

Caln Township  
253 Municipal Drive  
Thorndale, PA 19372  
March 12, 2015 Minutes  
7:35 PM

Call to order and pledge of allegiance.

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

**Executive Session** – President Contento announced that prior to tonight’s meeting, an Executive Session was held to discuss legal and personnel matters.

**Citizens to be Heard**

Mr. and Mrs. Peter Callahan, owners of 931 Bondsville Road, voiced their concerns with the proposed Sai Temple regarding stormwater, historic overlay district, and traffic. Mr. Callahan also stated that their website, saitemplepa.com, states “Our aim is to construct a bigger temple equipped with an auditorium, lodging, and boarding facilities”. The Board invited Mr. and Mrs. Callahan to attend future meetings and attend the Sai Temple zoning hearing board meeting, and become a party of interest. Mr. Callahan asked to have the zoning hearing board agenda on the township website. Mrs. Camp replied that anyone within 500 feet of the proposed structure will be notified of a zoning hearing.

**Ordinances and Resolutions for Consideration**

N/A

**Solicitor Report – Mrs. Camp**

**Settlement Agreement Kings Grant** – Mrs. Camp noted that Rouse/Chamberlin, Ltd. (“Rouse”) has entered an agreement of sale with DHLP King’s Grant, L.P (“Dewey”) to purchase the remaining portions of the King’s Grant development which includes 33 vacant lots, 2 lots with half constructed dwellings, all roads, on site sewer facilities, and open space. As part of the settlement the township will receive a check for \$94,033.00, deeds of dedication for the pump station parcel, and all off site sewer facilities. The Township will release “Dewey” and Bank of America from their obligations under the existing Financial Security Agreement and will execute a new Lane Development Agreement (“LDA”) and Financial Security Agreement (“FSA”) with “Rouse”. In the new “LDA”, “Rouse” will agree to complete the development and then dedicate the roads and onsite sewer facilities in accordance with the normal procedure that the township follows which will include an obligation to post an eighteen month maintenance bond. The Township agreed to certain concessions as part of the Settlement Agreement in order to alleviate some of the added costs to complete the public improvements all of which have been approved by the HOA as evidenced in the attached Third Amendment to Declarations. “Rouse” will obtain a construction loan from Wilmington Savings Fund Society FSB and post financial security in an amount of \$660,871.33 with the Township to guarantee completion of the public improvements. Resident Michael Kitson, representing Kings Grant HOA, stated that the HOA has approved what Mrs. Camp has stated. Mrs. Camp presented the Board correspondence for Board consideration.

Commissioner Young made a motion that the Board enter a Settlement Agreement with DHLP Kings Grant, LP, Bank of American and Rouse/Chamberlin, Ltd. To resolve the litigation concerning the Kings Grant development and authorize the President to sign the Settlement Agreement and all documents attached thereto as exhibits. Seconded by Commissioner Eshleman. Vote passed 5-0.

Commissioner Young made a motion that we authorize the Board President to sign a new Financial Security Agreement with Rouse/Chamberlin, Ltd. Upon receipt of a fully executed Settlement Agreement and Financial Security Agreement from “Rouse” signed by “Rouse” and its Bank. Seconded by Commissioner Tindaro. Vote passed 5-0.

Commissioner Young made a motion that the Board consent to the Third Amendment to Declaration of Covenants, Restrictions, Easements, Changes, and Liens for Kings Grant, a Planned Community. Seconded by Commissioner Eshleman. Vote passed 5-0.

Commissioner Young made a motion that we accept the Deeds of Dedication for the pump station parcel, and off site sewer facilities which are attached to the Settlement Agreement as Ex. D. The Board President will be authorized to sign these deeds upon receipt of fully executed deeds from Dewey and consent by Bank of America. Seconded by Commissioner Eshleman. Vote passed 5-0.

