

Caln Township Board of Commissioners
253 Municipal Drive Thorndale, PA 19372
May 7, 2020 Minutes
7:30 PM

Attendance – Paul Mullin-President, Jane Kennedy-Vice President, Joshua Young-Commissioner, Lorraine Tindaro-Commissioner, Mark Evans-Commissioner, Kristen Denne-Township Manager/Secretary, Kevin Barron-Township Finance Director, Bryan Kulakowsky-Township Engineer, Kristin Camp-Township Solicitor, Abbey Swan-Community Outreach Specialist, and Denise Miller-Assistant Township Secretary.

Call to Order and Pledge Allegiance to the Flag

Commissioner Evans thanked the Township Leaders, Employees, First Responders, Essential Workers, and all Residents for their sacrifices during COVID-19. He also encouraged everyone to continue social-distancing, and stated that the Board of Commissioners have been actively trying to help the Township small businesses.

Citizens to Be Heard

Ms. Denne called for Citizens to be Heard. There were none.

Ms. Denne noted to raise your hand once Commissioner Mullin calls for public comment, if you would like to speak.

Commissioner Mullin called for a moment of silence for the people who passed away from COVID-19, and their families.

Township Solicitor – Ms. Camp

The Villages at Hillview Motion for Final Land Development Approval and Request for Extension of Conditional Use Approval until December 30, 2020 – For Board consideration, Ms. Camp presented and reviewed the conditions of the motion. Ms. Camp also noted that the motion was reviewed by the Consultants and the Applicant, all were satisfied with the conditions in the decision. Mr. Kulakowsky presented the landscape plan.

Commissioner Evans asked Ms. Camp for clarification on page two, paragraph one, under Findings of Fact and Discussion. Ms. Camp noted that the Conditional Use Decision is what granted the actual zoning approval and started in 2002, so the original decision was rendered in 2002, which allowed the development as basically a cluster development where the smaller lots and open space being preserved. She also noted that they came back in 2009 and 2018 and sought modifications. The original developer sold the property, the current owner, Mr. Behrle sought various modifications. One of the conditions requires them to comply with all conditions in the Conditional Use Decision.

Commissioner Evans noted that he would have liked to see more sidewalks in the development.

Commissioner Mullin asked for clarification on the sidewalks. Mr. Kulakowsky noted that sidewalks are only required on one side of the road and they are compliant with that. Ms. Camp asked Mr. Kulakowsky to speak on the portions where the waivers were granted. She noted that Ms. Zarro

and their Engineers made arguments before the Commissioners when the preliminary plans were being reviewed and approved, and their concern was they were going to be on state highway and in their opinion they were not safe to be placed. Mr. Kulakowsky pointed out where the sidewalks were going and where they are not, and in lieu of those they will receive a fee in lieu of sidewalks. Commissioner Young asked to see the gradient lining where the sidewalk would be on the outside to show how steep it actually is. Mr. Kulakowsky pointed out and noted the house at the end of the development down by Route 30 Bypass is at elevation 537 and the house behind it at 500. He also noted that this is a PennDot slope easement for the slope to hold up the 30 Bypass so they cannot do sidewalks there.

Ms. Denne called for public comment on the development and noted to press *9 on your phone or Alt Y on your keyboard.

Tony DiSario of 251 Loomis Avenue has concern with safety for the houses where there will be no sidewalks and the residents will have to come out into the road. Ms. Camp and Mr. Kulakowsky noted that sidewalks on one side of the street is part of Conditional Use Decision and the Preliminary Plan. Ms. Zarro noted that they had several discussions and walked the site. They believe they are providing full circulation throughout the site. She also noted that they do not expect it to be heavily traveled from the outside, and they have not heard of any issues in Valley.

Cheryl Spaulding of 406 Lloyd Avenue asked how much the sidewalk fee in lieu of fee is. Ms. Camp noted, \$94,880. \$32.00 per linear foot for 2,965 linear feet which is for the areas along the perimeter of the property where our ordinance would require them to have sidewalks, unless the Board grants the waiver.

