

CALN TOWNSHIP
BOARD OF COMMISSIONERS
WORK SESSION
FEBRUARY 13, 2013

The Caln Township Board of Commissioners held its work session on Wednesday, February 13, 2013 at 253 Municipal Drive, Thorndale, PA 19372. President Rose brought the meeting to order at 6:08 p.m.

Other Board members present
Vice President Charles Kramer (arrived at 6:45 pm)
Commissioner James Kruse
Commissioner Lorraine Tindaro
Commissioner Joshua Young

Others present
Township Manager Greg Prowant
Assistant Township Manager Tony Scheivert
Township Engineer Jeffrey W. McClintock PE CFM
Code Enforcement Officer Andy Reczek

All present saluted the Flag.

President Rose announced that there was an Executive Session held Monday, evening February 11 to discuss personnel matters.

Change to Agenda

Coatesville Solar Initiative is tabled until Commissioner Kramer arrives.

Citizens to be heard

William G. Anderson III, 1030 Osborne Road in reference to Osborne Road Bridge

The following is the statement that Mr. William Garnet Anderson III read to the Board of Commissioner's followed by the conversation related to the statement. Mr. Anderson requested that his statement be entered in its entirety for the record.

"William Garnet Anderson III and my wife Joanne Anderson are the owners of 22.6 acres of land in Caln Township at 1030 Osborne Road. I want to bring to your attention this evening a situation that I believe requires your immediate attention concerning the lack of open dialogue and communication concerning Caln Township's plans for a new Osborne Road bridge across Beaver Creek.

As you are aware, Caln Township and my wife and I are currently negotiating with Mr. Jeff McClintock and Mrs. Kristin Camp Solicitor of Caln Township and Attorney at Buckley, Brion,

McGuire, Morris & Sommer LLP, a Deed of Dedication Right of Way for a portion of our property along Osborne Road and a temporary construction easement.

After talking with our attorney and having had a conversation today with Mr. Tim Stevenson, Penn Dot's Design Portfolio manager, who is also responsible for Caln Township's proposed new Osborne Road bridge, I learned that the bottom line is that Joanne and I have more flexibility in the negotiations that we were told in our earlier discussions with Mr. Jeff McClintock and Mrs. Kristin Camp. I also learned that Caln Township has yet to submit their full paperwork and Penn Dot package, including their full design and right of way plans.

As you are aware, the USG and Pennsylvania State funding covers over 80% of the total cost. I informed Mr. Tim Stevenson during our conversation that this evening I would be addressing our Caln Township Board and highlighting Mr. McClintock's apparent lack of good communications with the various property holders and our Community concerning the proposed new Osborne Road Bridge and specifics.

As a result of my conversation with Mr. Stevenson at Penn Dot, please note that I have a much higher confidence level in our Pennsylvania State process.

My wife and I have as a primary goal to protect our property's natural resources, wildlife, the corridors of land, while maintaining a sense of community and ensuring the high quality water sources along Beaver Creek. Our long-term goal is creating a visual habitat buffer area for ourselves, our good neighbors, citizens and for the vast wildlife.

My special request is that Caln Township's Board will coordinate a special meeting to update our Community and especially those homeowners in close proximity to the Osborne Road Bridge on the full site plan and specifics. Thank you for your cooperation."

Respectfully submitted William Garnett Anderson III of 1030 Osborne Road.

Mr. William Anderson wanted to discuss the Osborne Road Bridge over Beaver Creek. William Garnet Anderson III and his wife Joanne are the owners of 22.6 acres of land at 1030 Osborne Road in Caln Township. The Anderson's would like a special meeting with the Community in reference to the Osborne Bridge Project.

President Rose informed Mr. Anderson that the agenda is reviewed Thursday prior to the meeting week. President Rose would like more detail included in the agenda so that the information can be posted and shared on the Township website prior to the meeting. President Rose told Mr. Anderson that he would be able to find out when the next discussion on the bridge would be posted there.

Mr. Anderson does not feel the community has been briefed fully on the specifics of the details of the repair and replacement of the bridge. Mr. Anderson wants to know the full scope of the work to be done before he gives Right of Way to his property. Mr. McClintock reported that Mrs. Anderson attended a meeting in April of 2011. There is no final plan as of this point. The drawings that Mr. Anderson reviewed in Mr. McClintock's office are the only plans that exist at

this point. Mr. McClintock reviewed the process for bridge planning and right of way permissions that are granted. Mr. McClintock also referred to some past bridge projects and the length of time that is required get the bridge plan approved and the process implemented. Mr. Anderson said that he learned of the bridge repair from the worker's onsite. President Rose pointed out to Mr. Anderson that the bridge repair has been discussed in public forum's repeatedly over the past two years and well documented by the record. President Rose also reiterated to the meeting in general that discussions are not held outside of the public forum other than in committee form but ultimately the full discussion takes place in the meeting forum. President Rose believes the process is as transparent as possible. Mr. Anderson stressed that he was unaware and believes that he should have been informed.

