

Meeting Minutes for Caln Township
Board of Commissioners
January 12, 2023
7:30 PM
Hybrid Meeting

Call to Order: Commissioner Mullin called the Board of Commissioners meeting to order at 7:30 PM. Commissioner Mullin then called for the Pledge of Allegiance to the flag.

Commissioner Mullin noted an Executive Session held on January 4, 2023 regarding personnel reasons.

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

Staff Members Present: Kristen Denne-Township Manager/Secretary, Denise Miller-Assistant Township Secretary, Lisa Swan-Township Treasurer, Raymond Stackhouse-Director of Building and Life Safety and Public Works, and Scot Gill-Municipal Authority Director.

Professionals Present: Township Solicitor Kristin Camp, Karl Schmit representing ARRO.

Special Guest: N/A

The Board of Commissioners January 12, 2023 agenda was posted on the Township website, and at the Township building, on January 11, 2023. Agendas were made available for the public at the meeting.

The 2023 Township Board of Commissioners meetings were published in the Daily Local News, on December 27, 2022.

Citizens to be Heard

Commissioner Mullin called for public comments. There were none.

Commissioner Evans' Township Update

Welcome everyone, thank you for joining us. Our meetings are "Neutral Ground", a place to hear and be heard. The Board of Commissioners (BOC) are here to represent everyone in Caln, and we strive to be sure our decisions address the needs of all. We're all in this together. Just a reminder, only questions or statements regarding an agenda item will be entertained under "Citizens to be Heard" at the top of the meeting. All other matters will be recognized during "Public Comment" at the end of the meeting.

Out with the old... 2022 was a challenging year for everyone. Seems like we've been saying that every year since January 2021.

EMS: I wanted to take a moment to thank the resident who reached out to me with concerns about our ability to provide quality healthcare and emergency services since Brandywine Hospital closed, and Medic 93 was moved south.

LED LIGHTS: We recently approved replacing our current streetlights with LED's and it looks like we should be ready to install within a couple of months. Of course, they'll be brighter and more efficient, but they will reduce the hit on everyone's wallets.

ZONING: We will be discussing the zoning process tonight, but to be clear, there's nothing near ready for prime time. We've been granted a 6-month extension because getting it right is more important than getting it done quickly. This zoning will affect everything that happens in Caln, for the next decade.

THESE TROUBLING TIMES: All quiet, thank Goodness. Happy to say the lion sleeps tonight...

CLEAN UP TIME: Well, it's a new year, and I guess people have run out of parties and holiday events to occupy themselves, so they're using their extra time to sit on social media creating issues that don't exist. One social media group has a thread about the "outrageous" increase in Caln's sewer and trash bills "due to mismanagement", "no one saw this coming", etc. One commenter posted "This is on top of them just voting to raise our municipal taxes 26%". Happy to say one resident on the thread spoke up to point out that there was no tax increase this year, it was last year and that was in response to \$8.5 million infrastructure damages from Hurricane Ida. Another social media page has a thread proclaiming that they were improperly billed an increased trash and sewer rate before it had been approved, others were enraged about their street light bill. It's like a feeding frenzy of confusion. Hey, anyone who has been paying attention knows that I was a great complainer before joining the BOC. however; I always tried to check my facts and make sure I was right before stirring anyone up. I promise you, if people took a tenth of the time, they devote to trolling social media and used it to attend meetings, visit the Caln website/Facebook page, watch the online replays of our meetings, or simply send an email question to any of the Commissioners, they would have clarity, and there would be less confusion, and division in this Township we all call home.

Spread goodness everyone. Compassion, Empathy, Peace, and Love – these are the greatest gifts any of us can give.

Township Solicitor – Ms. Camp

Discussion of Ordinances for Advertisement – For Board consideration, Ms. Camp presented an ordinance for advertisement for 3717 Bungalow Glade to install a handicap parking space. Ms. Camp noted that the Board could make a motion to advertise tonight and adopt it at the January 26, 2023 meeting. Ms. Camp also noted that since a resident has requested this, the Board can adopt it now and then add other addresses that may be in the Township, that are not on an ordinance.

