

Calm Township Board of Commissioners
253 Municipal Drive Thorndale, PA 19372
May 28, 2020 Minutes
7:32 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, and Denise Miller-Assistant Township Secretary.

Also in attendance were Lou Colagreco-Riley, Riper, and Colagreco, Jeff Todd-Traffic Planning and Design, and Clay Chandler, Principal of the Developer for Dwell.

Commissioner Mullin called the Virtual Zoom meeting to order at 7:32 PM. He then called for the Pledge of Allegiance to the flag.

Commissioner Evans noted a few updates.

COVID-19: Commissioner Evans noted that Chester County will probably move into the “yellow” phase on June 5, 2020. He also noted that they had finally begun to see a County wide down turn in positive COVID-19 cases but with two consecutive days of fewer than twenty cases, a spike of thirty-one on the 26 of May broke that streak. Fourteen consecutive days of nineteen or less cases is needed. The “yellow” phase still restricts most public gatherings and most personal care services however, we may be able to do some alfresco dining at our local restaurants before too long.

Commissioner Evans noted that charts will be posted, detailing what is and what is not allowed during the “yellow” phase.

Commissioner Evans noted that this is a great sign however, the Pandemic is not over and we all need to remain vigilant, wear your masks, and stay six feet apart from one another. He also noted that as of this afternoon Calm Township had ninety-four positive cases and six deaths, an increase from seventy-nine cases and six deaths reported at the May 14, 2020 meeting.

“Coffee with the Commissioners” Town Hall: Commissioner Evans noted the first “Coffee with the Commissioners” Town Hall will be held on June 3 at 7:00 PM, via Zoom. He noted that the first guest will be “Calm Watch” Members however, all are welcome.

Citizens to Be Heard

Tony DiSario of 251 Loomis Avenue noted that he attended the May 20 Historical Commission meeting, and needs some clarification. Mr. DiSario asked if the Township owns the Spackman Farm and if so, how much they paid for it. Commissioner Mullin noted that the Township does own the Spackman Farm. Commissioner Young noted that he believes the Township purchased it for \$2.5 million in 2003, consisting of the eleven acres that the farm house sits on, ninety-nine acres next to it, thirty acres across the street where the cell tower is and the pipeline people were, and a little bit of land on the other side of North Bailey Road. He also asked if the Township has to put a half a million dollars towards the renovation of the farm. Commissioner Evans noted they were talking about repairing the roof, and if the Township wanted to turn the farm into something that could make money, it could take up to half a million dollars. Commissioner Evans also noted that this money would be from an investor, not from tax money.

Tony DiSario of 251 Loomis Avenue noted that there is a tree hanging on an electrical box going up Barley Sheaf Road towards Longview Drive. Ms. Denne and the Board acknowledged Mr. DiSario’s concern.

Township Solicitor – Ms. Camp

Consideration of Final PRD Decision – For Board consideration, Ms. Camp offered the Final Dwell Decision and Order, with thirty eight conditions. Ms. Camp noted that Arbor Hill Associates is the owner of 56.6 acres located on the west side of Route 322. The applicant received tentative approval for the development of the “Dwell at Caln” Planned Residential Development (“PRD”) in a Decision and Order dated July 12, 2012.

Ms. Camp also noted that the Applicant filed their Final PRD plans which still propose a total of 400 units – 200 apartments and 200 townhomes, open space and common amenities that were proposed in the tentative plan. The PRD will be accessed from a Boulevard leading from Route 322 to be owned by the Township and various other streets which will be owned by either the townhome community association or the owner of the apartment community. The Final PRD Plan subdivides the Property into two different lots – Lot 1 will be owned by the owner of the 200 apartment buildings which consists of 36 acres and 8 total buildings. Lot 2 will be further subdivided into the 200 townhome units with each unit conveyed to individual unit owners who will own the footprint of their townhome. The area in front of their townhome and the community land will be owned by a community association.

Ms. Camp noted that the final plans propose a Boulevard entrance off of Route 322 that leads up to a roundabout. The only public roads proposed are the Boulevard entrance and the roundabout which will be dedicated to the Township, although through the tentative plan decision a condition was accepted that the apartment owners or the townhome community owners would be responsible to maintain those roads consisting of snow plowing, stormwater management facilities, and the curbs on those roads even though they would be dedicated to the Township.

