

Caln Township Board of Commissioners  
253 Municipal Drive Thorndale, PA 19372  
June 10, 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, and Kristin Camp-Township Solicitor.

Commissioner Mullin called the virtual Zoom meeting to order at 7:41 PM. He then called for the Pledge of Allegiance to the Flag.

Commissioner Mullin noted that there was an Executive Session at 6:30 PM, regarding legal matters. He also noted that tonight's meeting is being recorded.

Also in attendance were: Representing 3025 Lincoln Highway/Lomax: Attorney-Lou Colagreco, Carlton Smith-Project Manager, and Ryan Whitmore-Civil Engineer. Representing the Hills at Thorndale Woods: Tim Townes, Southdown Properties.

**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.

Our most urgent concerns this week are Tuesday's storm.

Thank you to Ray Stackhouse for dealing quickly and effectively with the Taco Bell overnight noise issues. The Township has not received any complaints since Mr. Stackhouse last had contact with them.

Our Township Manager, Kristen Denne met with Haverford last week. They are preparing a quote to convert the Township board room into a "Zoom Room", with full audio and visual capabilities. This expense will be eligible for federal COVID-19 ("COVID") funding. This will take eight weeks to complete.

Please remember that Lincoln Highway is not a speedway. When it is not under water, it is just a road. Families and children are living there. Please slow down.

Please consider joining one of our Commissions. They are the best way to be a part of your Township. There is a lot we need to get done, and we could use all the help.

Pennsylvania is now fully reopened. Thank you to everyone in Caln who sacrificed to help get us to this point.

To date, Chester County has achieved 70% of people with first vaccinations, and 41% are fully vaccinated. Until both numbers are at 70%, we will remain at the medium risk level. We are not there yet.

Those fully vaccinated no longer need to wear a mask or physical distance during indoor and outdoor small or large activities, however, you should continue to wear a mask where required by federal and local officials, respect the wishes of individual businesses and work places or when traveling by plane, bus or train. The steep decline in COVID cases tells us that the vaccines are effective and safe.

You can be vaccinated at most pharmacies without an appointment if you haven't received yours yet.

### JUST THE NUMBERS

In Caln, on May 26, 2021 we had 1,213 cases, we now have 1,243 cases. We are heartbroken that we lost another neighbor to COVID. Our death toll now is 38. The county has added 150 cases over the last two weeks. 150 cases is close to what the daily average was for a very long time. Caln has the fourth highest number of deaths in the county and the fourth number of highest deaths.

We like to thank all of our Municipal Staff and Emergency Workers for their incredible work and sacrifices during and after this week's mega storm, and flash floods. They worked well past midnight on Tuesday to save lives and be sure our roads were ready for the morning. They continue to work extended hours to get through the aftermath. I'm always astounded as to how committed and effective our crews are.

We don't need to tell any of you how brutal Tuesday's storm was on you and infrastructure. The amount of flooding we experienced was a painful reminder that stormwater management is a huge issue that needs to be addressed. It is bigger than Caln Township. This is a county wide issue. In addition to the damage to our roads, one family was displaced, one family has been assisted by the American Red Cross, and one family had water throughout their first floor. At his point, they do not need additional assistance. There were numerous rescues from cars.

We received this question from a concerned citizen. We broke it into two parts.

Part 1: Have any County Officials, Representatives or the likes visited the Township, walked through neighborhoods, viewed bridges or spoke to residents about the damage that occurred.

Answer: Mr. Stackhouse has met with the County Emergency Management Staff, and provided them with storm damage data, residential dwellings know to have damage, debris, cleanup locations, etc. This will assist with the overall county hazard mitigation plan. He is also assembling documentation

on all the damage and mitigation efforts needed for the public agency systems such as PennDot and Amtrak.

The G.O. Carlson at Valley Run Bridge and Municipal Drive at Valley Run Bridge have been identified as requiring post flood inspection, which will be done as soon as possible.

Part 2: What is pro-actively being done to remedy drainage? Are we thinking outside the box in deterring so much flooding?

Answer: With climate change advancing, the sad fact is that creeks and rivers will continue to rise and floods will only get worse. The more land that is covered by impervious surfaces and the more trees removed, the more we will have.

We wish we had all the answers for you tonight unfortunately, we do not but we plan to find some answers hopefully before something like this happens again. The fix could cost billions and Caln Township cannot do this alone.

State Representative, Dan Williams has been touring the hardest hit areas. We are reaching out to him, Senator Katie Muth, and Officials at the County level so this can be addressed legislatively.

For example, we could dredge our creeks to keep the level a little down but the creeks also run through Downingtown, so without Downingtown doing the same, our efforts and dollars would be wasted. We need a county wide study done to understand what needs to be done, what we would like to be done, and what actually can be done. It is a big issue, our eyes are clearly on.

### **Citizens to be Heard**

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

### **Presentation: Redevelopment Plan for 3205 Lincoln Highway, former Kmart Site**

Mr. Whitmore presented the overall site development plan for 3205 Lincoln Highway. Mr. Colagreco gave an overview of Phase I and II.