Mr. Stackhouse noted that they are identifying if there are any other handicap parking spaces in the Township that were not identified by an ordinance.

Request for Advertisement of an Ordinance Amending Chapter 149 of the Caln Code Titled, "Vehicles and Traffic"; Section 149-28 Titled, "Special Purpose Parking Zones" to Designate a Handicapped Parking Spot at 3717 Bungalow Glade – Commissioner Mullin called for Board and public comment. There were none.

Commissioner Mullin entertained a motion to advertise an ordinance amending Chapter 149 of the Caln Code titled "Vehicles and Traffic"; Section 149-28 titled, "Special Purpose Parking

Zones” to designate a handicapped parking spot at the address of 3717 Bungalow Glade. Moved by Commissioner Evans and seconded by Commissioner Tindaro.

The vote passed 5-0.

Request for Advertisement of an Ordinance Amending Chapter 141 of the Caln Code Titled, “Taxation” at Section 141-67 Titled, “Discounts; Penalties” to Comply with Act 57 of 2022 – Ms. Camp noted that there was a law passed that allowed taxpayers who did not receive their real estate tax bill to have their penalties waived. The BOC adopted a resolution in 2022 to direct the Tax Collector to follow that state law. The Township code is a little different than most codes, which do not go into the penalties on real estate tax is, however; Caln Township does in Chapter 141, which is the taxation chapter that specifies what the penalties will be if the real estate taxes are not paid in time so their firm felt that it is important to make sure that the code section is amended through an ordinance to reflect the waivers that are permitted under the new Act 57.

Commissioner Mullin called for Board and public comment. There were none.

Commissioner Mullin entertained a motion to advertise an ordinance amending Chapter 141 of the Caln Code Titled, “Taxation” at Section 141-67 Titled, “Discounts; Penalties” to comply with Act 57 of 2022. Moved by Commissioner Young and seconded by Commissioner Tindaro.

The vote passed 5-0.

Township Engineer

Request for Consideration of PSA 0123-PC01 Caln Public Works Garage – For Board consideration, Mr. Schmit offered PSA 0123-PC01 for the Caln Township Public Works Garage, focusing on bidding services.

Commissioner Mullin called for Board and public comment.

Mr. Stackhouse noted that the primary garage for the offices where the breakroom is and the smaller vehicles are kept, has been leaking for years. Mr. Stackhouse also noted that he will monitor the construction along with Mr. Huggins, from the Public Works Department.

Mr. Stackhouse noted that the PSA cost is approximately 17% of what the anticipated cost of doing the work is.

Commissioner Mullin asked if there is internal work that they are going to do. Mr. Stackhouse replied that they have some planned, however; it is not part of this PSA. The complete metal roof replacement quote hopefully includes wood replacement, if needed.

Commissioner Evans noted that the odds are that it will be approximately \$50,000.00 for everything. Mr. Stackhouse replied that the bids received were less than that even with ARRO’s cost to develop the bid documents.

Commissioner Mullin entertained a motion to approve PSA 0123-PC01 for the Caln Township public works garage. Moved by Commissioner Young and seconded by Commissioner Evans.

The vote passed 5-0.

Township Manager – Ms. Denne

Ms. Denne noted that the Coatesville School District has officially hired a new superintendent. She thanked Interim Superintendent Doctor Dunlap for working with the Township, as well as he did.

Ms. Denne noted that the Coatesville School District released their facilities report. They were looking at all their facilities and which ones are most viable to keep, and look at consolidations. Ms. Denne also noted that each presented option is for the closing of Caln Elementary,

Ms. Denne noted that the back portion of Caln Elementary is connected to the Township Municipal Park and the athletic fields, which Caln Athletics use for baseball. Ms. Denne also noted that this may be an opportunity for the Township to reach out to the school before they potentially put it up for sale. The Township may want to look at a swap or purchase to keep it open space for the community.

Commissioner Young asked Ms. Denne if the school owns the property. Ms. Denne replied that they do own it.

Commissioner Young asked Ms. Denne the name of the new Superintendent. Ms. Denne replied that her name is Doctor Van Vooren.

