

Caln Township Board of Commissioners
253 Municipal Drive Thorndale, PA 19372
July 8, 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), 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.

Commissioner Evans noted that the Township's most urgent issue this week are resident concerns, with the parking ordinance discussed at the last meeting, so we'll get the other notes out of the way first.

Commissioner Evans noted that with heavy rains and winds expected tonight as part of the fallout from Elsa, a reminder to try and not drive through flood water. If you get stuck, it puts not only you in danger, but also endangers anyone who has to try to get you out – friends, family, rescue workers...

Commissioner Evans noted that Lincoln Highway is a highway in name only. It is not a speedway. It's a street where families live and children play. The speed limit along Lincoln Highway is already too high, that's without people speeding. Please, if you need to go fast, use the bypass that is what it's there for.

Commissioner Evans noted that like everything that involves humans, our Township is far from perfect, and never will be perfect. But the resident volunteers on our Commissions are working to be part of the solution, and you can too. Please consider joining one of our Commissions, it's the best way to be a part of your Township.

Commissioner Evans noted that the County stopped updating their COVID-19 (“COVID”) dashboard on June 30, 2021 so this will hopefully be his final report on COVID cases, and deaths.

Commissioner Evans noted that prior to June 20, 2021, the last County-wide double digit day was June 16, 2021, and between June 10, 2021 and June 30, 2021 Caln added only 7 new positive cases, with the final totals of 1,250 cases and 38 deaths, the 7th highest number of cases in the county, and 4th highest number of deaths. We're finally winning the battle against COVID, because of the vaccines. They are effective, safe, and available. The vaccine is the main reason our lives are beginning to return to normal. But the new Delta variant is wreaking havoc on communities who have shunned the vaccine, and new variants will keep coming as long as there are unvaccinated people to provide the virus with a host where it can mutate, mutate, and mutate. He also noted that if you haven't already

been vaccinated, you can get the vaccine for free at most local pharmacies without an appointment. Do your part and take a shot. In PA, mask mandates have been lifted, and people are gathering in large groups again. Whether or not you've been vaccinated, please be respectful of the wishes of individual businesses, and workplaces who ask you to wear a mask.

Okay... Time for main event.

Commissioner Evans noted that there were two parking ordinances discussed at the last Board of Commissioners meeting. One was an ordinance to amend Chapter 120 of the Township Code. The other was Ordinance 2021-03, an ordinance to amend Chapter 149 of the Code. Since then we've received tons of fan mail letting us know how y'all feel about them, and the general consensus is that you are not very happy. We heard you, and we want to work with you. Sometimes things that are done with the best of intentions don't seem like such a good idea to others, and sometimes things aren't properly explained, and misunderstandings fester. So, tonight we want to hear from you, and we ultimately want to get this right.

There's a lot to unpack, so let's go one at a time.

(1.) Ordinance to amend Chapter 120:

a. Chapter 120 (155-139 G) currently states:

"All off-street parking areas and access drives shall be paved and contain marked parking spaces. The off-street parking areas shall be properly graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition".

That's the rule currently on the books. Infractions are currently charged as Zoning Code violations, which are a much bigger deal than Property Maintenance Code violations.

As Zoning Violations, if the resident is found guilty, they are also liable for township's legal fees, which could be in the thousands of dollars.

b. Proposed Amendment to add new Sub-Paragraphs M and N to Chapter 120 of the Caln Township Property Maintenance Code, Section 120-2:

M. No motor Vehicles or Recreational Vehicles shall be parked on grass.

N. Major Recreational Equipment, including but not limited to boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers or similar equipment shall not be parked on any public street. Such equipment...may be parked or stored within a carport, within a completely enclosed building, within the side yard or rear yard of a lot but no closer than 20' to the property line.

Commissioner Evans noted that this proposal would shift enforcement to the Property Maintenance Code, which should result in lower fines, eliminate court fees, and create a grace period for the

resident to fix the problem. Yes, moving enforcement to the Property Maintenance Code will also make enforcement more cost effective for the township. Most importantly, Township Staff will not be running around trying to generate citations, they will continue to work with residents towards establishing compliance.

Commissioner Evans noted that this ordinance does not prohibit anyone from parking commercial vehicles at their properties or on the street. It is about enforcing no parking in side yards (for setback reasons), or on grass (to limit stormwater runoff/MS4 pollution).

