stormwater would be improved at this location.

Commissioner Evans noted that the benefits of trails include providing health and wellness, economic revitalization, environmental, transportation options and improved quality of life, and heritage preservation and community identity benefits. Mr. Evans also noted that trails will bring people to Caln and utilize their businesses.

Commissioner Young noted that this money will come from the Open Space Fund, which is funded by Developers. Commissioner Young also noted that he uses the Exton Park to Malvern Target path, and then stops at an Exton business. If Caln Township has trails, then people will come and visit our businesses.

Commissioner Mullin asked Mr. Bickhart the length of the trail. Mr. Bickhart replied that it is .75 mile and then adding the next future segment would add a mile and then there is more potential to inter-connect with what is already along G.O. Carlson Boulevard. Mr. Mullin also asked if this part of the trail connects to Downingtown. Ms. Swan replied that they connect to their sidewalks, which come out by the monitoring station and go down to Aston Avenue. Then Downingtown is responsible for doing the next segment of trail, which they already have their easements for.

Tony DiSario of 251 Loomis Avenue asked the Board if they feel that a walking trail will make Caln great. The Board stated that trails benefit residents and surrounding residents. They also stated that it will help Caln's businesses.

Commissioner Mullin entertained a motion to authorize the Township Manager to sign Beaver Creek Trail Segment 5 Project #2112034K change order #1 in the "Not to Exceed" amount of \$142,800.00. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

2.3 G.O. Carlson Boulevard Retaining Wall PSA

For Board consideration, Mr. Vymazal offered a PSA for Project #23-03083.02.

Commissioner Mullin asked if there was a previous temporary fix to this retaining wall. Mr. Vymazal replied that there was, and this will be a permanent fix. Mr. Stackhouse noted that Mr. Bickhart presented Staff with options, and they collectively chose this one.

Commissioner Mullin entertained a motion to approve G.O. Carlson Boulevard Retaining Wall Replacement Design, Bidding, and Construction Administration Project #23-03083.02, in the estimated amount of \$71,470.00. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

2.4 Police Vehicle Purchases

Mr. Vymazal noted that due to the December 31, 2024, close out date of this grant, Chief Elias explored vehicle options, which would have delivery September 2024.

Commissioner Mullin entertained to authorize the Township Manager and Police Chief to sign all documents for the purchase of a Police 2025 Ford Explorer Active 4 WD in the amount of \$46,595.00,

and a Police 2024 Ford Maverick XLT AWD SuperCrew in the amount of \$30,870.00 to be paid from the \$75,000.00 DCED Pandemic Grant, and the remaining balance of \$2,465.00 paid from the Police Capital Fund. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

3. Board Minutes to Approve

3.1 March 14, 2024 – Commissioner Mullin entertained a motion to approve the March 14, 2024, business meeting minutes. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. The vote passed 5-0.

4. Acknowledge Receipt of Planning Commission Minutes

4.1 December 19, 2023

4.2 January 22, 2024

4.3 February 20, 2024

Commissioner Mullin entertained a motion to acknowledge Board receipt of the December 19, 2023, January 22, 2024, and the February 20, 2024, Planning Commission Approved Minutes. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

5. Resolutions

5.1 2024-06 Supporting April 2024 “Pennsylvania Safe Digging Month”

For Board consideration, Mr. Vymazal offered Resolution 2024-06 supporting April 2024 “Pennsylvania Safe Digging Month”.

Commissioner Mullin entertained a motion to approve Resolution 2024-06 supporting April 2024 as “Pennsylvania Safe Digging Month”. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. The vote passed 5-0.

5.2 2024-07 2024 Response Territories Emergency Service

Mr. Stackhouse offered Resolution 2024-07 for Board consideration.

Commissioner Mullin entertained a motion to approve Resolution 2024-07 designating the 2024 Response Territories for Emergency Service in Caln Township. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

5.3 2024-08 Addendum to Employee Handbook

For Board consideration, Mr. Stackhouse offered Resolution 2024-08 updating the personnel and administrative Policies and Procedures Manual. Mr. Stackhouse noted that this resolution goes with the ordinance approved for advertisement tonight.

Commissioner Mullin entertained a motion to approve Resolution 2024-08 Updating the Personnel and Administrative Policies and Procedures Manual of Caln Township Replacing Section 25: Firefighters, Fire Marshals, and Fire Inspectors. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

6. Finance Department

6.1 Financial Report

Ms. Swan noted that they are 16% collected and 16% with expenditures via the 2024 budget.