Commissioner Evans noted that he was discussing with Commissioner Young the number of children that could potentially be coming into the school district, especially with the new developments. He also noted that they could potentially start a consortium to discuss this because Caln Elementary is important to the Township. It is also one of the Township historical resources.

Commissioner Mullin asked Ms. Denne to send Ms. Vooren a welcome letter. Ms. Denne noted that she will.

Commissioner Evans noted that the Board could send a response to the school district on their facility report.

Discussion of Draft Zoning Ordinance – For Board consideration, Ms. Denne requested a motion authorizing her to sign the extension documents.

Commissioner Mullin entertained a motion to authorize Ms. Denne to sign the extension documents for an extension for the Zoning Ordinance. Moved by Commissioner Evans and seconded by Commissioner Young.

The vote passed 5-0.

Vision Partnership Program Contract Addendum #2 – Ms. Denne noted that Ms. Camp has an outline for discussion to figure out where and how this gets moving again. Ms. Denne turned the discussion to Ms. Camp.

Ms. Camp noted that there have been two work sessions where policy issues and some of the things that Mr. Stackhouse, Ms. Denne and she saw as far as the ordinance. Ms. Camp also noted that her understanding from the meetings is that the Board was not extremely comfortable with it.

Ms. Camp noted that she does not feel comfortable melding or taking the comments from this policy outline and trying to change what Ray Ott did, because it would be restarting at two completely different places.

Ms. Camp noted that the part of the discussion was that the Board wants to focus on Lincoln Highway and certain design standards. Ms. Camp also noted that this can be done easily because Lincoln Highway has an overlay.

Commissioner Evans noted that one of the things the Board needs to take a hard look at is “uses”.

Commissioner Young noted that some of the biggest issues being the double lot with design, the theories behind land use, and not so much parking regulations. Ms. Camp noted that it was not defining “uses”, it was defining building types and having a set of standards based on a building type whether it is a residential, commercial, or industrial building. Some buildings you cannot always figure out and may be “mixed”.

Commissioner Young noted that one of things they did in the overlay when it was written was less regulations like zero lot line. Ms. Camp noted that most every applicant that has come before the Board, in the Lincoln Highway overlay, has utilized that flexibility to their benefit to be able to re-develop difficult lots.

Commissioner Young asked if this is something the township wants to do as a single document or do they want to piece it together. Ms. Camp replied that this would be a county decision as far as the county reimbursement. Mr. Stackhouse noted that he does not know if that can be accomplished with the documents that the Township has currently from Ray Ott because they tried to look at it that way as they were going through it and you can't because what you do here effects everything else and the way that document flows. Ms. Camp noted that you could take the existing ordinance and focus on Lincoln Highway and add to what you currently have, or you could take the Historic Resources Article and repeal that article and chapter and bring in the historic ordinance you worked on.

Ms. Denne noted that the Historic Ordinance can be its own ordinance, it does not have to be a part of zoning. Ms. Denne also noted that it is more burdensome to enforce because it must be enforced by the Solicitor versus internal staff. Ms. Camp noted that a stand-alone chapter will give you more flexibility on how you go about regulating, enforcing, fining, and the appeal process. Commissioner Evans noted that he would be comfortable if this was part of the zoning.

Ms. Camp noted that as Commissioner Young recommended, there could be three or four new articles that can be inserted into the new code and re-adopt that all together. That should be sufficient for county reimbursement. Ms. Denne noted that the contract states that it must meet the requirements of Article 6 of the Municipal Planning Code (MPC). Ms. Camp noted that is being consistent with the purposes of what is allowed to be in the zoning code.

Ms. Camp asked the Board how they want to manage the meetings. Commissioner Young suggested having two Board Designees and bring the sections back to the Board at a public meeting and move to the next topic if everyone agrees. Commissioner Mullin asked Ms. Camp to write down the topics for them. Ms. Camp replied that she will have the list for the January 26, 2023 meeting. Commissioner Mullin asked Ms. Camp to break this down to less than four months. Ms. Camp replied that you need time to go to the Township Planning Commission, time to hold a public hearing, and the County Planning Commission review of the entire ordinance.

