

Caln Township Board of Commissioners
253 Municipal Drive Thorndale, PA 19372
August 13, 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 (Absent), Bryan Kulakowsky-Township Engineer, Kristin Camp-Township Solicitor (Absent), Tom Oeste-Township Solicitor, Ray Stackhouse-Director of Building and Life Safety, and Denise Miller-Assistant Township Secretary.

Also in Attendance were: Jamie DiDomenico; 2025 Lincoln Highway waivers Applicant, Lou Colagreco; Riley Riper and Colagreco, Gina Gerber; Riley Riper and Colagreco, Chris Daily; D.L. Howell.

Call to Order and Pledge Allegiance to the Flag

Commissioner Mullin called the Virtual Zoom meeting to order at 7:30 PM. He then called for the Pledge of Allegiance to the flag.

Citizens to be Heard

District Director, Sue Walker for State Representative Chrissy Houlahan – Ms. Walker noted that Representative Houlahan’s office is reaching out to their ninety-two Municipal Partners, who are in their Congressional 6th District. She noted that all of their offices are operational with case work such as, IRS, Veterans Administration, Social Security, and Immigration issues. Their budget is \$1.3 million for operation, and they returned more than \$3.2 million back to their home district in the form of IRS benefits that have been at a stale mate, Veteran benefits and Social Security benefits that have not been fulfilled. She noted that their office provides letters of support for federal grants, and services.

Commissioner Young noted that Congressman Gerlach and Senator Spector were behind getting Amtrak to allow the Township to mow and maintain the grass from the train station to Barley Sheaf Road. Commissioner Young also noted that Amtrak is replacing some of their poles for signaling, and left most of the wires on the ground, and cut the poles down and also left them on the ground. He also noted that they are replacing the wooden structures under the tracks with cement ones, and piled the old railroad ties along the railroad track.

Ms. Denne noted that with the recent tropical storms, many of the businesses that abut Amtrak are getting flooded. She asked for guidance on who to tell the business owners to call for assistance, within Amtrak. Ms. Walker asked if the line is entirely owned and operated by Amtrak. Commissioner Young noted that it is owned by National Rail Corporation, and Septa utilizes it. Ms. Walker asked to have both concerns put in an email to her, and she will forward it to staff members to work on.

Ms. Walker noted that they are in a “black out” period due to the close proximity of the election so, if you have not elected to sign up for “E newsletter” updates on “Houlahan.house.gov”, we will not be sending anything out, because it would be unethical to do so.

Commissioner Mullin called for questions for Ms. Walker. There were none.

Tony DiSario of 251 Loomis Avenue stated that the Township creeks need to be cleaned, and have the trees removed. Commissioner Young noted that you need a DEP permit if you remove silt or dredging is done. Commissioner Mullin noted that he will reach out to Mr. Fragale to see what can be done about the trees. He also noted that there are not many creeks or rivers that can handle six inches of rain, in a matter of two hours.

The Township may have to go to the County or State to see what other options there are, to clean out Beaver Creek. Mr. DiSario also commented on the mud left under the township bridges.

Commissioner Young noted that a study was performed in 2006/2007, on the Valley Creek Area. One result was in front of Pronto's, and that area was cleaned out. He also noted that one of the biggest issues is around the Wedgewood pond. The stream was artificially man made to make a 90 degree turn and then another 90 degree turn which backed up water really bad, because it is not a natural flow. He noted that the way to fix it, would be to take out the Wedgewood Pond, which is a massive undertaking and would cost millions of dollars. You would have to take out all the built up silt, make it back to its original form, arch the sides up so it becomes like a basin, and take out almost every tree in that area, and start over.

Mr. DiSario of 241 Loomis Avenue asked who is responsible for maintaining the basin across from the township building. Commissioner Young noted that it is the HOA's responsibility. Mr. DiSario asked why the township is not making the HOA maintain it. Commission Young noted that the township will do that. Mr. DiSario asked who is responsible for the HOA. Commissioner Young noted that the Township is the citing authority however, they are not in charge of them.