Look, I get it, back in the 70's I tried parking my car on the grass, that is until my parents and our neighbor told me to "get off the lawn". Back then we didn't have the understanding of the dangers of stormwater runoff and pollution that we have now (i.e. oil, fluids, and coolants seeping into the groundwater). And back then, as an 18 year old, I didn't have an appreciation of our neighbor's right to have something nice to look at from their windows - flowers, birds, children playing... anything but my vehicle.

In summary:

1. You can't park on the grass.
2. You can park on the street.
3. You can park commercial vehicles on the street.
4. You can't park your boat or other recreational vehicle on the street.
5. You can park them on a paved surface on your property as long as you are more than 20' from the property line.

(2) Ordinance 2021-03 Parking Prohibited at all times.

- a. Ordinance 2021-03 was passed at the June 24, 2021 meeting and will be held in abeyance for now. Meaning it will not be enforced in any way, not until we find a reasonable solution for all.
- b. The reasoning behind the proposed parking restrictions is to make the streets more accessible to emergency vehicles in the event of a fire or other crisis, and has the best of intentions. But could create unintentional consequences for all those effected. These restrictions could affect home values and make for an unbearable parking situation for you, your family, and your neighbors. Ultimately having a negative effect on quality of life when just the opposite was hoped for.

Okay, that's enough from me, thanks for listening...

Citizens to Be Heard

Duane Cyrus of 2944 Avebury Stone Circle – Mr. Cyrus noted that he has issues with Ordinance 2021-03. He noted that the Reserve at Bailey Station has 29 foot wide streets, and if the Board eliminates parking on both sides of the street, it would negatively impact the parking situation in this community.

Mr. Cyrus noted that there are notations and comments in the May 27, 2021 minutes, which read that these areas already have "no parking" signs in place however, they are not on the list. He noted

that there was also discussion at the June 10, 2021 meeting. Based on the notes from both of these meetings, it appears that these areas had other parking available, and the intent was to update the code for the signs already in place. Both are not accurate. Mr. Cyrus also noted that their community driveways hold two cars, and they have no other guest parking available.

Ms. Denne noted that they try to be concise as possible in the minutes however, they are a summation of what was discussed, and minutes do not always reflect everything. She also noted that it was discussed that “some of the streets have signage” for various neighborhoods in here, unfortunately this was not conveyed in the minutes. Mr. Cyrus noted that he is only speaking as a resident living on Avery Stone Circle.

Ms. Denne noted that this ordinance will be reviewed by staff. She also noted that streets may have been added that were supposed to be only one side of the street, and they were added as both sides of the street.

Mr. Cyrus noted that their development has seen emergency, and sanitation vehicles throughout their community without issues.

Julie Weber of 11 Lisa Drive – Ms. Weber noted that she has seen throughout the years, emergency vehicles in her community without incident. She asked if there is an issue, with them.

Ms. Denne noted that over the past year, the Township has been taking feedback from Staff including the Public Works Department, and Emergency Responders as to areas where they had to slow down, accessibility problems, and getting plow trucks through. They also looked at accidents that the Township vehicles have had damaging resident personal property because of lack of clearance.

Ms. Denne noted that this is what we used to access and look at roads that they found may be problematic, and we need to look at making parking requirements for.

Tom Sweeney of 2471 Wayne Avenue – Mr. Sweeney has concern with proposed Ordinance 2021-06 prohibiting parking on property. He noted that his personal history is that the Caln Township code office previously drove around the township generating violations/income for its citizens. He also noted that he is against any change that would give more authority to the codes office. He asked who holds the codes department in check.

Commissioner Mullin noted that he can always call him directly or email anyone of the Board members.

Vicki Kushto Attorney representing the Reserve at Bailey Station (“Reserve”) – Ms. Kushto noted that if you’re coming up Westerham Road (“Westerham”), up the hill into their community, the right side is currently signed as “no parking”. If you make the right onto Avery Stone Circle, the right side is also restricted to no parking. If you continue up Westerham and make the right on Honeymead Road (“Honeymead”) , it is restricted for parking until you get back to where Honeymead intersects with the top of Westerham, and no parking switches to the left side of the road. Ms. Kushto also noted that Stockley Lane has no current parking restrictions.

Ms. Kushto noted that when she first saw this ordinance, she thought it was a mistake.

Ms. Denne noted that Staff realized that those were mistakes when Ms. Camp received her email. Ms. Denne also noted that the plan internally with Staff was to stick with what the current signage is. She apologized for any misconceptions or stress that this caused the Reserve residents, it was not their intent.

