

Caln Township Board of Commissioners  
253 Municipal Drive  
Thorndale, PA 19372  
December 3, 2015 7:30 PM

**Call to order and pledge of allegiance.**

**Attendance** – John Contento; President, Cynthia Eshleman; Vice President, Lorraine Tindaro; Commissioner, Joshua Young; Commissioner, Greg Prowant; Township Manager, Jeffrey W. McClintock, PE, CFM; Township Engineer, and Denise Miller Recording Secretary.

**Executive Session**

Commissioner Contento announced that prior to tonight's meeting, an Executive Session was held to discuss legal and personnel matters.

**Citizens to be heard**

Michele Szwarc, a resident of West Bradford, voiced her concern with the amount of time it takes to get over the Lloyd Bridge.

Pat O'Rourke voiced his concern with the amount of time it takes to get over the Lloyd Bridge. Commissioner Contento suggested doing a petition.

**Ordinances and Resolutions for Consideration**

**Ordinance 2015-06** – Mrs. Camp offered Ordinance 2015-06 for Board consideration. Mrs. Camp noted hearing advertisement was in the Daily Local Newspaper on November 18 and 25. Mrs. Camp also noted she sent this Ordinance to the County Law Library and to the Daily Local News. She also received an October 20, 2015 review letter from the Chester County Planning Commission, and a recommendation from the Township Planning Commission to pass this ordinance. Commissioner Contento entertained a motion adopting Ordinance 2015-06 adding §3155-129 the keeping of chickens as domestic pets. Resident Bob Reymos had a question on the motion. Moved by Commissioner Eshleman and seconded by Commissioner Young. Vote passed 4-0.

**Code Enforcement – Mr. Reczek**

Mr. Reczek presented Mr. Hamara who would like to put a Root Down Brewing Company located at 2751 Lincoln Highway (Old US Supply Building). Mr. Hamara explained that a Root Down Brewing Company is a small craft brewery that focuses on the production and distribution of well-crafted beers. They would be closed to the public Monday, Tuesday, and Wednesday and open to the public Thursday through Sunday. Their plan is to have food trucks on site and allow food to be brought in from local food establishments to give their customers dining options while visiting their location. Mr. Hamara inquired what he needs to do in order to proceed with his project. The Board had concern with the parking and requested a parking and food truck diagram. Mr. Reczek noted he and the applicant have discussed future building changes and sewer capacity.

Mr. Reczek offered a permit fee waiver request for the Fire Department hood replacement. Board consensus was to waive the permit fee for the Fire Department hood replacement. There was a consensus to waive the fee for this proposal.

**Land Development Dedication Processing – Mr. Jeffrey McClintock PE, CFM-Township Engineer**

**Kings Grant Dedication Process** – Mr. McClintock noted they are working through their as-builts.

**Benne Norton LD 2013 Waiver Request** – Mr. McClintock presented a waiver request letter from Mr. Norton, and a response letter from Mr. Rathman. Mr. Benne's Engineer, Jack Powell requested three waivers. 1) §137-11 A waiver is requested from submitting a Preliminary Plan and proceeding with a combined Preliminary/Final

Subdivision/Land Development Plan. Since this project would qualify as a Minor Subdivision we do not believe that a separate preliminary Plan submittal is warranted. 2) §137-42 A waiver is requested from the installation of curbs. Due to the “in-fill” nature of this project in a neighborhood without any curbing throughout it, we believe that the addition of curbing will be disruptive to the current SWM system throughout the neighborhood and is thus not warranted. 3) §137-43 A waiver is requested from the installation of sidewalks. Due to the “in-fill” nature of this project in a neighborhood without any sidewalks throughout it, we believe that the addition of sidewalks in front of this property would not be advantageous to or in harmony with the pedestrian usage patterns throughout the neighborhood and is thus not warranted. Commissioner Young cautions Mr. Powell that there will be two new Board Members in January 2016. Mr. McClintock noted that typically when curbs are not done the township asked for fee in lieu of to use on different curbing. Mr. Young noted they are agreeable to that. Commissioner Eshleman calls for a brief recess. After the recess, Commissioner Contento noted the Board is not ready to accept the new methodology and encourages Mr. Powell to come back before the Board with zero additional flow, and the Board would be willing to consider his proposal. Mr. Powell noted he will be coming back with a waiver from the proposed existing conditions to existing conditions. Commissioner Contento suggested meeting with Mr. Rathman and staff for further discussion. Mr. Benne asked about the sidewalk and curb waiver. Commissioner Eshleman noted they will probably do a fee in lieu of. Board consensus was to grant an extension until March 31, 2016.