Addendum to Sanitary Sewer Agreement with Rouse/Chamberlin Ltd.-Penncroft – Mrs. Camp noted Rouse/Chamberlin (“Rouse”) had an approved development known as Penncroft in the township in 2005/2006, and as part of that development “Rouse” entered a Sanitary Sewer Purchase and Capacity Agreement where they purchased 81 equivalent dwelling units from the township. That agreement provided a mechanism for “Rouse” to be able to offer back those EDU’s to the township, and enter into an agreement. The parties have negated an addendum to that agreement where the township has agreed to buy back the 81 EDU’s at a purchase price of \$1,718.75 per EDU and that the township is obligated to purchase if Mr. Penders and his company offer those to the township, they must be purchased within two years for a total purchase price of \$139,215.75. Mrs. Camp offered this agreement for Board consideration. Commissioner Contento entertained a motion to approve this first addendum to the Sanitary Sewer Purchase and Capacity Agreement where the Township agrees to repurchase 81 EDU’s at a price of \$1,718.75 per EDU. Moved by Commissioner Young and seconded by Commissioner Eshleman. Vote passed 5-0.

#### Mutual Aide Agreement

Mrs. Camp noted in 2002 the township adopted an ordinance agreement to participate in the Western County Emergency Response Team which has merged with the Northern Chester County Emergency Response Team. Mrs. Camp offered for the Board’s consideration to advertise, and adopt at the March 26 meeting, a Mutual Aide Agreement to enter into the Chester County Regional Emergency Response Team, from Chief Elias. Commissioner Contento entertained a motion to approve the advertisement of the ordinance related to the switch in the Emergency Response Team Association by our police force. Moved by Commissioner Kruse and seconded by Commissioner Tindaro. Vote passed 5-0.

#### Verizon Wireless

Mrs. Camp noted the Verizon Wireless September 16 letter of intent to install a 140 foot monopole on municipality owned property. Mrs. Camp also noted the fee schedule. If the Board is so inclined to accept this letter of intent, Verizon will draft up a land lease form and continue working with Mr. McClintock on engineering plans and work to be completed. Commissioner Contento entertained a motion to advise Eagle River Consulting on our approval of our letter of intent for their proposal dated September 16, 2014. Moved by Commissioner Kruse and seconded by Commissioner Tindaro. Vote passed 5-0.

#### Road Department-Mike Fragale

Mr. Fragale noted they were called out 38 times for salt and ice, and 8 more times, more than once. Mr. Fragale also noted they used 700 tons of salt between Jan 1 – March 12, 600 tons was budgeted, and 200 tons in storage. They also had good interdepartmental cooperation.

#### Codes Department-Andy Reczek

Mr. Reczek asked the Board if they have any concerns with his department maintaining a certain level of service while working in Valley Township. Mr. Reczek believes they are maintaining a good level of service except maybe from November to January 1 when they were short an inspector. Commissioner Contento asked Mr. Reczek his opinion on the level of service to Caln Township residents from two years ago when they had three competent trained inspectors to now having two of those inspectors and a new inspector in training. Mr. Reczek replied two years ago they were not as busy because of the recession and it was a prime time to take on Valley Township and maintain staffing and

generate additional income. Commissioner Kruse asked about the rental policy. Mr. Reczek explained that no later than December 31 an application/bill with instructions is sent out giving 30 days. If the payment is not received by January 31, a notice is issued. Because the rental program is based in the property code it is handled just like a property maintenance violation, such as a grass cutting complaint that would be filed as a non-traffic citation. Commissioner Young and Commissioner Eshleman had concerns with notices and citations not going out at the same time. Mr. Reczek replied that they are not able to get all one hundred, who do not pay their bill, in one day and does not believe anyone is being treated unfair. The Board directed Mr. Reczek to put together a plan that within 2 business days from the finance department reporting who is non-compliant in paying their bill, the codes department will issue a notice to all non-confirming landlords giving them two weeks from the date of the mailing or they receive a citation. Mrs. Camp volunteered to draft a preprinted post card notice along with Mr. Reczek. Mr. Reczek stated that would be fine, as long as all the required information is on the post card.