Phase I – Aldi will be occupying the corner of the building and Lomax Carpet and Tile Mart (“Lomax”) will be occupying the balance of the Building. There will be very little building exterior work, with some loading dock work in the back. He also noted that it is simply a building fit-out of an existing building, and will not require land development approval.

Phase II – Mr. Colagreco noted that they will be seeking land development approval for a couple of pad sites in the front. A Chipotle, and the other pad site is yet to be identified, however, it is a national restaurant, with a drive-thru. He noted that by the time they get to their hearing, he is fairly confident that they will announce the tenant.

Mr. Colagreco noted that this building is essentially a 105,000 square foot vacant super store, with an asphalt field in front of it. There will obviously be a beautification of the site in addition to a beautification, I think, of the building. He also noted that they are scheduled to be at the July 20,

2021 Township Planning Commission meeting, and a conditional use hearing at the Board meeting at the end of July.

Commissioner Mullin called for Board comment.

Commissioner Young noted that he does not have any questions however, he does have statements. Commissioner Young noted that he does not like the look of it, there is not enough brick, it is not what he wants to see there, and there are not sidewalks along Lincoln Highway that he can see from the preliminary plan. He also noted that the only redeeming quality is that it is not a vacant building. Mr. Colagreco noted that the sidewalk detail is not fully shown on this plan but it will be constructed however, not along Lincoln Highway. He also noted that there will be an interior sidewalk, and it will hook-up to the adjacent sidewalk.

Commissioner Young noted that he will not be voting for anything to remove Lincoln Highway sidewalks. Mr. Colagreco noted that there will not be a sidewalk on Lincoln Highway. It is physically impossible to construct. Commissioner Young noted that it is not physically impossible to do it. It is because you do not want to do it. Mr. Colagreco noted that, this is your opinion.

Commissioner Young noted that you could build a retaining wall and hold up sidewalks. Correct? Mr. Colagreco noted that when the cost of the site development exceeds the plan, you could just leave it as a Lomax, and be done with it. Commissioner Young “so it’s not impossible”? Mr. Colagreco noted that it is fiscally and feasibility not possible. Commissioner Young noted that he will not be voting for that. I won’t be voting for anything that does not have more brick in it, and I don’t like the fact that there are more drive-thrus. He noted that they are looking for sit down family restaurants. They have enough drive-thrus.

Commissioner Young noted that this is his opinion and he is one vote however, this is not at all what they are looking for, and this is not what the Lincoln Highway Committee has worked on for years.

Commissioner Evans noted that he knows that Mr. Colagreco is the Attorney however, is Ryan Whitmore the Client. Mr. Colagreco noted that Ryan Whitmore is the Civil Engineer, and Carlton Smith is the Project Manager representing the Client. Commissioner Evans asked if Mr. Smith is with Lomax? Mr. Colagreco “yes”.

Commissioner Evans noted that he loves Chipotle but aside from that, his job is to protect the residents, township, and future.

Commissioner Evans asked Mr. Smith to correct him if he is wrong but he believes Lomax is affiliated with Airbase Carpet and Tile Mart (“Airbase”), out of New Castle Delaware. Mr. Smith noted they are one and the same company, and if you go to their link it will give you the history of the company. They have been around for about 100 years. Commissioner Evans noted that he has read the history of the company, and thanks Mr. Smith.

Commissioner Evans noted that the Better Business Bureau lists Airbase and Lomax as having earned an “F” rating. Neither are accredited by the Better Business Bureau, and that is after 55 years of business so that can’t be growing pains.

Commissioner Evans asked Mr. Smith what makes him think that a business with an “F” rating from the Better Business Bureau would be good for this township. Mr. Smith noted that he would ask that the Township take a look at their stores. Go to Montgomeryville and Pottstown. They also just opened one in Mays Landing. He also noted that he can’t speak for the Better Business Bureau. I don’t know how many it takes in complaint in reference to flooring installations. That is not my expertise. I know that there are many consumers and many communities that enjoy having them as a tenant. Commissioner Evans noted that he doesn’t questions that, he was just saying that the entire organization has an “F” rating from the Better Business Bureau.

Commissioner Evans asked Mr. Smith if he was involved in a potential partnership with Mercer Management who presented to the Board of Commissioners on September 5, 2020, the ones with the carwash. Mr. Smith “yes”. Commissioner Evans asked if he was there. Mr. Smith “yes”. Commissioner Evans noted “so you are aware that members of the Board told Mercer Management that they thought he had a very good project and business however, we view that particular location with its size and proximity to the train station as the crown jewel of our future and envision, much grander things such as large mixed use residential and retail development.” Mr. Smith noted that he heard what I believe you had said, those are your comments, yes. Commissioner Evans noted that they were his, and Commissioner Young might have said that as well.