301 Bondsville Road Sketch 2015 – Mr. Ippolito noted he has submitted a revised sketch plan and requested Board feedback on the shared driveway for the four properties. Commissioner Young had concern with a resident not paying for their share of the driveway. Mr. Ippolito noted they will have an agreement in place. Mr. Ippolito asked for a waiver or fee in lieu of on the open space requirement. Mr. McClintock noted \$2,165.00 fee in lieu of per lot. Mr. Ippolito proposed a 25 foot right-of-way. Commissioner Young noted if it can work at 25 feet then keep it at 25 feet. Mr. Ippolito noted it will work at 25 feet. Mr. Ippolito asked for fee in lieu of for sidewalks and curbing. Commissioner Young noted he is OK with that. Mr. McClintock noted the draft unapproved Township Planning Commission minutes state “The applicant will comply with stormwater management ordinance as best they can. Property is a wet area and does not perk well. Rain garden to be proposed however storm water management has not been designed. Further discussion and review as needed”. No action was taken on the sketch plan.

Downingtown Area School District (“DASD”) Softball Dugouts Waiver Request – Mr. McClintock noted DASD has written a letter requesting a waiver of land development for the installation of two dugouts on the middle of school property. He also noted these pads are previously existing impervious coverage; hence, no additional impervious coverage is proposed. Commissioner Contento entertained a motion to approve a waiver of land development with regards to building softball dugouts at the Downingtown West High School softball fields. Moved by Commissioner Young and seconded by Commissioner Tindaro. With Commissioner Eshleman abstaining, voted passed 3-0.

4060 Edges Mill Road – Mr. McClintock noted Mr. Jaros representing 4060 is requesting a variance from §155-96 B (2) to provide public water to the site in conjunction with the proposed development or a flex building, at a projected size of 29,300 square feet at this location. Commissioner Eshleman and Commissioner Tindaro both noted they are not in favor of this waiver without public water. Commissioner Contento noted based on staff's position he is prepared to say go forward with zoning and talk more at the Conditional Use Hearing. Commissioner Young noted he is also in favor of moving forward with zoning. Commissioner Contento noted there will be a two new Board Members in January 2016 so it is Mr. Jaros's decision whether he moves forward or not.

Report Chart Review – Mr. McClintock noted no items require Board action at this time.

**Engineering – Mr. Jeffrey McClintock P.E. CFM-Township Engineer**

Verizon Wireless 253 Municipal Drive Lease Agreement – Mrs. Camp offered a Verizon Wireless lease for a 5 year term with the right to renew for an additional 5 year term. She also noted an annual rent fee of \$24,000.00. Commissioner Contento entertained a motion to approve the lease agreement with Verizon Wireless for a cell tower to be placed on township property. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 4-0.

Price Gregory Land Lease Agreement – Mrs. Camp offered a lease agreement extension with Price Gregory taking over the current lease, from Columbia Gas until January 15, 2016, for part of the Griffith tract. Price Gregory proposed an extension of six months onto the current lease for a lump sum of \$49,950.00. Commissioner Contento entertained a motion approving a lease agreement for a six month extension to the existing lease commencing January 16, 2016, in the gross amount of \$40,950.00. Moved by Commissioner Tindaro and seconded by Commissioner Eshleman. Vote passed 4-0.

Lloyd Bridge – Discussed under “Citizens by Request”.

Stormwater Management – Mr. McClintock noted on October 9 he met with the Stormwater Committee where they developed a draft committee outline for Board consideration. He also asked April Barkasi from Cedarville Engineering Group to attend the December 17 meeting to provide a presentation on what the township should expect as part of the new requirements included in the next MS4 permit round. Commissioner Young had concern with the draft stating you can remove a volunteer.

