

**Call to order and pledge of allegiance.**

**Attendance** – Jennifer Breton-President, George Chambers-Vice President, John Contento-Commissioner, Joshua Young-Commissioner, Chuck Kramer-Commissioner, Kristen Denne-Township Manager, Kristin Camp-Township Solicitor, Chuck Wilson-Township Treasurer and Jennifer Schwed-Recording Secretary.

**Absent** – Carol Schuehler-Township Engineer

**Executive Session**

Commissioner Breton noted there was an Executive Session held prior to tonight's meeting to discuss personnel and legal matters.

**Citizens to Be Heard**

Commissioner Breton called for any citizens to be heard.

Rachel Prince of 1560 Bondsville Road, Downingtown petitioned the Board of Commissioners to grant acknowledgement of a transfer of township from Caln to East Brandywine. Mrs. Prince presented property plans demonstrating that the township boundary crossed directly through her side of the historic twin home they share with another neighbor. Currently the Princes are paying taxes to Caln, however most of the property is in East Brandywine. Solicitor Camp, who investigated the matter, stated that the current statute says the original property owner may choose which township to reside in when the boundary bisects a property. The original property owners chose Caln Township. Mrs. Camp said it is at the full discretion of the Board to agree to transfer the property out of Caln. The Prince's said their request is due to the school district. They would prefer to send their children to the Downingtown School District verses the Coatesville School District. Mrs. Prince explained that last year she paid \$290 in taxes to Caln Township. Township Manager Denne noted that the home is listed for sale. Mrs. Prince explained that she has been trying to receive the transfer since May of this year and if she cannot obtain it, she will sell the property. Commissioner Breton requested the matter be voted on during Solicitor Camp's portion of the meeting because it is listed as one of her agenda items.

Cathy Callahan of 931 Bondsville Road expressed her displeasure with advertising signage cluttering the township. Specifically, she noted the bypass on and off ramps, major intersections and in front of CVS and Wawa. Some of the signs advertised for locations in NJ and elsewhere not relevant to the location. Commissioner Breton asked Manager Denne what the codes are regarding the signs. Manager Denne said that special signs can be displayed on any property for up to 30 days with the proper permits and then must be taken down. If signs are on private property, the township may not remove them. The Township has been lenient in the past with allowing businesses to leave the signs in place. The only location that is enforced is township right of ways. The property located under the bypass is the property of PennDOT. To remove those signs, PennDOT must be notified and approve the removal. Manager Denne said that a letter could be sent to CVS and Wawa warning them to monitor the signs or they could be cited. A community outreach specialist could also go around and share the ordinance with businesses to inform them. It was recommended that Mrs. Callahan reach out to PennDOT on her own via their website ticket system with the issue. The more requests they receive, the more likely they are to respond quickly and in favor of the action.

## **Township Solicitor-Kristin Camp**

Solicitor Camp presented the Deed of Dedication from Rouse Chamberlin, LTD. to Caln Township for the roads and right of way for Woodruff Road (East portion), Beufort Court, Devonshire Road and Northumberland Road all being part of the Kings Grant Phase II Development. Along with the dedication, a maintenance security agreement for a letter of credit from WSFS Bank in the amount of \$133,753 was presented. The letter of credit is valid for a period of 2 years. The developer also tendered a check to the township in the amount of \$5,886.60 for liquid fuels reimbursement. The Township Engineer has agreed to release funds from the performance escrow per the developer's request. \$58,302.50 will remain under the financial security agreement in escrow for items left for the developer to perform.

**Commissioner Breton entertained a motion to adopt the resolution accepting the Kings Grant road way dedication for Phase II and to authorize the president to sign the maintenance security agreement. Motion was made by Commissioner Contento and seconded by Commissioner Kramer. Motion was approved, 5-0.**

Mrs. Camp requested that the Board vote on the requested transfer of township for the Prince's at this time.