Commissioner Evans asked Mr. Smith if he is familiar with the 2017 Comprehensive Plan for Caln. Mr. Smith noted that Mr. Colagreco is aware, and he is engaged to handle that so he would be the one to address that. Commissioner Evans noted that he wants to let Mr. Smith know that the Comprehensive Plan recommends that 3205 Lincoln Highway be rezoned for mixed residential. Commissioner Evans also noted that the Township is spending a fortune on the zoning update. The Zoning Task Force has been looking at that property, and envisions a beautiful mixed use residential, with nice retail on the first floor. Something that could really help our township grow. Should we just throw that all in the trash because that is one of the biggest things we have been working on was changing that zoning.

Commissioner Evans asked Mr. Smith if Aldi has signed on already. Mr. Smith replied “yes”.

Commissioner Evans asked Mr. Smith if he can tell him how many Aldi’s are within 10 miles of 3205 Lincoln Highway. Mr. Smith noted that he cannot tell him how many Aldi’s are within 10 miles. Commissioner Evans noted that there is one less than 9 miles to the east, and another one 7 miles to the west, in Coatesville. Commissioner Evans noted that it is a lot of Aldi’s for generally a 20 mile radius, and to him there is a good chance that Aldi might fail. Mr. Smith noted that he represents one supermarket for forty years, and has done ninety supermarket deals. I can tell you without any questions that a supermarket radius from one to another is 3 miles, and Shop Rite is 5-7 miles so when you make a comment like that, it is not a factual comment. Commissioner Evans asked if Mr. Smith was imply that the mileage numbers quoted were not factual, because they indeed were. Mr. Smith replied that your comment was that there are so many Aldi’s around here that this one might go out of business because you have one 8 miles away, and one 7 miles away, and I’m telling you that supermarkets position themselves within 3 miles so at 8 miles, they are triple the distance of a 55,000 supermarket. That is factual.

Commissioner Evans thanked Mr. Smith.

Commissioner Evans noted to take a look around at the Boroughs and Townships with train stations along Lincoln Highway. Wayne, Paoli, Ardmore, and Downingtown, the successful Townships, those with suburban town centers. What's adjacent to their train stations? Here's a clue. It's not a Carpet Mart. Facts are facts and facts are that to our east Downingtown is building a new rail station and suburban center that will attract big dollar retail and residential interests. To our west, Coatesville is in a midst of a major transformation with the planned resumption of rail service, major investments in the arts and education, and the redevelopment and rehabilitation of empty business and vacant factories that promises to bring new life to the city, and in between them, Caln languishes. Save for a couple outliers, the Caln Township stretch of Lincoln Highway is a wasteland of used car lots, empty strip malls, and auto repair shops. 3205 Lincoln Highway is our only hope of ever competing with them. With its proximity to the Thorndale train station, and sheer size of the property, it is the only viable location for a successful town center, our only chance to rise up out of the shadows. If you move forward with your plan, and I appreciate you put time in this and you believe in this, your plan will kill all hope for Caln to be anything other than the wasteland between two thriving towns, and that will be it. By not taking any of that into consideration, it seems clear to me that you have no interest in the future of Caln, you're only interested in your bottom line. A point that is empathized by an "F" rating by the Better Business Bureau. The quick dollars are more important than long term satisfaction. That is not the type of investment we need to bring to Caln, our residents deserve better. You planned nothing to help us achieve a vision of what Caln can be. A vision that starts with bringing Lincoln Highway to life. Mr. Smith, I hope that you really think about that when you think about your next step. You're killing a township, and I know you don't believe that but that is from my perspective. I thank you for your time. Mr. Smith thanked Mr. Evans for his comments.

Commissioner Mullin called for public comments.

Mark DeYoung of 20 Beaver Run Road – Mr. DeYoung noted that he agrees with the brick and sidewalks. He also does not think this lot is big enough to build something like Main Street in Exton. Mr. DeYoung chastised two Commissioners for peppering Mr. Smith, with questions.

Commissioner Young noted that Downingtown is building a new town center at Boot Road and 322. They tore down the mill, and are building a new town center around their train station. Mr. DeYoung noted that he is aware of this.

Licia Carini of 103 Ayerwood Drive – Ms. Carini noted that she is insulted by Mr. DeYoung, and the Developer not understanding what Caln Township wants. She also noted that she is opposed to an Aldi in Caln Township.

Marc Fox of 256 Thornridge Drive – Mr. Fox noted that he agrees with most of the statements here however, he does not believe that agriculture plays a factor anymore. There has to be something here to have high paying jobs to generate young people. We will have high taxes without generating revenue. He also noted that he does not approve of this plan.

Denise Graf 2821 Westerham Road – Ms. Graf noted that it would be great if this lot could be a town center however, it is not big enough. The township needs businesses to generate taxes. She also noted that the township can't turn away businesses that want to come here. She agrees with the

brick. Commissioner Young noted that this lot is currently generating revenue because it is property based however, there is local services revenue loss because there are no employees.

Pat Wakefield of 165 Appledore Drive – Ms. Wakefield noted that she opposes an Aldi, and another drive-thru. She also noted that she would like to see a sidewalk.

