

Caln Township Chester County, Pennsylvania
Board of Commissioners October 31, 2024
7:30 PM Hybrid Business Meeting Minutes

Board Members Present: Paul Mullin-President, Joshua B. Young-Vice President, Jane Kennedy-Commissioner (Zoom), Lorraine Tindaro-Commissioner, and Mark Evans-Commissioner.

Staff Members Present: Don Vymazal-Township Manager and Secretary, Denise Miller-Assistant Township Secretary and Administrative Assistant, Abbey Swan-Director of Community Enhancement, Johnnie Huggins- Public Works Director, Nicole Shannon Manager/Superintendent-Ingleside Golf Course, Ray Stackhouse-Director of Building and Life Safety, Scot Gill-Municipal Authority Director, and Police Chief Elias.

Professionals Present: Chief Taylor-Thorndale Volunteer Fire Company, and Minquas Representative.

Special Guest: Doctor Leavy-Director of student services from the Chester County Intermediate Unit, Ryan Edgington-All-Fill President, and Andrew Casey representing A.J. Blosenski.

The Board of Commissioners' (BOC) October 31, 2024, agenda was posted on the Township website, at the Township building on October 30, 2024, and agendas were made available for the public, at the meeting. The 2024 Township BOC meetings were published in the Daily Local Newspaper, on December 27, 2023.

Call to Order and Salute to the Flag – Commissioner Mullin called the meeting to order at 7:40 PM and called for the Salute to the Flag.

Presentations: Firefighters Oaths of Office – Mr. Stackhouse presented two new Thorndale Volunteer Fire Company Firefighters. Cameron James Krunmuller-Fulltime and Nicholas Sands-Parttime. Mr. Stackhouse introduced Board President Mullin to swear in both firefighters.

Citizens to be Heard – There were none.

1. Township Solicitor

1.1 All Fill Final Land Development Motion – For Board consideration, Ms. Camp offered a motion for All-Fill Development granting final land development approval subject to the listed conditions.

Commissioner Evans thanked the Applicant for working with the Historical Commission in making sure the integrity of Edges Mill Road is maintained. Mr. Edgington stated that he enjoyed working with the Historical Commission.

Commissioner Mullin entertained a motion to approve the Final Subdivision and Land Development Application for All-Fill Development located at 4060 Edges Mill Road. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

1.2 Tobacco Store/Smoke Shop Resolution – For Board consideration Ms. Camp asked the Board if they would like this cannaboid use ordinance sent to the Chester County Planning Commission for review.

Commissioner Kennedy asked if the Township ordinance mirrors the county's wording, or can the Board independently declare what they would like to see in this ordinance. Ms. Camp replied that the Board can write the ordinance how

they would like it.

Commissioner Evans asked if there have been any reductions to the draft ordinance from the prior draft. Ms. Camp replied that the only change is that all the separation distances are now the same.

Commissioner Mullin entertained a motion to send the draft Tobacco Store/Smoke Shop resolution to the Chester County Planning Commission for review. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

2. Engineering

Ms. Camp asked the Board to consider moving Resolution 2024-24 to 2.1 on the agenda. Ms. Camp noted that the Township Engineer designed specifications for a new retaining wall on G. O. Carlson Boulevard, which is in serious need of repair. To do this repair, the Township needs two easements. One from 3025 & 3035 Zinn Road-HWC Thorndale LLC, who is willing to grant an easement and one from 3105 Zinn Road-319 Chestnut Street LLC., who is willing to grant an easement; however, they want to be paid consideration for it. An appraisal was performed by Lloyd Wood Company for \$4,175.00, which the owner declined. Ms. Camp explained that there is an urgency to this matter and asked if they would sign the easement in lieu of condemnation. Ms. Camp stated that the Board has the power to exercise condemnation for the easement and reserve the right after they retain their own appraisal. If an amount cannot be reached the owner can request a Board review.

Mr. Bickhart shared several exhibits of the proposed easements.