Commissioner Mullin asked Ms. Denne what the recreational impact fee of \$2,165 per dwelling can be used for. Ms. Denne noted that it can be used for any open space, open recreation, and future trail development. Ms. Camp noted it can also be used to maintain existing facilities and parks.

Mike Fragale asked the type of trees along the road and sidewalks. Mr. Kulakowsky noted that the trees internal to the site are all off the approved street tree planning list.

Commissioner Mullin asked who would be responsible for snow removal in the development. Ms. Camp noted it will be a private street so the HOA would be responsible.

Commissioner Mullin asked Mr. Kulakowsky the number of homes in the development. Mr. Kulakowsky noted ninety homes.

Commissioner Mullin entertained a motion for Final Land Development Approval. Moved by Commissioner Young and seconded by Commissioner Tindaro. With Commissioner Evans voting nae, Vote passed 4-1.

Commissioner Mullin entertained a motion to approve the request for extension of Conditional Use Approval, until December 30, 2020. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. With Commissioner Evans voting nae, Vote passed 4-1.

Caln Plaza, LLC and 1895 Lincoln Highway, LP Decision & Order Regarding a Proposed Dunkin Donuts Commercial Drive-Thru – For Board consideration, Ms. Camp presented proposed Dunkin Donuts Commercial Decision and Order, subject to various conditions outlined in the proposal. Ms. Camp also noted that there was one party of record, Mr. Walker of 12 Fox Lane who presented some concerns with respect to the driveway entrances onto North Caln Road and concerns with the trash in the back of the shopping center. She noted that both concerns were addressed, and the decision was reviewed and accepted by the Applicant's Counsel.

Mark DeYoung of 20 Beaver Run Road asked that as long as they are starting along Lincoln Highway with the red brick and their intertwining that with the rest of the shopping center, wouldn't this be a good time to get them, as part of this, to do the whole frontage on Lincoln Highway. Ms. Camp noted that this approval is specific to the lot and for the use of the commercial drive thru so the Board would have no jurisdiction to go beyond the property, which is subject of the application. She also noted that if the shopping center comes in for any type of modification or land development, at that time it would be appropriate for that.

Commissioner Mullin entertained a motion to approve the proposed Dunkin Donuts approval for the commercial use drive thru for the commercial decision, subject to the draft decision. Moved by Commissioner Evans and seconded by Commissioner Young. Vote passed 5-0.

Township Engineer – Mr. Kulakowsky

Mr. Kulakowsky noted that there will be a virtual zoom planning commission meeting on their regular scheduled May 19, 2020 date.

Township Manager – Ms. Denne

Miscellaneous Municipal Property Maintenance 2020-2021 Season – For Board consideration Ms. Denne offered the 2020-2021 Property Maintenance contract from the only submitted proposal by Hurricane Hill Farm with a \$20.00 increase, from last year. Ms. Denne noted that the Township does not receive many bids because Amtrak requires a hefty insurance rider, and a certified Amtrak program in order to do work on their property.

Commissioner Evans asked why the Municipal Park is 20 acres and \$450 versus Lloyd Park at 30 acres for \$300.00. Mr. Fragale noted that the Municipal Park is more money because it has 10 times snow fee more structures, trimming, and clean up. Commissioner Evans also asked if the \$2,000 was per storm plus the \$1,750. Mr. Fragale noted that this includes everything and if they do not do the walks or driveways, they do not get charged the \$2,000.

Commissioner Mullin asked if this contract includes the snow removal. Ms. Denne noted that the snow removal is on an emergency as needed basis so if there was a big storm the employees could focus on the streets.

Commissioner Mullin entertained a motion to approve the Miscellaneous Municipal Property Maintenance 2020-2021 Season with Hurricane Hill Farm, for \$20 more than last year. Moved by Commissioner Evans and seconded by Commissioner Kennedy. Vote passed 5-0.

Signal Service Yearly Contract – For Board consideration, Ms. Denne offered a yearly contract with signal service that oversees the maintenance and troubleshooting for all township traffic signals.