John Edmund (EJ) of 165 Bridle Path Lane, East Fallowfield Township – Mr. Edmund noted that you need a recession proof entity there.

Commissioner Evans noted that he may have given the wrong impression, and clarified that he is not talking about Main Street Exton when he talks about vision. He is talking about Malvern Flats, which is a much smaller parcel with nice retail on the bottom.

Micki McAllister of 2519 Grandview Road – Ms. McAllister noted that the Township should not settle. Ms. McAllister also asked about the public hearing date. Ms. Camp noted that what they are proposing in this zoning district requires a conditional approval, which is a type of zoning approval that only the Board of Commissioners (“Board”) can grant, and it requires a public hearing. They filed their application on June 9, 2021, and the Board must conduct a hearing within sixty days of receipt of the application. Ms. Camp also noted that she spoke with Staff about potentially having them go to the Township Planning Commission (“Planning Commission”) first, and in order to go to the Planning Commission they typically like the Township Engineer’s office to review the plan, and issue a review so the Planning Commission understands some of the issues that the Engineer has pointed out. Their suggestion is to have a July 20, 2021 Planning Commission meeting, and a zoning hearing at the July 29, 2021 Board of Commissioner’s meeting.

Ms. Camp noted that anyone who owns property in close proximity to the property has a right to come to the hearing, and request party status. If you are granted party status, which means you can cross examine the applicant’s witnesses, you can present your own case either for or against the application. It is also a public hearing in that if you’re not granted party status, you are given the opportunity to make public comment like people are making tonight. Ms. Camp also noted that it is more formal than what is happening tonight because there is a court reporter, it is similar to a court hearing process where you have questions and answers, and the witnesses are providing sworn testimony under oath. At the end of the evidentiary portion of the hearing, the Board has forty-five days to render a decision on the application, and that decision has to be rendered at a public meeting.

Commissioner Mullin noted that he believes that Lomax owns the building and that is why they are taking a good portion of it. It is a different type of shopping center or shopping area compared to Giant or Acme so, I guess, there is a different clientele that goes there shopping. Commissioner Mullin noted that overall he does not think it is a terrible plan, and he would love to see something in this corner.

Commissioner Mullin noted that when he, Commissioner Evans and Commissioner Kennedy were elected one and a half years ago, the original owner of this property presented two pad sites, and dividing the building into five different stores.

Commissioner Mullin noted that the only issue about the sidewalks is coming up to the Domino's Pizza. Their issue is that they will not let us put a sidewalk across their front end.

Commissioner Mullin noted that there is a lot more to be discussed about this project.

Commissioner Mullin noted that a couple comments were made about drive thrus. Taco Bell put in two drive thrus because they were becoming normal, unfortunately, during COVID.

Commissioner Mullin invited everyone to attend the July 20, 2021 Planning Commission meeting.

Commissioner Evans noted that in December 2019 and the first couple weeks in January 2020, he did not know what he knows now about the township. He did not know a lot that he knows now. He also noted that at the time he thought that was a good idea, and he does not feel that way anymore.

### **Presentation: Hill at Thorndale Woods**

Mr. Townes noted that they have a project that has been around for twenty years known as "The Hills at Thorndale Woods". He also noted that he sent a letter to the Board last week, for their review. He would like to request an extension on the subdivision and land development plan, and an extension to the five year approval, which the MPC affords applicants under preliminary plan approval.

Mr. Townes noted that he was in front of the Board at the April meeting about the Right-of-Way acquisition along South Caln Road. On Monday, he obtained all of the appraisals from the Appraiser they engaged to do that work. He noted that it would be his intention, if they are permitted to move forward, to mail letters to the property owners, and then meet with them again. Mr. Townes also noted that he met with three of the four property owners in person, and spoke to the rental property owner over the phone. He lives in Baltimore. They also provided survey stakes so when they meet with the owners they could look and understand.

Mr. Townes noted that the single family portion of the site on the upper southern side of the site is currently zoned R-2. He also noted that the zoning remains consistent today as it was zoned when they made the original application.

Mr. Townes noted that the lower portion of the site has been zoned a number of things over the years. The current plan is a C-1 zoning, which permits the density and development that they show on it. It has been since 2014, rezoned R-4. We have taken a look at that, and it's very similar in the permitted uses. The density is somewhat similar although it might allow a few more units than what is shown on the current plan, however, overall if we were forced to come back in with a brand new application and plan, the top half of the site or the southern portion of it would remain identical and the lower portion would be very similar to what is currently pending before you. So there are no real substantive differences between what could be, and what is out there with respect to their current application.

Mr. Townes noted that at some point and time, the housing market is going to support the infrastructure costs that this site bears. As you know, stated in the letter we purchased the piece of property, maybe we did not do all our due diligence but we have an Act 2 site that requires



remediation, it's significant in the way of dollars and cents. Over the years that dollar amount has allowed some of our competitors to get in and develop their sites while we sat and watched because just the cost of their ground and extra cost associates with it, is significant.