Commissioner Young asked Ms. Camp how the advertisement is for the public hearing. Ms. Camp replied that it is fourteen days and seven days out, two times. Commissioner Young asked Ms. Camp to provide a timeline schedule for the Board.

Mark DeYoung of 20 Beaver Run asked where the public fits in with the zoning review. Commissioner Young replied that each topic will be brought before the public.

Cheryl Spaulding 406 Lloyd Avenue asked the Board to verify the process for her. Ms. Spaulding noted that this will be extended for six months, before the six months there will be a hearing, which will be advertised for fourteen days and then again for seven days. Within the six months it will go to the Township Planning Commission and then reviewed by the Chester County Planning Commission. Ms. Camp replied, "that is correct". Ms. Camp noted that as they have a topic area, they get the chapter and the working group is happy with it, it will then be on a Board agenda for review, and the public will be invited to provide comments. Ms. Camp also noted that the chapter will be available on the township website before the Board meetings.

EMS Territory Discussion – Ms. Denne noted that she and Mr. Stackhouse sent the Board several emails on concerns and issues with EMS territories. Ms. Denne asked for Board direction on updating the resolution tonight or they can provide direction on how to update the resolution for adoption at the January 26, 2023 meeting.

Commissioner Mullin noted that the resolution currently reads that Minquas Fire Company (Minquas) covers the entire Township for Advanced Life Support (ALS) and the east side for Basic Life Support (BLS). Washington Hose Fire Company (Washington Hose), only on the west side. Commissioner Mullin also noted that the Township is split down Municipal Drive. Commissioner Mullin asked for clarification on this issue. Mr. Stackhouse replied, that by the nature on how the resolution is written, if it is Municipal Drive and towards Coatesville and an ALS call, then Washington Hose in Coatesville will be dispatched for the BLS side and Minquas or Downingtown dispatched for the ALS side. The issue since January 1, 2023 is that Coatesville is designated as an ALS capable unit and Coatesville has been recalling Downingtown's ALS, and taking the patient to the hospital.

Commissioner Young asked if this is being done improperly. Mr. Stackhouse replied that it is not how the resolution is written, however; that is the downside when you have two services that can

provide the same exact service. The issue is that since the Township designated Downingtown as the ALS unit for the entire Township, they already sent fund drive mailings out for the entire township to be the ALS unit and Downingtown has developed a policy to handle ALS calls in the Township. Mr. Stackhouse also replied that Coatesville goes to those calls and takes those patients as the initial dispatch. Taking two units out of service and taking Downingtown resources they put here to cover ALS. They are spending money on staff and resources, and they are not recouping any of that because they are not allowed to provide that service.

Commissioner Evans asked how long Minquas has been an ALS unit. EMS Chief, Andrew Steward replied "since 2005".

Commissioner Evans asked how long Washington Hose has been certified as an ALS unit. Mr. Stackhouse replied that it has been less than thirty days. Mr. Stackhouse also replied that once you are designated as an ALS unit, you are an ALS unit. By law there is a certain percentage of time you can be out of service for ALS and BLS. If you drop below that percentage, you can be put on probation by the Department of Health. Mr. Stackhouse also noted that he heard that Coatesville has been out of service on occasions for lack of staff.

Commissioner Evans asked Mr. Stackhouse what other services does Washington Hose do other than Caln Township. Mr. Stackhouse replied that they serve the City of Coatesville.

Commissioner Mullin noted that Washington Hose rents the space behind the Giant with the intention to service Caln Township. Commissioner Mullin also noted that Minquas rents behind the Thorndale Fire Station.

Commissioner Mullin called for public comment.

Cheryl Spaulding of 406 Lloyd Avenue noted that this could possibly be a legal matter. She also noted that she has to research; however, she believes that the Borough of Parkesburg just has a BLS unit.

Ordinances and Resolutions for Consideration

Request for Consideration to Adopt Resolution 2023-01 A Resolution Adopting Revisions to the 2022 Schedule of Fees for Administration and Inspections Performed by Township Staff Relating to Building Permits, Zoning Permits, Land Development, Subdivisions, Stormwater, and any Other Permit Required by the Caln Township Code – Commissioner Mullin called for Board and public comment.

