

Caln Township
Board of Commissioners Meeting
October 26, 2023 7:30 PM
Hybrid Meeting

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

Staff Members Present: Abbey (A.) Swan-Township Secretary and Community Outreach Specialist, Denise Miller-Assistant Township Secretary and Administrative Assistant, Lisa (L.) Swan-Director of Finance and Township Treasurer, Ray Stackhouse-Director of Building and Life Safety and Public Works Department, Scot Gill-Municipal Authority Director, Nicole Shannon-Ingleside Golf Course Manager/Superintendent.

Professionals Present: Chief Taylor-Thorndale Fire Company, Ross Bickhart P.E.-Gilmore and Associates, Eli Kahn-agent assisting Allan and Michael Cohen, and Brian Nagel-Applicant's Land Use Attorney representing Allan and Michael Cohen for the property located at 4109 Lincoln Highway

Special Guest: N/A

The Board of Commissioners' October 26, 2023 agenda was posted on the Township website, at the Township building on September 25, 2023, and agendas were made available for the public at the meeting. The 2023 Township Board of Commissioners meetings were published in the Daily Local News, on December 27, 2022.

Commissioner Mullin called the meeting to order and for the Pledge of Allegiance to the Flag

Commissioner Evans' Township Update

Welcome everyone, thank you for joining us. We're all in this together. Just a reminder, only questions or statements regarding an agenda item will be entertained under Citizens to be Heard at the top of the meeting. All other matters will be recognized during Public Comment at the end of the meeting.

Chief Elias shared an email with us that we would like to share with you. It was written by an ER nurse at Chester County Hospital and is a real credit to the culture within our Police Department – one of honor, compassion, and accountability: "I just wanted to share a very positive staff/police interaction the emergency department had October 11, 2023 approximately 0400 in the morning. Police and EMS brought in a patient that was found unresponsive then turned combative. Patient was strong and angry and had to be restrained because he kept trying to tip the stretcher while on it. The officers from Caln Township; Officer Bill Verikakis and Officer Charles Norwood, helped staff restrain the patient and remained with staff in the room until the patient was safely sedated. They were both professional and kind. They stayed without being asked to, did not dump and run, and never complained once. We truly worked as a team to get this patient safely in the stretcher and sedated, and because of that we had a very positive and safe outcome for all involved. I just wanted to share this very POSITIVE experience and wondered if you could reach out to them and let them know how happy we were with the experience and also the SUPPORT we felt from them".

The annual Caln Township Halloween Event is Saturday October 28, 2023 at the Municipal Park. There will be a costume contest, trunk-or-treat, scavenger hunt, games, and more! Festivities kick off at 1:00 PM, so come

on out. Thank you to Parks and Recreation (P&R) and Shannon Cooper Dance Academy for sponsoring this year's event.

As part of the Ten Million Trees for PA campaign, Abbey Swan and her magnificent P&R team will be planting 150 native trees at Beaver Run Knoll. Please sign up on our website to participate on November 4, 2023 from 1:00 PM to 4:00 PM at 631 Lancaster Court. In addition to beautifying the neighborhood, the trees will provide habitat, help absorb stormwater runoff, and filter pollutants before they can reach Beaver Run. The P&R next meeting will be Monday, November 6, 2023 at 7:00 PM. They meet at the Municipal Building, and via zoom. P&R are responsible for so many of the fun things we do in Caln, please attend the meeting, you just might end up wanting to be a part of the action. They REALLY get things done and could use more members!

Saturday November 11, 2023 the Chester County Historical Preservation Network will host its annual Fall Workshop at the County Building on Westtown Road. One of the highlights will be a first look at opportunities for America 250. Yes, the Semi-quincentennial of our nation is approaching fast. If you're interested in attending to learn more, shoot me an email. The cost is \$15.00 and includes a light breakfast.

Tonight, we'll vote to approve our next manager. Should the vote pass, he will be attending our November 16, 2023 Board meeting for you to meet.

