

Caln Township Board of Commissioners
253 Municipal Drive
Thorndale, PA 19372
March 9, 2017 7:30 PM

Call to order and pledge of allegiance.

Attendance – Cynthia Eshleman, President; Jennifer Breton, Vice President; John Contento, Commissioner; Joshua Young, Commissioner; George Chambers, Commissioner; Kristen Denne, Township Manager; Tom Wilkes, Cedarville Engineering, Township Engineer; and Margaret Driller, Recording Secretary.

Moment of Silence – Commissioner Eshleman called for a moment of silence for all first responders and military personnel, all over the world.

Executive Session

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

Citizens to be heard

Mr. Peter Callahan, 931 Bondsville Road, asked the Board of Commissioners why Mr. Jeff McClintock, Township Engineer had left his position with the township. Ms. Denne stated she was not at liberty to discuss this matter as it is a personnel matter.

Township Solicitor – Ms. Camp

Fire Insurance Escrow Ordinance

Solicitor Camp stated that in 2014, she was asked to research the law to determine whether the Township may recover the costs necessary to repair or remove a building after a fire from the proceeds of an insurance company. Under the Pennsylvania Fire Insurance Escrow Act, an insurance company cannot make a payment to an insured when the amount of compensation for fire loss exceeds \$7500.00, without first obtaining a certification from the municipality that there are no delinquent taxes, assessments, penalties or user charges against the property. The insurance company may not distribute the funds of the policy until the municipality has certified that there have been no costs incurred by the municipality for the removal, repair or securing of a building or structure on the property. Township may recover the costs necessary to repair or remove a building after a fire from the proceeds of an insurance company. The insurance company must give the township the rights to demolish a building after a fire with the proceeds from the fire to demolish the building. All fees and taxes owed must be paid before the proceeds could be used to demolish the building. This ordinance will mirror the current State Law of Pennsylvania. Commissioner Young had questions about companies trying to rebuild and taking their monies from the insurance proceeds. It is the discretion of the Board of Commissioners to take their money before the company can rebuild. If there are unpaid bills to the township, they need to have a right to hold the insurance monies from the owner. Liens would be stated to the property owners before insurance payments are made. This Ordinance has not been advertised at this time, but it is in use within other townships. We may want to talk to other townships about this order to get more information. Municipalities have the right to get paid and if a building needs demolished, then sufficient funds may have to be used to clear the abandoned building. This Ordinance would minimize the risk to the township to secure legitimate funds to help clear abandoned buildings and be responsive to the homeowner's needs. The Board of

Commissioners will need more information about this Ordinance before any decision will be rendered.

Zoning Ordinance Amendments

Solicitor Camp reviewed a proposed zoning amendment that addressed various definitions. The definition of convenience store or mini-market should be revised based on recent Wawa applications and the ordinance added definitions for automobile leasing, dispensary, grower processor and medical marijuana. Based on the new Pa. Medical Marijuana Act, these uses are now permitted. Dispensaries should be subject to the same zoning as pharmacy usage and a grower processors should be treated as a manufacturing site in the zoning ordinance. Ms. Camp suggested that the provisions in the ordinance addressing signs will be taken out and she will work on a comprehensive zoning amendment addressing signage. Mr. Young also suggested that she look at establishing a light industrial district. Ms. Camp will investigate what the Board wants and address it in a future amendment.

Agreement to Constable Services

Solicitor Camp explained that The County no longer serves municipal warrants and it is necessary to hire a constable to do the same. The Independent Contractor Agreement proposes to retain Glenn Markley as a constable to serve criminal warrants for summary offenses. Commissioner Eshleman entertained a motion to approve the Constable, Mr. Glenn Markley, to serve criminal warrants for all criminal offenses in the township, Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0. Solicitor Camp will correct the typos on the first page and resubmit the pages to the township.

Ms. Camp also announced that Giant Food Store has submitted an application seeking approval for an intermunicipal transfer of liquor license. A hearing has been scheduled for March 30, 2017. A memorandum will be sent to discuss the law on these hearings. Comments from the public will be heard at this public hearing on March 30, 2017.