Mr. Townes noted that to wrap up final plan approval is to figure out the Right-of-Way on South Caln Road, and from there it is paperwork.

Mr. Townes noted that they have purchased sewer capacity, and are paying monthly rent.

Ms. Camp asked Mr. Townes if they are asking for a six month extension for the plan approval. Mr. Townes noted that yes, and he thinks that is appropriate to see this through to the end of the year. He also noted that they will be back to the Board if they need more time at the end of the year.

Ms. Camp asked Mr. Townes what is their extension request for the five year plan approval. Mr. Townes noted that he requests a three to five year extension.

Commissioner Young asked Mr. Townes if he intends to own this property, and build it out or are you planning on finishing this plan, and then sell it. Mr. Townes noted that it makes sense to them to possibly take the single family homes, and find a buyer for the townhomes.

Commissioner Young asked Ms. Camp if they had to decide the three to five window today. Ms. Camp noted that it expires in July so you could decide at the June 24 meeting, however, there is not enough time to wait until the July meeting. Commissioner Young noted his personal opinion is that he needs to think about the extension, however, we can move forward on the December extension. Ms. Camp noted that the Board can vote on both extensions at the June 24, 2021 meeting.

Ms. Camp informed the Board to let them know if there is anything that they might need to know before the June 24 meeting.

Commissioner Young asked Mr. Townes to send the Board the remediation presentation that he previously gave to the Township. Mr. Townes noted that he has some PDF's of the site, testing, and cleanup plan that he will forward.

Mr. Townes noted that the cleanup is for the arsenic leftover through the coal ash, which was a prior use of the property 100+ years ago. The top two to seven feet of soil was found to have above Pennsylvania standards for arsenic. The cleanup plan is basically to take all the earth within the first seven feet, take it to the bottom of the hill, dig a big hole, which will be under the stormwater basins, line those basins, and fill on top of it. Mr. Townes also noted that over the years they have collected about 200,000 yards of dirt. This is a permitted pile that the Department of Environmental Protection ("DEP"), and the Conservation District allowed them to collect clean fill, which we have done over the years to provide a cap on the site. When they are done, they will retest with DEP's supervision, and give them a clean bill of health. He noted that he will send a DEP approval letter, and plans via PDF for their review.

Commissioner Mullin asked if the test continues through the years, and decades. Mr. Townes noted "no", the idea is to take out all the contaminated soil, and test before the new clean soil is put on top

to be comfortable that where they are building is clean. He also noted that unless you went out with an excavator, you should never come in contact with the contaminated soil again.

Commissioner Mullin asked Mr. Townes if a stipulation is part of the deed that you cannot dig in your back yard. Mr. Townes noted “yes”. The DEP encouraged them to develop the northern side as a townhome or multifamily because it is regulated by a HOA, and they can enforce the rules.

### **Township Solicitor – Ms. Camp**

Motion of Preliminary/Final Land Development Approval for 1541 Fisherville Road – Diane H. Hammell Trust – For Board consideration, Ms. Camp presented a motion of Preliminary/Final Subdivision plan approval for the property at 1541 Fisherville Road. Ms. Camp noted that this property consists of 1.82 acres and is part of a larger tract, which includes 23.6 acres in West Brandywine Township, and 23.6 acres in East Brandywine Township. The property is in the R-2 Residential Zoning District. The Applicant proposes to consolidate the four different tax parcels and then subdivide the four parcels into three lots. Lot 1 will be entirely located in West Brandywine Township, lots 2 and 3 will primarily be in East Brandywine Township, with a 50 foot wide flag stem for lot 2 in Caln Township (“Caln”), and the southern portion of lot 3 located in Caln. No development is proposed on any of the lots, with the Plan.

Ms. Camp noted that the Township Planning Commission recommended that the Board approve the plan. Mr. Kulakowsky and his office reviewed the plan, and issued a review letter dated May 20, 2021.

Ms. Camp presented a motion to grant the final approval with the standard conditions. Compliance with Mr. Kulakowsky’s last letter, all relevant provisions with the township codes. The two that are unique to this site are to provide copies of legal descriptions and closure reports for all three lots, and making sure that the township reviews the points that are coming off of Fisherville Road in Caln Township because we want to make sure West and East Brandywine Township has appropriate access agreements.

Commissioner Mullin called for public comment. There were none.

**Commissioner Mullin entertained a motion of Preliminary/Final Land Development approval for 1541 Fisherville road, subject to all the conditions listed in the draft motion. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy. Vote passed 5-0.**

### **Township Engineer – Mr. Kulakowsky**

2021 Road Program Bid Award – Mr. Kulakowsky noted the base bid of:

- James Buchanan Drive
- Loomis Avenue, north of Miller
- Norton Avenue
- Atkin Avenue
- Seltzer Avenue, north of Miller
- Watson Avenue
- Hartley Avenue

Alternate A: Is to have the inlet at the corner of Miller Avenue just off of the pavement at Miller, and Seltzer avenues replaced.