Lastly, on tonight's agenda is a discussion on the potential rezoning of the R-4 portion of the Cohen property, located on Lincoln Highway, east of Acme. There's been some concerns expressed by residents, which are understandable for those who have not seen the video of our August 31, 2023 meeting. Here's couple of topline notes to bring you up to speed: The land is currently occupied by Cohen as a junkyard facility, the proposed plan would involve rezoning the R-4 portion of the tract to match the majority of the parcel which is already zoned TV-1. TV-1 zoning allows for residential townhomes, townhomes would replace the current junkyard, the owner has an offer on the table to sell to another junkyard who would maintain it as a junkyard. It would be more profitable for the owner as townhomes, but if they can't get the zoning relief, they will have to take the bird in hand, and we will be left with a junkyard. Prior to the Cohen proposal, the zoning subgroup was suggesting similar area and bulk requirements for townhomes in the new Thorndale Center district. The townhomes would be for sale, not as rentals, >50% of the land would be preserved as open space, there were 103 townhomes proposed, between 2 sections: 58 townhomes along Lincoln Highway and 45 townhomes along Park Drive. Currently most of the land behind the facility and out of view is covered with junk trucks, buses, and the like, and there are no known hazmat issues at the site.

When we all work together, there's nothing we can't do. Spread kindness everyone. Anger, grudges, and resentments are not worth our time or energy. Compassion, Empathy, Peace, and Love – these are what make the world go round.

Citizens to be Heard

Tony Wagner of 207 Thornridge Drive gave a brief statement on the offer of employment for a new manager.

Announcement concerning the offer of employment for a new manager – Commissioner Mullin thanked Roseann McGrath Consulting for presenting very good township manager candidates for the Board to interview. Commissioner Mullin also thanked the Board for all their time and efforts in the search, and the township staff for keeping the Township operating during this search. Commissioner Mullin noted that the Board chose Don Vymazal (Don) as the new manager candidate. Commissioner Mullin asked Commissioner Evans to read a brief statement on Don's history.

Commissioner Evans noted that Don has a great personality. He's also humble, and really smart – the writing sample he submitted to us was a part of his Doctoral Thesis on Stormwater Management. Don is not coming

here for a job; he's coming here out of passion. You see, Don has been a resident of Caln Township (Caln) for over 2 years and has a vested interest in our success. In leaving a prestigious manager position in Upper Providence Township, he comes to us with full awareness of the many challenges we face, because he believes in CALN as much as we do and sees the window of opportunity open right now. The first answer he gave in his initial interview was "I see nothing but opportunity here, especially along Lincoln Highway". Commissioner Evans also noted that Don has served in Harrisburg as Chief of Staff to Senator Katie Muth and as Public Relations and Policy Director to Senator Andy Dinniman. With the Commonwealth, he was responsible for the notification and facilitation of legislative grant funding for local municipalities and developed strong relationships with other state officials, including one of our State Representatives - Danielle Friel Otten. He taught Public Sector Budgeting and Finance in the Master's Program at West Chester University and was a Board member of the Borough of Phoenixville Planning Commission during the years when they took some of their biggest steps forward. He was also involved with crucial infrastructure projects in the City of Coatesville and the Borough of Downingtown, including the Coatesville Train Station and Downingtown River Station Development. Don believes in transparency and public awareness and encourages public participation in the process. He is a calm, inclusive visionary who believes in integrity, accountability, and adaptability. As mentioned earlier, Don and his wife live right here in Caln and were just recently married – congrats Don & Jess!!! With Don as Caln Township Manager, **WE** see nothing but opportunity.

Commissioner Mullin noted that Don will be in attendance at the Township's November 16, 2023 Board Meeting, and has a potential start date of December 4, 2023.