Commissioner Contento asked Mr. Reczek his opinion on the service to Caln Township residents in proceeding with doing codes for Valley Township. Mr. Reczek replied that he believes it is a good thing as well as the possibility of cooperative agreements with other Municipalities. Commissioner Kruse asked if Mr. Reczek ever considered using third party inspectors. Mr. Reczek replied that when he started at the township he wanted to do all possible work internal.

#### **Land Development – Mr. McClintock, Township Engineer**

Benne Norton LD 2013 – Mr. McClintock noted this is a four lot development project on Norton Avenue. Jack Powell is the applicant's design engineer in attendance for presentation. Mr. Powell presented a rain water harvesting system consisting of three one-thousand gallon tanks to collect runoff from the roof and the driveway portion of the property. Each lot will have a sprinkler head to spray the water that is captured in this rain harvesting system, across the lot about fifty minutes per night to drain down the system again. In addition each will have an outside faucet connected to it for additional watering, car washing etc. to help make the volume available. The Board asked about the costs, maintenance fees and other specifications. Mr. Powell replied that it would cost a couple hundred dollars to replace the pump and approximately \$15,000 to replace the whole system, the warranty is for eight years, and landscapers would be the people to do the maintenance.

Mr. Rathman noted there is a huge sustainable issue with the maintenance and mechanical issues. Mr. Rathman also noted the way it's calculated now there is still a situation where your post development exceeds your pre development. It is also not in accordance with the township stormwater ordinance or their MS4 permit and doesn't believe that relief has been granted for that requirement in the past.

Mr. Powell asked the Board if he would be able to vary from the ordinance to model the system as existing conditions, not looking at violating pre to post, but modeling it according with the type of soils and the water situation we have there versus the overlay conservative nature of saying its meadow. Resident Noel Bernard had questions on the topic being discussed. Commissioner Tindaro, Commissioner Kruse, and Commissioner Eshleman replied they are not interested. Commissioner Young replied he is ok with doing it as current conditions. Commissioner Contento was also ok. Mr. Powell stated he would like a vote before he goes current conditions. Mr. McClintock noted they are not in a position to take a vote because there has not been a formal request for a waiver or a modification, but you can prepare calculations and speak with him and Mr. Rathman, and they will forward something along to the Board at the appropriate time. The discussion ended with no formal action being taken.

Royal Farms Zoning Text Amendment 2014 – Mr. McClintock noted the Royal Farms zoning hearing at 7:00 PM on March 26, 2015.

Report Chart – Mr. McClintock noted there is no Board action necessary at this time.

**Engineering Items – Mr. McClintock, Township Engineer**

Fisherville Road slope repair – Mr. McClintock noted this project is underway, with gabion basket work being started, and has an anticipated completion date of March 20, 2015.

Fisherville Road slope repair at Caln Meetinghouse Bridge – Mr. McClintock noted the construction crew addressed two areas, and he is waiting until both areas have been completed before the completion report is sent to the State.

2015 Caln Township Traffic Signal Improvements Projects – Mr. McClintock noted this project is the combination of the CTCP 2015-07: Bondsville/GO Intersection Improvements Project and the CTCP 2015-11: ARLE 2011 CCTV Procurement/Installation Project. These two projects are being combined so as to allow the bid as one project. The advertisements will be in the paper over the next few days with a bid opening scheduled for March 31, 2015.

2015 GO Carlson East Pavement Repair Project – Mr. McClintock noted this project includes the roadway repair, underdrain installation, and surface treatment for GO Carlson Boulevard in the Beaver Run area. The project was contemplated in 2014 after doing the geotechnical studies. Mr. McClintock is in the process of developing the bid specification for this project and would like to get the Board's permission to advertise the bids when the specifications are ready. Mr. McClintock also noted the funding will come from the Bond Fund. By consensus the Board is ok with advertisement as long as they receive bid specifications before advertisement. Commissioner Contento entertained a motion to authorize the advertising of GO Carlson East Pavement Repair Project once the full specifications have been submitted to the Board. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0.

2015 Williams Way culvert replacement – Mr. McClintock noted this project includes the removal and replacement of a 54-inch CMP culvert under the eastern portion of Williams Way. Mr. McClintock requested Board permission to advertise the bids when the specifications are ready. By consensus the Board gave Mr. McClintock permission to move forward.