Ms. Camp noted that the final plans were reviewed by Bryan Kulakowsky from ARRO Engineering, final review letter May 19, 2020, Lisa Thomas of Blackin Thomas Panzak Inc., final review letter May 19, 2020, Gilmore and Associates, Traffic Engineer, Frank Travani.

Ms. Camp noted that Cheryl Spaulding of 406 Lloyd Avenue has submitted several questions for tonight’s meeting.

Ms. Spaulding has concern with the access easements as shown on the plans that would propose to connect this property in Caln Township to the 17 acre property the Applicant owns in East Brandywine Township, and she asked that the Board impose a condition that prohibited this particular development from being connected into the East Brandywine parcel. Ms. Camp noted that the Caln Final Plan provides an easement to connect the Caln property to the East Brandywine Property however, the Caln Final Plan does not show any improvements to be constructed within that easement. It is basically just a future potential expansion or extension, if and when the East Brandywine parcel would be developed.

Ms. Camp noted that she discussed Ms. Spaulding’s request with Mr. Stackhouse and the Township Engineer who expressed their concern from an emergency management standpoint, of wanting to always make sure you have as many means of access as possible. They thought it to be premature to impose this as a condition. Ms. Camp noted that she added condition number 36 stating that this plan approval does not propose any connection to the site, and also if and when one is proposed, the Applicant must seek a final plan approval.

Ms. Spaulding asked what PennDot approvals were granted to the applicant. Ms. Camp noted that condition number 12 calls out and speaks to the improvements that the applicant will be required to complete, based on their PennDot permitting. She also noted that she does not believe that PennDot has issued their permits yet, and so this condition is written as such that the specifics of these improvements would alternately have to be what PennDot approves and issues through a HOP.

Commissioner Mullin asked if the changes are near the entrance on 322 or further down the road. - Ms. Camp noted that the Applicant is required to obtain a traffic signal permit to make modifications to an existing traffic

signal at the intersection of Route 322 and the westbound Rte. 30 Bypass ramps. In order to obtain this traffic signal permit, the Township must enact PennDot's form Resolution and sign the application.

Ms. Spaulding asked the projected time frame. Ms. Camp noted the phasing schedule.

Phase 1: Construction of traffic and infrastructure improvements - 2020-2021

Phase 2: Constructing 69 townhomes – Commencing in 2021

Phase 3: Constructing 77 townhomes – 2022

Phase 4: Constructing 54 townhomes – 2023

Phase 5: Constructing 200 apartments – 2024

Ms. Camp noted that she thinks that the Applicant was looking to market this potential development to another builder so if that happens the phasing may be different, and happen sooner. She also noted that based on the law, the final plan approval is valid for a period of five years.

Commissioner Evans asked what the odds are of PennDot approving the HOP's. Clay Chandler noted that they met multiple times with PennDot and went through a two year process where they figured out exactly what improvements needed to be done. They required that you mitigate the amount of traffic that you would be generating, and you can't make any of the intersections worse than before you started. He also noted that they agreed to those. They had it to the point where they could have signed the agreement, about 1 ½ years ago however, they needed a buyer for the townhomes to make the project affordable. If they signed the agreement they would have been obligated to put the improvements in. He then noted that they are 99% sure that they will approve the changes.

Commissioner Evans asked if they are going to look again at the traffic plan to factor in the increase in traffic. Lou Colagreco noted that the background growth on 322 was less when they ran recent counts that was anticipated under the original approvals. He also noted that PennDot is comfortable with what was presented with the most recent submission, and are not requiring any additional traffic counts.

Commissioner Kennedy asked if the proposal from PennDot would interfere with the phase development time frame. Mr. Chandler replied "no".

Tony DiSario of 251 Loomis Avenue asked if this proposed development is all senior living. Mr. Chandler noted that it is not a senior facility, it is for everyone.

Commissioner Mullin asked if the club house is just for the apartments use. Mr. Chandler replied that the clubhouse is just for the apartments

Commissioner Mullin asked if the trail around the property for everyone to use. Mr. Chandler replied "yes".

