

Meeting Minutes for Caln Township
Board of Commissioners
August 11, 2022
7:30 PM
Hybrid Meeting

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

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

Staff Members Present: Kristen Denne-Township Manager/Secretary, Denise Miller-Assistant Township Secretary, Lisa Swan, Township Treasurer.

Professionals Present: Kristin Camp-Township Solicitor and Al Vennettilli P.E. representing ARRO.

Special Guest: N/A

The Board of Commissioners August 11, 2022 agenda was posted on the Township website, and at the Township building, on August 10, 2022. Agendas were made available for the public at the meeting.

The 2022 Township Board of Commissioners meetings were published in the Daily Local News, on December 28, 2021.

Commissioner Evans Township Update

Welcome everyone, thank you for joining us. Our meetings are “Neutral Ground,” a place to hear and be heard. The Board of Commissioners (BOC) are here to represent everyone in Caln Township (Caln), and we strive to be sure our decisions address the needs of all. We are 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.

LUCKY YOU! I still have residual COVID symptoms and can’t talk much with coughing, so this will be really short! If you’re not vaccinated, quit the debating society and get it done, please...

EMERGENCY: Commissioner Evans noted that last night the Township met with three local EMS providers in the wake of the loss of Brandywine Hospital, and Medic 93. No decisions have been made yet, but we did come away with a better understanding of how to navigate a clear path towards ensuring all our residents are served, that they are served equitably, and that it stays that way moving forward.

CLEAN UP TIME: Commissioner Evans noted that Social Media was abuzz about a parking on the grass fine they received. If their claim was factual, this would be terrible, inconsiderate, and cruel. But it's not.

The facts are that the Township has had many issues with this resident including high grass, unsanitary exterior property, and parking on the grass. Our inspectors tried to work with them several times to avoid fines, and in this case, the vehicle was parked on the front lawn for days. Not just long enough to get someone in and out.

I know that the moderator of the site was notified of the facts, and it would have been really nice if they had shared those facts on their site once they had them, rather than letting their followers rally and rage in support of a claim that is not true. It's called accountability.

CALN TOWNSHIP IS "OPEN FOR BUSINESS": Commissioner Evans noted that nothing is ever perfect, but It's our township, our community, our home. #lookoutforcaln We can all be a part of the solution by eagerly spreading the good news about where we live.

Citizens to be Heard

Jim Hepner of 1647 Reed Street noted that he feels that his family is being sought out by the Township Code office. He received a fine for parking on the grass after a codes department employee told him that he could park by the house, so he can walk his father into their home.

Ms. Denne advised the Board that the Board should not comment on the fines because there is pending litigation.

Mr. Hepner noted that Reed Street needs to be re-paved. He also noted that when it rains his family must walk through four inches of water to get in and out of their house.

Mr. Hepner asked the Board if code enforcement is permitted to fine someone when they ride by and see a violation in the Township. Commissioner Mullin noted that they are permitted to give a citation if they see a violation.

Tony DiSario of 251 Loomis Avenue noted that his neighbor was scammed today by the people who sprayed her driveway. Ms. Denne noted that his neighbor would have to call the police. Mr. DiSario replied that he called them, and two police officers arrived at her house.

Commissioner Evans noted that there are twelve people remotely in attendance, other than himself and Commissioner Kennedy.

Township Solicitor – Ms. Camp

Public Hearing - Ordinance 2022-05 Approving Appointment of Solicitor, Interest Assessment, and Attorney Fees and Collection Fees Added to the Amount Collected as Part of Unpaid

Municipal Claims for Delinquent Accounts – Commissioner Mullin waived the agenda to move the consideration to vote on the adoption of Ordinance 2022-05.

Ms. Camp noted that there was a change in the law where agencies will have to send an additional notice to residents who are delinquent on their trash or sewer bills. Ms. Camp also noted that Portnoff and Associates prepared an ordinance to update those fees.

Ms. Denne noted that this ordinance has been reviewed and advertised for consideration to adopt.

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

Commissioner Mullin entertained a motion approving Ordinance 2022-05 for the appointment of solicitor, interest assessment, and attorney fees and collection fees added to the amount collected as part of unpaid municipal claims for delinquent accounts. Moved by Commissioner Young and seconded by Commissioner Kennedy.

Vote passed 5-0.

Discussion of Changes in Municipal Collections Due to Act 57 Legislation – Ms. Camp noted that a new law was passed in July 2022 for circumstances when a property changes owners and they do not receive a copy of the tax bill, and therefore fail to pay it in a timely manner. This law gives the owner of the property the opportunity to ask the Township Tax Collector to waive that late fee.