2.1 Resolution 2024-24 3105 Zinn Road Retaining Wall Easement

Commissioner Mullin entertained a motion to approve Resolution 2024-24 authorizing the acquisition of a retaining wall easement located at 3105 Zinn Road by purchase or condemnation for the purpose of installing a new retaining wall on G.O. Carlson Boulevard. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

2.2 G.O. Carlson Boulevard Easements 3025 & 3035 Zinn Road

Commissioner Mullin entertained a motion to approve an easement for HWG Thorndale LLC for property located at 3025 and 3035 Zinn Road for purchase or condemnation for a new Retaining Wall Project on G.O. Carlson Boulevard. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

For Board consideration, Ms. Camp stated that she would like the Board to also approve an easement identical to the one for 3025 & 3035 Zinn Road for 3105 Zinn Road.

For Board consideration, Ms. Camp offered an easement for 319 Chestnut Street LLC for property located at 3105 Zinn Road by purchase or condemnation for a new Retaining Wall Project on G.O. Carlson Boulevard. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

2.3 G.O. Carlson Boulevard Easements Retaining Wall Award – For Board consideration, Mr. Bickhart requested authorization to award the retaining wall contract to Pickering Valley Landscape for a “not to exceed” cost of \$593,000.00.

Commissioner Mullin entertained a motion to award the G.O. Carlson Boulevard Retaining Wall Project to Pickering Valley Landscape for a “not to exceed” cost of \$593,000.00. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

2.4 2024 Road Program Payment Application #1 – For Board consideration, Mr. Bickhart offered payment application #1 in the amount of \$303,195.26, payable to Longs Asphalt.

Mr. Bickhart stated that the roads have been milled and repaved. On November 4 they will finish a curb that was not completed.

Commissioner Mullin entertained a motion to authorize payment application #1 in the amount of \$303,195.26 payable to Longs Asphalt for the 2024 Road Program. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. The vote passed 5-0.

Ordinance and Resolution

2.3 Resolution 2024-22 Green Region Grant – Mr. Vymazal state that the Township has a grant opportunity through PECO and Natural Lands Trust for an annual grant fund for projects related to sustainability, environmental etc.

Ms. A. Swan stated that she has been converting the “Meadow” one acre at a time and with this grant she would be able to convert the remaining five acres and add more plantings, benches, and a gazebo.

Commissioner Mullin entertained a motion to approve Resolution 2024-22 approving Township Staff to submit an application for a \$5,000.00 PECO Green Region Open Space Program Grant for the Caln Meadow Park Project and the Township commits to the expenditure of matching funds in the amount of \$5,000.00 if the application is granted. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

2.4 Resolution 2024-23 Curbside Municipal Waste & Recycling Material Collection Contract – Mr. Vymazal stated that Staff recommends A.J. Blosenski as the lowest bidder for a three-year contract with an optional two-years. The bid was received for \$233.40 per unit, per year.

Mr. Gill stated that the yearly cost stabilized the trash fund budget. Mr. Casey stated that A.J. Blosenski would like to continue their relationship with the Township.

Commissioner Mullin entertained a motion awarding a contract to A.J. Blosenski, Inc. to collect municipal waste and recycling for a three-year term commencing January 1, 2025, and terminating December 31, 2027. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

2.5 Resolution 2024-24 3105 Zinn Road Retaining Wall Easement – With Board approval, this resolution was moved under “Engineering.”

3. Township Manager

3.1 Ingleside Golf Course New Tractor – Mr. Vymazal stated that the COSTARS price of this mower is \$22,379.00. This mower will be used for difficult areas of the golf course.

Commissioner Mullin noted that the previous mower was repaired several times, and they are currently using a mower on loan to them. Commissioner Mullin asked when the mower will be delivered to the golf course. Ms. Shannon replied

that the mower is in stock and should be delivered in several weeks. Ms. Shannon also stated that there is a five-year warranty that costs \$1,500.00.

Commissioner Mullin entertained a motion to approve an Exmark Lazer Diesel Tractor in the amount of \$22,379.00 for the Ingleside Golf Course. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

3.2 Volunteer Firefighter Tax Credit – Mr. Vymazal stated that the county has instituted a volunteer fire tax credit for taxes paid at the county level. The proposed ordinance is for taxes paid at the local level and for individuals who volunteer at local fire departments and respond to a certain number of calls.

Chief Taylor 406 Baker Lane thanked the Board on behalf of the organization and volunteers.

Commissioner Mullin stated that this was discussed at the CCATO meeting, and several Townships have already enacted an ordinance. Commissioner Mullin directed this topic on the next Board agenda for further discussion.