Erik Schunk of 111 Stonebridge Lane asked if there have been any consideration of another type of Boulevard going into the developed area, supplemental ramp that could possibly go on or off Route 30 bypass, and will there be some sort of mechanism or hidden driveway that emergency vehicles could get around everything and get into the development.

Jeff Todd noted that all of Mr. Schunk's questions have been analyzed and vetted by PennDot and the Township by means of their traffic impact study and all the counts. He noted that they will be providing a traffic signal, and the secondary emergency chained access will be adjacent to that signalized access. He also noted that they will get their PennDot permits once they submit their traffic signal application and stormwater application.

Erik Schunk of 111 Stonebridge Lane asked when is PennDot committing to the improvements that are already deemed necessary on the Route 30 bypass before the boulevard is even tied in. Commissioner Evans and Commissioner Mullin noted that they are ten years out. Mr. Colagreco noted that PennDot will not wait to permit an access until they improved their state roadway system.

Erik Schunk of 111 Stonebridge Lane asked what will be the tax base gain, by the year 2024. Mr. Colagreco noted that he does not have the numbers in front of him however, it will be generating more tax than its generating now, which is hardly anything. Mr. Colagreco also noted that they intend to be in the ground this fall. Ms. Denne noted that if the Board gives a favorable approval for the Dwell Final PRD, Resolution 2020-20 is to create a permit plan to add a dedicated eastbound approach lane for a right turn onto US 30 east and extend a dedicated westbound approach lane for right turn onto US 30 west. Also add an eastbound overhead signing control, and add supplemental eastbound signal heads.

Commissioner Evans noted that school taxes are the biggest issue in the township, and this development will bring a lot of kids to the schools, so whatever tax revenue comes in will go right out the door. Mr. Chandler noted that they did a fiscal impact analysis, and the Township, School, and County came out on a positive side.

Chuck Kramer of 2704 East Kings Highway asked what the township is doing about the 500 homes going in on Culbertson, in the Brandywines, noting that Route 322 and Route 30 interchange is in Caln Township. He also noted the several hundred homes going in on the east side of Route 322, regarding cross collaboration regarding the traffic. Ms. Denne noted that PennDot, through the Delaware Valley Regional Planning Commission ("DVRPC"), meets with all the affected Municipal Managers regarding the new developments coming in and how they will affect PennDot roads and in identifying the traffic "hot spots". Mr. Kramer also noted that the developers could help with the improvement costs. Ms. Camp noted that the Caln Board does not have jurisdiction to put in requirements or conditions on developers in other Municipalities. She also noted that the Caln Board, Staff Members, and Residents have the power to lobby their State Legislator's and Representatives, to get the 30 bypass back as a priority.

Mark DeYoung of 20 Beaver Run Road commented on the new kids going to Collegium School versus the Coatesville School District. He also commented that the cost per student will increase because of the Pandemic safety measures. Commissioner Evans noted Coatesville School test scores may be higher than Collegium, and encouraged everyone to move forward with hope. Commissioner Kennedy noted, from her last review, the test scores in Coatesville versus Collegium were similar.

Commissioner Mullin noted that the Council of Governments (COG) is also concerned with the intersection.

Commissioner Mullin entertained a motion to approve the Final PRD for the Dwell Project. Moved by Commissioner Young and seconded by Commissioner Kennedy. Commissioner Evans noted that he hates developments of this size. Too many people, too much traffic, and too much loss of beauty. Vote passed 5-0.

Drainage Improvement Agreement for the Stormwater Facilities in the Right of Way of Route 322 – For Board consideration, Ms. Camp offered a Drainage Improvement Agreement for the Stormwater Facilities in the Right of Way of Route 322, for the Dwell Development.

Commissioner Mullin entertained a motion to approve the Drainage Improvement Agreement for the Stormwater Facilities in the Right of Way of Route 322 for the Dwell at Caln Development. Moved by Commissioner Evans and seconded by Commissioner Tindaro. Vote passed 5-0.

Resolution 2020-20 A Resolution Approving an Application for Traffic Signal at Route 322 and Westbound Route 30 Bypass Ramps – For Board consideration, Ms. Camp offered a resolution approving an application

for a traffic signal at Route 322 and westbound of Route 30 Bypass ramps, to be filed with PennDot. She noted that it has been reviewed and approved by the Township Traffic Engineer.