Township Engineer – Mr. Tom Wilkes, Cedarville Engineering

Floodplain Ordinance

The maps are updated and revised and the set adoption time frame is 6 months, March 29 2017 to September 29, 2017. Customized standards can be used as a model to build a new Floodplain Ordinance for the township. We are not proposing a change here, there has been a topic of freeboard, and should we allow township residents to build in the floodplain and what can be done to allow this. We already have a freeboard recommendation built into this Ordinance. Should we add a comprehensive plan group to talk about this Ordinance? Proposed additional freeboard, flood elevation sites, 1 foot or 1.5 feet for communities. Floodplain and flood grades, if there are any things we would like to include, as a recommendation for 1.5 to promote development in the community. You can limit the areas for development, flooding is an issue for considerations; floodplain conservation can be looked in the future. These items can be brought up for discussions to changes. The entire Lincoln Highway section is within the flood plain for development. If we would change elevation sites to 2 feet, it could add thousands of dollars for development. The floodplain if raised to 2 feet could cause development to stall. We have extensive floodplain in our township and discussions will need to be held for review. The Board will have more input from the Planning Commission with more discussions in the future.

MS4 – Presentation

Ms. Beth Uhler, Environmental Project Manager, spoke with the Board of Commissioners regarding MS4 program, and our township will need a new permit and must meet requirements needed for this program. MS4 program was created in 2013, and refers to the NPDES Stormwater Permit program that has EPA enforcement with a permitting program to make sure it is implemented. The township must recognize that Stormwater can be a pollutant, and some industrial programs already exist for Stormwater. It started with six minimum control items, 5 year permit cycle and it was delayed for five years. Total load requirements were used from the Christina River basin, storm water discharges exist in the township. No waste load allocation has changed and the new permit will need to be done in 2018 and it will have to be applied for all existing Stormwater. No Stormwater levels can be done in the township without outfall field testing. There can be pollution or ground water on all the outfalls, but no sampling has been done. Pollution reduction plans are not going to make these requirements go away. The township must address all stream TMDL's by the EPA, there are lots of streams that need TMDL's to clean and address streams. TMDL is total maximum daily load, pollutant amounts that can be put into streams at any time. The Christina River basin has set the amount of sediment that can be discharged into the river, design and construction costs were needed. An ongoing burden to municipals has been costly; Caln Township is under the umbrella for the streams that do not have settlement impaired. What is the inventory of the number of impaired streams in Caln Township? Serious mapping needs to be done to make sure all streams are compliant with the EPA standards. The only stream to be looked at with discharges is up in the Northwest, Valley Township at the Brandywine Creek. There are only a few discharges into the stream at this time. Sedimentary reports are being developed and then the township must reduce this by 10% over the next five years. Private property can have the streams that need to be controlled, as we start doing calculations, street sweeping can have credits, and projects in the ground within a small area in Caln can help reduce the 10% needed. She is stating that we could find one project to do the reduction of 10%, offsetting can be done. Christina Watershed Partnership and Red Clay Project Alliance will have the technical support for the administrative oversight to try to help address all watershed programs. They will produce one plan to the EPA. PennDOT and the VA Hospital have their own government programs and it can be parceled out for the state right away. Several hundred acres can have runoff that contributes to a major runoff. Population in the area is how they determine and can help to parcel it out on Stormwater projects. This will be discussed in the Planning meeting. They can entertain a project on their lands, commercial entity or any existing basins. Homeowners can be taught through Public Education and Outreach to help our township decrease discharge into our streams. If the ordinance is above the requirements of what the EPA needs, a subtraction in costs could come from the ordinance throughout the township. Will these requirements still need to be done within the next few years? These regulations are in place and the township must meet the requirements, Christina River Basin can help us get grant monies to help our township and the township can partner with other townships on Stormwater Projects. The permit must be applied for in September, a public hearing must be held 45 days before the deadline. The proposal was brought to the Board to revise the mapping, do sampling and to give time for the engineers to represent the community and the township before the September 2017 deadline. State regulations must be met by our township; municipal participation within the county can be helpful to save township money. Ms. Denne is stating by using internal personnel and training in and with the Director of Public Works it has saved the township money for this project; money was set aside in the budget for this proposal. Commissioner Eshleman entertained a motion to accept the proposal from Cedarville Engineering for \$34,305.00, with the caveat that we move forward with the Christina River basin proposal for national pollutant discharge elimination system. Moved by Commissioner Contento and seconded by Commissioner Chambers. Motion carried 5-0.