Cheryl Spaulding of 406 Lloyd Avenue asked about the Wedgewood Pond. Commissioner Young noted that there is one behind the truck property, and the massive one is the Wedgewood pond. He also noted that the Township previously sited the Wedgewood HOA, and they had to put in steel baskets with rock in there because the creek was eroding, and the wall was near collapse. The Township received an emergency permit from the DEP which allowed the HOA to do the work. Ms. Spaulding noted that she thought it was a "Superfund Site". Commissioner Young noted that, as far as he knows, the Cohen property is not a "Superfund Site."

Commissioner Evans Updates

Task Force Meeting – Commissioner Evans noted the first meeting was held on August 11.

Red Light Signal – The Red light at the intersection of the route 340 ramp of the bypass, has been fixed.

Storm Update – Commissioner Evans noted that Ms. Denne and Township Staff have responded to over forty calls for assistance, regarding the storms. He noted a special thank you to Mike Fragale and the public works department, Mr. Stackhouse, and the fire and police departments.

Commissioner Evans noted that 48% of the county was without power, and Peco outages continue to be an issue for Caln Residents. He also noted that the Township has been in contact with Peco's Government Affairs Representative, and provided a list of problem areas that have been experiencing multiple power outages outside of storm issues.

Proposed Fire Ordinance – Commissioner Evans noted a proposed fire ordinance discussion, under Ms. Denne's report.

Coatesville School District – Commissioner Evans noted that the Coatesville School District will keep their buildings closed, and conduct classes virtually this fall. They will re-evaluate this decision in November.

COVID-19 – Commissioner Evans noted that Chester County has not made progress in flattening the curve, since the July 30 meeting. Stable or reduced case counts, over a fourteen day period, have still not been accomplished. Chester County has seen 260 positive cases, compared to 265 in the previous two weeks, and 90 new cases over the past seven days. Caln Township positive cases are up 5% from 172 cases to 181, and no new deaths however, it is still 16 lives lost.

Commissioner Evans noted to continue wearing masks, stay six feet apart from others, and do not attend gatherings where others are not wearing a mask.

Township Solicitor – Ms. Camp

N/A

Township Engineer – Mr. Kulakowsky

Planning Commission Update – Mr. Kulakowsky noted that at their August 18 meeting they will be discussing the Land Development application for AGC Chemicals, Subdivision and Land Development application for the Chester County Sports Arena, Conditional Use application for the Willows at Valley Run, and small wireless facilities ordinance, better known as the “5G”.

Waivers for the Grading Permit for 2025 Lincoln Highway – For Board consideration, Mr. Kulakowsky offered a stormwater and grading permit for the property located at 2025 Lincoln Highway, known as the Griffith Car Wash, and currently being rebranded as “Sudsy Sam’s”.

Mr. Kulakowsky reviewed the four requested waivers.

- Section 135-311.(K) of the stormwater management ordinance specifies that infiltration beds must have a minimum slope of 1% towards the outlet and shall be comprised of #4 stone. A waiver is requested to allow the bottom of the infiltration bed to be flat to promote the distribution of stormwater so that the entire footprint is utilized for infiltration per the PADEP BMP (Best Management Practices) manual’s design considerations for infiltration facilities. AASHTO #3 stone is proposed instead of #4 stone per the PADEP BMP manual’s specifications for infiltration facilities.
- Section 135-402.B.8.(Q) of the Stormwater Management Ordinance requires a 50 foot non-disturbance buffer to protect streams during construction activities. No disturbance activities are proposed within 15 feet of any streams which represents Zone 1. The majority of the existing condition does not consist of any trees within the proposed disturbance area, only grass cover. This section of the ordinance requires “....activities that minimally disrupt existing tree cover and soil mantle, in order to maximize up gradient and to propose subsurface vegetation uptake of nitrogen and other no particulate elements from stormwater generated up gradient”. The improvement proposed with Zone 2 consist of a paved driveway with curbing on the down-gradient side and a level spreader and discharge pipe from the proposed subsurface infiltration bed. The curbing will force the collection of stormwater runoff generated up-gradient of the stream. The collected stormwater will be treated by a water quality snout inside the inlets and by a subsurface infiltration bed which will further treat the stormwater by infiltrating runoff volumes generated during storms up to 100-year event.
Section 137-44.1.A.(2) of the Stormwater and Land Development Ordinance requires Zone 2 of the riparian buffer to extend cutward from Zone 1, a distance equal to 35 fee or to the 100-year floodplain boundary, whichever is larger. Refer to the justification provided for #2.
- Section 137-44.1.A(3)of the Subdivision and Land Development Ordinance requires Zone 3 of the riparian buffer to extend outward from Zone 2 a distance of 50 fee and that in cases where upslope areas adjacent to the riparian buffer zone are being disturbed, level spreading devices shall be located in this zone. Per the Township’s Stormwater Management Ordinance and the PAEP BMP manual, a positive overflow device is required for a subsurface infiltration facility. Due to the relatively flat topography of the property, the positive overflow will need to daylight at the lowest portion of the site which is located in the riparian buffer’s Zone 2 of this property.