Commissioner Mullin asked what happened to cause the need for this application. Mr. Todd noted that since they are doing lane extensions, PennDot requires an application for modifications.

Erik Schunk of 111 Stonebridge Lane asked if it will be four lanes coming all the way down, from the development to the traffic light at Route 30. Mr. Todd noted that it will be localized to the bypass area, with extension of the turning lane. Mr. Schunk also had other questions regarding the resolution.

Vince Rose of 135 Turnberry Drive voiced his shock, offense, and dissatisfaction to Commissioner Evans approval of the Final Dwell PRD after he noted his opposition. Commissioner Evans noted that if he could have done anything to stop it, he would have. He also noted that with the previous Board it was already signed, sealed, and delivered.

Commissioner Mullin entertained a motion to approve Resolution 2020-20 approving an Application for traffic signal at Route 322 and westbound Route 30 Bypass ramps. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Mr. Colagreco and Mr. Chandler noted that they wanted the Board to know how responsive and helpful Township Staff was in processing a very complicated application. Mr. Chandler agreed.

Commissioner Mullin noted that at the last meeting Krista Carpenter of 11 Rock Raymond Road asked for the Taco Bell status. Ms. Camp noted they decided to move forward and submitted a sketch plan, for purpose of discussion, to revise the approved plan and add a second drive thru. Ms. Camp also noted that she and Township Staff believe they need to modify their conditional use approval. After tomorrow's meeting she will have a further update on how they will proceed.

Township Engineer – Mr. Kulakowsky

Planning Commission Update – Mr. Kulakowsky noted that 15 Fox Avenue was discussed at the May meeting, and will be discussed again at the June Meeting. Also at the June meeting, the special exception application for the Chester County Sports Arena sanitary sewer connection will be discussed.

Mark DeYoung 20 Beaver Run Road asked how many homes are proposed to go in at 15 Fox Avenue. Mr. Kulakowsky noted the current proposal is for ten townhomes. Mr. DeYoung had other questions and comments on this proposal.

2020 Road Program PSA – Revision #1, Amendment #1 – For Board consideration, Mr. Kulakowsky offered a Professional Services Agreement Revision and Amendment #1 in the amount of \$41,050.00. Commissioner Kennedy asked if this money is in the budget. Ms. Denne noted "yes". She also noted that \$300,000 will be from Liquid Fuels Fund, and \$200,000 is from the Capital Fund Budget.

Commissioner Mullin entertained a motion to approve the 2020 Road Program PSA. Moved by Commissioner Evans and seconded by Commissioner Young. Vote passed 5-0.

Mr. Kulakowsky noted a previous question from Cheryl Spaulding of 406 Lloyd Avenue regarding the Lloyd Avenue Bridge signal. Mr. Kulakowsky noted that Traffic Engineer, Al Federico spoke with Paul Lutz at PennDot and was informed that the ARLE Grant money is still awarded to Caln Township, however the Township has not received the paperwork yet.

Township Manager – Ms. Denne

Emergency Declaration Extension – For Board consideration, Ms. Denne offered an Emergency Declaration Extension on May 28, 2020 for another thirty (30) days.

Commissioner Mullin entertained a motion to approve an Emergency Declaration Extension on May 28, 2020 for another thirty (30) days. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. Vote passed 5-0.

Ms. Denne noted that the township staff will be working from home answering emails and phones calls on June 2, due to voting. All Staff will be working from home answering calls and emails.

Ordinances and Resolutions for Consideration

Resolution 2020-20 A Resolution Approving an Application for Traffic Signal at Route 322 and Westbound Route 30 Bypass Ramps – Approved under “Township Solicitor – Ms. Camp”.

Minutes to Approve/Acknowledge

May 7, 2020 Board of Commissioners Minutes – Commissioner Mullin entertained a motion to approve the May 7, 2020 Board of Commissioners Minutes. Moved by Commissioner Evans and seconded by Commissioner Young. Vote passed 5-0.

May 14, 2020 Board of Commissioners Minutes – Commissioner Mullin entertained a motion to approve the May 14, 2020 Board of Commissioners Minutes. Moved by Commissioner Tindaro and seconded by Commissioner Evans. Vote passed 5-0.