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

Commissioner Mullin entertained a motion to offer the position of Township Manager to Don Vymazal contingent on receiving the final background information. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

Township Solicitor – Ms. Camp

Rezone Ordinance Discussion – Michael Cohen 4109 Lincoln Highway (Behind Thorndale ACME) – For Board consideration to advertise a rezone ordinance. Ms. Camp introduced Brian Nagle as the Applicants' Attorney and Eli Kahn as the agent assisting the property owners, Allan and Michael Cohen. Ms. Camp noted that this must be sent to the Township and Chester County Planning Commissions if the Board chooses to move this ordinance forward. After both comments are received then the Board can schedule a public hearing where the applicant will present what they are proposing. The Board can vote to make the change or take it under advisement. Ms. Camp also noted that there is not a time clock on this procedure.

Commissioner Mullin called for Board and public comments.

Commissioner Mullin asked if anyone spoke to them about the proposed trail to go through this property. Mr. Kahn noted that they spoke to Ms. Camp earlier. Mr. Nagle noted that this property has wetland features on it, so they have some sidewalk that they can work along the highway frontage. In terms of the trail, there are some logistics there that they will need to work through with the Township staff. Mr. Nagle also noted that they will meet with Ms. Camp, Mr. Stackhouse, and their Civil Engineer Mr. Gibbons to look at the logistics and see what they can do to make it work. Ms. Camp asked if it is correct that they indicated that they would grant an easement, even if they were not constructing the trail 100%, for future construction. Mr. Kahn replied, "that is correct".

Tony DiSario 251 Loomis Avenue asked if the rear entrance has a bridge going out for traffic. Mr. Kahn replied that there is not a bridge per se involved with the construction of the two blocks of houses. The southern block has one fronting, which enters off business 30 and represents 58 homes. The block in the back has 45 homes and enters off Park Drive. There is no longer interconnection between the northern and southern piece of property. There is a bridge over a wetland. The entire swath of area would be undeveloped other than the potential for a trail or maybe other community recreation fees. Commissioners Evans noted that when the Willows at Valley Run was being approved, they were asked to go to a higher level of fire suppression than they were legally bound by.

Mark DeYoung of 20 Beaver Run Road asked how far the trail will go back towards G O Carlson Boulevard (G O Carlson). Mr. Kahn replied that the property goes north all the way to the northern edge of G O Carlson where it terminates on the eastern portion of the property. Mr. Kahn also replied that the plan shows an easement of the extension of the easterly portion of G O Carlson connecting with Park Drive that was going to connect to the western portion of G O Carlson. The Township considered this back when the ACME Shopping Center was built and the cost and wetland impact of doing this was going to be affected by Beaver Creek, which rendered it so expensive that it was impossible to do. Ms. Camp asked Mr. Kahn about the status of the easement. Mr. Kahn replied that it is still in place. Mr. Bickhart shared the plan on the TV screens.

Commissioner Mullin noted that where he lives is not the side of G O Carlson where this would be located.

Cheryl Spaulding of 406 Lloyd Avenue asked where the development water overflow will go and where the overflow of vehicle parking will park. Mr. Kahn replied that they will comply with the Township stormwater ordinance during the development of the project and all parking is within the development.

Joseph Hagan of 217 Park Drive asked where the water overflow goes and where is the parking. Mr. Kahn replied that all parking is within the development, and they will comply with the Township stormwater ordinance during the development of the project. Ms. Camp replied that there are 249 parking spaces and 21 overflow parking spaces.