Commissioner Young emphasized that the process is two or three years into planning. He also stressed that Mr. Anderson has the right to say no, but that the Township would have other avenues to pursue if necessary. Mr. Young also indicated that it is common for a project of this nature to not have a lot of information available during the early stages of design given the various phases of the project.

Mr. McClintock showed the current draft plan on the television's for everyone to see. Commissioner Kruse wanted to know the urgency for getting the right of way agreements finalized.

Mr. Anderson wanted to add to the record that he allowed access to his property for boring for the repair being done. Commissioner Kruse stressed that the Township will do everything in their power going forward to have a better dialogue with the resident's directly affected by the bridge repair and/or replacement. The bill for this process is being split with East Brandywine Township.

William Androwick, Coatesville Area School District in reference to North Brandywine M.S.

Mr. Androwick wanted to give the Board a status update on the North Brandywine Middle School which will be out for bid next month. President Rose asked what the Plan Con F represents. Mr. Androwick confirmed that there is no change to the plan the Plan Con F represents the stage of the process. Plan Con F is a review of the Department of Education.

Ordinances & Resolutions

N/A

Code Enforcement, Andrew Reczek

Department Update

Waiver of Land Development Request from Dunkin Donuts

The Dunkin Donuts representative will be at the next meeting asking for a waiver of land development in order to relocate an interior cooler to the outside. They have a plan that would

demonstrate moving the cooler to the outside rear of the building in between the drive thru line and the building wall. The cooler will allow more interior space, Mr. Reczek mentioned that Joey's Pizza and several other restaurants in the Township have requested the same type of outside cooler as well, and they were permitted. Mr. Reczek has done a preliminary review and finds the impervious calculation is within the limit, the set back requirements are met, and the plan will be submitted to the Planning Commission for their recommendation and come back to the Board of Commissioners for the February 28 meeting.

Popeye's Request for Conditional Use

Popeye's Chicken will have a Conditional Use hearing on February 28 at 6:30 p.m. for a commercial drive thru on a previously approved pad site in Caln Plaza.

Inconsistencies in the Zoning Code Regarding Fair Housing Act and Group Homes

Kristin Camp and Mr. Reczek have been working on an Ordinance that would bring the Zoning Code into Compliance with the Fair Housing Act regarding Group Homes. The County received a complaint, the County notified Ms. Camp that 32 municipalities have been notified that they are not in compliance. The County will review the proposed Ordinance and then Mr. Reczek and Ms. Camp will bring it to the Board for review and approval.

Valley Township Third Party Agreement

Valley Township has accepted the terms of the agreement to have the Caln Township Code Enforcement Department act in an as needed basis to assist Valley Township due to absence or vacations and Commercial Plan review and Commercial inspections.

Caln Crest

Mr. Reczek has reached out to the contractor and is not getting much of a response to get the project completed as previously discussed. It might be necessary to have the Township personnel complete the job. Mr. Reczek hopes that with the change in the weather in spring the contractor will complete the job. No monies have been paid as of this time.

Mr. Reymos asked Mr. Reczek if the Municipal Building is in compliance with the Code for egress and ingress in reference to a residential home or a commercial property. Mr. Reymos asked why residential homes have to have thumb latch dead bolts but our office has dead bolts that are not thumb latch. Mr. Reczek replied that unless a building the age of the municipal building is remodeled and updated, that would be the only time to change the lock on the front door.

The sign on the front door about the door being locked when the building is occupied offends Mr. Reymos. There was some discussion about the dead bolt. President Rose asked that questions be limited to items that have been discussed in the meeting. Mr. Reymos takes exception to being told what questions he can and cannot ask. Mr. Reczek reiterated that the

sign actually improves safety for others in the building. There are other exits that are available throughout the building and during limited use of the building, that door does not need to be unlocked. The building is in compliance.

Township Engineer Jeffrey W. McClintock, PE CFM

Commissioner Kramer has arrived so it is now possible to proceed as planned.

Kings Grant

Mr. McClintock indicated he and Mrs. Camp is still working on possible solutions with the developer and their bank. He hopes to have more information by the March 14, 2013 meeting.

Coatesville Solar Initiative

President Rose entertained a motion for the Caln Township Board of Commissioners to approve the request for Preliminary Final Land Development approval for CSI with 23 conditions as outlined in the Motion of Approval offered for consideration.

The motion was so moved by Joshua Young and seconded by Charles Kramer.

Mr. Reymos asked if all 23 conditions have been satisfied. President Rose and Ms. Camp informed him no, that the conditions would be met by prior to the release of the final plans for recording.