Ms. Camp noted that this law will start on October 11, 2022. A resolution must be adopted 90 days after this date, and an ordinance updating Chapter 141 of the Township Code will have to be updated soon after.

Ms. Denne noted that the resolution is on the agenda for consideration to adopt.

Commissioner Young asked Ms. Camp if this is for every tax year or only for the purchase of a property. Ms. Camp replied that it is anytime where the property changes hands, and the new owner fails to receive a tax bill. Ms. Camp also replied that most buyers use a settlement service, and the tax bill is paid at settlement.

Commissioner Mullin asked Ms. Camp if there will be a procedure for residents to follow in requesting this waiver. Ms. Camp replied that the Department of Community and Economic Development (DCED) will have a form, which the Township can provide to the taxpayer.

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

Request to Consider Resolution 2022-28 Establishing the Process and Procedures by Which Taxpayers May Seek a Waiver of Late Payment Penalties for Real Estate Taxes Set Forth in Act 57 Which Amends the Local Tax Collection Law – For Board consideration, Ms. Denne offered Resolution 2022-28 establishing the process and procedures by which taxpayers may seek a

waiver of late payment penalties for real estate taxes set forth in Act 57, which amends the local tax collection law.

Commissioner Mullin entertained a motion to adopt Resolution 2022-28 establishing the process and procedures by which taxpayers may seek a waiver of late payment penalties for real estate taxes set forth in Act 57, which amends the local tax collection law. Moved by Commissioner Evans and seconded by Commissioner Tindaro.

Vote passed 5-0.

Discussion of Edits to Historic Resource Ordinance – Ms. Camp noted that she needs to know how the Board defines historic resources as being defined as Class 1 or Class 2. Ms. Camp noted that she is questioning where it references “resources that are deemed by the Chester County Historic Preservation office to meet substantially the national criteria.” She asked the Board if it could be changed to the “Caln Township Historic Commission” and if so, it would work for how the Class1s are being defined. Commissioner Evans and Commissioner Mullin agreed.

Commissioner Young recommended “historic place, person or event for Caln Township.” Ms. Camp asked the Board their opinion. Commissioner Evans agreed. Ms. Camp noted that she will incorporate this in the ordinance.

Ms. Camp noted that at the last two meetings discussion was held on the Historic Resource Impact Statement (HRIS). Based on that discussion, the draft she prepared states that if a property that has a Class 1 or 2 historic resource is the subject of an application to construct something that is greater than 500 square feet in area, they would have to prepare a HRIS. Secondly, if the owner of a property that does not have a historic resource but wants to build something more than 500 square feet within 300 feet of a Class 1 historic resource, they would need to prepare the HRIS. Thirdly, if you do not have a property with a historic resource but want to construct something greater than 500 square feet within 150 feet of a Class 2 historic resource, you have to prepare a HRIS. Ms. Camp also noted that the Historic Commission will review the HRIS form and give guidance as to whether what is being constructed has an impact upon the Class 1 or Class 2 historic resource, that it’s near. This would apply only to structures (buildings) not decks or driveways, etc.

Commissioner Evans noted that he will meet with Historic Commission member Paul Stevens over the weekend. He also noted that he is waiting for the report from the Historic Commission team that drove around to go over the resource list.

The process for demolition of Class 1 and Class 2 historic resources is laid out clearly. However, Ms. Camp asked the Board if they want to give input on alterations to historic resources. Commissioner Evans noted that it is not a good idea to make it difficult for residents to do alterations on a historic resource to improve or maintain the resource. Commissioner Young asked if this is for interior or exterior. Ms. Camp replied that it is just for exterior. Ms. Camp

said the County review letter noted that they have never seen a Municipality involved with the interior of historic structures.

Ms. Camp asked the Board if they have any thoughts on the additions to Section 608.8 on additional use opportunities. Commissioner Young asked you could have an application go to the Board instead of having a conditional use hearing, which is more burdensome and expensive. Ms. Camp noted that she will add this to the ordinance.

Ms. Camp noted that she will send a clean version of tonight's discussed items to the Board on Friday. She will also insert this to the master zoning ordinance that is being amended.

Cheryl Spaulding of 406 Lloyd Avenue requested that this ordinance be attached to the agenda before it is adopted. Commissioner Young replied that it will go from the Board to the Zoning Task Force. Commissioner Evans replied that the Board would like to host "Coffee with the Commissioners" in September to discuss it. Ms. Denne replied that all ordinances are advertised and attached to the agenda when they are to be considered for adoption.