Mr. Domenico and his team presented the proposed waivers for their car wash.

Commissioner Mullin asked if the property east of this location, proposed Willows at Valley Run, will benefit from the stormwater management that is proposed. Mr. Daily noted that they are going to drastically reduce the volume and rate of run-off on this property which, would drastically improve any erosion.

Commissioner Mullin asked that the stream be pointed out on the map. Mr. Daily noted that the stream corridor starts off the upper left hand corner of the L.

Commissioner Mullin asked if they are staying on the east side of the stream. Mr. Kulakowsky noted that they are discharging towards the stream, and will not impact the current layout of the conditional use for the proposed Willows at Valley Run. Mr. Kulakowsky also noted that he agrees with Mr. Daily on the issues that providing stormwater on this property are, per the ordinance requirements, intended to reduce the stormwater impact on this property. Commissioner Mullin noted that he agrees with that.

Mr. Oeste asked if the stormwater is going to be discharged to the surface of the ground. Mr. Daily noted "that is correct". The discharge will only be used if there are back to back large storms. Mr. Oeste asked if it's correct, that if the stormwater does happen, it will be directed and somewhat contracted on the adjacent property to the east. Mr. Daily replied "yes." Mr. Oeste asked if it would be appropriate to get a stormwater easement from that property for that possibility, acknowledging that there is stormwater now flowing across that property. Mr. Colagreco noted that he would have to check, because he does not know if that answer was entirely accurate. He also noted that he agrees with Mr. Oeste, that depending on the answer to that question, there may be a need to get an easement from the abutting property owner. Mr. Oeste asked if this is under land development review. Mr. Colagreco noted that this is a grading permit, and there is no land development associated with it. Mr. Oeste asked if they can resolve the easement issue before their grading permit is issued. Mr. Colagreco noted that it can be.

Commissioner Evans asked if there is any consideration in replacing the trees that will be lost in and around that property. Mr. Colagreco noted that they can look at putting tree cover back in that area.

Commissioner Mullin asked what the difference is between the #3 stone, and the #4 stone. Mr. Kulakowsky noted that the #3 stone is like the size of a golf ball, and the #4 stone is like the size of a baseball.

Commissioner Young noted that this site has always had a difficult way to traverse the site. It is very difficult to get around the car wash. This will make the flow of the car wash better, better appearance, and viability.

Commissioner Mullin called for public comments.

Tony DiSario of 251 Loomis Avenue asked if the back is a flood plain. Mr. Daily noted that it is not, on this property. The 100 year flood plain boundary is the line by the blue box, on the map.

Tony DiSario of 251 Loomis Avenue asked if the drainage will go into the creek or into the woods. Mr. Daily noted that it will drain into the woods, before making its way to the creek.

Mr. Oeste's recommended including the condition that the easement, for the runoff, from the adjacent property be obtained, if determined to be necessary. Mr. Colagreco noted that if it is necessary. He also noted that he agrees with Mr. Oeste's wording.

Ms. Denne recommend also adding wording for the tree replacement.