Ms. Kushto noted that this is exactly what they are asking for. She noted that they are hoping that the Board will revisit going back to only prohibiting the parking on one side, and allow it to continue on the other side, in regards to their Community roads.

Ms. Denne noted that this was the intention, unfortunately in this process their mistake was found, and she wishes that it did not cause as much strain as it did on the Reserve residents. She also noted that it is the Township's intention to amend this, and reflect what the current signage is.

Christopher Nicholson of 13 Lisa Drive – Mr. Nicholson noted that based on the previous comment, the Township is looking at moving forward with what is posted right now. Ms. Denne noted that her comment was only for the Reserve at Bailey Station Community.

Mr. Nicholson noted that looking at the map he outlined, he asked Ms. Denne to clarify what is planned for his development. Ms. Denne noted that she is at a disadvantage because she was not provided said map. She asked Mr. Nicholson to send her the map, and she will call him tomorrow.

Mr. Nicholson noted that he went through the entire development, and did an infographic on strictly the capacity that their residents have in terms of a parking situation. As it is right now, the average capacity is two parking spaces, with one behind the other. Mr. Nicholson also noted that he outlined all the households with one driveway space, and the ones with two plus driveway spaces. There are fourteen households with one parking space where one vehicle would have to be parked on the road. There is also no other parking.

Mr. Nicholson asked why this ordinance was passed, and how many times parked vehicles in the Thorndale Ingleside Village have prevented emergency vehicle access. He also asked what is reasonable to street parking, if this is prohibited.

Commissioner Mullin noted that the last question is what they are trying to get to. He noted that Mr. Stackhouse has some ideas.

Ms. Denne provided her email of kdenne@calntownship.org to Mr. Nicholson.

Philip Tilghman of 2 Lisa Drive – Mr. Tilghman asked what the need was in enacting this ordinance. He noted that there are too many people, with too many cars on their street.

Mr. Tilghman noted that he called the township and asked if there is an ordinance that prohibits the parking of vehicles on the grass, and he was told "no". He also noted that his neighbor previously had two cars parked on the grass, and partly on his property.

Commissioner Evans noted that he read the proposed ordinance at the beginning of the meeting, and he is sorry that he received the wrong information from the township.

Ms. Camp noted that it is under Section 155-139 G, which is part of the parking regulations in zoning, and prohibits parking in the grass.

Commissioner Evans noted that this is currently in zoning, and the Township is trying to move it to Property Maintenance.

Mr. Tilghman asked the proper way to report parking on the grass. Ms. Denne noted that you would call the Township Code Enforcement, and if you do not get what you need you call her, and if she does not give you what you need, contact the Board of Commissioners.

Shawn Maccausland of 1 Jason Lane – Ms. Maccausland noted that the homes on Jason Lane are double homes, and have very short driveways. She also asked what the alternate parking would be. She is also concerned with guests visiting.

Commissioner Mullin noted that the Township is interested in cars continually parked for a period of time, not party or guest parking. She also noted that she has never seen plow trucks, or emergency vehicles have a problem on her street.

Bonnie Long of 9 Jason Lane – Ms. Long asked how the Township will know when someone is parking on the street for a gathering. She would also like to know how it will be enforced.

Ms. Long noted that her household has to park on the street because they work in shifts so they don't block each other in.

Commissioner Mullin noted that working different shifts will have to be considered.

Robert and Amanda Weeks of 9 Jason Lane – Mr. Weeks noted that he parks on the street because if he parks in his driveway, the back of his vehicle sticks out into the sidewalk. Mr. Weeks also noted that he has an "on-call" job.

Crystal Vatile of 198 Loomis Avenue – Ms. Vatile noted that she has two vehicles, and one work vehicle. When she contacted Mr. Stackhouse, she was told to widen her driveway. She would like to know other parking options.

Lori Portugal of 3456 East Lincoln Highway – Ms. Portugal asked if the 20 foot distance from the property line is from the street or to the next door neighbor or the neighbor across the street. Commissioner Evans noted that it is from the next door neighbor, and back yard neighbor.

Jeanette Beauchamp of 6 Harvest Drive – Ms. Beauchamp asked what if your driveway is not 20 feet from the property line. Ms. Denne noted that she believes you would be "ok" as long as you are on your driveway however, she recommended that Ms. Beauchamp contact Mr. Stackhouse to make sure.

