

**CALN TOWNSHIP
BOARD OF COMMISSIONERS
BUSINESS MEETING
NOVEMBER 21, 2013**

The Caln Township Board of Commissioners held its business meeting on November 21, 2013, at 253 Municipal Drive, Thorndale, PA 19372. President Vince Rose called the meeting to order at 7:35 p.m.

Other Board members present:
Commissioner James Kruse
Commissioner Lorraine Tindaro
Commissioner Joshua Young

Absent:
Vice President Charles Kramer

Others present:
Township Manager Greg Prowant
Assistant Township Manager Tony Scheivert
Township Solicitor Kristin Camp
Township Engineer Jeffrey W. McClintock, PE, CFM
Finance Director Karen Wertz

All present saluted the flag.

President Rose announced that an executive session was held to discuss legal and personnel matters prior to tonight's meeting.

Citizens to be heard

Steve Parsons, of 104 Chester Court here on behalf of Beaver Run Knoll Homeowner's Association. They have submitted a permit for a sidewalk on 11/13/13 and wanted to ask the Board to expedite it and confirm that there are no concerns on the Township's behalf concerning the installation of the sidewalk. Township Engineer Jeff McClintock addressed the requirements that would need to be met. Mr. Parsons agreed to those conditions. The permit will be approved and issued soon per Mr. McClintock. The Board has no objection to the sidewalk installation.

Bob Flannery, 43 Williams Way came tonight to address the storm water situation in the Humpton Farms area of the Township. There was discussion with the Township engineer, solicitor Kristin Camp and the Board of Commissioners in reference to the problem that has existed for over 30 years.

Cynthia and Grant Middlestead, 42 Williams Way made additional comments about the storm water situation in the Humpton Farms area of the Township and to question what will be done.

Mr. and Mrs. Middlestead cannot get out of their driveway during some storms. There was discussion with the Township engineer, Township Solicitor, and the Board of Commissioners.

Mr. McClintock reported that he and Mr. Town were on the phone with Mr. Carey from PECO and discussed the cable that is in the drainage easement between the Middlesteads and Flannery's. PECO states that the cable is not dangerous.

Mr. McClintock displayed photos, as they were available from the residents.

Susie Carbo, 6 Williams Way further contributed her concerns about the storm water management as it relates to the Humpton Farms area and has continued to be a problem for many years.

Robert Butler, 7 Lynn Blvd. expressed his concerns and a discussion was held about the fact that the storms that the Township is now experiencing are far more intense and harder to manage than storms of the past. Mr. Butler provided a 19-minute video, which Mr. McClintock showed a glimpse of, the video is available at the Township office for anyone that wants to view it. Mr. Butler feels that a serious re-evaluation of the current storm water design is called for due to the severity of the recent weather.

Bob Kuch, 804 Barley Sheaf Road showed some photographs and a diagram demonstrating the storm water patterns and how they have changed in his development since the Township's rebuild of the road in 1994. Since this summer's repaving and surfacing, immediately after Mr. Kuch and his neighbor have been inundated with storm water as comes across the road jumps the curb and heads into their yards. Mr. Kuch would like the Township to consider installing a small asphalt berm on the corner to impede the waters process. Mrs. Camp wants to caution the Board from sending the water into someone else's yard by making any small adaptations to the plan. Mr. McClintock wanted to state for the record that the Township does not feel the simple paving project this summer affected Mr. Kuch's property. He has video of both the pre paving and post paving conditions that show very similar drainage patterns.

Kristen DeMarco, 6 Lynn Blvd. She was hoping to have Mr. McClintock share a photo of a recent storm at her house. She has two basement windows that get flooded and one window has even been blown out. The basement has flooded multiple times and a recent storm found 2 feet of water around her entire property. Mrs. DeMarco even had a photo of a large turtle that lives in the drainage easement. Ms. DeMarco would like direction. Her basement continuously flooding and on August 13, she even called the police because she was afraid for her family's safety. Mr. McClintock showed a schematic that details the path of the drainage system in Humpton Farms area from 2004. The Commissioners discussed further with residents.

Mr. Town, 4 Williams Way. Mr. Town has been in conversation with Mr. McClintock about the storm water coming off the bypass. He wants the Board to know that if anything happens to any of the children in their neighborhood due to flooding it will be on the Board and staff's conscience.

Kristen DeMarco added that property values are being affected by the storm water situation.

Dan and Kelly Patterson, 5 Lynn. The Patterson's are new to the neighborhood; they purchased their home in May of 2013. The seller's did not disclose the flooding problems to them as buyers or they would not have purchased their home. The Patterson's do not have a basement so their flooding concerns are different from the others speaking tonight.

Scott Tarlo, Barley Sheaf Development President of the HOA. Barley Sheaf residents wanted to speak to the Board about the storm water runoff and the damage to their neighborhood. There is a storm water plan in their development; however, it cannot handle the magnitude of the rain that comes through. The Barley Sheaf HOA would like to collaborate with the Board and the Township and addressing the total water concern in the Township. Mr. McClintock also showed some photos that were available. Mr. Tarlo noted that there is needed maintenance to the storm water system in their development.