6.2 Check Approval

Commissioner Mullin entertained a motion to approve Checks 51721 to 51798 and manual check 301. Moved by Commissioner Tindaro and seconded by Commissioner Evans. The vote approved 5-0.

7. Monthly Director Reports

7.1 Building and Life Safety

Mr. Stackhouse noted that Chester County Dental Arts of 2771 Lincoln Highway is purchasing the former dental office on Zinn Road. Commissioner Evans asked if the dentist is turning in his LERTA. Mr. Stackhouse noted that he has not informed the Township yet.

Mr. Stackhouse noted that Starbucks located at 3219 Lincoln Highway grand opening will be on March 29, 2024.

Mr. Stackhouse noted that the Township can hire the two new budgeted Firefighters once their Civil Service rules are completed.

Commissioner Kennedy asked who inspects developments. Mr. Stackhouse replied that the full-time Assistant Fire Marshall and two full-time Fire Inspectors do the inspections. Mr. Stackhouse also replied that the Township Code requires 30 days to fix the problem, a citation is issued, and then they have to wait for the District Justice.

Commissioner Evans noted that cars are being unloaded in the middle of Lincoln Highway for Colonial Hyundai, again. Mr. Stackhouse replied that this is a police issue. Commissioner Evans also commented on their construction. Mr. Stackhouse replied that they are doing an addition on the side and reconstruction on the front.

Commissioner Evans noted a secondary traffic study should be performed since Ducklings Early Learning Center is open. School is open again in the Fall. Which is a good time to do the study. Mr. Stackhouse replied that they have this noted.

7.2 Ingleside Golf Course

Ms. Shannon noted that several projects have been completed, mowing has started, they are ready for step 2 of the irrigation upgrades. Ms. Shann also noted that April 8, 2024, will be their first golf tournament with a gathering on the putting green for the solar eclipse, starting at 9:30 AM.

7.3 Minguas Fire Company Ambulance

Assistant Chief Wagner (Chief Wagner) gave a report on March 2024 calls.

Commissioner Mullin asked Chief Wagner what the moral of their current staffing is. Chief Wagner replied that it is good. That they had a staff appreciation dinner in February paid for by businesses.

7.4 Police Chief

Chief Elias noted that today's Coffee with a Cop was a success.

7.5 Public Works

Mr. Huggins noted that the Municipal Park pavilion #1 grill was removed and the roof was patched, and Dawkins Park has new roofs. Mr. Huggins also noted that the concrete at Dawkins Park was vandalized with paint.

a. Lawn Maintenance Bid

Mr. Huggins offered the 2024-2025 Season Property Maintenance.

Commissioner Young asked if the Township seal could be put onto the honorary signs. Mr. Huggins replied that it can be.

Mr. Vymazal noted that HHF Lawn Care was the only bid received. Mr. Vymazal also noted that this amount shows an increase from last year. If the Board would like, staff can see if it would be cost effective to bring this service back in-house. Commissioner Young noted that what stops lawn care businesses from bidding is the Amtrak license that they must apply for. Staff could mow that area and bid the rest out. Commissioner Young also noted that if they do not mow the grass for a week, then the Township does not have to pay HHF Lawncare. Mr. Stackhouse noted that he provided Mr. Huggins with the procedure to apply for an Amtrak license. Mr. Stackhouse also noted that Mr. Huggins has researched the cost of a mower.

Commissioner Mullin entertained a motion to Award Exhibit B for the 2024/2025 Season Property Maintenance to HHF Lawn Care LLC, for \$70,560.00 for 28 cuts on Township Property. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

7.6 Thorndale Volunteer Fire Company

Chief Taylor noted that their blood drive was a success.

8. Additional Business

Commissioner Evans noted that the Township Buildings are closed on March 29, 2024, in observance of the holiday.

9. Public Comment

Telisha and Malik Feamster of 3201 Edge Lane asked the Board who is responsible for golf ball damages. Their vehicles and house both received damage. Commissioner Mullin asked Mr. Vymazal and Ms. Shannon to see what can be done. Mr. Vymazal replied that they will address this issue.

Tony DiSario of 251 Loomis Avenue asked when the road from CVS to Seltzer Avenue is going to be paved. Commissioner Young and Mr. Stackhouse replied that the asphalt plants are not open until there is consistent warm weather. Also, this is a PennDOT road.

Commissioner Mullin invited everyone to the Easter Egg Hunt on Saturday, March 30, 2024.

10. Adjournment

Commissioner Mullin entertained a motion to adjourn the March 28, 2024, business meeting at 10:00 PM. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Respectfully submitted,

Denise Miller,
Assist. Township Secretary