

Caln Township Board of Commissioners
253 Municipal Drive Thorndale, PA 19372
May 13, 2021 Minutes
7:30 PM

Attendance: Paul Mullin-President, Jane Kennedy-Vice President, Joshua Young-Commissioner, Lorraine Tindaro-Commissioner, Mark Evans-Commissioner, Kristen Denne-Township Manager/Secretary, Denise Miller-Assistant Township Secretary, Lisa Swan-Finance Director, Bryan Kulakowsky-Township Engineer (Absent), and Kristin Camp-Township Solicitor.

Commissioner Mullin called the virtual Zoom meeting to order at 7:30 PM. He then called for the Pledge of Allegiance to the Flag.

Commissioner Evans' Township Update

Welcome everyone, thank you for joining us. Our meetings are "Neutral Ground", a place to hear and be heard. Just a reminder that we need to all keep our comments civil and non-judgmental, whether addressing Board Members, Township Employees, or our fellow citizens. We're all in this together.

1. When we think of a Highway we tend to picture a high-speed expressway. However, the word "Highway" traces back to a Roman term that meant "an elevated road"; more recently and most commonly from the old English word heahweg, meaning "main road from one town to another". You may have noticed that there is no mention in there of "Highspeed". Please keep that in mind while travelling on Lincoln Highway. It's not a speedway, it's simply the main road from one town to another. Families live along Lincoln Highway. Slow down, please.
2. Our Municipal Primary elections are next Tuesday May 18, 2021. Even though this election is on an "off-year", your vote is so important. Only those registered as Democrat or Republican can vote for candidates, but EVERY REGISTERED VOTER can vote on the Ballot Questions. If you're registered to vote, and don't know where your polling location is, please visit CalnTownship.org. Don't miss your chanced to be heard – VOTE!
3. Tomorrow is National Barbeque Day, which is a great excuse to fire up those grills this weekend, and with major holidays like Memorial Day and July 4th rapidly approaching, a quick reminder that Caln instituted a new Fireworks Ordinance last year. Be a good neighbor and follow it.
4. While you're busy being a good neighbor, please consider joining one of our Commissions. It's the best way to be a part of your Township.
5. We've come a long way baby! Think where we were just a year ago, and take this in: The CDC announced today that fully vaccinated people no longer need to wear masks or physically distance during outdoor or indoor activities, large or small. This guidance does not apply to places like healthcare settings like doctor's offices and hospitals; transportation hubs like airports and train stations, nursing homes, correctional facilities, and homeless shelters.

The fully vaccinated should continue to wear a mask where required by federal and local officials, individual businesses and workplaces, as well as while traveling by plane, bus, or train.

Here in PA most restrictions remain in place until Monday May 17, 2021 when indoor capacity limits will go from 25% to 50%, and May 31, 2021 when all restrictions will be lifted except mask wearing. That restriction will expire once we reach the threshold of 70% fully vaccinated, and 53% of Pennsylvanians are now fully vaccinated. We're so close...

If you haven't yet received your vaccine, the vaccines are safe and effective, and now available for free at most local pharmacies without an appointment. Do your part and take a shot.

JUST THE NUMBERS:

In Caln, on April 29, 2021 we had 1,144 cases, we now have 1,176. That's a 3% increase, down from the average 4% increase we were seeing consistently. We again lost another one of our neighbors to COVID-19 "COVID". Our Caln death toll now stands at 35. Caln has the 5th highest number of cases in the county and 6th highest number of deaths.

Since April 29, 2021 Chester County has added 1,068 new positives and there were an additional 16 deaths, bringing the total to 785 Chester County lives lost to COVID.

Citizens to be Heard

Commissioner Mullin called for Citizens to be heard. There were none.

Township Solicitor – Ms. Camp

The Reserve at Bailey Station "Walking Trail" – Ms. Camp noted that Vicki Kushto who represents the Reserve at Bailey Station "Reserve" sent correspondence in March of 2020 to the Township indicating that they would like to have a conversation about the requirements that were imposed in the Conditional Use Decision, Land Development Plan, and their HOA "Association" Declaration, concerning the maintenance of their trail system throughout their development.