Township Manager – Ms. Denne

Ms. Denne stated that in the packets to the Board, a Denron Signs Landscaping proposal was attached; she is requesting that we move forward with the proposed plan. Commissioner Eshleman entertained a motion to approve the Denron Signs Landscaping proposal. Moved by Commissioner Breton and seconded by Commissioner Chambers. Motion carried 5-0. Academy Sports Complex wants to add more landscaping to the East in front of the building, Westside of the building with an additional 19 plants onto the Rudy property, as well as the planting of grasses and trees per the landscape architect. Since this was approved during the conditional use hearing and how the plan has recorded changes to the landscaping as it was laid out for the board, the Board will need to agree to this plan again. The Board of Commissioners is stating that this will be approved contingent that the site views will not be obstructed by the landscaping. Commissioner Eshleman entertained a motion to approve the proposed revisions to the Sports Complex landscaping with the additional plantings. Moved by Commissioner Contento and seconded by Commissioner Chambers. Motion carried 5-0. Mr. Peter Callahan stated this is not on the agenda for tonight and he is worried that we are rushing to have this go through and that procedures are not being followed. Commissioner Young stated that the landscape architect wanted to change the landscape plans and the time to plant would be within the next few weeks and he wants to meet his deadlines to plant. Mrs. Catherine Callahan is stating that the building is very tall, and she wanted to know if the trees were going to be taken out on the site. No trees were going to be removed on the site and Commissioner Eshleman wants to get this approved so plantings can take place and that the development could be finished.

Ms. Denne is stating that she has received three bids for lawn cutting and maintenance for the township. She will be reviewing them and will present these bids at the next meeting.

Ms. Denne is proposing that we accept Cedarville Engineering as the Township Engineer for the year of 2017. Commissioner Eshleman entertained a motion to accept Cedarville Engineering as the Township Engineer through 2017. Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0.

Ordinances and Resolutions for Consideration

Resolution # (2017-08) – Authorizing Disposal of Township Property

Vehicles are being moved out of service, these vehicles will be sold and monies will go back into the General Fund. Commissioner Eshleman entertained a motion to dispose of the following township property, 2007 Ford Crown Victoria, (VIN#2FAHP71W17X154602), 2000 Ford F550 (Cab and Chassis) (VIN#1FDAF57F9YED94120), and 1993 Ford Tractor-Loader-Backhoe (SERIAL# A422674). Moved by Commissioner Contento and seconded by Commissioner Chambers. Motion carried 5-0.

Resolution # (2017-09) – Approving Lease Agreement with Fulton Bank for 2017 Ford Edge

Two vehicles are ten years old and will be moved out of service and can be used by the Police Department for undercover work. This Ford Edge would be used for the administrative department. Commissioner Eshleman entertained a motion to approve the lease agreement with Fulton Bank for the 2017 Ford Edge for \$28,556.50. Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0.

Resolution # (2017-10) – Approving Lease Agreement with Fulton Bank for Mobile License Plate Reader

This Plate Reader will be placed on one police vehicle to read license plates and this was discussed in several previous meetings to help prevent crime in the township. Commissioner Eshleman

entertained a motion to approve the lease agreement with Fulton Bank for Mobile License Plate Reader for \$24,880.00. Moved by Commissioner Contento and seconded by Commissioner Breton. Motion carried 5-0.

Resolution # (2017-11) – Authorizing Township Manager to Execute Documents Necessary to Purchase Truck Mount Leaf Collector

Ms. Denne is stating that this is a more effective vehicle, it will need less manpower hours and our crews will be trained. This vehicle was paid for by a grant and it doesn't replace another vehicle, it replaces the system we are currently using for the township. This vehicle will need only one employee, it can collect from 12 yards to 25 yards of leaves. Commissioner Eshleman entertained the motion to authorize the township manager to execute documents necessary to purchase Truck Mount Leaf Collector for the total cost of \$173,455.75. Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0.

Resolution # (2107-12) – Approving Lease Agreement with Fulton Bank for 2017 New Holland T6 Tractor with Boom Mower

This vehicle was bought directly from the dealer and it has a new warranty and will be used for level mowing, side hill mowing and ramp mowing. This vehicle will be available to be used for safety at all intersections. There were no attachments included in this cost but we can purchase attachments at a later date. Commissioner Eshleman entertained a motion to approve the lease agreement with Fulton Bank for the 2017 New Holland T6 Tractor with Boom Mower for the cost of \$149,977.12. Moved by Commissioner Young and seconded by Commissioner Chambers. Motion carried 5-0.