2015 Caln Township Generator Procurement and Installation Project – Mr. McClintock noted site/civil work to begin now and continue through the end of the year. He also noted as part of the emergency management initiative associated with this project communication upgrades in the Township building including TV monitors and wiring, computer wiring, and computer hardware necessary to eventually use the Township building and the Police building as an Emergency Operation Center have been installed.

2015 Caln Park West Cart Shed Replacement Project (CTCP 2015-18) – Mr. McClintock noted this project should be closed out by the end of the year.

G.O. Carlson East Pavement Repair Project (CTCP 2015-10) – Mr. McClintock noted as the underdrain installation was nearing completion, the Contractor encountered a rock vein, prohibiting the installation of approximately 182 feet of underdrain. Advantage Engineers recommended that the remaining pipe not be installed, and their recommendation was approved. This has resulted in a deduct change order in the amount of \$10,110.00. The two change orders have resulted in an overall revised contract amount of \$535,779.12 with money paid to date \$251,604.63. Mr. McClintock also noted the substantial completion date of Friday December 11, depending on the weather.

2015 Humpton Road Improvements Project (CTCP 2015-08) – Mr. McClintock noted this project has been completed with money paid to date on the project’s contract of \$194,722.65.

2015 Caln Township Traffic Signal Improvements Project – Mr. McClintock noted this project has been completed with money paid to date on the project’s contract of \$155,180.45.

2015 ARLE Incident Management Project – Mr. McClintock noted he is waiting on information from Royal Farms.

Osborne Road FABP – Mr. McClintock noted Verizon has completed the pole removal, on the east side of the bridge. Mr. McClintock also noted he has a meeting on December 4 with the Contractor, Designer, and PennDot to work on the details of the road impact. He also noted they are to start work on January 2, 2016.

Sylvan Drive Storm Drain Replacement – Mr. McClintock noted the design is almost finished, and he is working on the bid specifications.

Pennsylvania American Water Capital Program – Mr. McClintock noted in discussions with the water company they decided not to install final paving until the spring of 2016. Mr. McClintock also noted he is waiting for a proposal from Cedarville to perform the required work for the three general permits needed (Sylvan, Edge, and Windsor). Cedarville has already secured a permit for Sylvan Dive crossing.

Edge Lane Storm Drain – Mr. McClintock noted he is working with the four property owners to secure consent to enter permission so they can do some cleaning to see what the condition of the pipe is.

Intersection Study Report – Mr. McClintock noted Mr. Travani has completed his Board requested report, along with three criteria: cost, public interest, and risk. Mr. McClintock gave a brief outline of what Mr. Travani entailed. Mr. McClintock noted in Mr. Tavani's summary, cost is an early assessment of the money needed to potentially design, as applicable, and implement the suggested elements/modifications to the respective intersection, with cost being based on engineering judgement alone as no engineering or survey work was conducted for any of the intersections. Public interest was discussed and decided with the group as being the reflection of the perceived interest in the intersection by the residents of the Township. Risk was the last component discussed for reflecting potential for mishaps or collisions assuming a motorist or other road user is acting without the proper regard for the "rules of the road". Some intersections may have uncommon features, such as approaches which form angles other than 90 degrees, unusual adjacent parking, etc., and it is those features that present uncommon situation for the motorists. It should be noted that even in the complete absence of uncommon features, every road or intersection still has some risk. Commissioner Eshleman noted a resident approached her and asked when the "no turn on red" sign was installed to get on Route 30, east bound on Reeceville Road, because it backs traffic up. Mr. McClintock noted it has been up for years, and they are already looking at this intersection on a timing stand point.

US 30 Bypass Interchange Vegetation Management – Mr. McClintock noted over the past month, PennDot has been clearing the various interchanges in the Township. Mr. McClintock asked for Board direction on whether he should work with PennDot to keep these areas maintained and possibly look into signage, landscaping, or the like for any or all of the interchanges within the Township. Board consensus was to check with Mr. Fragale to see what it would take for his road crew to do this, and if he is ok with this, then move ahead with PennDot and see what can be accomplished. Mr. McClintock noted he will follow up with Mr. Fragale.

Highway Shed Project – Mr. McClintock noted Mrs. Camp suggested a waiver of land development for the Community Services Shed, and he requested Board approval for said waiver. Commissioner Contento entertained a motion approving the land development requirement for the Community Services shed. Moved by Commissioner Eshleman and seconded by Commissioner Tindaro. Mr. Callaghan had a question on the motion. Vote passed 4-0.