**Commissioner Breton entertained a motion to authorize the president to sign an acknowledgment of the township transfer regarding the East Brandywine and Caln property. A Motion was made by Commissioner Chambers and seconded by Commissioner Kramer. Commissioner Breton called for questions or comments. Commissioner Contento expressed his sympathy for the Prince's and the reasons they want to change townships. He said the couple should share their story with the Coatesville School District Board so they are aware of what the couple went through to avoid the district in the hopes that it motivates the school board to make fundamental changes. The Motion was approved, 5-0.**

Solicitor Camp held a discussion about mini casinos. The General Assembly passed a new gambling expansion law to legalize new gambling venues. Act 42 of 2017 authorizes the placement of 10 category 4 casinos in the Commonwealth. These are defined as mini or satellite casinos with a minimum of 300 and a maximum of 750 slot machines as well as 50 table games to be owned by current casino licensees. This would allow this type of casino to operate within the municipality. The law allows the municipality to pass a resolution to elect not to have this type of mini casino within that municipality. This resolution must be passed by 12/31/17. The resolution is sent to the PA Gaming Control Board. Resident Tony DiSario asked what percentage of revenue the township could receive from the casinos. Solicitor Camp stated that the municipality, under the act, would receive 50% of the 4% local assessment fee paid by the category 4 casino, however the most the municipality could receive in any one year is 50% of its 2016/2017 budget as modified annually for inflation. Commissioner Breton suggested the Board plan to discuss their decision at the next meeting.

Solicitor Camp presented a request for a permit by a resident of the Thornridge Development to use property within a township right of way to expand their driveway. The resident wants to expand the driveway to a double wide driveway entrance. This would affect the curb cuts and sidewalks in the township right of way. Due to zoning ordinances, a decision must be approved by the Board for the expansion. Other items to consider would be meeting impervious cover ordinances (pavement over 1000 feet) and potential disturbance of utilities. Solicitor Camp said a full review of these concerns needs to be conducted prior to a permit approval. Administrative requirements such as a review of the plan specifications, a permit fee schedule, potential escrow and final inspections must all be within the drafted approval. Manager Denne also noted that the driveway would need to meet the 5-foot setback code (from the neighbor's property) and a lot coverage code. Ms. Denne said the township would need a hold harmless agreement if in fact there are utilities located within the township right of way. If the utility needed to excavate the expanded portion of the

curb and sidewalk installed by the homeowner, it would be the homeowner's responsibility to restore it. The Board's decision would set a precedent for all similar requests going forward.

**Commissioner Contento entertained a motion to charge staff and legal counsel to conduct research and draft a policy that would address expanding curb cuts throughout the township as well as excavation or road opening into the township right of way. The motion was seconded by Commissioner Kramer. Motion passed, 5-0.**

Solicitor Camp held a discussion about the Gallagherville Road zoning change requested by resident Dave Gilgem, owner of EY Fabricating. Mr. Gilgem had appealed the Board to consider zoning changes for his property at the October 26<sup>th</sup> BOC meeting due to his inability to sell as it is currently zoned, which is R1. He noted that he has been trying without success for months to have the Board explore any way to rezone the property so it can be sold. The property was originally zoned I1 and 12 years ago was rezoned as R1. Solicitor Camp noted that the non-conforming use zoning policy allows for a building to be expanded up to 25% which should allow the potential buyer (D. Martini Roofing) to expand the current facility on the property. Mr. Gilgem explained that a 25% expansion is not sufficient square footage for most buyers. Commissioner Young expressed that keeping the property zoned R1 with a non-conforming use scares off potential buyers and that it is his feeling the property should be re-zoned to I2. Commissioner Contento asked Solicitor Camp about the timeframe to rezone. She said it would take approximately 90 days. The Board would like Solicitor Camp to prepare information about what types of businesses can operate within the I1 and I2 districts for the December 14<sup>th</sup> meeting. From that information final decisions to move forward can be made and the Board can potentially redefine the allowable parameters of the classifications.