Ms. Camp noted that the language is meant that you are allowed to park these recreational vehicles or boats, and what else is listed in the ordinance, within your side or rear yard 20 feet from the property boundary. Ms. Camp noted that it is ultimately the Zoning Officers' interpretation.

Ms. Beauchamp noted that she looked back to the January police calls, and there were 2,926. Eight calls were from Ingleside Village. She noted that 0.002 calls were for an ambulance.

She asked why, and how did this ordinance come about. Commissioner Evans noted that this ordinance came from the Zoning Officer, Public Works, Police, and Emergency sources. They all gave a list of where they have really tight fits or where they accidentally hit someone's car.

Ms. Beauchamp asked if it was recorded when a car was hit. Ms. Denne noted that there is a difference between a reportable accident, and the Township is trying to avoid an accident for when someone has an emergency issue, and their parked car being hit. Ms. Denne also noted that they were evaluating where the service providers let them know they are slowing down because there are parked cars there. When "Santa" comes through, the truck is going at a slow rate of speed. The Township is looking at the service delivery, and sight distance.

Ms. Beauchamp asked if they will be notified as this moves forward. Ms. Denne noted "yes". The agenda is posted to the website 24 hours prior to a Board meeting along with the ordinances. The meeting recording is on the website for two weeks after the meeting, the minutes are posted to the website, and you can also call or email the township office. Ms. Denne also noted that the Board meetings are held the second, and last Thursday of the month.

Ron Miller of 21 Marshall Circle – Mr. Miller noted that he was with Thorndale Fire Company for seventeen years, and he knows all the Township Employees. He noted that this was not done in malice.

Mr. Miller suggested parking on one side of the street if you can, and making some areas a "snow emergency route" so vehicles will be removed before a storm.

Ms. Denne asked Mr. Miller, as a former emergency responder, to explain that there is definitely a difference from when you're doing a "Santa" patrol versus an emergency response when there are a lot of cars on the street. Mr. Miller noted that you will never get just one piece of apparatus. For example; a house fire would get at least four to five engines plus an ambulance.

Courtney McNeil of 17 Harvest Drive – Ms. McNeil noted that she has the same concerns as previously stated such as having guests, family members who have health concerns and cannot walk far, and guest parking. She also stated that she only has two parking spaces.

Adam Sayres of 3710 Hazelwood Avenue – Mr. Sayres would like clarification on campers, and cars being parked on the grass. He asked if work trucks can now be parked within 20 feet of the driveway. Ms. Denne noted that you could as long as it is not parked in your grass.

Mr. Sayres asked what would be the problem of parking a camper in the grass if it's hidden by trees or bushes. Ms. Camp noted that she represents fourteen Municipalities, and this is a common provision. Some Municipalities do not allow them to be parked in driveways. She also noted that this provision is already in the Caln Zoning Code. It is being proposed to be removed from the Zoning Ordinance, which is civilly enforced and comes with fines up to \$500 per day plus attorney fees. It is being proposed to be put it into Property Maintenance, which is a criminal citation like a traffic ticket where attorney fees can be assessed.

Mr. Sayres noted that instead of writing a ticket, give guidance on how to make it a driveway space. Ms. Denne and Ms. Camp noted that this is not how Caln Township operates. Commissioner Evans noted that this is not about assessing fines. He noted that the Zoning Officers would stop by, and then again to notify you of the issue.

Ms. Denne noted that if anyone has any questions, to come to the Township or a Board meeting because everything on Facebook is not always relayed correctly. She also noted that the Township will do three solid attempts before issuing a citation.

Commissioner Mullin noted that all the Commissioners emails are on the website at www.calntownship.org.

John Groff of 114 Gardenvue Drive – Mr. Groff suggested having no parking on one side of the street. He noted that his parents live at 6 Jason Lane, and he cannot visit them if this passes.

Casey Kampf of 15 Harvest Drive – Mr. Kampf asked who would enforce cars parked on the street if this passes. Ms. Denne noted that the police would enforce this. Mr. Kampf also asked if they would be given the opportunity to move their vehicle or would they just get a ticket. Ms. Denne noted that in the past when a change like this was done, the Township put a flyer on the cars to give you an opportunity to move before any enforcement measures would be taken.