#### **Township Manager – Mr. Prowant**

Chesco Bus Funding/LINK – Mr. Prowant noted TMACC has submitted a 2016 contribution request for \$14,000.00 for Caln Township to use the LINK bus service. Based on staff recommendation, Board consensus was to contribute \$2,500.00. Commissioner Eshleman noted she will be sending a letter to the County Commissioners and TMACC explaining why the township contributed \$2,500.00 and not the requested \$14,000.00.

Annual Audit Proposal – Mr. Prowant offered the 2015 annual audit contract from Maulo & Company LTD, for Board consideration. Commissioner Contento entertained a motion approving the 2015 audit expense of \$21,900.00. Moved by Commissioner Young and seconded by Commissioner Eshleman. Commissioner

Eshleman noted she is in agreement to move forward with the audit with the understanding that it is completed by the discussed deadline, provided the township does their part. Vote passed 4-0.

Proposed Meeting Schedule – Mr. Prowant offered the 2016 meeting schedule for advertisement for Board consideration. Mr. Prowant noted the January 11 and 28 meetings will start at 8:00 PM due to conditional use hearings. Commissioner Contento entertained a motion to approve the submitted 2016 meeting schedule, for advertisement. Moved by Commissioner Eshleman and seconded by Commissioner Young. Vote passed 4-0.

Annual Fuel Bids – Mr. Prowant offered a \$59,170.60 estimated proposal from Sheller Oil for township vehicle gas and diesel fuel. Commissioner Contento entertained a motion to approve the bid by Sheller Oil for the township 2016 vehicle fuel supply. Moved by Commissioner Eshleman and seconded by Commissioner Young. Commissioner Young noted that the fuel prices are variable and can change. Resident Reymos had a comment on the motion. Vote passed 4-0.

2016 Budget Discussion – Mr. Prowant reviewed the 2016 budget for Board and Resident comments. Commissioner Tindaro had concerns with raising the township tax and several questions on the presented budget. Resident Bob Reymos questioned coming up with a consistent fog line policy. Commissioner Contento noted someone will work with Mr. McClintock to draft a consistent fog line policy by the second quarter of 2016. Mr. Reymos also had several other questions on the motion. Resident Mary Gaskill had questions on the motion. All questions were answered by the Board and Mr. Prowant.

Bill list – After all Board and Resident questions were answered, Commissioner Contento entertained a motion, approving check numbers 37025 to 37077 and bond checks 1119 to 1120, in the estimated amount of \$173,256.68. Moved by Commissioner Young and seconded by Commissioner Eshleman. Vote passed 4-0.

### **Board and Commissions Updates-Summary by applicable Board Liaison**

Park and Recreation – Commissioner Young noted the children's holiday party on December 5 at the fire house at 2:00 PM, and the tree lighting at 5:00 PM. Commissioner Young also noted the house decorating contest on December 15 at 7:00 PM.

COG – Commissioner Young noted their December 2 meeting had no quorum. Commissioner Young also said three members are leaving the COG.

Municipal Authority – Commissioner Contento noted their 2016 budget has been approved with no increase in the sewer bill. Commissioner Contento also noted the acceptance of Rob Tompkins resignation, and acknowledged the loss of Commissioner Kruse.

DARA – Commissioner Young noted a sufficient change order for the power supply.

Fire Board – Commissioner Contento noted standard operating procedures were reviewed and approved.

Planning Commission – Commissioner Contento stated that the planning commission meeting and comprehensive plan session were postponed.

Historical Commission – Commissioner Tindaro noted working on Carver Court historic landmark designation.

Zoning Hearing Board – Commissioner Contento noted the hearing was scheduled for next week.

### **Additional Business**

Bob Reymos commented on East Fallowfield's real estate tax.

**Public Comments**

Mr. Contento called for additional business. There was none.

**Adjournment** – Commissioner Contento entertained a motion for adjournment of the December 3 meeting. Moved by Commissioner Young and seconded by Commissioner Eshleman. Vote passed 4-0.

Respectfully Submitted by,

Denise Miller,  
Recording Secretary