Debbie Town, 4 Williams Way. Mrs. Town reported that approximately 10 years ago she was present in the meeting when people from Humpton Farms originally approached the Board at that time for help. Since that time there has been no new discussion about improvements. Mrs. Town believes that there has been a significant increase in the water. 10 years ago DEP was also out to see the storm water in the development. Mrs. Town wonders if the Army Corps of Engineers could come in and do storm restoration or some of the local stream restoration type of companies that are out there. These companies repair streams that have been damaged by urbanization. Mrs. Town also noted that working on one part of the problem creates a bigger problem for someone further down the path of the storm water.

Commissioner Young offered to contact Senator Rafferty's office. Commissioner Young also asked Mrs. Camp to look into easement details and that he would act as a liaison between Humpton Farms residents and Township. He also discussed the improvements that were made to Brandywine Valley Stream by the Red Stream Blue organization. Commissioner Young also noted that total cooperation is required so that the project will work. Mrs. Camp explained to the residents that the Township will not be a party to any easement discussion because the Township is not directly impacted.

There was discussion about the Township reaching out to the BVA for any assistance they may have to offer. Mr. McClintock indicated he would make the contact.

President Rose summarized the discussion and asked the residents to consider two options. Option #1 the residents go away tonight and come back during the next bad storm and talk about everything again. Option #2 each resident/neighborhood consider gathering their evidence and work towards a long term solution that improves their situation without affecting anyone else's situation adversely. President Rose also cautioned everyone to remember that the Board of Commissioner's have to consider the affect on 15,000 residents and that they must proceed with caution, following the law, and protecting the integrity of their position.

Township Engineer reminded everyone that when you own a home or live in a neighborhood where there is a storm water management system in place, it is the responsibility of the owner and HOA to maintain these systems to avoid a failure of the system long term.

Mr. Reymos noted that each resident needs to contact their representatives at the State level, and keep after them until they get the attention that they deserve.

Commissioner Young will contact Senator Rafferty and see if he might attend a meeting and hear the concerns of the residents.

President Rose asked for a five minute break.

The meeting was called back to order by President Rose.

Ordinances and Resolutions

n/a

Engineering Items

Township Engineer, Jeffrey W. McClintock PE, CFM

President Rose noted that under Engineering Mr. McClintock has four items under Act 167 Stormwater that need to advertise for a hearing to be conducted in reference to those items. Chapter 135: Stormwater Management Ordinance, Chapter 136: Grading, Erosion, and Sediment Control Ordinance, Chapter 137: SALDO Ordinance Amendment, and Chapter 155: Zoning Ordinance Amendment be advertised.

President Rose entertained a motion that the Caln Township Board of Commissioners approve the advertisement of the four items mentioned for public hearing on Thursday, December 19th at 7:30 p.m.

The motion was so moved by James Kruse and seconded by Lorraine Tindaro. Polled, all aye.

John Contento, President of Barley Green HOA. Mr. Contento presented the deterioration of a storm water pipe on the Barley Greens HOA's property. Mr. Contento reviewed the storm water flow plan. Mr. Contento read from his plot plan that notes the HOA and residents must maintain the Storm Water management system in the development. Mr. Contento is asking the Board to consider a partnership between the HOA and the Township. The HOA would like to pay the Township to have their crews work on the HOA's property and fix the storm water management deteriorated pipes. He also noted that the HOA would indemnify the Township in this endeavor. Mr. Contento asked the Board to consider this partnership. Commissioner Kruse asked Mr. Contento to consider subcontracting out. Mr. Contento received a quote for \$30,000, however the Township could fix both ends of the pipe (which both need repair), for a loose price offered of \$15,000 per pipe end. The Commissioners asked if all costs have been considered. Mr. Scheivert said that the quote he offered loosely only includes the time for the four-crew members. There was considerable discussion. President Rose wants to caution this Board or any future Board to not intervene on private property due to the precedent that would be set in this direction. Commissioner Kruse is not in favor of the Township becoming a sub-contractor.

President Rose is also not in favor of the Township becoming a sub-contractor. President Rose also asked Commissioner Young and Commissioner Tindaro how they feel about this proposal. Commissioner Young offered that perhaps the Township offer to purchase the pipe or materials at the Township costs. President Rose agreed.

The consensus is that the Board is not going to enter into a sub-contractor agreement anywhere on private property.

Report Chart/Deadline Review

n/a

Capital Project Summary

Mr. McClintock distributed a summary for the Board's review. Mr. McClintock then reviewed the material as presented.

Mr. McClintock highlighted each item in the packet as to progress, funding, options and surveys involved and summarized for the record.

Commissioner Young noted that there might be an option to have the Pedestrian Bridge considered for grant money as an extension of the Trail structure.