Mr. Kampf asked if this discussion will be brought up again at the July 29, 2021 meeting, and how will residents be notified. Ms. Denne noted that the agenda is posted 24 hours prior to a board meeting, the meeting recordings are posted for two weeks after a board meeting, and changes are put in the monthly newsletter and on the Caln Facebook page. Ms. Denne also noted that the board meetings are the second, and last Thursday of the month.

Public Hearing: Cable Franchise Renewal Agreement with Verizon PA – Ms. Camp noted that the Township hired Dan Cohen from Cohen Law Group. He is an attorney in Pittsburg that focuses on cable law. He worked with Verizon to negotiate a renewal to the Township existing franchise agreement. The original agreement with Verizon is for the ability to utilize the Township Right-of-Way to lay their cable system, and was entered into September 2006. The original agreement was a ten year term with an automatic five year renewal. The existing franchise agreement will expire September 2021.

Ms. Camp noted that the original franchise agreement was adopted through an ordinance. The proposed ordinance will authorize the Township to enter into a renewal contract with Verizon PA LLC., for a five year term.

Ms. Camp noted that Mr. Cohen explained some of the key provisions of the agreement. Some of the federal laws have changed to be more favorable to the cable companies. There are audit provisions, customer service standards, language if they are in default of the agreement of what your right, and remedies are.

Ms. Camp noted that this was reviewed at one of the board meetings. This is for consideration of adoption, and to authorize the President of the Board to sign the renewal agreement.

Ms. Camp noted that tonight's hearing was advertised in the Daily Local Newspaper on June 30, 2021. A copy of the ordinance and the cable franchise agreement was sent to the Daily Local Newspaper, and the Law Library for public inspection.

Ms. Camp called for any comments. There were none.

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

Commissioner Mullin entertained a motion approving Ordinance 2021-05 an ordinance authorizing the Township to enter a Cable Franchise Renewal Agreement with Verizon Pennsylvania, LLC. Moved by Commissioner Young and seconded by Commissioner Kennedy.

Commissioner Young noted that the Township received an email from the Cohen Law Group regarding the 5G cell towers that would be placed on the poles in the Right-of-Way, and that legislature allowed for a franchise fee for those items as well as design standards and things like that. Commissioner Young asked Ms. Camp if this is something that the Township should reach out to the Cohen Law Group about. Ms. Camp noted that Kim Venzie from her office worked on the small wireless ordinance, and she thinks they left in the ability to access fees. Ms. Camp noted that she will have Ms. Venzie reach out to Mr. Cohen, and report back to the Board.

Commissioner Young noted that he wanted to make sure the Township gets that before an application is received.

Vote passed 5-0.

Public Hearing: Amending Chapter 120 of the Caln Township Code Titled "Property Maintenance" – Ms. Camp noted that this was introduced at the June 24, 2021 meeting, and has been advertised for potential adoption by the Board.

Ms. Camp noted that it is an ordinance that would amend the Township property maintenance code, which is found in Chapter 120 of the Caln Code. It would adopt two additional paragraphs to the property maintenance code. These two paragraphs would come under 120-2 as a new paragraph.

"M. No motor vehicles or recreational vehicles shall be parked on grass."

"N. Major recreational equipment, including but not limited to boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers or similar equipment, shall not be parked or stored on any public street within Caln Township. All such major recreation equipment may be parked or stored on a lot, provided it is located as follows: within a carport; within a completely enclosed building; within the side yard or rear yard of a lot, but no closer than 20 feet to a property line; or on a nonresidential lot which has been previously approved for storing major recreational equipment."

Ms. Camp noted that these are the two proposed additions to the Property Maintenance Code. These two sections are currently contained within the Zoning Ordinance.

Ms. Camp noted the first sections is found in Section 155-139 G of the Zoning Ordinance, which is your parking ordinance regulations, and the second Section is found in 15-137 N of your Zoning Ordinance.

Ms. Camp noted that the goal is to remove them from zoning. Zoning is how the Township can enforce zoning ordinance, and is dictated by state law called the Municipalities Planning Code. The Zoning Officer has to send a notice of violation, the property owner has the right to appeal to the zoning hearing board, and if they don't, the Township files a civil complaint with the District Justice, and can seek fines of \$500 per day of a violation as well as attorney fees. This process can be somewhat cumbersome, and can ultimately be very expensive for a property owner.

Ms. Camp noted the Property Code is enforced through issuance of summary citations. The appeals go to the District Court and the court imposes the fine. The minimum fine can be \$100 and maximum of up to \$1,000 however, you would rarely see the Judge imposing that fine.