Commissioner Evans asked the odds of adding a signal at the Lloyd Avenue Bridge within this year, and will it be added to the contract. Ms. Denne noted the township only received an unofficial award announcement. She is still waiting for the actual paperwork to arrive. She also noted that the state is running at a \$4 to \$6 billion loss that they have to close in the next month. She then noted once the Lloyd Avenue Bridge signal is installed that it will be added to the contract.

Commissioner Mullin entertained a motion to approve the Signal Service Yearly Contract. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Discussion of Senate Bill 841 – Ms. Denne noted that Senate Bill 841 allows for Municipalities and local tax agencies to push back their tax rate discount. In discussions with herself, Finance Director, and the Finance Committee, it was decided to move ahead with a resolution moving the discount rate until June 30, 2020 and the face date to August 31.

Ms. Camp asked if they are they also going to waive the imposition of the late fees as long as it is paid by the end of the year. Ms. Denne noted that they are not. They were just considering the moving of the discount.

Commissioner Evans asked if this resolution was passed, and the township sees a declining ability of residents to pay, is there an option to push it until the end of the year. Ms. Denne noted that the bill only gives you until August 31, 2020 to extend your discount period. Ms. Camp noted that it also required that the resolution has to be provided to the tax collector by May 20.

Mr. Barron noted that currently, as of May 13, the township is 91% collected in real estate.

Tony DiSario of 251 Loomis Avenue had concern with the school tax. Commissioner Mullin noted that the township does not regulate the school tax, and that he will have to contact the School Board regarding their tax. Commissioner Evans noted that they should think about lobbying the School Board about this.

Resolution 2020-15 A Resolution Extending the Time Period for the Real Estate Tax Discount Rate until June 30, 2020 – **Commissioner Mullin entertained a resolution to approve extending the time period for the real estate tax discount rate until June 30, 2020, and the face value date to August 31. Moved by Commissioner Evans and seconded by Commissioner Kennedy. Vote passed 5-0.**

Discussion of Emergency Plans for June 2, 2020 Election – Ms. Denne noted that the June 2 voting will move forward in the township building with the office closed so employees are not exposed. The County will be training their workers and masks will be provided to them. Commissioner Tindaro noted that discussion has been held with Representatives and the Director of Voters Services on a tentative plan to have Caln 2, 3, and 4 voting at Cash High School. Ms. Camp noted that she is on a County email chain where she learned that they will provide PPE and the necessary protection devises and they will be responsible for the cleanup before and after the election. Ms. Denne noted that she has confirmation from the County that they will be responsible for the before and after sanitizing and cleanup services.

Soft Opening of Parks and Golf Course – Ms. Denne noted that during this process they had to close Lloyd Park because the Township is following the CDC guidelines and people were not adhering to social distancing and signs were being torn down. She noted that the golf course opened on May 1 with a \$5 increase for the carts to cover the cost of them being immediately sanitized once they are brought in. One person per cart will be allowed to hopefully encourage walking, and staying six feet apart.

Cheryl Spaulding of 406 Lloyd Avenue asked if all the parks are closed. Ms. Denne noted that Lloyd Park is the only one closed. She also noted that the majority of the park are facilities that the CDC does not want people utilizing. Commissioner Evans noted that he was there a couple times over the weekend and people did not have masks on, they were not social distancing, going under the yellow tape, dogs running from their owner to someone else and jumping and licking them. He also noted that they are aware that there is an entrance from Downingtown that they cannot do anything about. Ms. Spaulding noted that the Township should issue a statement why the dog park is closed, and she offered to put it on “Caln Watch”. Commissioner Mullin noted that the Township will send it to her tomorrow.

Mr. Fragale noted they chained off the dog park and put up new signs. He also noted that in the last three days, they haven’t seen anyone in there so they left up to the dog park into Lloyd Avenue open.

Nathan Lentz of 7 Joseph Court, Downingtown noted that the website is unclear on the area of Lloyd Park that is open and suggested posting it clearer.