Commissioner Evans made a motion, seconded by Commissioner Mullin, to grant the four waivers requested by the Applicant, with the condition that should an easement need to be obtained for the stormwater runoff from the adjacent property owner, that it would be obtained as well as the Applicant would do their best to replace the trees that were removed, in order to facilitate the construction. Vote passed 5-0.

Mr. Kulakowsky gave an update on the 2020 Road Paving Project Schedule.

- Berg Construction (Berg) has until August 24 to deliver their contract documents to Arro's office.
- Berg was notified of their twenty calendar days on August 3
- Once Arro has the documents in place, they will coordinate with Berg to schedule the pre-construction meeting.
- At the pre-construction meeting, Arro will provide Berg written notice to proceed which gives them sixty calendar days from that date, to complete the project.
- Pre-construction anticipated meeting, to be held the first or second week of September
- Paving to be completed by the beginning of November

Mr. Kulakowsky gave an update on the Spackman Farm Large Barn Bid.

- Arro is currently working on uploading the bid onto PennBid
- The bid will be live on PennBid on August 24
- The bid will be closed on September 10
- The bid will be opened September 10 at 1:30 PM
- The bid is anticipated to be offered to the Board for their consideration, at the September 24 meeting

Commissioner Evans asked for an update on G.P. Martini Roofing's progress on the hexagonal school house roof. Ms. Denne noted that Mr. Fragale has been in contact with them, and they are waiting for materials. She also noted that Mr. Fragale will be at the September 24 meeting to answer further questions.

Township Manager – Ms. Denne

Census Update – Ms. Denne noted that the census takers are starting to go door to door this week, they will be wearing masks, and they have been trained to do social distancing while still asking questions. You still have the ability to respond online or by telephone. She also noted that the average roughly amount received per resident is \$1,200 between state, county and local funding so if you do not respond, you lose \$1,200 per resident.

Nonexclusive Video Sharing License Agreement – For Board consideration, Ms. Denne offered a Nonexclusive Video Sharing License Agreement which has to do with Resolution 2020-44. Last month the Board approved fourteen resolutions for updating lights and including cameras on those lights. This video will allow Township Staff and authorized users to access that video. It is owned, and it is the intellectual property of PennDot so we are not able to reproduce it or use it for anything other than what PennDot exclusively allows, within this agreement.

CDL Policy Resolution – Ms. Denne noted that Resolution 2020-43 is referring to the CDL policy. The current company was bought out by a company out of state, and the customer service has not been great. She noted that PSATS runs a pool and they have two full time staff that do nothing but maintenance this pool, of drivers. The Township will save half of what they previously were paying, approximately \$1,200 -\$2,400 savings, and they will have the backing of PSATS.

Proposed Fireworks Ordinance – Ms. Denne noted that the Township has received many calls regarding fireworks in the township. Ms. Denne asked for Mr. Stackhouse to explain further. Mr. Stackhouse had to step away for a few minutes therefore, the Board will revisit this later in the meeting.

Ordinances and Resolutions for Consideration

Resolution 2020-44 A Resolution Authorizing the Township Manager/Secretary to sign all Documents Necessary to engage in a Video Licensing Agreement with PennDot – Commissioner Mullin asked if the video will be for township use. Ms. Denne noted that it will be for township use however, those images are owned by PennDot. She also noted that the images require authorization from PennDot beforehand, and they will have to show that it is owned by PennDot.

Commissioner Evans asked if it is like a photographer getting credit. Ms. Denne noted that it is basically like that however, PennDot wants you to check with them. Ms. Denne also noted that the authorized staff can look at the video versus physically going out to the area.

Commissioner Evans asked if the Township would be legally liable if they used the image before getting authorization, from PennDot. Ms. Denne replied yes, it would rescind the agreement.

Commissioner Mullin asked if authorization to use the video, will be given to certain staff. Ms. Denne noted that Department will only have authorization to use it.

Commissioner Mullin called for Commissioner and public comments. There were none.

Commissioner Mullin entertained a motion to approve Resolution 2020-44 authorizing the Township Manager/Secretary to sign all documents necessary to engage in a video licensing agreement with PennDot. Moved by Commissioner Young and seconded by Commissioner Evans. Vote passed 5-0.