Commissioner Evans noted that he would like to increase the commercial vacancy fee to \$500.00 or \$1,000.00, and hopefully this would encourage the vacant businesses to do something with their property. Mr. Stackhouse replied that he will check with the Solicitor to see if there is a limit on what the fee can be. Ms. Denne replied that the Board could adopt this resolution tonight and make an adjustment after further discussion and amend the resolution because a resolution does not have to be advertised.

Commissioner Mullin entertained a motion to adopt Resolution 2023-01 adopting revisions to the 2022 schedule of fees for administration and inspections performed by Township Staff relating to building permits, zoning permits, land development, subdivisions, stormwater, and

any other permit required by the Caln Township Code. Moved by Commissioner Young and seconded by Commissioner Evans.

The vote passed 5-0.

Request for Consideration to Adopt Resolution 2023-02 A Resolution Adopting the Annual Trash and Recycling Fees – Commissioner Mullin called for Board and public comment.

Commissioner Evans noted that the resolution states that the sewer fee will be raised \$1.00 bimonthly, in March, and the trash fee will increase \$7.00 bimonthly.

Commissioner Young noted that when he joined the Board the Township was paid \$15.00 to \$20.00 per ton and now the Township pays approximately \$15.00 per ton, however it is cheaper than the landfill fee. Commissioner Evans encouraged residents to recycle more to save on cost and to save the environment.

Mark DeYoung of 20 Beaver Run Road noted that a decision was made before residents could have input on the matter.

Commissioner Young noted that the budget set the fee, and it was approved in December 2022.

Commissioner Mullin entertained a motion to adopt Resolution 2023-02 adopting the annual trash and recycling fees. Moved by Commissioner Evans and seconded by Commissioner Tindaro.

The vote passed 5-0.

Request for Advertisement of an Ordinance Amending Chapter 141 of the Caln Code Titled, “Taxation” at Section 141-67 Titled, “Discounts; Penalties” to Comply with Act 57 of 2022 – Commissioner Mullin moved the consideration to advertise under “Township Solicitor – Ms. Camp”.

Request for Advertisement of an Ordinance Amending Chapter 149 of the Caln Code Titled, “Vehicles and Traffic”; Section 149-28 Titled, “Special Purpose Parking Zones” to Designate a Handicapped Parking Spot at 3717 Bungalow Glade – Commissioner Mullin moved the consideration to advertise under “Township Solicitor – Ms. Camp”

Finance Department

Motion to approve General Checks 49403 to 49495 – Commissioner Mullin called for Board comment. There were none.

Commissioner Mullin entertained a motion to approve general checks 49403 to 49495. Moved by Commissioner Young and seconded by Commissioner Kennedy.

The vote passed 5-0.

Minutes to Approve/Acknowledge

Request to Consider the Approval of December 22, 2022 Board of Commissioners Meeting Minutes

– Commissioner Mullin called for Board comments.

Commissioner Evans noted a change to the minutes. Commissioner Mullin noted a change to the minutes.

Commissioner Mullin entertained a motion to approve the December 22, 2022 Board of Commissioners meeting minutes with the two changes. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.

The vote passed 5-0.

Acknowledge the Planning Commission Approved Minutes

N/A

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Kennedy noted that they did not have a December 2022 meeting.

COG – Commissioner Kennedy noted that there is no report.

Municipal Authority – Commissioner Mullin noted that the Municipal Authority was notified by Pennsylvania American Water (PAWC) that their proposed sewer increase was granted on December 8, 2022. Commissioner Mullin also noted that they received a 50% increase to \$14.50 per 1,000 gallons of sewage. It may cost the Township an additional \$300,000.00 per year.

Commissioner Mullin noted that Resolution 2022-07 establishing the sewer rates was adopted at the December meeting. The I&I program is nearing the end, and at their December meeting the 2023 Interceptor Phase 5 had a base bid awarded, in the amount of \$158,493.00.

DARA – Commissioner Mullin noted that they are still hoping for future expansion. Commissioner Mullin also noted that all the Municipalities are continuing to finalize their Act 527 plan. Caln Township's has been completed.

