

Caln Township Board of Commissioners  
253 Municipal Drive Thorndale, PA 19372  
October 31, 2019  
8:00 PM

Call to Order and Pledge of Allegiance

Commissioner Breton noted an Executive Meeting at 7:30 PM prior to tonight's 8:00 PM Board Meeting, regarding Personnel matters.

**Citizens to Be Heard**

Commissioner Breton called for Citizens to be Heard. There were none.

**Presentation of Community Day Checks** – Commissioner Young thanked Raider Starz for selling tickets for the duck race, and the Coatesville Basketball Team, who sold the most tickets. Mr. Young also thanked Washington Hose and Community Outreach Specialist, Ms. Swan for all time and effort for the day's event. Commissioner Young noted that the \$500 second place winner, unanimously wishes to donate their prize money to the Coatesville Basketball Team.

**Civil Service Candidates for Police Officers** – Chair of the Civil Service Commission, Mr. March noted that he is present tonight to certify three names, to the Board of Commissions, to fill two vacancies. He noted the current eligibility list was adopted on December 10, 2018 and consisted of twenty six names, in which two were already hired. The last three on the list were still being considered for certification at this time. #16 Lori King, #25 Charles Burdsall, and #18 Joseph O'Keefe.

**Commissioner Breton entertained a motion to accept the candidates for the Civil Service Commission for the two current vacancies. Moved by Commissioner Kramer and seconded by Commissioner Chambers. Vote passed 5-0.**

Chief Elias requested the Board of Commissioners extend conditional offers of employment Charles Burdsall and Joseph O'Keefe, based on their expertise and background investigations.

**Commissioner Breton entertained a motion to extend conditional offers of employment pending further evaluation to Charles Bursal and Joseph O'Keefe. Moved by Commissioner Kramer and seconded by Commissioner Chambers. Vote passed 5-0.**

**Township Solicitor – Ms. Camp**

**Continued Hearing Amending an Ordinance Adding Mini Warehouse or Self-Storage Facility as a Use Permitted by Conditional Use in the C-1 Highway Commercial District and also to adopt the appropriate area and bulk requirements for that use found in Matrix Chart 7** – Ms. Camp opened the hearing stating that her partner, Mr. Oeste opened the hearing on October 10, 2019 and admitted the exhibits, on behalf of the Board of Commissioners, which demonstrated that they had followed all of the procedural requirements for the Board of Commissioners to consider a proposed zoning amendment.

Ms. Camp noted that Mr. Jaros is in attendance with his Client. Mr. Jaros noted the properties' legal owner is 2131 Lincoln Highway LLC. Ms. Camp also noted that they previously submitted sketch plans to the Board where they suggested an "upscale" self-storage facility which is not currently permitted in the C-1 District.

Commissioner Breton noted that she is not opposed to this and asked for Board comments. Commissioner Kramer and Commissioner Chambers were also in agreement. Commissioner Tindaro noted that she is not certain at this time because there are already several in Caln Township. Commissioner Kramer asked Mr. Jaros if he feels that this is going to be a viable business even though there are additional storage facilities and if he feels that it would be warranted. Mr. Jaros replied the interest absolutely supports it. He also said that if the Board is willing to make this text amendment this evening, he will set the stage for a conditional use application for the use and all these issues which are of concern or have been discussed over the past several months would become prudent during the conditional use and the Board could post conditions.

Ms. Camp noted that this is the Boards opportunity to approve this however, they have no legal obligation to do so. She noted that once it is approved by conditional use, it becomes a tougher burden and you would have to demonstrate a legal standard to be able to design a conditional use.

Commissioner Kramer noted that it's a difficult property however, have they looked at other issues for this property. Mr. Jaros noted that they have however, his client has someone that is interested in this particular use.

**Commissioner Chambers made a motion, seconded by Commissioner Kramer, to approve the text amendment for adding Mini Warehouse or Self-Storage Facility as a use permitted by conditional use in the C-1 Highway Commercial District. Tony DiSario of 20 Loomis Avenue had comments on the motion. Vote passed 3-2.**

Acme Markets, Giant Food Stores, LLC, and Turkey Hill Request Letters to Amend Their Conditional Licensing Agreement – Ms. Camp introduced Greg Szallar from Flaherty-O'Hara, representing Acme, Giant, and Turkey Hill. Mr. Szallar noted that on September 11, 2019 the PLCB issued PLCB Advisory Notice No. 24, which set forth the PLCB's new policy directive requiring that restaurant licensees must sell both malt and brewed beverages and wine for on-premises consumption if they are selling malt and brewed beverages and wine for off-premises consumption.