Acknowledgment of the February 18, 2020 Planning Commission Minutes – On behalf of the Board, Commissioner Mullin acknowledged the receipt of the Planning Commission February 18, 2020 minutes.

Directors Reports

Police Chief Elias – Chief Elias noted a few highlights from his April 2020 report, which was previously provided to the Board. He noted the death of George Floyd is the most egregious acts of police misconduct that he has ever seen. He noted that the police department is committed to mitigating any local impacts as a result of what occurred in Minneapolis.

Fire Chief Donnachie – Chief Donnachie noted a few highlights from his April 2020 report, which was previously provided to the Board. He also noted that the Chester County March 18 public forum has been rescheduled to June 10, as a virtual meeting. Updates will be posted on the fire company's website and Facebook page.

Director of Building & Life Safety Mr. Stackhouse – Mr. Stackhouse noted a few highlights from his April 2020 report, which was previously provided to the Board. He noted that the police department, first responders, and Township Staff have been given the antibody testing. He also noted that no Staff Employee has tested positive for COVID-19. Staff has been proactive wearing masks, health screening, and social distancing.

Commissioner Kennedy asked if most of the Caln Township COVID-19 cases from nursing homes. Mr. Stackhouse noted “yes”. And in the State of PA and County the highest incidents and deaths are from long term care facilities, and short term care group homes.

Chief Elias noted that they are collecting used N95 masks and sending them to a company to decontaminate them. Once they are decontaminated, they can be used up to twenty times.

Director of Public Works Mr. Fragale – Mr. Fragale noted a few highlights from his April 2020 report, which was previously provided to the Board. Commissioner Mullin asked how often the backhoe is used to clean the streams. Mr. Fragale noted a few times a year. They also clean the streams after storms. He noted they also clean the stormwater grates.

Commissioner Kennedy asked who has responsibility to take care of the grass, at CASH, by the guard rail on the opposite side of the property line. Mr. Fragale noted the school district takes care of it.

Ingleside Golf Manager Mr. Ward – Mr. Ward noted a few highlights from his April 2020 report, which was previously provided to the Board. He also noted that the golf course has \$40,000 to \$50,000 increased revenue more than May 2019. Three new members were also signed.

Finance Department – Mr. Barron

Finance Report – Mr. Barron noted a few highlights from his April 2020 report, which was previously provided to the Board. He also noted that in the first week of May they were 92% collected in real estate, In April \$2.6 million in revenue - \$350,000 less than April 2019. Fifty-two people have paid online by Check or credit card, and they will be adding the capability for the payment of permit fees.

Bill List for Ratification of General Checks 44954 to 45067 and General Manual Checks 126 to 129 – Commissioner Mullin entertained a motion to approve general checks 44954 to 45067 and general manual checks 126 to 129. Commissioner Evans asked about the \$20,000 to the turf company. Mr. Ward noted that this payment covers the year. Commissioner Kennedy asked if there are additional expenses and chemicals needed for cleaning regarding COVID-19. Mr. Ward noted that not in this bill run. Ms. Denne noted an expense of \$1,200 for golf course disinfectant, to be submitted to FEMA for reimbursement as well as other expenses. She also noted the township has purchased a “foggers”, one for the township building and one for the police building, so they will not have to pay the \$300.00 expense anymore. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Additional Business

Ms. Denne and Commissioner Mullin noted an executive session at 7:00 PM tonight, regarding personnel issues.

Ms. Denne noted a request for a motion from the Board. She noted the following is a statement of charges in support of a two (2) day disciplinary suspension of Caln Township Police Sergeant Christine Cusick, pursuant to the Township First Class Code 53, Section 55644 entitled “removals”.

The Caln Township Civil Service rules and regulations of Caln Township Police Department Rules and Regulations. The two (2) day suspension will be held in abeyance for one year and will be dismissed contingent on meeting the requirements outlined in the disciplinary order.

Commissioner Mullin entertained a motion to approve the charge read by Ms. Denne. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

Public Comments

Commissioner Mullin called for public comments. There were none.

Adjournment

Commissioner Mullin entertained a motion to adjourn the May 28, 2020 meeting at 9:45 PM. Moved by Commissioner Evans and seconded by Commissioner Tindaro. Vote passed 5-0.

Respectfully Submitted by,
Denise Miller

Assistant Township Secretary