

Caln Township
Chester County, Pennsylvania
Board of Commissioners Minutes
August 10, 2023
7:30 PM - Hybrid Meeting

Commissioner Mullin noted an Executive Session prior to tonight's meeting regarding labor and legal issues.

Call to Order and Pledge of Allegiance: Commissioner Mullin called the Board of Commissioners meeting to order at 7:40 PM. Commissioner Mullin then called for the Pledge of Allegiance to the flag.

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

Staff Members Present: Denise Miller-Assistant Township Secretary and Administrative Assistant, Abbey Swan-Community Outreach Specialist and Township Secretary, Lisa Swan-Treasurer and Director of Finance, Ray Stackhouse-Director of Building and Life Safety and the Public Works Department.

Professionals Present: Township Solicitor-Kristin Camp and ARRO Senior Project Manager-Karl Schmit.

Special Guest: N/A

The Board of Commissioners August 10, 2023 agenda was posted on the Township website, and at the Township building on August 9, 2023. Also, agendas were made available to the public.

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

Commissioner Evans Township Update

Welcome everyone, thank you for joining us. We're all in this together. Just a reminder, only questions or statements regarding an agenda item will be entertained under Citizens to be Heard at the top of the meeting. All other matters will be recognized during Public Comment at the end of the meeting.

Commissioner Evans noted that Hurricane Ida (Ida) hit in 2021 and ravaged Caln Township, (Caln) destroying homes, roadways, and bridges. Last Friday, 23 months after Ida, we came together with our neighbors, at the center of the new Municipal Bridge, to cut the ribbon on not just a throughway, but a new era of unity. We were joined by State Representative Dan Williams and County

Commissioner Josh Maxwell, who marveled at our determination to get it done and congratulated us for setting an example for others to follow.

Commissioner Evans noted that the Historical Commission would like to give a huge thank you to the Police Department and the Parks and Recreation Board for hosting National Night Out.

Commissioner Evans noted that the Board engaged Roseann McGrath to find a new Township Manager. Ms. McGrath is the best in the business, and she is leading the search to find someone best fit for our Township.

Commissioner Evans noted that with the recent storms, he emphasized to not drive through flooded roads and seek shelter if there is a tornado warning.

Commissioner Evans noted that when we all work together, there's nothing we can't do. Spread kindness everyone. Anger, grudges, and resentments are not worth our time or energy. Compassion, Empathy, Peace, and Love – these are what make the world go round.

Township Solicitor – Ms. Camp

Request for Consideration to Advertise an Ordinance Amending Chapter 29 of the Caln Code Titled “Officers and Employees” Specifically Section 29-5 Titled “Qualifications” to Permit the Township Manager to Reside Within 25 Miles of Caln Township – For Board consideration, Ms. Camp offered an ordinance amending Chapter 29 of the Caln Code titled “Officers and Employees” specially Section 2-5 Titled “Qualifications.” “§ 29-5 Qualifications. The Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to training and experience in municipal government and the ability to deal in an amicable and professional manner with the general public and Township officials and employees. The Manager need not be a resident of the Township, but within one year of the date of his employment as Manager, he must establish a permanent residence within 25 miles of the Township’s boundaries, unless an exception is granted by the Board.” Ms. Camp requested Board approval to advertise said ordinance for consideration to adopt at the August 31, 2023 Board meeting.

Commissioner Mullin called for Board and public comments.

Commissioner Evans noted that this is being considered for advertisement tonight because it is a bad time to ask someone to purchase a house, and the Board would like to attract as many people as possible.

Commissioner Mullin entertained a motion to advertise an ordinance amending Chapter 29 of the Caln Code titled “Officers and Employees” specifically Section 2-5 titled “Qualifications” to permit the Township Manager to reside within 25 miles of Caln Township. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Discussion on amending the Grant contract with Chester County under the Vision Partnership Planning to retain a new planner to finish the Zoning Ordinance Update – Ms. Camp asked that this be tabled because she is still working with the County to get another zoning amendment into the contract. The Board tabled this discussion until a later meeting.