### **Township Manager-Kristen Denne**

Township Manager Denne provided the Board with a schedule of Proposed 2018 Board of Commissioners Meeting dates. The meetings are held on the 2<sup>nd</sup> and last Tuesday of the month. The Board agreed to keep the meeting times at 7:30 p.m. It was decided to hold the January 2<sup>nd</sup> Re-Organization meeting at 7:00 p.m.

Manager Denne provided the Cedarville Engineering rate schedule for 2018 for review. Commissioner Young asked that if there was an increase in the fee schedule, could the township ask for a hold on the rates. Ms. Denne agreed to do so.

Manager Denne gave an update on the Fisherville Road bridge and East Fisherville Road bridge. Fisherville will be opening to one lane when signage ordered is received. A weight limit will be applied. East Fisherville Road bridge is in poor condition and Caln will work with East Brandywine to see if it should be kept open or closed.

Manager Denne provided a presentation on the proposed 2018 Budget for the Township. A detailed slide presentation was given covering anticipated revenues and expenses. Anticipated revenues total \$10.9MM with expenses being \$11.1MM. The variance in spending would be covered by a surplus derived from vacancies in personnel, an increase in transfer tax and restructuring within the administration. Extending the Road Program also created a temporary surplus in the budget. Ms. Denne reviewed the capital expenditures for 2018 and application of the surplus dollars. Tax assessed value, millage and Earned Income Tax were discussed in the context that these should remain level next year. Ms. Denne stated that the proposed budget information can be found on the township website for a 20-day inspection period.

The Board will vote to adopt the proposed budget by the meeting to be held on December 14<sup>th</sup>. Ms. Denne called for any questions. A discussion was held about the status of outstanding township bonds and their respective interest rates. The proposed streamlined budget for the Ingleside Golf Course was also reviewed.

It was determined that the Board would reserve most of the agenda for the November 30<sup>th</sup> meeting to review the budget prior to approving it.

**Bill List – Checks 40727- 40806 & Bond Check 1177**

**Commissioner Breton entertained a motion to approve general checks 40727 through 40806 and Bond Check 1177. Motion made by Commissioner Young and seconded by Commissioner Chambers. The motion was approved, 5-0.**

**Approval of Minutes from October 12, 2017-**

**Commissioner Breton entertained a motion to approve the Minutes from the Board of Commissioner’s Meeting held on October 12, 2017. Motion was made by Commissioner Young and seconded by Commissioner Contento. The Motion was approved, 5-0.**

**Boards and Commissions Updates**

Parks & Recreation-Commissioner Young noted the Children’s Holiday party and Tree Lighting to be held on December 3<sup>rd</sup> starting at 4 pm at the Township Building.

COG-No Update

Municipal Authority-Commissioner Chambers updated the Board on the Dogwood/Scott Sewer Project.

DARA-Commissioner Young noted that DARA passed a preliminary budget

Fire Board-Commissioner Young noted the new agreement was finalized and approved.

Civil Service Commission-Commissioner Kramer noted the testing for new police officers to be held on December 9<sup>th</sup>.

Planning Commission-Manager Denne noted the next meeting to be held on December 12<sup>th</sup>.

Historical Commission-Commissioner Kramer noted a discussion held about signage around the Township at the last meeting. Mr. Kramer said that calendars are for sale for 2018.

Zoning Hearing Board-No update

**Additional Business**

Commissioner Breton called for any additional business. There was none.

**Public Comments**

Commissioner Breton called for any public comments. There were none.

**Adjournment**

**Commissioner Breton entertained a motion to adjourn the November 16th, 2017 meeting at 9:30 PM. Moved by Commissioner Chambers and seconded by Commissioner Young. Vote passed 5-0.**

Respectfully Submitted by,

Jennifer Schwed,  
Recording Secretary