3.3 Spackman-Davis Farm Agricultural Lease – Mr. Vymazal stated that there are two changes in the new lease for Board review.

Mr. Vymazal stated that there has been a degree of erosion over the winter season of various areas of farmland. Lessee Mr. Smoker would like permission to plant a ground crop over the winter. This would be a best management practice from an agricultural use in order to prevent sediment runoff, and a decrease to the field by ten feet, grade that area to a smooth capacity and plant seed to allow grass to grow for a future walking trail.

Commissioner Mullin asked if the cost was the same as the previous year. Mr. Vymazal replied that he found the cost per acre on USDA with the reduction of the ten feet around the field, so it equals to the same cost.

Commissioner Mullin entertained a motion to approve the 2025 Lease Agreement between Caln Township and Leonard Smoker for the sole purpose of crop farming on a portion of the premises located at 3401 Kings Highway, Downingtown. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

3.4 Bondsville Road Apartments – Mr. Vymazal stated a development approved by a previous Board along Bondsville Road for a senior affordable housing development had their conditional use extended for one year. The Board asked what stormwater ordinances may have been adopted since the land development plan was last approved. The Board and Township Planning Commission raised to see if there was any Township owned property that would be better suited for a development of this type. There was nothing that would fit directly due to wetland areas, floodplains, and steep slopes. Mr. Vymazal also stated that he notified Mr. Risbon that staff could not locate anything suitable. Following their discussion, Mr. Risbon proposed a swap with the 30 acres on the southern side of Kings Highway by the Spackman-Davis Farm. This land was purchased with township taxpayer money, and it has a cell tower on the land.

Mr. Risbon stated that timing is of the essence because his NPDES, Highway occupancy permit and joint permit will expire at the end of 2024.

Commissioner Mullin stated that the land Mr. Risbon is proposing to swap is the land across the street from Spackman-Davis Farm and is used as their parking lot. Mr. Risbon replied, “yes sir.”

Commission Mullin stated that the sewer and water would go all the way up Bondsville Road from that Turkey Hill, and up to the Spackman-Davis Farm. Mr. Risbon replied that he could take it towards the Kings Grant Development and down Bondsville Road; however, it would not serve as many residents. Mr. Risbon stated that he used to own a property across the street from Beaver Creek and it did not have a proper sewer. He would provide the funding and operating of installing public water and sewer.

Mr. Vymazal stated it was his understanding that this would not be for the full 30 acres. Mr. Risbon replied that all the planted fields will stay the same. Mr. Risbon stated that it would be the area that is being used as a quasi-natural dump site. Mr. Stackhouse stated that Mr. Huggins is using this property as a stockpile site.

Commissioner Evans asked how many townhomes are being proposed. Mr. Risbon replied “108”. Commissioner Mullin asked if this project must have that many townhomes. Commissioner Mullin also stated that from Spackman-Davis Farm you would be looking at townhomes. Mr. Risbon stated that he could build a landscape buffer so you would not see the section closest to the farmhouse. Mr. Risbon stated that he is a preservationist, and he could help with the Spackman-Davis Farm property in various ways.

Mark DeYoung of 20 Beaver Run Road stated the Mr. Risbon made a great presentation except for the number of townhomes. Mr. Risbon replied that he will build a big berm with the excess dirt and do plantings, and this would not ruin the viewshed from the Spackman-Davis Farm and would provide privacy for the townhomes.

Licia Carini of 103 Ayerwood Drive stated that this is an interesting compromise. She also spoke on the number of townhomes and suggested the style of the Spackman-Davis Farm. Mr. Risbon replied that he has a project in another Township and was asked to have it done in an historic style. Mr. Risbon stated that he can compromise with 108 townhomes that are suitable for both parties.

Commissioner Mullin asked Mr. Risbon if there are stormwater systems at the Bondsville Road site. Mr. Risbon replied that there is a basin in the back which currently meets the township ordinance for stormwater. This basin could also be easily removed and reforested. Commissioner Mullin stated that this site leads into Township property.

Mr. Risbon asked the Board if this proposal is a viable option. Commissioner Mullin replied that the Board could possibly have an answer for him at the November meeting.

3.5 Chester County Intermediate Unit Update – Mr. Vymazal stated that after prior discussion, there is a concern in the number of calls from the Chester County Intermediate Unit (CCIU). Staff had several meetings with the CCIU with the outcome of public safety. Through the course of the discussions a school resource officer (SRO) who would be a Caln Township (Caln) police officer assigned to the facilities of the CCIU. Other school districts in other townships have school resource officers.