Commissioner Mullin entertained a motion authorizing Ms. Camp to send the proposed ordinance to the Township and Chester County Planning Commissions, evaluate their comments at the December 14, 2023 meeting and schedule a hearing in January 2024. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Gilmore & Associates (Gilmore) – Mr. Bickhart

Request For Board Consideration to Approve and Authorize the Board President to Sign Gilmore & Associates PSA #211203404 for Beaver Creek Trail Segment 4, for a Base Scope “Not to Exceed” Amount of \$15,000.00 and Add Alternate #1 “Not to Exceed” Amount of \$3,500.00 for Gilmore to Engage Subconsultant Cooper Aerial to Triangulate/Map the Region of Trail Segment 4 – For Board Consideration, Mr. Bickhart offered a “not to exceed” amount of \$15,000.00 for the Beaver Creek Trail segment 4 for wetland delineation and survey, and the “not to exceed” amount of \$3,500.00 for Gilmore to Engage subconsultant Cooper Aerial to Triangulate/Map the region of the trail.

Ms. A. Swan noted that this process for segment 5 was done two years ago with the help of the Brandywine Conservancy. The Township received their mini grant in the amount of \$7,500.00 with a Township match of \$7,500.00 to do the same for segment 4. Ms. A. Swan also noted that add alternate #1 is not covered under the grant.

Commissioner Mullin called for Board and public comments.

Tony DiSario of 251 Loomis Avenue is opposed to having this trail because there are other things to spend township money on.

Commissioner Mullin entertained a motion to approve and authorize the Board President to Sign Gilmore & Associates PSA #211203404 for Beaver Creek Trail Segment 4, for a Base Scope “Not to Exceed” Amount of \$15,000.00 and Add Alternate #1 “Not to Exceed” Amount of \$3,500.00 for Gilmore to Engage Subconsultant Cooper Aerial to Triangulate/Map the region of Trail Segment 4. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Request for Board Consideration to Approve Payment Application #3 for the Reed Street Drainage Improvements Project Payable to Foresite Concepts, LLC in the Amount of \$83,402.55, with a Remaining Balance to Finish of \$809,194.40, Including Retainage – For Board Consideration, Mr. Bickhart offered payment application #3 for the Reed Street Drainage Improvements Project.

Commissioner Young noted that most of this will be paid for by a state grant, and not completely coming out of Township money.

Commissioner Mullin called for Board and public comments.

Mark DeYoung of 20 Beaver Run Road asked what percentage of the project will come out of township funds. Mr. Bickhart replied that the total project is approximately \$1.25 million for the total project. Mr. DeYoung also asked the total of the trail project. Commissioner Young replied \$1,270,847.86. The Township received a H20 grant in the amount of \$500,000.00 and PA Small Water Grant in the amount of \$418,599.00.

Commissioner Mullin entertained a motion to approve payment application #3 for the Reed Street Drainage Improvements Project Payable to Foresite Concepts, LLC in the Amount of \$83,402.55 with a remaining balance to finish of \$809,194.40, including retainage. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

Update Regarding Rock Removal for the Reed Street Drainage Improvements Project – Mr. Birkhart noted that they hit bedrock as they were working on the sanitary construction going up 14th Avenue towards Reed Street, so they readjusted their sanitary sewer profile by moving a drop manhole. The issue that started to arise is the storm drains are deeper than the sanitary sewer, and the rights-of-way are at a 90-degree angle, so they are trying to collect runoff from further west down Reed Street. Mr. Bickhart also noted that they engaged a drilling contractor to drill holes and from that they developed a profile of the rock, so they raised the storm drainage system approximately seven feet and would save approximately \$100,000.00 for rock removal. Mr. Bickhart asked the Board if they have any objections to this change.

Commissioner Mullin asked if the \$100,000.00 is more than expected. Mr. Bickhart replied that the contingency line item in the bid is approximately \$82,000.00. There is still a lot of uncertainty because they only checked in certain locations and could be under the allocation or a little over. Commissioner Mullin also asked if the sewer stops further north. Mr. Bickhart replied that it follows the same path but would end approximately one hundred feet further east on Reed Street. Commissioner Evans asked Mr. Bickhart if this change affects the easements they had to get for this project. Mr. Bickhart replied that the change will not have adverse impact on the easements. Commissioner Kennedy asked if there are estimates for this change. Mr. Bickhart replied that the project is currently under construction. The contract has a unit rate of \$273.00 per cubic yard for rock removal. Mr. Bickhart also replied that the contractor gets paid for rock removal to complete the job for about \$140,210.00. Commissioner Mullin asked if the north curbside goes to the township line. Mr. Bickhart replied that it does not go to the township line.