Township Engineer

Discussion of Draft Stormwater Ordinance – Ms. Camp noted that in 2013, the County Water Resources Authority prepared a model ordinance for Chester County Municipalities to adopt. Act 167 statute establishes stormwater management regulations and required Municipalities to adopt and enforce ordinances consistent with the state law. In December 2014 Caln Township adopted this ordinance.

Ms. Camp noted that the county adopted a revised Act 167 Stormwater Management Ordinance in 2022 in order to stay compliant with the state law. The Board adopted this in February 2022. It was then sent to the Department of Environmental Protection (DEP) where they wanted the county to make three minor edits, which have been made and will be adopted by the County Commissioners in August 2022, with those edits.

Ms. Camp noted a new Section 706, which mandates how the stormwater management facilities are inspected and maintained. The Caln current stormwater ordinance does not have any inspection section, however, there are stormwater management operation and maintenance agreements that get recorded anytime a land owner builds a new stormwater facility.

Ms. Camp noted that Section 706 gives the option to impose the inspections on the landowner or the Municipality, meaning a third-party company. If the Municipality did the inspections, then they would have to do an inspection once per year for the first five-years, then every three years, then at the cessation of a 10-year storm.

Ms. Camp noted that the Township would need a copy of the inspection report if the landowners were responsible for inspections. The Township would need to make sure that the inspection passed and that they are being properly maintained.

Ms. Camp noted that the Township has to adopt this ordinance by September 30, 2022 because they are a Municipal Storm Sewer System (MS4) community. There will be a little flexibility on that date if the Township shows that they are working diligently towards adoption.

Commissioner Young asked if the 10-year storm time frame is negotiable? Ms. Camp replied that she believes that it is not, however, she will check with the County Water Resources Authority.

Ms. Camp asked Ms. Denne what direction she would like to go with who does the inspections. Ms. Denne replied that she would like to have the Township hire a third party to do them. Commissioner Young replied that he believes that the homeowner should do their inspections.

Ms. Camp noted that you can do a simplified approach for anything 1,000 to 2,000 square feet, and a fully engineered plan for anything over 2,000 square feet.

Commissioner Mullin asked Mr. Vennettilli how many inches of rain is considered a 10-year storm. Mr. Vennettilli replied that it is approximately one inch of rain during one rainfall.

Ms. Camp noted that page 96 reads “note to editor” “Municipalities with a MS4 permit must include the following inspection requirement for a Best Management Practices (BMP) inspected by the Municipality during or immediately after the cession of a 25-year or greater storm”. If you leave inspections up to the landowner, an inspection would be required after the cession of a 10-year storm.

Commissioner Mullin asked Mr. Vennettilli how many inches of rain are considered a 25-year storm. Mr. Vennettilli replied that it is less than two inches of rain. Commissioner Young noted that he feels that this is excessive, because you could have multiple 25-year storms per year.

Commissioner Young asked Ms. Camp if this ordinance is retroactive. Ms. Camp replied that it is accumulated from 2013 when the Township adopted their ordinance.

Ms. Camp noted that if the Township would not adopt this ordinance, then the DEP could fine the Township or would not issue their MS4 permit. This can also impact receiving Township grants.

Commissioner Mullin would like to get an estimate of what an outside agency would charge for an inspection fee.

Cheryl Spaulding of 406 Lloyd Avenue noted that the Board should put in the most stringent ordinance and noted that you could put the added costs to your financing of your project. Ms. Spaulding asked if the ordinance could be attached to agenda. Ms. Denne replied that anytime an ordinance will be adopted it will be advertised and attached to the agenda.

Commissioner Evans and Commissioner Young both noted that they were not suggesting to not comply with this ordinance. They were asking questions on what they could do.

Dan Hagan of 217 Park Drive asked if Beaver Creek and the basin down from his house apply to this ordinance. Commissioner Young and Ms. Camp replied that anything built before 2013 is not. Ms. Camp noted that there are multiple projects being done in the Township and will continue to be done to correct the stormwater issues. Commissioner Mullin replied that the Township is mapping the whole Township out to see where the stormwater issues are.

Mike Bedrick of 1701 Olive Street asked if this addresses commercial property. Ms. Camp replied that it does.

Cheryl Spaulding of 406 Lloyd Avenue asked how the stormwater maintenance is controlled with facilities built before 2013. Ms. Camp replied that there are stormwater regulations within the subdivision ordinance and notes on each individual plan. Commissioner Young replied that since he has been on the Board, the Township does stormwater agreements.

Commissioner Young called for further Board or public comments. There were none.