Mr. McClintock quickly reviewed the spreadsheet that he had prepared showing capital expenditures. The Commissioners asked questions and commented on some of the items. Karen Wertz the Finance Director answered questions in reference to the budget items.

Commissioner Kruse asked if it was possible to just finish the pavement all the way down to the leaf/branch recycling bins and just have it finished. The Board agreed that it should be done since the Township is under budget.

President Rose thanked Mr. McClintock and Mrs. Wertz for preparing the summary of current projects.

Columbia Gas

Mr. McClintock reviewed the Columbia Gas line proposed track. There is a need to move the original line as planned. Mr. McClintock will be working with the DEP and other regulatory agencies in an effort to assist Columbia in moving the line.

Township Manager Items

Township Manager, Greg Prowant

2014 SPCA Proposal

Township Manager Greg Prowant offered the two options available for the 2014 SPCA Contract. The first option is a lump sum charge of \$4,000 to cover the year. The second option is for \$100 per animal. In years past the Township has opted for the per animal option.

President Rose presented a motion for the Caln Township Board of Commissioners to approve the acceptance of contract Option #2 (per animal) for the Chester County SPCA 2014 Contract.

The motion was so moved by Joshua Young and seconded by James Kruse. Polled, all aye.

Revised Draft Ordinance for Trash and Recycling

Mr. Prowant asked for a motion to consider advertising the revised Ordinance for Trash and Recycling.

President Rose presented a motion for the Caln Township Board of Commissioners to approve a motion to advertise the Revised Draft of the Trash and Recycling Ordinance.

The motion was so moved by Joshua Young and seconded by James Kruse. Polled, all aye.

2013 Auditor Larry Malo & Associates

Mr. Prowant asked the Caln Township Board of Commissioners to approve the proposal from Larry Maulo and Associates for the 2013 Audit. The fee is \$20,500.00.

President Rose presented a motion for the Caln Township Board of Commissioners to approve the proposal for the Annual 2013 audit by Mr. Larry Maulo and Associates for \$20,500.00.

The motion was so moved by Joshua Young and seconded by James Kruse. Polled, all aye.

2014 Budget Presentation

Mr. Prowant did a brief review of the 2014 Budget. The draft will be available for public review and will be advertised. Mr. Prowant had a visual presentation to show the breakdown of each area of the budget. Mr. Prowant pointed out that there has been no tax increase since 2004. Mr. Prowant noted that 2013 budgeted revenues would come in at budget or slightly above. 2013 expenditures are on target as well. Through the use of pie charts and graphs, Mr. Prowant ran through the key points of the proposed budget. The areas include the Township operating funds, Major Trends affecting 2014 in Revenues and Expenditures. Highlights of 2014 were pointed out. There will be no increases in the sewer and trash collection fees in 2014. Other areas detailed were Real Estate Taxes, Earned Income Taxes, Real Estate Transfer Taxes, and projected changes in revenues. Major Equipment purchases, capital projects including paving

and drainage projects were discussed. Mr. Prowant then asked the Board for permission to advertise the draft 2014 Budget.

There was a consensus to advertise the 2014 Proposed Budget for consideration on December 19th.

Bill List

President Rose entertained a motion for the Caln Township Board of Commissioners to approve the Bill List including check #33007 through #33123.

The motion was so moved by Joshua Young and seconded by James Kruse. Polled, all aye.

Minutes of Approval

President Rose noted that Commissioner Young would abstain from voting due to his absence for July 25, 2013 and September 12, 2013.
July 25, 2013

President Rose presented a motion that the Caln Township Board of Commissioners approve the minutes of the July 25, 2013.

The motion was so moved by James Kruse and seconded by Lorraine Tindaro. Polled, all aye.

August 8, 2013

President Rose presented a motion that the Caln Township Board of Commissioners approve the minutes of the August 8, 2013.

The motion was so moved by Joshua Young and seconded by James Kruse. Polled, all aye.

September 12, 2013

President Rose presented a motion that the Caln Township Board of Commissioners approve the minutes of the September 12, 2013.

The motion was so moved by James Kruse and seconded by Lorraine Tindaro. Polled, all aye

Additional Business

Mr. Prowant reported that a movie site scout came to tour the Griffith Farm property as a potential site for filming an M. Knight Shamilan movie.

Lloyd Avenue bathroom facility is installed and will be ready in the Spring of 2014.

December 1st is the Children's Holiday party as well as the Tree Lighting.

Public Comment

Mr. Reymos asked what rip rap is doing in the gutter by Beacon Tavern. Can Penn Dot do anything about that? Mr. McClintock addressed this concern.

Mr. Reymos also asked what Osborne Road zoning advertisement is about. Mr. McClintock also addressed this concern.

Adjournment

President Rose recommended that the Caln Township Board of Commissioners adjourn the meeting.

The motion was approved by Joshua Young and seconded by James Kruse. Polled, all aye.

The meeting was adjourned at 10:40 p.m.