Ms. Camp noted that she sent a memo to the Board in January and the Board asked her to go back to the "Reserve" through their lawyer, and request additional details concerning where the trails were actually built, and some of the locations of where the trails were not fully put in or may be not on the property owned by their Association.

Ms. Camp noted that the Board has no obligation to make a decision tonight. They should think about it, and take it under advisement.

Ms. Kushto presented a power point presentation on the existing condition of the trail. She noted that when the development was originally constructed, the Developer constructed a path through the woods surrounding the community and called it a "walking trail". Since the community was turned over to the Association, they have continued to have the path cleared four times per year, keeping it in the same condition as it was cleared by the Developer. The trail is in a completely natural state,

and you have to carefully navigate exposed tree roots, rocks, tree stumps, and steep slopes. There is also a portion of the path, approximately 400 feet along the southern boundary of the community that is located on the property of three different third parties.

Ms. Kushto noted that some of the trees on the southern border are in the back of one of the homes. Ms. Camp asked if these lots own their backyards or are the backyards common elements. Ms. Kushto noted that they own their backyards however, they are subject to an easement for the trail. Ms. Camp asked if the tree is the boundary line between their backyards, and the land owned by the Association. Ms. Kushto replied “no”. There is no Association land over here.

Ms. Kushto noted that this is part of the trail that is located in Brinton Station, which is a neighboring development, located in another township.

Ms. Kushto noted that the path is very difficult to navigate, and is not accessible by all people especially those who are handicapped and/or wheelchair bound. She also noted that the condition of the path is in conflict of their community’s declaration, which requires that the trail be safe for pedestrian passage. In contrast, the community has sidewalks along the road that are accessible and provide a safe way for residents to circulate within the community. Because the path is considered an amenity, its existence is required to be disclosed to all new, and potential purchases of homes within the community.

Ms. Kushto noted that they have had prior owners who threatened to sue the Association to require that a safe, walkable trail be constructed. One of the issues raised, was what impact would the abandoning of the trail have on the neighboring communities of the Mews, and the Crossing at Bailey Station. Although these three developments were developed together, they are three separate communities, with three separate sets of governing documents, and three separate boards.

Ms. Kushto noted that abandonment of the path within the Reserve would not require the removal of the path in either of the neighboring communities. In addition it does not prevent access between the communities as the sidewalk systems are completely interconnected. She noted that the Association received an estimate of approximately \$300,000 to install the path in the correct location along the southern border, and an assessment would occur for the entire community to pay for the installation.

Commissioner Mullin asked Ms. Kushto if the \$300,000 estimate is for the retaining wall on the three properties along where the trail is on the wrong side of the trees. Ms. Kushto noted that it would be for cutting into the slopes, regrading everything, removing the trees, stabilizing, and retaining walls. Ms. Camp asked Ms. Kushto if this is for the 400 foot stretch that she previously mentioned. Ms. Kushto noted that it is, and presented a tax parcel map of the location. Ms. Kushto also noted that there will be six to seven homes impacted for where this trail would be.

Ms. Kushto noted that they are asking for the removal of the references to the trail from their declaration so it no longer needs to be disclosed to potential owners, and to confirm that in the future the Association would not be required to install the trail in this back portion. Approval is required from the Township because the trail is considered a public improvement. She noted that an amendment to the declaration would be needed if the Township approved this request.

Commissioner Tindaro asked Ms. Kushto if Brinton Station has any current or past claims against the Association. Ms. Kushto noted that they have no current claims, and she is not aware of any past claims against them.

Commissioner Evans asked Ms. Kushto if anyone has spoken to Brinton Station's Association or residents to find out if they mind that the trail is on their land or if they would like to partner with the Reserve in maintaining the trail how it is now. Ms. Kushto noted that they have not because their first step was to go before the Township to see what their options are.

Commissioner Young noted that the trail was difficult to walk, and it is not really a walking trail. He also noted that there is a massive hill where the gas line is.

Commissioner Mullin had concern that people could still utilize the trail even if it was shut down and not maintained four times per year. He was concerned that people could get hurt.