Commissioner Chambers asked why Royal Farms was not included in this motion. Ms. Camp noted that Mr. Szallar does not represent them.

**Commissioner Breton entertained a motion to amend the Conditional License Agreement for Acme Markets, Giant Food Stores LLC, and Turkey Hill. Moved by Commissioner Young and seconded by Commissioner Tindaro. Vote passed 5-0**

Mark Evans of 103 Ayerwood Drive noted his concern regarding on premises consumption. Mr. Szallar noted someone can consume from open to 2:00 AM/store closing.

Motion for Approval of Final Minor Subdivision Plan for 93-95 Foundry Street – Ms. Camp noted the proposed subdivision is owned by Jane Kennedy and located on the south east side of Foundry Street with an address of 93-93 Foundry Street. She also noted that the Planning Commission recommended to the Board of Commissioners to grant final minor subdivision and a partial waiver of Section 134-14.B to permit the plan to be drawn at a scale of 20 feet to the inch and a partial waiver of Section 137-14.1B.(2).(j) to permit sewage facilities and water facilities as shown on the plan since no improvements are proposed.

Ms. Camp noted the proposed motion is to grant the final minor subdivision with the following conditions:

- 1) The Subdivision shall comply with all relevant terms and provisions of the Zoning Ordinance, the SALDO, the Stormwater Ordinance and all other applicable regulations, except as otherwise modified and/or waiver by the Board of Commissioners through this Decision.

- 2) The Applicant shall comply with any outstanding comments in the Township review letter to the satisfaction of the Township Staff and the Township Engineer.
- 3) Section 134-14.B.(2) to permit the plan to be drawn at a scale of 20 feet to the inch.  
A partial waiver of Section 137-14.1.B(j) to permit sewage facilities and water facilities as shown on the plan since no improvements are proposed.
- 4) Prior to engineering, administrative, legal and other review fees associated with the Township's review of the plan.
- 5) The Applicant shall provide the Township with a digital file of the plan as specified in the Township Code.
- 6) The Applicant shall record the plan.
- 7) The Applicant shall provide the Township with a copy of the recorded plans in 11X17 format.

**Commissioner Breton entertained a motion to approve the final minor subdivision plan for 93-95 Foundry Street with the conditions as described and granting the requested waivers. Moved by Commissioner Tindaro and seconded by Commissioner Chambers. Vote passed 5-0.**

The Villages at Hillview: Resolution of Approval – For Board consideration, Ms. Camp offered The Villages at Hillview Sewage Planning Module. Ms. Camp noted that this has been reviewed by Municipal Authority Director, Scot Gill.

**Commissioner Breton entertained a motion to accept the Planning Module for the Villages at Hillview Development. Moved by Commissioner Tindaro and seconded by Commissioner Chambers. Vote passed 5-0.**

Execution of the Traffic Signal Easement Agreement for the Crosswalk Signal on Rock Raymond Road – For Board consideration, Ms. Camp offered a Traffic Signal Easement Agreement for the Crosswalk Signal on Rock Raymond Road, regarding Taco Bell. She noted that as part of the plan it requires a mid block crossing across Rock Raymond Road and needs a pedestrian signal which would sit on Downingtown School District's property. She then noted that she made it clear that "after" the Developer installs the light, the Township would maintain it.

**Commissioner Breton entertained a motion to accept the Easement and authorize the President to sign the Easement Agreement. Moved by Commissioner Kramer and seconded by Commissioner Chambers. After further discussion, Vote passed 5-0.**

**Township Engineer – Mr. Kulakowsky**

Planning Commission Update – Mr. Kulakowsky noted discussions from their October 15, 2019 meeting.

- 1) 93-93 Foundry Street was discussed.
- 2) Proposed Dunkin Donuts sketch plan for the Caln Plaza Shopping Center.
- 3) Questions on the sign ordinance that were forwarded to Mr. Stackhouse.

Consideration to Authorize Professional Services Agreement with ARRO to Prepare and Submit the Applications for the PA Small Water & Sewer Grant, and the H2O PA Grant Applications for the Reed Street Stormwater Mitigation and Paving Project – For Board consideration, Mr. Kulakowsky offered ARRO's PSA to prepare and submit the applications for the PA Small Water and Sewer Grant, a program from \$30,000 to \$500,000 with a 15% match, and the H2O PA Grant for projects between \$500,000 and 20 million, with a 50% match. He noted that either grant would be able to be applied to the Reed Street Stormwater Mitigation and Paving Project. Mr. Kulakowsky noted the fee to do both applications is \$8,850.