Proposed SALDO amendment/Fee Resolution amendment re: reimbursement of professional consultant fees – For Board consideration, Ms. Camp offered a SALDO amendment and fee resolution. Ms. Camp noted that the purpose of these amendments is to clarify that there are two different escrows; plan review escrow and inspection fee escrow, and to re-establish and bring their balance back up when it is diminished by 50%. Amendments are also made to Section 137.47 noting that all fire hydrants required by an approved subdivision or land development shall be installed operational prior to the construction of any buildings or structures that are being built from ground. Ms. Camp also noted that state law requires a more extension review process, so this has to go to the County Planning Commission and the Township Planning Commission before the Township can hold a hearing. The Board authorized Ms. Camp to send said proposed ordinance to the County and the Township Planning Commissions. Mr. Stackhouse noted that this will be consistent with what the Municipal Authority has.

Mr. Mullin called for Board and public comments. There were none.

Board consensus was to authorize Ms. Camp to advertise the proposed ordinance for adoption at the August 31, 2023 Board meeting.

Commissioner Young asked Ms. Camp to talk about the Planning Commission proposed engagement letter with Unruh, Turner, Burke, and Frees. Ms. Camp replied that she can only generally speak on this matter because she is representing the Board of Commissioners (Board). Ms. Camp noted that the Board is the judge in a Conditional Use Hearing (CU) and determines whether an applicant meets the burden of proof. There are certain criteria in the ordinance they have to demonstrate, both objective criteria and subjective criteria. The laws say that if they meet those criteria then the Board must approve the CU unless objectors or people protesting the use present substantial evidence that this particular use at that particular location will have a more negative impact than you would ordinarily see. That law applies to this particular use, which is asking for an educational use along Lincoln Highway in the Academy. Ms. Camp also noted that the Township Planning Commission had a presentation and was of the belief that this is something they want to be involved in. The Township Planning Commission requested to be a party at the CU hearing and have counsel assist them and present evidence to the Board.

Tony DiSario of 251 Loomis Avenue stated that he did not understand what Ms. Camp's presentation was about. Ms. Camp and Commissioner Young noted that this would be a private school for approximately 30 to 50 students. Ms. Camp also noted that currently these students are bussed to the school in Audubon, Montgomery County. The district asked the school to find a local location, so these students do not have to be bussed so far.

Township Engineer – Mr. Schmit

Request for Board Consideration to Award the Lowest Qualified Bidder CriLon Corp., in the Amount of \$382,173.16 for the G O Carlson Boulevard Stream and Bridge Repair Project Scour and Embankment Work – For Board consideration, Mr. Schmit offered the lowest qualified bidder CriLon Corp., in the amount of \$382,173.16 for the G O Carlson Boulevard Stream and Bridge Repair Project scour hole and embankment work.

Commissioner Mullin called for Board and public comment.

Commissioner Mullin asked when the work would start. Mr. Schmit replied that he will send the “notice to proceed” letter to CriLon tomorrow and after their receipt, they will send the township their schedule.

Commissioner Evans asked if this project is still in budget. Mr. Stackhouse replied that it is in the anticipated expenses.

Commissioner Mullin entertained a motion to award the lowest qualified bidder CriLon Corp., in the amount of \$382,173.16 for the G O Carlson Boulevard Stream and Bridge Repair Project scour and embankment work. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

Request for Board Consideration of Final Pay Application #5 Payable to Lobar Site Development in the Amount of \$95,519.10, for Work Through August 2023 for the Municipal Drive Bridge Replacement Project – For Board consideration, Mr. Schmit offered final pay application #5 to Lobar Site Development in the amount of \$95,519.10, for work through August 2023 for the Municipal Drive Bridge Replacement Project. Mr. Schmidt noted that there is a \$1,500.00 credit back to the Township. Mr. Schmit thanked his colleague Keith, Mr. Stackhouse, and the township residents for their patience.

Commissioner Mullin called for Board and public comments.

Commissioner Kennedy noted that the spaces in the guide rail are a liability and need to be repaired immediately. Mr. Schmit replied that this will be looked at and report back to the Board.