Commissioner Kennedy asked if the Township could override the Association decision. Ms. Camp noted that when this was planned out, it was not intended to be a substantial trail system like Struble Trail. The topography of this land does not allow for that. It was intended to be sort of a vigorous hike through the woods. It was to compliment and supplement the sidewalk network throughout the streets. Ms. Camp also noted that the way the declaration was written, and the fact that the trail was required as part of its zoning and land development approval, it puts the Township in a power of saying "yes, you can modify it". The declaration specifically requires the Township to consent to making a modification for what the Association's responsibilities are, with respect to this trail.

Ms. Camp asked Ms. Kushto if there has been a vote taken with the Association Members yet, because there has to be an affirmative vote of 67% in order to amend the declaration. Ms. Kushto noted that there has not been a vote taken yet because she wanted to see what the Township would accept, and what they would not accept.

Ms. Kushto noted that they are not going to actively erase the trail, plant anything on it, or let things go. They are trying to make it where they do not have an obligation to install the trail in the future where it doesn't currently exist because of the expense that it would cost, to not have to give it as a selling point, and to cut down on the maintenance responsibility that they have. Ms. Camp noted that no one from the Township has gone to the Association and threatened any enforcement action to make them install it or clear it better. Ms. Kushto agreed that the Township has never said this to the Association, however, their documents state that they have to disclose it in their disclosure statements to potential purchasers.

Commissioner Evans asked Ms. Kushto if anyone was financially compensated for the easements that are there. Ms. Kushto noted that the Association's property and those owners' properties were not. They were there when the homeowners bought their properties, subject to those easements. Ms. Kushto also noted that some of the homeowners have asked to have their easements extinguished. She told them that the Association cannot legally do that.

Commissioner Mullin asked Mrs. Camp if they could get an easement in the section to the right of the trees, in East Fallowfield Township. Ms. Camp noted that they could request it. If they are granted the right to use that property, it doesn't matter that it is in East Fallowfield Township. Ms. Camp noted that it is different than what was intended on the plans, however, they would be permitted to get that easement.

Commissioner Tindaro asked Ms. Kushto what exposure they would have if they continue to maintain to current conditions and work with Brinton Station to keep the current conditions, not moving the southern 400 foot portion, and keeping status quo, mostly as a "nature trail". Ms. Kushto noted that their exposure would be similar to what they have now, however, there are third party individual property owners that would have to disclose this to their insurance, and obtain additional coverage. They could also ask for compensation of the increased coverage now that they are recognizing that the trail is on their property.

Commissioner Young noted it is confusing to tell where the path actually is because when you exit the path it looks like you can go straight across through someone's yard to get to the trail again. He also noted that there is no easement, and the property owner gets upset with people passing through her property.

Commissioner Tindaro asked Ms. Kushto if there was any thought on putting signs up to lead people through the trail. Commissioner Young noted that there are wood markers that face away from you when you're walking.

Ms. Kushto invited the Board to walk the trail with her or by themselves.

Ms. Kushto noted that her phone number at Clemons Richter and Reiss is 215-348-1776.

Lynn Quinn of 3033 Honeymead Road noted that she has lived there for sixteen years, and only has seen several people walking the trail. She also noted that it was not a positive experience.

Lynn Rijken of 2916 Honeymead Road noted that her Realtor told her there was a great walking trail. She also noted that each homeowner would be assessed \$4,000 in order to get easements from Brinton Station.

Joe Delco of 3033 Honeymead Road noted that the \$4,000 assessment would stray away potential buyers.

Tony DiSario of 251 Loomis Avenue asked how to get to the Reserves trail. Ms. Denne and Commissioner Young noted that you can enter from the Township Building, the Municipal Park, and G.O. Carlson Boulevard. Mr. DiSario asked if you could park at Meadow Lake Apartments. Commissioner Young noted that you cannot because the parking is reserved for their residents.

Township Engineer – Mr. Kulakowsky

N/A

Township Manager – Ms. Denne

DCED Grant for the Beaver Creek Trail – For Board consideration, Ms. Denne offered Resolution 2021-20 for the Beaver Creek Trail. She noted that this grant is for \$250,000 with a \$50,000 match that would not be due until 2022.