Ms. Camp noted that she is involved in the enforcement effort, and the goal is not to collect fines. The goal is to get compliance with the ordinance, and to work with property owners so they understand the codes, alternatives, and options. Only if after all of these; several weeks of discussions, and negotiations and if all efforts fail does the Township resort to enforcement. Ms. Camp also noted that regardless of whether it is in Zoning or Property Maintenance, since 1999 her experience with the Township has been to work with property owners to see compliance.

Ms. Camp noted that tonight's hearing was advertised in the Daily Local News Paper on June 30, 2021. A copy of the ordinance was sent to the Law Library and the Daily Local News Paper for public inspection.

Ms. Camp called for any questions.

Commissioner Tindaro asked Ms. Camp if this is changing from zoning to codes, and if we are not changing the law. Ms. Camp replied "that is right". Ms. Camp also noted that the law is staying the same. It is within the Caln code.

Commissioner Tindaro asked Ms. Camp if the Code Department will handle this, not zoning. Ms. Camp replied "correct."

Commissioner Young noted that Ms. Denne stated earlier that if a resident has an issue and the Commissioners try to get involved, and if it is a zoning issue that their involvement against a sworn officer, could be problematic. Commissioner Young asked if Commissioner involvement would be easier, if it is under Property Maintenance. Ms. Camp noted that the Zoning Officer has a defined role under the Municipality Planning Code. He or she is given a legal authority to enforce the zoning ordinance. The Zoning Officer is an employee of the Township and therefore is under the power of the Manager and the Board so as far as establishing policy, and how they go about conducting their job, the Board always has oversight over that. That is the same whether it is the Zoning Officer or the Code Enforcement Officer.

Ms. Camp noted that she agrees with Ms. Denne that an officer of the Township whether it is the Zoning Officer or Code Enforcement Officer, needs to be following what their powers are to enforce the codes however, there is as with any law, prosecutorial discretion as far as how they go about handling the public, and things like that. This is something the Board of Commissioners has had a say and guidance over.

Ms. Denne noted that Commissioner Young is stating that it is ethically improper for a Board Member to interfere in a Zoning issue, which could be quasi-judicial.

Ms. Camp noted that there is a process mandated under the Zoning Code, and Property Maintenance Code of how those laws are enforced.

Ms. Denne noted that it could be considered an ethical implication if a Board Member came in and tried to influence an officer of the court up holding the law, essentially.

Commissioner Young noted that there should be consideration given to the fact that under property maintenance it would be a non-criminal citation versus possible thousands of dollars in fees when the property owner thinks maybe that they are right versus a small citation.

Ms. Camp noted that the one thing that she thinks is being misunderstood is that a property owner has appeal rights whether it is in the Zoning Code or Property Maintenance Code. If they think they have been improperly cited or improperly received a notice of violation there is always a forum for appealing, defending yourself and explaining why you did what you did or arguing that you think the Zoning Officer or the Code Enforcement Officer is wrong.

Commissioner Young noted that it is a bigger gamble under zoning because you could possibly have to pay the Township back legal fees, versus under property maintenance you would have to pay the citation and court costs like a traffic ticket.

Ms. Camp noted that in all cases both of these ultimately end up before the District Justice and the District Justice's goal is not to impose ridiculously harsh fines, it is to try and get compliance. She also noted that the first thing she is asked in district court is did you have a conservation or have you been able to work this out outside of court so I don't have to impose fines.

Commissioner Young noted that under zoning if you lost, the implications could be thousands of dollars in fees versus under property maintenance you could have a couple hundred dollar citation and court costs.

Ms. Camp noted that is because under the Municipality Planning Code a zoning violation could be up to \$500 per day that the violation continue plus the township costs to enforce the ordinance.

Ms. Camp noted that the fine imposed is up to the District Court even in zoning. The Township could argue what it believes the appropriate fine is, and the maximum would be \$500 per day.

Commissioner Evans noted that he supports the ordinance however, given some of the discussions with residents tonight he made a motion to table this ordinance until further discussion is held on both of the parking ordinance issues.

Commissioner Kennedy suggested added language to clarify that guests will not be fined.

Ms. Denne clarified that the ordinance tonight is already on the books in zoning, and has nothing to do with parking on the street. This ordinance only deals with recreation, and motor vehicles in the lawn.

Commissioner Mullin called for public comment.

Ms. Denne noted that a motion was made to table this ordinance therefore, all discussion has to stop unless the motion is rescinded or someone brings it back to the table.