Commissioner Mullin entertained a motion for final pay application #5 payable to Lobar Site Development in the amount of \$95,519.10, for work through August 2023 for the Municipal Drive Bridge Replacement Project. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 4-0 with Commissioner Kennedy abstaining.

Minutes to Approve

Request for Board Consideration to Approve the July 13, 2023 Board of Commissioners Minutes – Commissioner Evans asked that the July 13, 2023 minutes be tabled until the August 31, 2023 meeting. Commissioner Mullin approved.

Request for Board Consideration to Approve the July 27, 2023 Board of Commissioners Minutes – Commissioner Mullin called for Board comments. There were none.

Commissioner Mullin entertained a motion to approve the July 27, 2023 Board of Commissioners Minutes. Moved by Commissioner Evans and seconded by Commissioner Kennedy. The vote passed 5-0.

Ordinances and Resolutions

Request for Board Consideration to Adopt Resolution 2023-15, a Resolution Establishing Guidelines for the Use and Operation of Mobile Food Facility Within the Township (Tabled 06/08/2023) – Board consensus was to table adoption consideration until the August 31, 2023 meeting.

Request for Board Consideration to Adopt Resolution 2023-16 Amending Resolution 2023-01 to Add Fees for Food Truck Permits and Tort/Civil Claim Requests From Caln Township Police Department (Tabled 06/08/2023) – Board consensus was to table adoption consideration until the August 31, 2023 meeting.

Finance Department – Ms. Swan

Request for Board Consideration to Approve the Accounts Payable Bill List for Checks 50520 to 50624 and Manual Check 293 – Commissioner Mullin called for Board and public comments. There were none.

Commissioner Mullin entertained a motion to approve the accounts payable bill list for checks 50520 to 50624 and manual check 293. Moved by Commissioner Young and seconded by Commissioner Tindaro. The vote passed 5-0.

Request for Board Consideration to Approve and Authorize the Board President to Sign a Letter Authorizing Lisa Swan as Temporary Trustee to Act as Custodian for all the Delaware Valley Health Trusts Plans – For Board consideration, Lisa Swan presented a letter authorizing her as the temporary trustee to act as custodian for the Delaware Valley Health Trust, Delaware Valley worker’s Compensation Trust, and the Delaware Valley Property and Liability Trust.

Commissioner Mullin called for Board and public comments.

Commissioner Kennedy asked if these plans have expiration dates. Ms. Swan and the Board explained that these are plans and do not have an expiration date.

Tony DiSario of 251 Loomis Avenue asked if these checks need two signatures. Lisa Swan and the Board explained that this motion is about authorizing Ms. Swan to act as Temporary Trustee for these plans and not about checks. Commissioner Young explained how the township checks are signed.

Commissioner Mullin entertained a motion to approve and authorize the Board President to sign a letter authorizing Lisa Swan as temporary Trustee to act as custodian for Delaware Valley Health Trust, Delaware Valley Worker’s Compensation Trust, and Delaware Valley Property and Liability Trust. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. The vote passed 5-0.

Request for Consideration of Township’s Participation in Municipal Consortium to Retain Cohen Law Group to renegotiate Verizon Franchise Agreement, which expires April 2026 – Commissioner Mullin called for Board and public comments.

Commissioner Mullin noted that these take a few years to negotiate and complete a contract.

Commissioner Mullin entertained a motion to authorize the Township’s participation in a Municipal Consortium to retain Cohen Law Group to renegotiate their Verizon Franchise Agreement, which expires April 2026. Moved by Commission Tindaro and seconded by Commissioner Young. The vote passed 5-0.

Request for Consideration to Approve to Order From Turf Equipment and Supply Company a Toro Multi Pro 5800 Sprayer as a 2024 Capital Purchase, in the Amount of \$66,910.08, and to Authorize the Board President to Sign Their Agreement – For Board consideration, Lisa Swan offered a Toro Multi Pro 5800 Sprayer as a 2024 capital purchase in the amount of \$66,910.08, and to authorize the Board President to sign their agreement. Ms. Shannon gave a brief description of the sprayer and noted that this can also be used for the Township Parks and the “meadow”.