Resolution 2021-20 – A Resolution authorizing the Township Manager and the President of the Board of Commissioners to apply for and sign all documents necessary for funding through the PA DCED to obtain funds for the Beaver Creek Trail –

Commissioner Mullin entertained a motion authorizing the Township Manager and the President of the Board of Commissioners to apply for and sign all documents necessary for funding through the PA DCED, to obtain funds for the Beaver Creek Trail. Moved by Commissioner Young and seconded by Commissioner Evans.

Commissioner Mullin called for Board and resident comments.

Tony DiSario of 251 Loomis Avenue asked what fund the \$50,000 match will come from. Ms. Denne noted that it will be budgeted from the General Fund.

Vote passed 5-0.

Township Representative Appointment to the Chester County Solid Waste Advisory Committee – Ms. Denne noted that there is an open appointment for the Township due to the passing of former Commissioner Contento. Ms. Denne also noted that this appointment does not have to be a member of the Board. It can be a resident who has an interest in solid waste and recycling.

Commissioner Mullin asked if there are any requirements for this appointment. Ms. Denne noted that they may meet monthly however, she will verify that.

Zoning Hearing Board Application – Ms. Denne noted that the Township has received an application for the Zoning Hearing Board. She noted that they are seeking more applications on this Board.

Commissioner Young noted that the Parks and Recreation Committee also needs a few new members.

Ordinances and Resolutions for Consideration

Resolution 2021-20 – A Resolution authorizing the Township Manager and the President of the Board of Commissioners to apply for and sign all documents necessary for funding through the PA DCED to obtain funds for the Beaver Creek Trail – Approved under Township Manager – Ms. Denne.

Resolution 2021-03 A Resolution Designating the 2021 Response Territories for Emergency Service in Caln Township (TABLED 01/28/2021) – Commissioner Mullin noted that Resolution 2021-03 will continue to be tabled.

Minutes to Approve

Motion to Approve the April 29, 2021 Board of Commissioners Minutes – Commissioner Mullin entertained a motion to approve the April 29, 2021 Board of Commissioners minutes. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.

Commissioner Mullin called for Board comment.

Commissioner Young noted on page nine, “Commissioner DeYoung” needs to be changed to “Mr. DeYoung”.

Vote passed 5-0.

Acknowledgement of Planning Commission Minutes

Board Acknowledgement of the receipt of the December 15, 2020 Planning Commission Minutes – Commissioner Mullin entertained a motion acknowledging the receipt of the December 15, 2020 Planning Commission Minutes. Moved by Commissioner Tindaro and second by Commissioner Kennedy. Vote passed 5-0.

Finance Department

Motion of approval for General Checks 46444 to 46517 – Commissioner Mullin entertained a motion to approve general checks 46444 to 46517. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.

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

Vote passed 5-0.

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Young noted that they did not meet in April. They will meet next month on how they will move forward with the CDC guidelines on meetings and discuss holding events.

Commissioner Mullin asked Commissioner Young how their meetings are going to be held. Commissioner Young noted that the CDC is saying it's ok to not wear masks in small groups, and wear them in large groups.

Ms. Denne noted that you still need to wear a mask and social distance if you may come into contact with someone who is not vaccinated or you don't know if they are.

COG – Commissioner Kennedy noted several discussions held at their April meeting.

- Discussion on Municipal in person meetings
- Discussion on a rescue for animals
- Presentation by PAWC regarding water rate increase
- Presentation by PennDot regarding their project sharing program

Municipal Authority “Authority” – Commissioner Mullin gave a brief update.

Municipal Pump Station – Commissioner Mullin noted that the Authority closed out Garden Spot Electric, and authorized their final payment. The two remaining Contractors are working on their punch list items.

2021 I&I Program– Commissioner Mullin noted that the Phase 3 Caln Interceptor repair contract, was awarded to Equix Integrity, in the amount of \$195,418.56. Work is anticipated to begin shortly.