Chief Elias stated that he raised this issue of public safety to the CCIU leadership years ago; however, he never imagined that they would have reached their current amount of 114 service calls. Elopements have resulted in stoppage of traffic on Lincoln Highway, stoppage of train service, disruption of local businesses, and students running through neighborhood properties. Most elopements are located and returned to the CCUI safely. Some individuals take hours to locate, which takes a large number of police resources and personnel. There has been a 30% increase in service calls over the past two years. Chief Elias stated some examples of service calls the police have answered.

Chief Elias stated that the additional officers that the township invested in are to keep with the increase demand due to their own population growth and they are headed to 500 services calls from the CCUI. On top of an increase of calls

in general throughout the township it is unsustainable and impacts their ability to focus on residents in proactive policing to address increases in population, traffic volume, traffic crashes, and crime. The greater concern is the potential level of violence that this will add to the community. The distressed students who elope are a greater risk to themselves than to others. The CCIU is not a traditional education environment. Chief Elias further stated that he cannot say whether an SRO would fix the problem or mitigate it. They could have the opposite effect and increase the number of calls. Inevitably it will also increase supervisory and administrative time to conduct use of force investigations and complaints against officers. Currently they do not have the staff to entertain the idea of a SRO program even if it were a traditional school environment and he would not consider placing a SRO at the CCIU with less than 5 years of fulltime police experience; compounding that, is the way the civil service hiring process works. Even if a viable candidate for a SRO, the civil service rules as written, do not let the police give preference to applicants with police experience, which is why the majority of their recently hired applicants have been sponsored.

Commissioner Evans states that this is not a job for a police officer, it is a job for someone with special skills.

Mr. Vymazal stated that they have not had those conversations. This was a request from the CCIU to see if it is a viable option.

Commissioner Kennedy stated that the CCIU has students from other counties who should be accountable for their own students. Commissioner Kennedy asked why the CCIU continues to burden Calns taxpayers, and it seems like the CCIU does not take safety of their students and teachers into account. Doctor Leavy replied that one of their units is students with emotional disturbances and within the learning center building is a small percentage of the calls Chief Elias described. Doctor Leavy also stated that through a very surgical and precise system of positive behavioral support systems, mental health, counseling, students can be moved off the radar of those behaviors. This is where some of their students start but not where they end. Doctor Leavy further stated that 24% at the Coatesville Campus are Coatesville Area District students. The other students do come from other areas and districts.

Commissioner Young stated that 500 calls are not a small portion of the population. The Coatesville Campus does not have close to that number of service calls. If students are from other counties and causing harm to this community, then he disagrees that they should be at the CCIU. Their counties should have their own intermediate unit to take care of their own students. Commissioner Young also stated that this is Chester County taxpayer and Caln Township taxpayer money. The Board has a duty to represent Calns' residents and spend their money frugally. When they are expected to put out more police officers time, they cannot do that. Doctor Leavy replied that students are placed in her program because their home school districts are unable to provide them with the special education support to be successful. The 24% from Coatesville school are some of their most challenging students.

Commissioner Evans asked what the total number of students are at the CCIU. Doctor Leavy replied that the learning center has 177 students, and the CDC has 360 students. This year 36 are from the CDC and 57 are from the learning center. Encumbered in those numbers they support students with medical fragility and child line calls, which is regulation they are required to follow.

Commissioner Tindaro asked if a separate group to handle this problem. Doctor Leavy replied that this could be discussed with her team. One of the recommendations from their safety and security audit was the request for an SRO. They also have an action plan.

Chief Elias stated that they are obligated to investigate if an incident occurs in Caln; however, it does not prohibit them from allowing other departments to assist or for them to assist other departments. Chief Elias also stated that as far as uniform crime reporting goes, a general response to 911 calls or non-emergency calls to the county dispatch, Caln is

the department going to be dispatched. Doctor Leavy stated that during their discussions, there was initially a request to put locking mechanisms to secure the buildings to reduce the number of elopements looking from a code perspective it would move from education to institutional. The Department of Education is investigating having students with behavioral and mental health issues be in an educational setting.