Resolution 2020-43 A Resolution Amending the Personnel and Administrative Policies and Procedures Manual – Commissioner Mullin asked Ms. Denne how the township gets the savings, she spoke about. Ms. Denne noted that the township receives the savings through the membership fee.

Commissioner Mullin called for public comments. There were none.

Commissioner Mullin entertained a motion to approve Resolution 2020-43 amending the personnel and administrative policies and procedures manual. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. Vote passed 5-0.

Commissioner Mullin revisited the draft fireworks ordinance.

Commissioner Mullin read the draft fireworks ordinance fines. “A person selling consumer fireworks in violation of the provisions of this chapter commits a misdemeanor of the second degree” and “A person selling display fireworks in violation of the provisions of this chapter commits a felony of the third degree”.

Commissioner Evans agreed with the mention of a fine if you set off fireworks while under the influence of drugs or alcohol.

Kristen Denne noted that it gives the police direction and additional options to cite people. Mr. Stackhouse noted that he vetted the draft through Chief Elias.

Mr. Stackhouse noted that the Township is redoing the zoning ordinance however, he wanted this ordinance now because staff has received a lot of complaints, since the state law has changed. He noted that the best idea is to leave the time frame with the noise ordinance, and readdress it with the zoning change.

Commissioner Young and Commissioner Mullin asked if the draft ordinance references the noise ordinance. Mr. Stackhouse noted that he does not believe it does. He also noted that he is trying to regulate the fireworks that you can buy and shoot into the air, and the township is asking to change the ordinance so that it protects the people that want to shoot fireworks into the air in neighborhoods, so you can change it to limit that, so it's a safety precaution.

Commissioner Young asked Mr. Stackhouse if this is a zoning change or an ordinance. Mr. Stackhouse noted they did it as an ordinance because the Police and Fire Marshall are able to control it as opposed to a Zoning.

After Board further discussion, Board concensus was to add the time frame from noon to 10:00 PM.

Commissioner Mullin called for public comments.

Tony DiSario of 251 Loomis Avenue suggested 6:00 PM to 10:00-10:30 PM.

Mark DeYoung of 20 Beaver Run Road suggested giving the police a list of the people that are already known to do fireworks throughout the day.

Cheryl Spaulding of 406 Lloyd Avenue voiced her concern with the word “felony” because it could ruin someone’s future. She also stated that the Board should be very careful with that section pertaining to felony. Commissioner Young wondered if it is already a felony.

Licia Carini 103 Ayerwood Drive commented on the draft ordinance. She also asked if there could be exceptions, such as July 4. Ms. Denne noted that this is new because the consumer law has changed, and now they are sold locally.

Commissioner Mullin entertained a motion to advertise the proposed fireworks ordinance with the addition of the time frame of noon to 10:00 PM. Moved by Commissioner Young and seconded by Commissioner Evans. Vote passed 5-0.

Minutes to Approve/Acknowledge

Motion to Approve the July 30, 2020 Board of Commissioners Minutes – Commissioner Mullin entertained a motion to approve the July 30, 2020 Board of Commissioners minutes. Moved by Commissioner Young and seconded by Commissioner Evans. Commissioner Mullin clarified that the tires bought for \$620.24 were for four tires for the police Ford F-150 vehicle. He also clarified a check for a luncheon he attended for the Chamber event, back in February. Vote passed 5-0.

Finance Department

Motion to Approve General Checks 45326 to 45376, and Manual Checks 143 to 149 – Commissioner Mullin entertained a motion to approve general checks 45326 to 45376 and Manual General Checks 143 to 149. Moved by Commissioner Young and seconded by Commissioner Evans. Commissioner Evans recused himself because he did not review the bill list. Vote passed 4-0.

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Young highlights and discussions from their July meeting.

- All 2020 events have been cancelled, due to COVID-19
- The 2021 budget will be the same as their 2020 budget
- Discussion on more events for 2021
- Discuss social distancing events for those who are not ready for the “normal” events
- They need to submit, by October 31, 2020, for the New York bus trip in December 2021
- Coatesville August 18 meeting – Discussion to cancel their Christmas Parade

COG – Commissioner Kennedy noted highlights and discussions from their July meeting.