Township Manager

Marketing and Processing of Recyclables for 2023 – For Board consideration, Ms. Denne offered a ninety-day termination letter to Eagle Disposal. Eagle Disposal (Eagle) currently accepts and processes the Township's recyclable materials that are collected by A.J. Blosenski, for a cost of \$27.50 per ton. The current agreement with Eagle shall be re-evaluated by each party in August of each year and automatically renew thereafter for successive terms of one-year each, unless either party gives written notice of termination to the other party by certified mail at least ninety days prior to the expiration of the existing term of December 31, 2022. Ms. Denne noted that Eagle submitted a proposal for the 2023 term at a cost of \$65.00 per ton. Ms. Denne noted that the county can take recyclables for \$44.95.

Commissioner Mullin called for Board and public comments.

Mark DeYoung of 20 Beaver Run Road made a comment on the process.

Commissioner Mullin entertained a motion to authorize Kristen Denne to sign the official written notice of termination letter in the form as presented and forward it to Eagle Disposal. Moved by Commissioner Young and seconded by Commissioner Tindaro.

Vote passed 5-0.

Resignation of Mike Noble from the Zoning Task Force, and Zoning Hearing Board – Ms. Denne noted the resignation of Mike Noble from the Zoning Task Force and the Zoning Hearing Board. The Board thanked Mr. Noble for his service to the Township. Ms. Denne also noted that the Township needs Zoning Hearing Board members. It cannot be someone that sits on another Board or Commission within the Township.

Commissioner Mullin asked Ms. Denne if there is training for this position. Ms. Denne replied that it is a learn as you go Board. She also replied that the Zoning Board Solicitor guides the members. There is a \$75.00 per quarter stipend.

Commissioner Mullin entertained a motion accepting the resignation of Mike Noble from the Zoning Task Force and the Zoning Hearing Board. Moved by Commissioner Evans and seconded by Commissioner Tindaro.

The Board thanked Mr. Noble for his service.

Vote passed 5-0.

Resignation/Retirement of Officer Tomasovich from Caln Township Police Department – Ms. Denne noted the resignation/retirement of Officer Tomasovich from the Caln Township Police Department. She also noted that he served with the Caln Police Department for 24 years. The Board thanked Officer Tomasovich for his service to the Township community.

Commissioner Mullin entertained a motion accepting the resignation/retirement of Officer Tomasovich from the Caln Township Police Department. Moved by Commissioner Young and seconded by Commissioner Evans.

Vote passed 5-0.

Ordinances and Resolutions for Consideration

Request to Consider Ordinance 2022-05 Approving Appointment of Solicitor, Interest Assessment, and Attorney Fees and Collection Fees Added to the Amount Collected as Part of Unpaid Municipal Claims for Delinquent Accounts – Ordinance 2022-05 was adopted under Township Solicitor.

Request to Consider Resolution 2022-27 Authorizing the Township Manager/Secretary to Sign all Documents Necessary to Engage in a Shared Video Licensing Agreement with PennDOT – For Board consideration, Ms. Denne offered Resolution 2022-27 authorizing the Township Manager/Secretary to sign all documents necessary to engage in a shared video licensing agreement with PennDOT. Ms. Denne noted that PennDOT updated this current version. agreement.

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

Commissioner Mullin entertained a motion to adopt Resolution 2022-27 authorizing the Township Manager/Secretary to sign all documents necessary to engage in a shared video licensing agreement with PennDOT. Moved by Commissioner Evans and seconded by Commissioner Tindaro.

Vote passed 5-0.

Request to Consider Resolution 2022-28 Establishing the Process and Procedures by Which Taxpayers May Seek a Waiver of Late Payment Penalties for Real Estate Taxes Set Forth in Act 57 Which Amends the Local Tax Collection Law – Commissioner Mullin waived the agenda and moved the adoption consideration under “Township Solicitor”.

Request for Consideration Resolution 2022-04 A Resolution Designating the 2022 Response Territories for Emergency Service in Caln Township (Tabled 01/13/2022) – Commissioner Mullin noted that the Township had a meeting on August 10, 2022, with Minquas, Washing Hose and Westwood fire companies. Commissioner Mullin noted that this resolution will continue to be tabled.

Minutes to Approve

Request to Consider Approval of the Board of Commissioners Meeting Minutes of July 28, 2022 – Commissioner Mullin called for Board comments. Commissioner Evans noted that he would like to table the approval of these minutes, until he can send his updates to the Township.

Commissioner Mullin entertained a motion to table the adoption of the July 28, 2022 minutes until Commissioner Evans has sent his updates to the Township. Moved by Commissioner Evans and seconded by Commissioner Kennedy.