Alternate B: Is to add the additional portion of Seltzer Avenue, south of the paving patch that was done as part of the waterline project on Miller Avenue.

Alternate C: Extending Loomis Avenue.

Mr. Kulakowsky reviewed the three successful bids, and Longs Asphalt is the lowest bidder for all the options.

Ms. Denne noted that they have roughly \$250,000 in Liquid Fuels money, and anticipate putting in another \$100,000 from the General Fund balance. She also noted that you should do the base bid, and alternate A, at a minimum.

Commissioner Young asked if there is enough in the Fund Balance to take the extra \$50,000, and do the full bid. Ms. Denne noted that originally yes, but now after information that she received from inspectors today, we are going to have bridge work that has to be done within the next six months. She also noted that we are budgeted for that and can afford it, however, we have to take money from the Fund Balance for the bridge work.

Commissioner Young asked how quickly Ms. Denne could do a bond. Ms. Denne noted that it is not going to be that type of price. The bridge work that needs to be done is joint, and joist work.

Commissioner Young asked for clarification on Alternate A. Ms. Denne noted that it is a catch basin. Commissioner Young asked if the road crew is capable of doing the work. Ms. Denne noted that \$9,000 is a good price.

Commissioner Young asked if the Township does not do alternate B and C, are they on the list for 2022. Ms. Denne noted "yes".

Commissioner Mullin asked Mr. Kulakowsky what shape the roads in Alternate B and C are. Mr. Kulakowsky noted that they are not in shape however, he is not concerned about them becoming much worse in the next year.

Commissioner Kennedy asked if the Township could get FEMA money to help with the bridge work. Ms. Denne noted that the bridge work needed is from deterioration, not from the flooding.

Commissioner Evans asked Mr. Kulakowsky if giving the flooding issues on Miller, do you anticipate the life of this project equivalent to most other paving projects. Mr. Kulakowsky noted that letting water through it ruins the paving. The idea is to make the surface as sealed as possible so the water does not go through it.

Commissioner Young noted that if it is too late to go back and do Alternate B or C if water goes under the roads. Mr. Kulakowsky noted that you cannot add to the Liquid Fuels project. Ms. Denne noted that we would be paying out of the General Fund if that happened.

Mr. Kulakowsky asked Ms. Camp if we do not award the alternate now, and we end up spending less on what we awarded, can we later award the alternates. Ms. Camp noted that her answer is no based on not knowing what the bid documents say as far as the timing of everything however, it is probably a sixty day time frame.

**Commissioner Mullin entertained a motion to approve the 2021 Road Program, with the base bid and Alternate A.**

**Mr. Kulakowsky asked Commissioner Mullin to add “to approve to the low bidder of Long’s Asphalt Inc.” Commissioner Mullin added Mr. Kulakowsky’s addition.**

**Commissioner Mullin called for public comment. There were none.**

**Moved by Commissioner Young and seconded by Commissioner Tindaro.**

**Vote passed 5-0.**

PSA Amendment 0121-PT01 #1 for the Implementation Phase of the 2021 Road Program – For Board consideration, Mr. Kulakowsky presented amendment #1 for the work for the contract management with Long’s Asphalt, and PennDot for the Resident Project Representative services for their field work to be out on site while they are doing the actual construction. Mr. Kulakowsky noted that PSA amendment #1 is for \$31,272, which brings the total cost for engineering for the first phases, which was walking all the roads, doing all the cost estimates, preparing the bid documents, putting it out to bid, managing the bid process to today, and adding phases E, F, G, and H.

Mr. Kulakowsky noted that the 2020 Road Program was for \$64,000, and we are \$15,000 less this year for the work.

Commissioner Mullin asked the reasoning behind that. Mr. Kulakowsky noted that they were able to recycle a lot of the bid documents, PennDot changed to electronic submittal, and the roads this year are close together so they have a shorter work scope.

Commissioner Young asked Mr. Kulakowsky the project start date. Mr. Kulakowsky noted that they will start Monday June 14, 2021. They will send the award document to Long’s Asphalt, which they have twenty days by contract to return their performance bond, payment bond, four signed copies of the contract, and the information he gave to the Township for execution. Mr. Kulakowsky also noted that the second piece that Long’s Asphalt has to get to them is more information that they have to provide to PennDot with the application for Liquid Fuels approval because things changed with PennDot in 2020 and we have to have the PennDot approval before they can move forward with the “notice to proceed”.

**Commissioner Mullin entertained a motion to approve PSA amendment 0121-PY01 #1 for the implementation phase of the 2021 Road Program with ARRO.**

**Commissioner Mullin called for public comment. There were none.**

**Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.**

**Vote passed 5-0.**

**Township Manager – Ms. Denne**

Ms. Denne noted that she is working on figuring out the number of calls, and storm estimates from the June 8, 2021 storm, which Mr. Stackhouse is working on.

Civil Service Request for Three Police Officer Candidates – Ms. Denne noted that the police department are at the point where they are ready to request candidates from the Civil Service Commission. The Board would have to make a motion to request a certified list for three police officer candidates.