Ordinances and Resolutions for Consideration

Resolution 2020-14 A Resolution to Enter into a Cooperative Police Mutual Aid Agreement – Chief Elias noted that he was approached by Downingtown Borough and East Brandywine Township to sign a Cooperative Mutual Aid Agreement for the purpose of administrating mutual police and emergency protection in the event that any one of our respective agencies suffered staffing shortages to the point we couldn’t provide the very basic most essential police services. He also noted that he personally does not think it is necessary because they are already covered by the Municipal Police Jurisdiction Act and they already provide these type of services when we’re not in this type of situation however, in discussion with Ms. Denne, Ms. Camp, himself, and Labor Attorney, Mr. Harvey they did not see any down side to signing this agreement.

Nathan Lentz of 7 Joseph Court Downingtown would like clarification on what “immediate proactive emergency management measures” are, and if anyone could get out of the agreement. Ms. Camp noted that the immediate proactive emergency management measures are to enter into this agreement, and paragraph three of the agreement allows any Municipality to get out by sending written notice to all parties of the agreement.

Commissioner Mullin entertained a motion to adopt Resolution 2020-14. Moved by Commissioner Evans and seconded by Commissioner Young. Vote passed 5-0.

Resolution 2020-15 A Resolution Extending the Time Period for the Real Estate Tax Discount Rate until June 30, 2020 – Adopted under “Discussion of Senate Bill 841”.

Minutes to Approve/Acknowledge

Motion to Approve the March 12, 2020 Board of Commissioners Minutes – Tony DiSario of 251 Loomis Avenue asked Commissioner Evans what he knew about MS4 because he previously voted for it. Commissioner Evans noted that he has not received the training for it, and will get back to him with further explanation.

Cheryl Spaulding 406 Lloyd Avenue noted that there are five issues in the minutes that she would like an update on. Commissioner Evans noted that the commissions have not met recently however, they will start to meet virtually. He also noted that everything on the school house has been completed but the roof, and the two potential vendors for the audio visual has been postponed. Ms. Spaulding also noted that the Griffith Farm roof needs to be repaired soon.

Commissioner Mullin entertained a motion to approve the March 12, 2020 Board of Commissioners minute. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. Commissioner Young abstained because he was not in attendance. Vote passed 4-0.

Directors Reports

Police Chief Elias – Chief Elias noted a few highlights from his March 2020 report, which previously was provided to the Board.

Civil Service Promotional Results – Chief Elias noted that since the fall, Corporal Miller has been in an active capacity in the vacant Sergeant position in the Patrol Division. He also noted that on April 4, 2020 the first half of a promotional process was administered for the written exam and on April 15 the oral exam was remotely administered with the assistance of Chief Kocsi from East Brandywine Township and Chief Holland from Downingtown Borough. As a result from both the written and oral exam, two Officers Nathan Miller and Joshua Whistler, in that order, made it to the eligibility list which was certified on April 18, 2020 via email by the Civil Service Commission, and then that eligibility list was ratified by Civil Service on April 29, 2020 during a publicity advertised zoom meeting. Chief Elias then asked the Board to approve the eligibility list which is good for two years.

Commissioner Mullin entertained a motion to approve the Civil Service Promotional Results eligibility list for rank of Sergeant. Moved by Commissioner Tindaro and seconded by Commissioner Young. Vote passed 5-0.

Fire Chief Donnachie – Chief Donnachie noted a few highlights from his March 2020 report, which previously was provided to the Board. He noted that employees are doing daily health screenings, delayed their second fund raising mailing, and the start of COVID antibody testing for emergency responders.

Director of Building & Life Safety Mr. Stackhouse – Mr. Stackhouse noted a few highlights from his March 2020 report, which previously was provided to the Board.

Director of Public Works Mr. Fragale – Mr. Fragale noted a few highlights from his March 2020 report, which was previously provided to the Board. He also noted that chipping calls have doubled due to the recent storms, and there are three calls out for bids on the school house roof.

Ingleside Golf Manager Mr. Ward – Mr. Ward noted a few highlights from his March 2020 report, which was previously provided to the Board. He also noted the golf course opened May 1 and it has been busy, and the Governor has said that members of the same residence are allowed to ride in the cart together.