Commissioner Young seconded.

Vote passed 5-0 to table this ordinance.

Township Solicitor – Ms. Camp

N/A

Township Engineer – Mr. Kulakowsky

N/A

Township Manager – Ms. Denne

N/A

Ordinances and Resolutions for Consideration

Ordinance 2021-05 An Ordinance Authorizing the Township to enter a Cable Franchise Renewal Agreement with Verizon Pennsylvania, LLC – Approved after the public hearing was held.

Ordinance 2021-06 An Ordinance Amending Chapter 120 of the Caln Township Code, Titled “Property Maintenance,” to Prohibit Parking of Motor Vehicles and Recreational Vehicles on Grass and to Prohibit Recreational Equipment from Being Parked or Stored on a Public Street or in the Front Yard of a Lot – Tabled after the public hearing was held.

Resolution 2021-03 A Resolution Designating the 2021 Response Territories for Emergency Service in Caln Township (TABLED 01/28/2021) – This ordinance continues to be tabled.

Minutes to Approve/Acknowledge

June 24, 2021 Board of Commissioners Minutes – Commissioner Mullin entertained a motion to approve the June 24, 2021 Board of Commissioners Minutes. Moved by Commissioner Tindaro and seconded by Commissioner Kennedy.

Commissioner Mullin called for Board comments. There were none.

Vote passed 5-0.

Financial Report – Ms. Swan

Motion of approval for General Checks 46706 to 46769 and Manual Check 206 – Commissioner Mullin entertained a motion to approve general checks 47706 to 46769 and manual check 206. Moved by Commissioner Tindaro and seconded by Commissioner Young.

Commissioner Mullin inadvertently stated checks from 47706 to 46709. The motion will read General checks 46706 to 46769.

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 the following township events.

- June 30, 2021 movie “Sing”
- August 27, 2021 Chico’s Vibe Concert and Fireworks
- September 24, 2021 movie “Frozen”

COG – Commissioner Kennedy noted an in-person meeting was held in Parkesburg on June 23, 2021. Animal Control Task Force discussion was continued.

Commissioner Young noted that the Township has had different levels of service with the SPCA. For several years the Police and Zoning Officers were “animal control”, and it was a complete disaster. Commissioner Young also noted that this cost thousands of dollars more than the plan that the Township has now. He noted that he believes that the current plan is the most cost effective.

Commissioner Evans noted that he would like to see this in a more solid forum, and then have discussion.

Commissioner Kennedy noted that they also discussed the Governor’s announcement that there is no more emergency declaration.

Municipal Authority – Commissioner Mullin noted the following updates.

- 2020-2021 I&I Project – The Phase 3 repair contract is currently being worked on by Equix.
- Three more runs of 21 inch pipe were added, weather permitting. These runs are located in an area along the Right-of-Way that is normally wet.
- 2022 I&I Project – Staff informed the CTMA that the next phase has been identified and will give the Board an update on the preliminary cost estimate at their July meeting.

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

Fire Board – Commissioner Young noted that they met last week with special guest Commissioner Mullin to discuss full time fire fighters, and what that would look like, and how to achieve that goal.

Historical Commission – Commissioner Tindaro noted that their June meeting was postponed.

Commissioner Evans noted that there has been issues with lumber availability, which slowed things down with the Spackman Farm. He noted that there will be another pre-construction meeting next week.

Lincoln Highway – Commissioner Young noted a 6:30 PM meeting on July 14, 2021 to discuss membership, LERTA, and the former K-Mart facility.

Commissioner Evans noted that the Zoning Task Force is not meeting again until September.

Additional Business

Commissioner Mullin called for additional business. There was none.

Public Comments

Marc Fox of 256 Thornridge Drive asked if the Lincoln Highway meeting is a “Zoom” meeting. Commissioner Evans noted that it is not a public meeting. Commissioner Young noted that this will be discussed now that they have “Zoom” meetings.

Commissioner Mullin thank residents for attending, and noted that he appreciates everyone's feedback. He also noted the he will respond to those that he has not responded to yet as well as the other Commissioners will too.

Adjournment

Commissioner Mullin entertained a motion to adjourn the July 8, 2021 meeting at 9:30 PM. Moved by Commissioner Evans and seconded by Commissioner Tindaro. Vote passed 5-0.

Respectfully Submitted by,

Denise Miller
Assistant Township Secretary