Chief Elias noted that they currently have three vacancies, and the Civil Service rule is a rule of three so for each applicant that we intend to hire, he has to certify to the Board of Commissioners three names to hire one applicant. For each additional applicant it is one additional name so in this case, we are hiring three officers so we need to submit five names to the Board if there are five names on the eligibility list that meet all of the criteria to receive a conditional offer.

Chief Elias noted that they tested in April 2021 for the written, physical fitness, and oral interviews. They started with thirty five applicants, and the total official eligibility list currently has thirteen names on it. Some of those name are in competition for positions with other departments.

Chief Elias noted that they are currently working through the background investigations, and polygraph exams. We hope to have the Board's approval tonight to request a sufficient number of names to fill three existing vacancies, and by the June 24, 2021 meeting, the Board would be in a position to select three of the five names, and make conditional offers of employment.

**Commissioner Mullin entertained a motion for the Board to request the Civil Service Commission to certify as many as five names on the current eligibility list to fill three vacancies.**

**Commissioner Mullin call for public comment. There were none.**

**Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.**

**Vote passed 5-0.**

Chief Elias noted that it was an unbelievable effort collectively by the Departments to get through that devastating storm event. No civilians or first responders were injured.

## **Ordinances and Resolutions for Consideration**

Motion to Advertise an Ordinance Amending the Caln Township Code Specifically Chapter 151 Titled "Vehicles, Motor-Driven" regulating the Operation and Use of Certain Vehicles, and Provide for Violation and Penalty Provisions Related to Illegal Use of Such Vehicles – Ms. Denne noted that they essentially borrowed the ordinance that the City of Coatesville has. This is allowing for more stringent enforcement and to impound and tow the bike if it is found on a public road.

Ms. Camp noted that their office tailored Section 154-4 C for Caln Township, and reviewed the time limitations.

Section 154-4 C. Acreage and Setback requirements. No ATV or dirt bike shall be operated on any property with a gross lot size of less than 3 acres in order to provide for adequate separation from adjacent properties and occupied structures on adjacent properties. A person operating an ATV or dirt bike on private property must remain at least 200 feet from any adjoining or adjacent property line.

Section D. Time limitations. It shall be unlawful for any person to operate an ATV or dirt bike for recreational purposes between the hours of 10:00 p.m. and 7:00 a.m., prevailing time. Operation of ATVs and dirt bikes will be limited to a one-hour session with a three-hour rest before the next operation of the vehicle. The rest period must be provided in order to avoid any disturbance of the peace within the Township. Operation within this prohibited time period shall be considered a disturbance of the peace within the Township.

Ms. Camp noted that the time limitations mirror the Township noise ordinance, and the one-hour session with a three-hour rest mirrors what the City of Coatesville has.

Commissioner Young asked Ms. Camp if this pertains to motorized vehicles not like an electric one that a child would have. Ms. Camp noted that it includes a multitrack, multi-wheel or low-pressure-tire vehicle or related two-wheel, three-wheel, four-wheel or belt-driven vehicle, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for utility or business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property.

Commissioner Mullin asked if you could be more specific. Ms. Camp noted that she asked Kim Venzie who worked on this ordinance if she was aware of any regulations for electric bikes and she was not able to find anything. Ms. Camp also noted that she will add something to this definition to make sure that it is very clear that it does not include the electric bikes.

Commissioner Young noted that he wanted to make sure the electric bikes are not included because some people drive them to work.

Ms. Camp asked Chief Elias if they have had any issues with electric bikes. Chief Elias noted that the vehicle code specifically exempts "motorized pedal cycles". The vehicle code talks about ATV's, dirt bikes, and snowmobiles permitted not to be on road way lanes for vehicular traffic. Chief Elias also noted that it does give municipalities the ability to write an ordinance that establishes routes to allow those types of vehicles to ride on certain roads in municipalities.

**Commissioner Mullin entertained a motion to advertise at the June 24, 2021 meeting, an ordinance amending the Caln Township Code specifically Chapter 151 Titled “Vehicles, Motor-Driven” regulating the operation and use of certain vehicles, and provide for violation and penalty provisions related to illegal use of such vehicles, with the said changes.**

**Commissioner Mullin called for public comment. There were none.**

**Moved by Commissioner Tindaro and seconded by Commissioner Evans. Vote passed 5-0.**

Motion to Advertise an Ordinance Amending the Caln Township Code, Part II General Legislation/Vehicle and Traffic, Article III Parking Regulations – For Board consideration, Ms. Denne presented an update to township ordinance for several roads throughout the Township, and new development that have “no parking” signs but have not been officially been added to the ordinance. She also noted that this is for roads that are problematic for vehicles to get through.

**Commissioner Mullin entertained a motion to advertise an ordinance amending the Caln Township Code, Part II General Legislation/Vehicle and Traffic, Article III Parking Regulations.**

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

**Moved by Commissioner Tindaro and seconded by Commissioner Young. Vote passed 5-0.**

Resolution 2021-23 A Resolution Approving an Agreement with the Thorndale Volunteer Fire Company to Provide Emergency Services for Caln Township – Commissioner Young thanked the fire department and Commissioner Mullin on this resolution.