Chief Elias stated that in following up on Commissioner Youngs comment of 413 service calls last year at the intermediate Unit compared to 10 at the Coatesville Area School District (CASD), the student population at the high school and intermediate school are significantly larger. They are dealing with a completely adverse student body with completely different issues.

Commissioner Mullin asked if there is information on how long it takes to have students' behavior issues corrected. Doctor Leavy replied that they have a very precise system of positive behavior intervention with the CDC and the learning center. They track 5 students and the number of incidents from when they entered the program and their entire tenure. The overall percentage of their students move into the program with sever behaviors and then move into a state of more functional behaviors because of the intervention.

Chris Parr of 582 Lloyd Avenue – Asked if nurses are on staff to take care of students that are on medication. Mrs. Parr also asked if students are returned immediately to the facility. Doctor Leavy replied that they have nursing on staff at all the campus buildings and they manage all student medical needs. Some students have tube feedings who are also managed. Students are placed with them because of their needs that they are exhibiting in terms of special education. The IEP determines the most appropriate placement of students. Doctor Leavy also replied that it depends on the incident and whether the incident is a manifestation of the student's disability whether they are returned immediately back to the facility, after an incident.

Mark DeYoung of 20 Beaver Run Road asked the location of the CCIU. Commissioner Young replied that is on the CASD Campus.

Noel Bernard of 1508 Caln Meetinghouse Road agreed with Commissioner Youngs comments.

Adam Thomas of 310 Carlyn Court asked what happen in 2014 to increase the number of incidents currently. Doctor Leavy replied mental health and stress from the COVID-19 pandemic.

4. Board Minutes to Approve

4.1 October 10, 2024 – **Commissioner Mullin entertained a motion to approve the October 10, 2024, Board of Commissioners' minutes. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.**

5. Planning Commission Minutes for Receipt Acknowledgement

5.1 September 17, 2024 – **Commissioner Mullin entertained a motion acknowledging Board receipt of the approved September 17, 2024, Planning Commission minutes. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.**

5.2 October 7, 2024 – **Commissioner Mullin entertained a motion acknowledging Board receipt of the approved October 7, 2024, Planning Commission minutes. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.**

6. Finance Department

6.1 Financial Report – Ms. Swan reported for the third quarter that 95% of taxes have been collected, 79% of

expenses expended, and interest earned was \$329,000.00.

6.2 Checks – Commissioner Mullin entertained a motion to approve checks 52883 to 52985 and manual check 308. Moved by Commissioner Young and seconded by Commissioner Tindaro. The vote passed 5-0.

7. Monthly Director Reports

7.1 Building and Life Safety – Mr. Stackhouse reported that there is some blight at repair garages on Lincoln Highway of abandoned vehicles. A general letter was sent stating that starting January 1, 2025, he will start enforcing Caln’s ordinance. Mr. Stackhouse also reported that the Hills of Thorndale Woods has started pulling building permits.

7.2 Community Enhancement – Ms. A. Swan reported that the September Community Day had the highest funds received. Ms. A. Swan also reported that the screen gage at Lloyd Park has been completed. They had a stormwater best manage practices training with the Chesapeake Landscape Professionals.

7.3 Ingleside Golf Course – Ms. Shannon reported that September 2024 had 400 additional golfers than September 2023.

7.4 Minquas Fire Company Ambulance – Representative from Minquas reviewed their September report.

7.5 Police Chief – Chief Elias reported that his department received \$251,000.00 in grants over the last 12- months, and with the help of the Township Manager, they will apply for all their body cameras and in-car cameras. They are also will be apply for a Local Share Assessment Grant for 2 electric vehicles.

7.6 Public Works – Mr. Huggins reviewed his September Directors report.

7.7 Thorndale Volunteer Fire Company – Chief Taylor reported that they had a hose in the road ran over by a resident, and they had several incidents with fire police being screamed at because residents did not want to wait until the road was opened so they could get to their homes. Chief Patrick also reported that they were awarded a grant through the Delaware Valley Planning Commission for 3 hoss receivers which send alerts giving warning that there is an emergency ahead.

8. Additional Business – There was none.

9. Public Comment – There were none.

10. Adjournment – Commissioner Mullin entertained a motion to adjourn the October 31, 2024, meeting at 10:00 PM. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

Respectfully submitted,
Denise Miller,
Assist. Township Secretary