**Commissioner Breton entertained a motion to authorize the Professional Services Agreement with ARRO to prepare and submit applications for the PA Small Water & Sewer Grant and the H2O PA Grant Application for the Reed Street Stormwater Mitigation and Paving Project, in the amount of \$8,850.**

**Moved by Commissioner Chambers and seconded by Commissioner Tindaro. Commissioner Kramer asked if the match money is budgeted. Ms. Denne noted that it can be put in the 2020 budget. Vote passed 5-0.**

### **Township Manager – Kristen Denne**

Griffith Farm 2020 Lease – Ms. Denne noted that Leonard Smoker has contacted the Township to see if they are interested in continuing his lease for 2020. Board consensus was to continue the lease. Ms. Denne noted that she will present a Resolution at the November meeting.

Ms. Denne introduced Kevin Barron as the new Finance Director.

### **Ordinances and Resolutions for Consideration**

Ordinance 2019-06 An Ordinance Adding Mini Warehouse or Self-Storage Facility as a Use Permitted by Conditional Use in the C-1 Highway Commercial District – A motion was approved at the beginning of the meeting under the Hearing.

Resolution 2019-28 A Resolution Appointing Township Treasurer – Commissioner Breton entertained a motion to adopt Resolution 2019-28 appointing a Township Treasurer. Moved by Commissioner Young and seconded by Commissioner Kramer. Vote passed 5-0.

Resolution 2019-29 A Resolution Approving Sewage Facilities Planning Module for the Villages at Hillview – A Resolution was approved under the Solicitors Report “The Villages at Hillview: Resolution of Approval”

Resolution 2019-30 A Resolution Appointing Tax Collection Committee Voting Delegates – Commissioner Breton entertained a motion to adopt Resolution 2019-30 appointing Tax Collection Committee Voting Delegates. Moved by Commissioner Chambers and seconded by Commissioner Tindaro. Vote passed 5-0.

### **Directors Reports**

Commissioner Breton noted that the Director Reports will not be given tonight however, Chief Elias is present and would like to give a brief report.

Chief Elias noted his October 2019 report, which was previously provided to the Board. He thanked Mr. March and Commissioner Kramer for their work on the Civil Service Board. Commissioner Tindaro asked for an update regarding the incident at Turkey Hill. Chief Elias noted that it is being investigated by their department and the accident is being investigated by the State Police, with charges being filed separately. Commissioner Kramer noted an increase in everything across the board. Chief Elias noted an increase in assaults with the majority from the Intermediate Unit.

### **Finance Department – Mr. Barron**

Finance Report – Mr. Barron presented a brief October 2019 finance report, which has previously been presented to the Board.

Bill List for Approval–General Checks 44046 to 44139– **Commissioner Breton entertained a motion to approve general checks 44046 to 44139 and general manual checks 66 to 74. Moved by Commissioner Chambers and seconded by Commissioner Young. Vote passed 5-0.**

### **Minutes to Approve/Acknowledge**

October 10, 2019 Board of Commissioners Minutes – **Commissioner Breton entertained a motion to approve the October 10, 2019 Board of Commissioners minutes. Moved by Commissioner Young and seconded by Commissioner Chambers. Commissioner Kramer noted that he is abstaining from the vote. Vote passed 4-0.**

September 17, 2019 Planning Commission Minutes – Commissioner Breton acknowledged the September 17, 2019 Planning Commission Minutes.

**Additional Business**

Commissioner Breton noted the Principle of Saint Joseph’s School, Sister Katheryn stated that dogs are coming onto their property and they traced them to the Lloyd dog park. Commissioner Young noted the fence does not go all the way around because of the flood plain. Commissioner Breton noted that if they move forward with the Wild Meadows Development they could possibly look into improvements in that area.

Commissioner Kramer noted discussion at the last Council of Governments meeting regarding approximately 13 Municipalities pulling funds together to hire a part time animal Control Officer.

**Public Comments**

Commissioner Breton called for Public Comments. There were none.

**Adjournment**

**Commissioner Breton entertained a motion to adjourn the October 31, 2019 meeting at 9:00 PM. Moved by Commissioner Young and seconded by Commissioner Chambers. Vote passed 5-0.**

Respectfully Submitted by,

Denise Miller  
Assistant Township Secretary