Wesley Horner of 1304 Scott Drive asked if there is a public listing of the conditions. Ms. Camp said that she would forward the conditions by email. Mr. Horner also asked if it would be possible to have the property line flagged or demarcated in some way before construction starts. Mr. McClintock noted that the applicant would have to delineate the Limit of Disturbance area prior to construction.

Commissioner Kruse asked to recuse himself because he owns property contiguous to the applicant's property. The remaining Commissioners all voted aye when polled.

Mr. John Jarros on behalf of Mr. Krease and the entire development team thanks the Board of Commissioners for the patience throughout this process. The applicant appreciates the many hours devoted to the project by the staff. It has been a two year process to the point.

Report Chart/Deadline Chart Review

N/A

Osborne Road Bridge

The staff is awaiting the delivery of the bolts and the epoxy. The weather is the holdup currently. Mr. McClintock requested an additional \$2,000 for Mr. Bob Lubbers at Casio

Engineering to cover his fees for professional services to finalize the review and certify the bridge for opening.

Commissioner Kruse entertained a motion for the Board of Commissioners to pay Casio Engineering not to exceed an additional \$2,000 for professional services to certify Osborne Road Bridge. Charles Kramer seconded the motion.

Polled:

President Rose - aye
Vice President Kramer – aye
Commissioner Kruse – aye
Commissioner Tindaro – aye
Commissioner Young – nay

Vote passes 4-1

Mr. Anderson asked if Mr. Lubers had certified the repair and opening of the bridge. Mr. McClintock verified that Mr. Lubers designed the repair and will certify when repairs are completed.

ARLE Grant

Mr. McClintock talked with Downingtown Borough last week. There should be a bid spec in the next few weeks.

Capital Projects Committee Update

President Rose stated that the Committee on Capital Projects is in progress, the big-ticket items have been under discussion. A more detailed report has been received from McMahon. The Committee now needs to come to consensus on which projects to pursue. There will be full Board discussion on March 28.

Assistant Township Manager Tony Schievert

Municipal Building Roof Improvement Project Update

No report ready Mr. Scheivert is working with two HVAC companies to get the unit moved off the roof. Mr. Scheivert is pursuing bids on the pitched roof concept as well.

Street Sweeper Purchase

On February 4 the Township entered bidding for the purchase of a street sweeper with Valley, East Brandywine and West Brandywine Townships. The four townships were the successful high bidder for a total of \$22,600. The Caln Township portion of that bill would be \$6,102. Mr. Scheivert collected proposed bids for a single street sweeping this year and they both came in at

over \$9,000. The Townships will meet to work out a training schedule, a use schedule and the sweeper will be stored in West Brandywine. Everything will be split 25% across the board. Insurance, training, maintenance, and repair will be equally split.

Township Manager Greg Prowant

Bond Issue Update Discussion

Mr. Prowant updated everyone that in the past our 2007 Bond was issued at 4.2% and after 5 years the state law allows for refinance. At the end of last year the Board suggested pursuing a refinance. The rates have gone down again and interest is currently at about 2.9% so to refinance only right now would be a savings of approximately, \$1,000,000. Mr. Prowant recommends that the Board make a decision how to proceed soon.

Bill List

President Rose entertained a motion for the Caln Township Board of Commissioners to approve the bill list, which includes check #'s 31547 through 31604.

The motion was so moved by James Kruse and seconded by Charles Kramer. Polled, all aye.

There was some discussion on the checks for approval.

Minutes for Approval

President Rose entertained a motion that the Caln Township Board of Commissioners approve the minutes for January 10, 2013.

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

Additional Business

President Rose reported that he and Mr. Scheivert are working on a full Financial Report for the Golf Course to be presented at the February 28 meeting. This report would include general information on the history of the golf course, the benefits of Township ownership and comparisons of the last five years since the Township purchased the property. President Rose stressed that he would like to see this report be presented annually.

Public Comments

Love Local/Green Expo

Commissioner Young reported that the Western Chester County Chamber of Commerce and the Caln Township Green Task Force are hosting a Love Local event on March 20 from 5:00 to 7:30 p.m. at the Caln Skating Center.

Battle of the Bands

For 10 years the Township has sponsored the Battle of the Bands in the past it was to raise money for the Brandywine YMCA Skate Park that park has been built and the YMCA has not been involved. This year the Coatesville Area Jr. Air Force ROTC will be the beneficiary of the event as such they will advertise and help to run the event on April 27 at 1:00 p.m.

Mr. Reymos conveyed his condolences and that of the Township to Mr. Prowant in the passing of his father in law. Mr. Prowant thanked Mr. Reymos and all those who had expressed their sympathy.

Adjournment

President Rose entertained a motion that the Caln Township Board of Commissioners adjourn the meeting.

The motion was so moved by Joshua Young and seconded by Charles Kramer. Polled, all aye.

The meeting adjourned at 7:06 p.m.