2015 Humpton Road Repair and Reconstruction Project – Mr. McClintock noted this project is the repair and reconstruction of Humpton Road from Municipal Drive to just west of the curve near Bondsville Road. This project is a part of the 2013 bond issue and as such, will be funded entirely with the Bond Fund. Mr. McClintock requested the Board permission to engage Howell/Kline Surveying, for \$575.00, to stake out the new limits of the construction so he can start the conversation with those land owners that will be affected. By consensus, the Board directed Mr. McClintock to send all affected residents a letter regarding the project. By consensus, the Board authorized Mr. McClintock to engage Howell/Kline Surveying for their services. Commissioner Contento entertained a motion to authorize the advertisement bids for Humpton Road Repair and Reconstruction Project subject to the engineer providing full specifications prior to the advertisement. Moved by Commissioner Tindaro and seconded by Commissioner Eshleman. Vote passed 5-0.

After Board discussion regarding the Bond Fund, Commissioner Kruse noted he will meet with Mr. Prowant next week to make a determination where the money will be spent and report their findings back to the Board. Commissioner Young would like the report to include what money has been already spent, what projects are left, and what the balances are. Mr. McClintock noted he can provide a report where he has broken down every project by self-task with CTCP 2015-and the name of the project.

Columbia Gas ESE – Mr. McClintock noted this project is the construction of a new gas line in the Township. The contractor has taken possession of the leased area on Kings Highway. Mr. McClintock also noted that he is still awaiting a response from PADEP regarding the applicability of the Township's stormwater management ordinance on the proposed gas line work. He indicated that PADEP's Southeast Regional Office has been communicating with him and that they are awaiting word back from their legal counsel.

**Township Manager – Mr. Prowant**

US Sports Institute summer program – Mr. Prowant presented the Board with the potential of an August week of recreation camps at the Municipal Park. Commissioner Contento made a motion to allow US Sports Institute to establish a one week multi sports program within Caln Township for children, August 10-14. Seconded by Commissioner Tindaro. Vote passed 5-0.

Tax Claim Bureau Exoneration request – Mr. Prowant presented the Board with a Chester County Tax Claim Bureau request for the exoneration of \$193.44 for an abandoned mobile home. Commissioner Contento entertained a motion to waive the delinquent taxes in the amount of \$193.44 for tax parcel #39-04-J000450T. Moved by Commissioner Kruse and seconded by Commissioner Eshleman. Vote passed 5-0.

Route 30 Study update – Mr. Prowant noted once McMahan has been confirmed as the study consultant by the Board and the funding agencies, the Board of Commissioners will be asked to execute grant agreements. Mr. Prowant also noted other municipalities and those private entities, who are contributing to the costs of the study, have been asked to forward payment of their contribution to the study cost.

**Bill List-Motion to approve**

Bill List - Commissioner Contento entertained a motion to approve check #35539 to check #35601 and bond check #1032 to check #1035, in the amount of \$265,605.05. Moved by Commissioner Kruse and seconded by Commissioner Young. After Board questions answered, Vote passed 5-0.

Minutes of January 29, 2015 – Commissioner Contento entertained a motion to adopt the January 29, 2015 minutes as amended by Commissioner Tindaro. Moved by Commissioner Young and seconded by Commissioner Eshleman. Vote passed 5-0.

Minutes of February 12, 2015 – Commissioner Contento entertained a motion to adopt the February 12, 2015 minutes, as submitted. Moved by Commissioner Young and seconded by Commissioner Kruse. Vote passed 5-0.

**Additional Business**

Resident Mr. Callahan asked for the January Planning Commission memo regarding the Sai Temple. Mr. McClintock replied he will send it to him.

**Public Comments**

None

**Adjournment** – Mr. Contento entertained a motion to adjourn the March 12, 2015 meeting at 10:50 PM. Moved by Commissioner Tindaro and seconded by Commissioner Kruse. Vote passed 5-0.

Submitted by,

Denise Miller  
Recording Secretary