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

Commissioner Mullin entertained a motion to approve an order from Turf Equipment and Supply Company for a Toro Multi Pro 5800 sprayer as a 2024 capital purchase in the amount of \$66,910.08 and to authorize the Board President to sign their agreement. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

Request for Consideration to Approve to Order From Finch Turf, Inc. a LASTEC XR700T Tow Behind 132" Rotary Mower, as a 2023 Golf Fund Purchase in the Amount of \$29,819.55, and to Authorize the Board President to Sign Their Agreement – For Board consideration, Ms. Swan offered LASTEC XR700T Tow Behind Rotary Mower as a 2023 golf fund purchase, in the amount of \$66,910.08 and to authorize the Board President to sign their agreement.

Commissioner Mullin called for Board and public comments.

Commissioner Mullin noted that this will take approximately 2 to 3 weeks for delivery, and he asked Ms. Shannon if this would be a lease option. Ms. Shannon and Lisa Swan replied that this cost will be paid in full out of the 2023 golf fund. Ms. Shannon noted that this is an 11-foot-wide mower. Commissioner Mullin noted that he received an email regarding high grass, so this mower will help.

Commissioner Mullin entertained a motion to approve an order from Finch Turf Inc., for a LASTEC XR700T Tow Behind Rotary Mower as a 2023 golf fund purchase, in the amount of \$66,910.08 and to authorize the Board President to sign their agreement. Moved by Commissioner Young and seconded by Commissioner Evans 5-0.

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Kennedy noted that they are working on Community Day for September 9, 2023 from 3:00 PM to 8:00 PM. Commissioner Kennedy also thanked the Police Department and the Parks and Recreation Board for hosting National Night Out.

COG – N/A

Municipal Authority – Commissioner Mullin noted that they are assembling the bid documents for an anticipated opening of November 2023 for the 2024 grouting project, The Contractor for the 2023 grouting project is estimated to start on August 21, 2023. MiPlace-Fernmoor Homes is completing all the Municipal Authority’s test requirements prior to the line becoming active, and the final road restoration will be completed late this summer.

DARA – Commissioner Mullin noted that they continue to review related to the draft concept plan for the treatment plant upgrades. They requested that Entech Engineers submit a proposal to perform the necessary financial investigations as it relates to the funding of the proposed expansion and upgrades. DARA is also continuing to work with FEMA and PEMA in obtaining final payment related to Ida.

Fire Board – N/A

Historical Commission

Commissioner Evans noted that the Historical Commission has not met since their last update. Commissioner Evans also noted that along with Dawn Coughlan, they met with Laura DeMATEO, Sally-Anne Warren, and Joe Shanley of the Chester County Planning Commission (CCPC). They also met with Mr. Stackhouse and Abbey Swan at the Township Building to discuss the July 20, 2023 town tour. The County was extremely pleased and the CCPC and Mr. Stackhouse agreed that they did not expect as many visitors, and we should consider using a service like Eventbrite for reservations for future tours. We also discussed potential parking options. Overall, the tour was considered a great success for the township and for the county.

Commissioner Evans noted that their next meeting will be held on August 16, 2023 at 7:00 PM, live or via Zoon. Commissioner Evans also noted that they will be reviewing the Spackman Farm Tour and discussing their 2024 budget. Please consider attending one of our meetings. Also, please consider joining the Parks and Recreation Board who meet the first Monday of each month. Without their help, our historic events would not have been possible.

Lincoln Highway – Commissioner Young noted that he and Commissioner Evans met with people to reformulate the group, and they also will reach out to Chester County Economic Development.

Ingleside Golf Course – Commissioner Tindaro noted that the golf carts will arrive in approximately 1 to 2 weeks. Also, their next meeting will be held on August 28, 2023 at 5:45 PM.