Commissioner Mullin noted that they are working on their 42-inch segment of the Downingtown Inceptor that runs through Downingtown. They are noticing a reduction in their flow. Commissioner Mullin also noted that they adopted their 2023 budget at their December meeting.

Fire Board – Commissioner Mullin noted that they met on December 8, 2022. Their 2022 audit has not been completed, and they were disappointed with no increase in the fire budget.

Historical Commission – The Historical Commission last met on Wednesday December 21, 2022 and had a quorum of members as well as a few guests both in-person and on zoom.

We heard from all our sub-committees, and reviewed comments and suggestions received from the November 12, 2022 Spackman-Davis Farm event. We also reviewed our final budget report, and minor changes made to the Historic Resource document.

We mainly focused on a review of our activities and accomplishments in 2022, as well as goals we fell short of. Parameters were set for drafting our 2022 annual report to the BOC, which we should submit to them by the end of January.

We also discussed our invitation to apply for the 2023 Chester County Planning Commission and Chester County Historical Preservation Network Walking Tours Program. We agreed to ask for BOC approval to apply. Since the deadline to apply is before our next meeting we approved a draft to submit, pending BOC approval.

Our next scheduled meeting will be next Wednesday January 18, 2023. The meetings are hybrid, so you can join us right here live, or from home on Zoom.

Commissioner Evans noted that they are doing big things and accomplishing big things that need lots of help. Consider joining the Historical Commission to make our past a real part of our future.

Commissioner Tindaro noted that there will be a golf course meeting on January 23, 2023 at 5:30 PM at the golf course.

Cheryl Spaulding of 406 Lloyd Avenue asked for the income and expenses for September, October, November, December, and year end. Ms. Denne replied that she will need to fill out a Right to Know Request.

Lincoln Highway – Commissioner Young noted that their goal for 2023 is to reconstruct the committee and since LERTA is approved they are ready to include LERTA on all their applications.

Additional Business

Request to Consider Reappointment of Cathy Callaghan to the Historical Commission for a 2023-2027 Term –

Request to Consider Reappointment of George Chambers to the Municipal Authority for a 2023-2027 Term –

Request to Consider Reappointment of Michael Irwin to the Planning Commission for a 2023-2026 Term –

Request to Consider Reappointment of William Schew to the Planning Commission for a 2023-2026 Term –

Request to Consider Reappointment of Stephen DePedro to the Zoning Hearing Board for a 2023-2025 Term –

Commissioner Mullin called for Board and public comment.

Commissioner Evans asked Mr. Stackhouse if the Planning Commission and Zoning Hearing Board members requested reappointment. Mr. Stackhouse replied that the members requested reappointment and are committed and would like to be reappointed.

Commissioner Evans noted that Ms. Callaghan asked to be reappointed and was recommended for reappointment at an Historical Meeting.

Commissioner Mullin noted that George Chambers was recommended for reappointment at their Municipal Authority meeting.

Commissioner Evans noted that there are several applications that were submitted to the Township, and he would like to get those interviews scheduled. Commissioner Mullin asked Ms. Denne to recirculate those applications to the Board.

Commissioner Mullin entertained a motion to reappoint the presented five names for reappointment. Moved by Commissioner Young and seconded by Evans.

The vote passed 5-0.

Historic Town Tours-Farms and Agriculture – Commissioner Evans noted that they would like to be part of the Chester County Planning Commission and the Chester County Historic Preservation Network’s 29th Historic Town Tours. This will bring attention to the Township’s rich history and attract visitors.

Acceptance of Resignation from Probationary Patrol Officer Montgomery Effective January 5, 2023 – **Commissioner Mullin entertained a motion to accept the resignation from probationary Patrol Officer Montgomery effective January 5, 2023. Moved by Commissioner Young and seconded by Commissioner Tindaro.**

The vote passed 5-0.

Public Comments

Commissioner Evans noted that there were seventeen people on Zoom tonight.

Adjournment – **Commissioner Mullin called to adjourn the January 12, 2023 Board of Commissioners meeting at 9:20 PM. Moved by Commissioner Tindaro and seconded by Commissioner Evans.**

The vote passed 5-0.

Respectfully submitted,

Denise Miller,
Assist. Township Secretary