**Commissioner Mullin entertained a motion approving an agreement with the Thorndale Volunteer Fire Company to provide emergency services for Caln Township.**

**Commissioner Mullin called for public comment. There were none.**

**Moved by Commissioner Evans and seconded by Commissioner Young. Vote passed 5-0.**

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 May 27, 2021 Board of Commissioners Minutes – **Commissioner Mullin entertained a motion to approve the May 27, 2021 Board of Commissioners minutes.**

**Commissioner Mullin clarified that the \$337 under the “Golf Course” is \$337,000 not \$337. Ms. Miller noted that she will clarify in the minutes.**

**Moved by Commissioner Young and seconded by Commissioner Evans.**

**Vote passed 5-0.**

**Finance Department**

**Motion of approval for General Checks 46579 to 46612 – Commissioner Mullin entertained a motion to approve general checks 46579 to 46612. Moved by Commissioner Young and seconded by Commissioner Tindaro.**

**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 several discussions held at their May 2021 meeting.

- Riparian buffer at Lloyd Park
- Thornridge open space converting to wild meadows
- Going back to in person events
- Possible July band and fireworks
- Possible September and early October movie

**COG** – Commissioner Kennedy noted several discussions held at their May 2021 meeting.

- Presentation from Keystone Valley and Tower Health on future fire companies
- Partnering with other fire companies
- Municipal summer month activities
- Animal Rescue/SPCA

Commissioner Kennedy noted that their May meeting was in person as well as virtual. They did have some technical issues.

**Municipal Authority** – Commissioner Mullin noted several discussions held at their May 2021 meeting.

- 2 remaining contractors finishing their punch list for the pump station
- Wet weather programming scheduled to be installed June 16
- 2021 I&I project Phase 3 contract is currently being worked on
- At the May meeting staff & Gilmore was authorized to begin the preliminary work for the bid document for Phase 4 of the Caln Interceptor contracts.
- The new gravity sewer system and pump station at the Villages of Hillview are currently under construction
- Fidelity is currently working on the new gravity system, and eventually putting the North Caln Road pump station out of commission



DARA – Commissioner Mullin noted that Gilmore is currently working on updating the Township Act 537 Plan for the potential additional wastewater treatment capacity at the DARA plant.

Fire Board – Commissioner Young noted a few discussions from their May 2021 meeting.

- Special meeting on June 29 to discuss a full time fire fighter

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

- Edges Mill Historic District
- Gardner/Behle House
- VA hospital 1930 large section was demolished
- Spackman Farm
- Juneteenth events
- Historic Preservation
- Discussing the opening of the School House, and Friends Meeting House

Commissioner Evans noted that he did a follow-up presentation based on East Brandywine Historical ordinance and learning from the Chester County Historic preservation lunch that he attended for leadership for historical connection.

Cathy Callaghan's documents on her house have been received. They were transcribed by Ms. McAllister.

Commissioner Evans noted that they will follow-up on the letters asking Representative Williams and Senator Muth for support letters for the Gardner/Behle program.

Commissioner Evans noted that they need to have on the minutes, official authorization for specific members to represent the Commission at Township meetings or their representation can be challenged. Dawn Coughlan, and Paul Stevens were voted to do that.

Commissioner Evans noted that the Historical Commission is exploring the purchase of a planning tool called "Share PA for an annual fee of \$275.00.

Lincoln Highway – No report given.

### **Additional Business**

Commissioner Mullin called for additional business. There was none.

### **Public Comments**

Mark DeYoung of 20 Beaver Run Road asked about the \$1.4 million that Caln is getting from the American Rescue Plan Act of 2021. Commissioner Young noted that the first sum of money comes in the next sixty days, and the next sum comes in twelve months. The guidance on what you can spend the money on is not quite clear. Commissioner Young also noted that since the money is for COVID, some of it will be used for the "Zoom Room".

Ms. Denne noted that you have until 2024 to spend the money. There is a Municipal Managers meeting on June 15 with a Representative from the State Senate Caucus to give guidance on what exactly the money can be spent on. Ms. Denne also noted that the two major items that you can spend the money on are for any COVID-19 relief, and stormwater and sanitary sewer upgrades.

Ms. Denne noted that this will be sent to the budget committee, and they will be making a plan on how it will be spent.

Mark DeYoung asked if there should be a separate Resident/Commissioner Committee to talk about how to use this money. Ms. Denne noted that all budgetary funds within the township needs to go through the budget and finance committee.

Commissioner Mullin noted that this will be talked about in a public meeting.

**Adjournment**

**Commissioner Mullin entertained a motion to adjourn the June 10, 2021 meeting at 9:45 PM. Moved by Commissioner Tindaro and seconded by Commissioner Young. Vote passed 5-0.**

Respectfully Submitted by,

Denise Miller  
Assistant Township Secretary