Additional Business

Request for Board Consideration to Approve and Authorize the Board President to Sign the Planning Commission Special Counsel General Terms of Engagement with Unruh, Turner, Burke & Frees, Pertaining to the Conditional Use Application of the Proposed Lincoln Center Located at 4531 Lincoln Highway (Location is in the Former Bob Wagner Building) – Commissioner Mullin noted that Ms. Camp gave a brief explanation of this Agreement under her heading.

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

Commissioner Mullin entertained a motion to approve and authorize the Board President to sign the Planning Commission Special Counsel General Terms of Engagement with Unruh, Turner, Burke, and Frees, pertaining to the conditional use application of the proposed Lincoln Center located at 4531 Lincoln Highway. Moved by Commissioner Young and seconded by Commissioner Evans. The vote passed 5-0.

Request for Board Consideration to Approve and Authorize the Board President to Sign the D.E. Gemmill Proposal for the Modification of the Previous 2023 Line Stripping Approval, in the Amount of \$18,409.60 – For Board consideration, Mr. Stackhouse offered a D.E. Gemmill proposal for the modification of the previous 2023 Line Stripping, in the amended amount of \$18,409.60. Mr. Stackhouse noted that the Board approved a previous bid from D.E. Gimmell; however, there was miscommunication on what road lines were being painted and what the quote was for. Mr. Stackhouse also noted that the bid was re-evaluated and re-bid to the same 3 bidders and D.E. Gimmell was the lowest qualified bidder again. There are a few less roads based on what was budgeted for this project. This project is approximately \$400.00 over the project budget. Mr. Stackhouse requested the additional \$400.00 and approval of the bid.

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

Commissioner Mullin entertained a motion to approve and authorize the Board President to sign the D.E. Gemmill proposal for the modification of the previous 2023 Line Stripping approval, in the amended amount of \$18,409.60 for the 2023 Line Stripping. Moved by Commissioner Kennedy and seconded by Commissioner Tindaro. The vote passed 5-0.

Request for Board Consideration of Payment Application #1 in the Amount of \$53,995.50 Payable to E&K Construction Services Inc., for the G O Carlson Boulevard Emergency Retaining Wall Repairs Project for Work Performed to July 31, 2023 – For Board consideration, Mr. Stackhouse offered payment application #1 in the amount of \$53,995.50 payable to E&K Construction Services Inc., for the G O Carlson Boulevard Emergency Retaining Wall Repairs Project for work performed to July 31, 2023.

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

Commissioner Mullin entertained a motion to approve payment application #1 in the amount of \$53,995.50 payable to E&K Construction Services Inc., for the G O Carlson Boulevard Emergency Retaining Wall Repairs Project for work performed to July 31, 2023. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

Public Comment

Tony DiSario of 251 Loomis Avenue noted that there is not a chain link fence around the building site in front of “Lomax”. Mr. Stackhouse replied that he will check this out.

Commissioner Kennedy noted that she received a flyer for Dunkin’s grand opening on August 26, 2026, and the first 100 people will receive free coffee for 1 year.

Commissioner Mullin noted that he would like to add a discussion regarding the honorary sign that Commissioner Kennedy requested to the August 31, 2023 agenda. Abbey Swan replied that she received samples and quotes from their current street sign vendor.

Sue Rochon of 1259 South Red Maple Way recommended that the golf course employees receive a wage increase. Commissioner Mullin noted that he agrees. Ms. Rochon noted that the golf course is in disarray. Lisa Swan noted that she did a comprehensive wage versus personnel spreadsheet. Nicole Shannon responded that she is making progress on the improvements on the course, and understands the current issues with the course.

Bob Hetzel of 584 Lloyd Avenue noted that he cannot hear the public talking all the time. Commissioner Mullin noted that the Township is purchasing two more microphones, and suggested raising your hand when you cannot hear clearly. Commissioner Evans noted that the Township is purchasing a higher quality microphone, and a microphone stand.

Adjournment

Commissioner Mullin entertained a motion to adjourn the August 10, 2023 Board of Commissioners meeting at 9:00 PM. Moved by Commissioner Evans and seconded by Commissioner Young.

Respectfully Submitted,

Denise Miller
Assist. Township Secretary