Vote passed 5-0.

Request to Consider Approval of the Board of Commissioners Special Meeting Minutes of July 25, 2022 – Commissioner Mullin called for Board comments. There were none.

Commissioner Mullin entertained a motion to approve the Board of Commissioners Special Meeting Minutes of July 25, 2022. Moved by Commissioner Young and seconded by Commissioner Tindaro.

Vote passed 5-0.

Finance Department – Ms. Swan

Motion to Approve General Checks 48621 to 48678 and manual checks 273 and 274 – Commissioner Mullin called for Board comments.

Commissioner Mullin asked what the \$2,800 check for the Ford Edge is for. Ms. Denne replied that it was to fit the vehicle for the fire inspector.

Commissioner Mullin entertained a motion to approve general checks 4861 to 48678 and manual checks 273 and 274. Moved by Commissioner Young and seconded by Commissioner Tindaro.

Vote passed 5-0.

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Kennedy noted that the Chico’s Vibe event was a huge success. Commissioner Kennedy also acknowledged and thanked Chester County Dental Arts for sponsoring the event.

Commissioner Kennedy noted that Community Day will be held on September 10 from 3:00 PM to 8:00 PM.

COG – Commissioner Kennedy noted that the members went to the “Point” in Parkesburg. Discussion was held on the EMS.

Municipal Authority – Commissioner Mullin noted that Equix Integrity began work on Phase 4 of the July cleaning and televising area of the Cohen property. Commissioner Mullin also noted that Gilmore is working on the 2023 five interceptor repair project bid documents.

DARA – Commissioner Mullin noted that the Municipal Authority received reimbursement from DARA for the emergency fund that was expended from the 2021 storm event. DARA had a lot of damage and repair to do from the storm.

Commissioner Mullin noted that he watched the recycling employee shake his recycling can trying to get all the recycling out. Sometimes all the recycling does not come out, possibly from packing it down too hard. Commissioner Mullin noted to call the Municipal Authority if you are having this issue.

Jim Hepner of 1647 Reed Street asked the Board if residents need a permit to have a dumpster in your driveway. Ms. Denne replied that the Township does require a dumpster permit.

Fire Board – Commissioner Mullin noted discussion on the Fire Board agreement and their budget. Commissioner Mullin also noted that they hired a CPA firm to do their audit.

Historical Commission – **HISTORICAL COMMISSION UPDATE**

The Historical Commission met on Wednesday July 20th, we had a quorum present, plus two guests. We heard from all our Subcommittees.

SPACKMAN FARM and MARKETING AND SOCIAL MEDIA reported The Patch and The CCHPN Ledger had expressed interest in publishing a story on our efforts at Spackman Farm, the Patch and Vista have already published their stories.

It was reported that it appears work may have begun on the driveway and parking area.

The Kings Highway Master Plan was also discussed.

HISTORICAL PRESERVATION reported on the open BOC workshops and that it's important that we clarify our Classifications requirements. A team was formed to do a "ride around" on 8/2 to visually inspect the resources on our current list

LLOYD FARM There was a spirited discussion on Lloyd Farm, with Tom and Chris Parr sharing a great deal of research. We will be reaching out to CCHPN to do a study of the farm, hopefully in the fall.

There were updates on Budget, OCHS coordination, July Historical Tours, Buchanan House, and a brief discussion on Organizations to consider joining.

We will not meet in August, our next meeting is Wednesday September 20th at 7pm, to kick off what promises to be a very active fall. We NEED MORE MEMBERS!

Lincoln Highway – Commissioner Young noted that Ms. Camp is working with the Coatesville School District Solicitor on the LERTA document that they need to do. Commissioner Young also noted that Ms. Camp heard back from the County with details on how to move forward.

Additional Business

Commissioner Mullin called for additional business. There was none.

Public Comments

John Hashum of 300 North Bailey Road asked the Board if public sewer will be expanding on Reed Street. Ms. Denne replied that currently the plan is for stormwater.

Mr. Hashum asked if LERTA applies to age restricted living. Commissioner Young replied that it does not.

Mr. Hashum noted that he is concerned with Class 1 and Class 2. Commissioner Young noted that the Board added that you can do a litany of items to any zoning district, so even if you are in a residential area, you are not a use that is not permitted.

Adjournment

Commissioner Mullin entertained a motion to adjourn the August 11, 2022, Board of Commissioners minutes at 9:42 PM. Moved by Commissioner Young and seconded by Commissioner Evans.

Vote passed 5-0.

Respectfully Submitted,

Denise Miller
Assistant Township Secretary