Commissioner Mullin called for Board and public comments.

Tony DiSario of 251 Loomis Avenue asked if this change would change the gravity of the water flowing down. Mr. Bickhart replied that the same slope of the pipe will be maintained as it was designed on the plan. Mr. Bickhart also replied that the pipes will be raised the same amount.

Commissioner Mullin entertained a motion for Mr. Bickhart to proceed with the change in the plan. Moved by Commissioner Tindaro and seconded by Commissioner Young. The vote passed 5-0.

Building & Life Safety – Mr. Stackhouse

Request for Board Consideration to Approve and Authorize the Board President to Sign a Contract with Jan-Pro Cleaning & Disinfecting for the Township Building and the Police Station Cleaning in the Amount of \$1,050.00, and to Authorize Sending a Letter to S&S Cleaning Services to Terminate Their Contract – For Board Consideration, Mr. Stackhouse offered a contract with Jan-Pro Cleaning for cleaning of the Township and Police buildings.

Commissioner Mullin called for Board and public comments.

Commissioner Mullin asked what S&S Cleaning Service charges per month. Mr. Stackhouse replied that it would cost \$1,340.00 per month and Jan-Pro's cost is \$1,050.00, with a savings of \$3,480.00 per year.

Commissioner Mullin noted that he has his reservations regarding the termination clause.

Commissioner Mullin entertained a motion to approve and authorize the Board President to sign a contract with Jan-Pro Cleaning & Disinfection for the Township Building and the Police Station Cleaning in the amount of \$1,050.00, and to authorize sending a letter to S&S Cleaning Services to terminate their contract. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

Request for Board Consideration to Approve and Authorize the Board President to Sign an Agreement with Foley Rents for a Nifty Lift TM34 Tow Behind, in the Amount of \$20,800.00 – For Board Consideration, Mr. Stackhouse noted that a lift rental is approximately \$2,000.00 to \$2,500.00. Mr. Stackhouse also noted that the \$20,800.00 is in the capital expenditure line item.

Commissioner Mullin called for Board and public comments.

Commissioner Mullin asked what the life span is for this lift. Mr. Stackhouse replied that it should last at a minimum of 10 to 20 years if it is maintained properly.

Commissioner Kennedy asked how many feet the lift goes up. Mr. Stackhouse replied that the average person's head will reach up to forty feet and it holds up to five hundred pounds.

Tom Parr of 582 Lloyd Avenue asked what the ground footprint is. Mr. Stackhouse replied to the different dimensions.

Commissioner Mullin entertained a motion to approve and authorize the Board President to sign an agreement with Foley Rents for a Nifty Life TM34 Tow Behind, in the amount of \$20,800.00. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Request for Board Consideration to Approve Payment Application #2 for the 2023 Road Program Payable to Long's Asphalt Inc., in the Amount of \$31,612.50 for Work Performed Up to September 24, 2023 – For Board consideration, Mr. Stackhouse offered payment application #2 for the 2023 Road Program payable to Long's Asphalt Inc., in the amount of \$31,612.50 for work performed up to September 24, 2023. Mr. Stackhouse noted that the Road Program has been completed; however, Long's Asphalt had to come back and address a few minor issues; therefore, there will be a payment application #3.

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

Commissioner Mullin entertained a motion to approve payment application #2 for the 2023 Road Program payable to Long's Asphalt Inc., in the amount of \$31,612.50 for work performed up to September 24, 2023. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

Township Administration

Review of November and December Meetings; November 16th Only Board Meeting in November. November 9th and November 30th Board Meetings Cancelled. December 14th Only Board Meeting in December. December 28th Board Meeting Cancelled – Ms. Miller noted that she wanted the Board to review and announce the November and December meetings again. Commissioner Mullin read the November and December meetings for the public.