Resolution # (2017-13) – Approving Lease Agreement with Fulton Bank for 2017 John Deer Gator and Turf Tender

This equipment will be used on the golf course. Commissioner Eshleman entertained a motion to approve the lease agreement with Fulton Bank for 2017 John Deer Gator and Turf Tender for the total cost of \$35,217.57. Moved by Commissioner Young and seconded by Commissioner Breton. Motion carried 5-0.

Bill List – General Check's # 39516-39597

Commissioner Eshleman entertained a motion to approve the Bill List for General Check's #39516-#39597. Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0. Mr. Peter Callahan had questions regarding Check #39534 for \$68,000, which is our monthly bill for health insurance for all employees and Check #39583 which is a leasing payment for the whole year of \$1740.00 for the 2017 Ford Edge.

Approval of Board of Commissioners Minutes of February 23, 2017

No changes were made to the meeting minutes. Commissioner Eshleman entertained a motion to approve the minutes of February 23, 2017. Moved by Commissioner Breton and seconded by Commissioner Chambers. Motion carried 5-0.

Board and Commissions Updates – summary by applicable Board Liaison

Park and Recreation – Their first meeting was held on Monday night and discussions were held for the upcoming events for the year with the first event being the Easter Egg Hunt on April 9, 2017.

COG – A new President was elected to the Council of Governments, Mr. John McHugh from Honey Brook and meetings will be held at this building at 7:00 PM

Municipal Authority – Dogwood – Scott, 2 easements are still not completed.

DARA – The DARA board will be electing a new President in the near future.

Fire Board – Discussions are still needed currently by the Board of Commissioners and the Fire Company; Ms. Denne spoke with Solicitor Camp if this meeting should be an Executive Session or a Public Workshop. It would have to be a Public Workshop and will be held on April 13, 2017. The State Government has passed an Act 172, which took effect in mid-January authorizing municipalities to grant a local tax credit to volunteer emergency responders. Municipalities can give a tax credit or earned income credits for a percentage of calls responded to by its volunteer emergency personnel. Drawbacks to this law is that you must be a township resident. Intermunicipal cooperation will have to be done as we have residents who work for the volunteer fire department from different municipalities.

Planning Commission – The next meeting will be held March 21, 2017 at 6:45 and the draft form of the Comp Plan is out on the website to be reviewed.

Historical Commission – Mr. Tom DeFroscia, Chairman of the Historical Commission, has passed away and the Board of Commissioners send condolences and prayers to his family. Mrs. Catherine Callahan is the President with Ms. Lorraine Tindero will be Vice President. We also have contacted Downingtown Historical Commission that we would like to attend their meetings. A workshop will be held on Saturday and Karen Marshall will attend. We got a copy of our records to be used for the Comp Plan and we will have a new member attending at the next meeting.

Zoning Hearing Board – No Report

Additional Business

Commissioner Contento spoke regarding the 60 properties identified as historical in our township; these sites are now digitalized into one internal library at a cost of \$25 to \$30 thousand dollars. We had to decide if this information would be free or to sell the information. We have decided to make this a library. A meeting was held with Abbey Swan so that the township website could be seen by Caln Township residents. We would like to make this site searchable by key words, addresses, dates, properties or last name in the records. This process will have to be discussed with keywords to be added and if we can use labor from West Chester University's History Department to complete this task. They would like to have this completed within the next two months. Documents are in a PDF form; one of the issues is that the search words were not determined. We want to have the search words completed with the help of the History department of West Chester University, there will be a cost to have the search words added into the system. We used our public funds to get this information into the system and want to get this system working and usable for the township.

Commissioner Eshleman entertained a motion to appoint Mr. Brett Klukan to the Park and Recreation Board. Moved by Commissioner Contento and seconded by Commissioner Breton. Motion carried 5-0.

Public Comments:

No public comments

Adjournment

Commissioner entertained a motion to adjourn the March 9, 2017 meeting at 9:40 PM. Moved by Commissioner Chambers and seconded by Commissioner Breton. Motion carried 5-0.

Respectfully Submitted by,
Margaret Driller, Recording Secretary