- Small Business COVID-19 mask, gloves, and sanitizer packages for \$10
- Elverson French Creek golf outing to be held August 24. Deadline to call Donna at 610-384-9550 is August 20.
- October 21 annual dinner Stony Brook Barn sponsored by Tower Health
- Ross Harper from the SPCA discussed how the COG members could partner together to keep costs down
- Next meeting to be held August 26, 2020 – Join online conference call or in person in Coatesville.

Municipal Authority – Commissioner Mullin noted highlights and discussions from their July meeting.

- Walnut Street Emergency Repair – 260 feet of clay pipe was replaced. Remaining is to mill and overlay the street
- Trash and recycling higher than normal due to COVID-19 – 25 week period
 - Trash 1,840 tons in 2019 and 1,942 in 2020
 - Recycling 657 in 2019 and 694 in 2020
 - Small increase in costs however, there has been no effect to the budget
- The Pump Station setback to late September-late October due to COVID-19, and receiving supplies

DARA – There was no report given because DARA Representative, Mr. Chambers was not present.

Fire Board – Commissioner Young noted the budget and accident reporting and procedure, will be discussed at the next meeting.

Historical Commission – Commissioner Tindaro noted highlights and discussions from their July meeting.

- Special guest Karen Marshall – National Registry
- School house roof to be worked on shortly
- Budget to be completed by October
- Task Force recommendations discussion – Paul Stevens
- Working with the Lincoln Highway Committee

Historical Commission – Commissioner Evans added highlights from their meeting.

- Karen Marshall in attendance to pitch the Edges Mill Historic District for the National Registry
- The Edges Mill Bridge is already on the National Registry
- Volunteers named to head the sub-committees
- Members needed
- Next meeting on August 19 at 7:00 PM

Commissioner Kennedy asked if the Historic Commission has interest in setting up a 501C for the Spackman Farm. Commissioner Evans noted that the “Spackman Farm/Lloyd Farm” sub-committee will be exploring setting up a 501C.

Lincoln Highway – Commissioner Young noted that because of the power outage the Zoning Task Force was forced to move their date and time so they did not have a meeting. He noted that most of the residents on the Lincoln Highway Committee are on the Zoning Task Force.

- Coatesville change in leadership – Assistant Manager
- Will revisit ideas with Assistant Manager
- They are involved in the Zoning re-write

Additional Business

Commissioner Evans noted that the Township has a serious issue with flooding. He also noted that the Township should contact the County and State and try to come up with solutions.

Commissioner Kennedy asked if the Township could put their name on the north side of the building. Ms. Denne noted that the electronic sign is in on order. Commissioner Young and Ms. Denne noted that the Township could discuss further to add this to the 2021 budget.

Commissioner Young noted that he and Ms. Denne met with Government Affair Representatives with Peco and expressed their concern with the number out outages and non-storm outages. He sent a list of problem areas and said that Peco keeps an electronic record of every outage and they sent the list to a reliable engineer, who will research all the items and report back to the Township. Ms. Denne noted that last year a dynastic test was done for a resident outside of Ingleside and it was found that the signal was bad. Commissioner Young also noted that Peco spoke with the County Commissioners regarding the text messages that say your power is back on and it is not back on. Commissioner Young also noted that discussion was held regarding Peco taking trees down in the right-of-way however, they need cooperation from residents to cut trees or limbs outside of the right-of-ways.

Commissioner Kennedy noted that she called Bill Shaw at State Representative Dan Williams office regarding the overgrown vegetation on the Ross Strauss Bridge.

Public Comments

Commissioner Mullin called for public comments. There were none.

Adjournment

Commissioner Mullin entertained a motion to adjourn the August 13, 2020 meeting at 9:45 PM. Moved by Commissioner Young and seconded by Commissioner Evans. Vote passed 5-0.

Respectfully Submitted by,

Denise Miller
Assistant Township Secretary