Request For Board Consideration to Authorize the Advertisement of the November and December Meeting Dates on November 1, 2023 – Ms. Miller requested Board authorization to advertise the November and December meeting dates and cancellations as presented.

Commissioner Mullin called for Board and resident comments. There were none.

Commissioner Mullin entertained a motion to advertise the November and December meetings as presented. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

Ordinances and Resolutions for Consideration

N/A

Minutes to Approve

Request for Board Consideration to Approve the October 12, 2023 Board of Commissioners Meeting Minutes – Commissioner Mullin called for Board comments. There were none.

Commissioner Mullin entertained a motion to approve the October 12, 2023 Board of Commissioners meeting minutes. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

Acknowledgement of the Planning Commission Minutes

N/A

Finance Department – Lisa Swan

Financial Report – Ms. L. Swan asked for Board comments on the September 2023 financial report.

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

2022 Final Township Audit

Request for Board Consideration to Accept the 2022 Final Township Audit – Ms. L. Swan noted that there were no findings in the Township 2022 Audit presented by Chris Herr from Mallie Accountants and Auditors. Commissioner Mullin called for Board and public comments. There were none.

Commissioner Mullin entertained a motion to accept the 2022 final Township audit, as presented. Moved by Commissioner Young and seconded by Commissioner Tindaro. The vote passed 5-0.

Request for Board Consideration to Approve the Accounts Payable Bill List for Checks 50977 to 51039 – For Board consideration, Ms. L. Swan offered the accounts payable bill list.

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

Commissioner Mullin entertained a motion to approve the accounts payable bill list for checks 50977 to 51039. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

Directors Reports

Police Chief Elias – Chief Elias reviewed a few highlights from his police department's September 2023 report, which was previously provided to the Board. Chief Elias also noted that they are in the process of police Civil Service testing. Chief Elias also noted the statistical numbers for January 1 to September 30. Commissioner Tindaro asked Chief Elias how many police officers are being hired. Chief Elias replied "2".

Mark DeYoung of 20 Beaver Run Road thanked Chief Elias and his officers for their service.

Fire Department Chief Taylor – Chief Taylor reviewed a few highlights from his fire department's September 2023 report, which was previously provided to the Board. Chief Taylor also noted that Chester County lost one of their fire fighters in the Exton/Lionville area, two perished in Baltimore, and one police officer was killed in Philadelphia. Commissioner Kennedy thanked Chief Taylor for his department installing smoke detectors.

Director of Building & Life Safety & Public Works Mr. Stackhouse – Mr. Stackhouse reviewed a few highlights from his departments' September 2023 reports, which were previously provided to the Board.

Minquas Fire Company Ambulance – N/A

Ingleside Golf Course Nicole Shannon – Ms. Shannon reviewed a few highlights from her September 2023 report. Commissioner Young asked Ms. Shannon to confirm that the rates were lowered because they are the winter rates period. Ms. Shannon replied that they were lowered as the winter rates, the condition of the golf course, and they were aerating the greens. Commissioner Young asked what he should tell Coatesville about them borrowing golf carts this year for their Christmas Parade. Ms. Shannon replied that the old golf carts are picked up when the new carts are delivered therefore, they will not have enough of them to lend out this year. Commissioner Young noted that he will contact Coatesville and inform them that Ingleside Golf Course is unable to lend them golf carts this year.

Additional Business

Commissioner Mullin called for additional business. There was none.

Public Comments

Commissioner Mullin called for public comments. There were none.

Adjournment

Commissioner Mullin entertained a motion to adjourn the October 26, 2023 Board of Commissioners meeting at 9:00 PM. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

Respectfully submitted,

Denise Miller,
Assistant Township Secretary