Villages at Hillview – Commissioner Mullin noted that the Authority approved the Installation and Maintenance Agreement for a temporary pump operation contingent that the Developer finished installing and testing certain sections of the gravity sewer and force main, and receipt of the required escrow check for the temporary pumping operation.

DARA Expansion – Commissioner Mullin noted that Gilmore and Associates was awarded a “not to exceed” amount of \$14,915.00, for the update of the Townships current Act 537 Plan on the potential for additional wastewater treatment capacity, at the DARA plant.

Taco Bell – Commissioner Mullin noted that the Contractor has completed the installation of the new duplex grinder system and it is up and running. A punch list was issued to the Developer by the Authority’s Engineer on May 7, 2021.

DARA – No update provided.

Fire Board – Commissioner Young noted a meeting to be held next week.

Historical Commission – Commissioner Tindaro noted discussions from their April meeting,

- Historical Preservation presentation
- Gardner Beale House project video
- New GIS maps available to Caln
- Made record request to the VA for historic preservation documents
- Baker property to preserve as potential park
- Support letters mailed to Katie Muth and Representative Williams

Commissioner Evans noted that he gave a presentation at the meeting that was created from presentations given from other townships at the Chester County Historic Preservation luncheon, a few weeks ago. The most important take away was that we need a better historic preservation ordinance.

Commissioner Evans noted that the Historical Commission is not going to approach the owners of the Baker-Smith property. They are asking that the Township approach them about preserving the spring house.

Commissioner Evans noted that they adopted the motto “Historic Caln – Where it all began”. He noted that they will bring it before the Board of Commissioners for adoption consideration.

Commissioner Evans noted that he will reach out to Commissioner Kennedy regarding “Juneteenth”.

Commissioner Evans noted that the Bailey/Pyle house is owned by Brandywine Hospital. He noted they discussed the possibility of the hospital foundation using it as office space.

Commissioner Evans clarified that the new GIS maps are not available to Caln, but are available as part of membership in PA Share, which the Historical Commission is considering Pro-level annual membership.

Commissioner Evans noted that the Historical Commission has not contacted the VA regarding maps, photos and other things of Historical significance, but are in the process of drafting a new letter of request (the letter we had drafted was before the buildings were torn down).

Lincoln Highway – Commissioner Young noted that he contacted Coatesville Area School District Superintendent, Tomas Hanna regarding starting LERTA again.

Additional Business

Commissioner Tindaro noted that it is National Police week, and we should thank Chief Elias, and his Officers.

Public Comments

Dawn Coughlan of 4019 Edges Mill Road. Ms. Coughlan is the President of the Historical Commission and member of the Old Historic Society Board. Ms. Coughlan noted that she submitted and received a Right-to-Know request for the stormwater/grading permit for 4060 Edges Mill Road. Ms. Coughlan is concerned with the impact this could have to the Jennings property. She requested that the Board walk this property with her. Commissioner Mullin noted that he will walk it with her and ask Mr. Stackhouse to join them. Commissioner Tindaro, Evans, and Kennedy noted that they would also like to join them. Ms. Denne noted that they have to get the new owner’s permission before they enter the property because it is private property.

Micki McAllister of 2519 Grandview Road noted to preserve the quality of life for those who live there. Ms. McAllister also noted that Regal Builders has taken down tons of trees along the bypass.

Paul Stevens of 2116 East Kings Highway noted that the Historic Commission is looking to encourage a stronger historic preservation ordinance and zoning requirements that we would actually have the ability to have people who are interested in the preservation of our historic resources within the community look at these development plans at this early stage and be able to comment and work with homeowners to get better solutions for both the resources within the community and the homeowners as well.

Commissioner Evans noted that at the CCHPN luncheon he learned that most Townships that want to preserve their history have a member of their Historic Commission on their Planning Commission, and Caln Township does not have this.

Adjournment

Commissioner Mullin entertained a motion to adjourn the May 13, 2021 meeting at 9:05 PM. Moved by Commissioner Evans and seconded by Commissioner Tindaro. Vote passed 5-0.

Respectfully Submitted by,

Denise Miller
Assistant Township Secretary