Finance Department – Mr. Barron

Finance Report – Mr. Barron noted a few highlights from his March 2020 report, which previously was provided to the Board. He also noted that he will be discussing with the Finance Committee where they could be, and where they will be short.

Commissioner Young asked Mr. Barron to add back the list of outstanding leases as well as bonds to his finance report. Mr. Barron noted that he will send an updated list tomorrow.

Tony DiSario of 251 Loomis Avenue asked if the Township had to use their emergency funding. Ms. Denne noted that this is something that they are trying to ascertain and until they get the April and May results it will be hard to know what the rate is. They are also discussing with the Finance Committee what the projections will be for the rest of the year. Mr. Barron noted that they have not used it however do not know if they will have to use it because they do not know how long this will last.

Bill List for Ratification of General Checks 44680-44927, Check 44746, and Manual Checks 111-123 – Commissioner Mullin entertained a motion to approve general checks 44680-44927, with check 44746 voided, and manual checks 111-123. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Additional Business

Emergency Declaration Ratification – Ms. Denne noted that this declaration is the ratification going back to March 15, when this first started. She also noted that they would like to start the process of renewing every thirty days with the first one being left open ended because she didn't know when they would meet again or if the state would allow us to meet again. Since then we received the OK to have virtual meetings.

Cheryl Spaulding of 406 Lloyd Avenue asked Ms. Denne if she means that the township did not get permission to have meetings until tonight's meeting. Ms. Denne replied no. The legislature was still working on a bill that would allow us to basically be able to do business virtually which became effective April 20. The original way that it would have been would be three Commissioners in a room and everyone else virtual. Ms. Camp noted that she did not think they needed the statue as long as every member of the Board could hear one another and the public could hear and participate. Ms. Spaulding asked Commissioner Mullin why it took so long to have a virtual meeting. Commissioner Mullin noted that they had practice runs and there was nothing that needed to be voted on except the bills, which were approved.

Commissioner Mullin entertained a motion to approve the Emergency Declaration Ratification. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Emergency Declaration Extension – Ms. Denne noted that this declaration is for the extension of thirty (30) days on April 30, 2020.

Commissioner Mullin entertained a motion to approve the Emergency Declaration Extension. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Commissioner Mullin noted that Executive Sessions were held on April 1, 8, 15, and May 1 regarding emergency planning and personnel matters.

Commissioner Tindaro noted three ways to apply for the June 2, 2020 PA mail-in primary ballot.

- 1) Ra-voterreg@pa.gov
- 2) 877-868-3772 #3
- 3) [Votespa.com/applymailballot](https://votespa.com/applymailballot)

Commissioner Evans clarified to Tony DiSario of 251 Loomis Avenue regarding his previous MS4 question. Commissioner Evans noted that what he voted on was to approve the expenditure to ARRO Engineering to compile the MS4 status report.

Commissioner Mullin addressed Cheryl Spaulding of 406 Lloyd Avenue Caln Watch page about incorrect information posted and reiterated that the Township has always answered her questions.

Ms. Spaulding noted that her push for the webpage is because of the long history of lack of good information coming from Caln Township.

Public Comments

Ms. Denne called for public comment. There were none.

Commissioner Mullin addressed Cheryl Spaulding of 406 Lloyd Avenue Caln Watch page, bringing attention to several of her posts and stating that the Board has always responded to her questions. Commissioner Mullin also stated that we as a Township have a long and uphill battle to recover from this pandemic. It's time to work together. Ms. Spaulding stated that her push for the webpage is because of the long history of lack of good information coming out of Caln.

Commissioner Evans noted that he understood her frustrations over dealing with a great deal of dysfunction for a number of years, but that the Board would not carry that burden, and encouraged her to consider this a new chapter so they all can work together with a clean slate.

Adjournment

Commissioner Mullin entertained a motion to adjourn the May 7, 2020 meeting at 10:02 PM. Moved by Commissioner Evans and seconded by Commissioner Tindaro. Vote passed 5-0.

Respectfully Submitted by,

Denise Miller
Assistant Township Secretary