

## MINUTES FROM MARCH 7, 2017

The regular monthly meeting of Valley Township Board of Supervisors was held on Tuesday, March 7, 2017, at 7:30 p.m. at the Township Building, 890 West Lincoln Highway, Coatesville, PA.

The meeting was called to order by Chairwoman Patrice Proctor at 7:45 p.m. Those in attendance were Supervisors Christopher Lehenky, Kathy O'Doherty, Joe Sciandra and Patrice Proctor. Also in attendance were Ed Rasiul of Pennoni Associates, Inc. (Township Engineer) and Alan J. Jarvis (Township Solicitor). An executive session was held at 6:30 p.m. prior to the meeting to discuss personnel issues and items on the agenda.

### **CITIZEN COMMENTS ON AGENDA ITEMS:**

None

**Mr. Sciandra made a motion to take the agenda out of order. Ms. O'Doherty seconded the motion.** Question: Mr. Lehenky – yes; Ms. O'Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

### **BOARD GENERAL COMMENTS:**

Ms. Proctor announced that letters of interest and resumes for the vacant supervisor seat will be accepted until March 15, 2017. She noted that the compost site would be open on March 11. There are two zoning hearings scheduled for March 9 and March 23. She noted that the Township accepts small electronics during normal business hours. Large appliances, microwaves of any size, and CRT televisions or monitors are not accepted. The next mattress and CRT television and monitor collection is scheduled for March 27. There are two upcoming shredding events: March 18 at the Chester County Solid Waste Authority from 8:30 am to 11:30 am and April 8 at the Kmart Shopping Center in Thorndale from 9:00 am to 12:00 noon.

### **CITIZEN COMMENTS:**

Denny Bement, President of Hillview HOA – Mr. Bement expressed concerns on transition from builder, Orleans, to dedication to Township, with regards to the punch list and if the security bonds posted are valid. He asked if there are any legal proceedings being planned. He noted that the last house has been sold and the HOA has concerns if the developer pulls out before dedication. He stated his concerns that the township is not financially or equipment ready to handle the roads.

Ms. Proctor inquired what justifies the statement that the Township is not financially able or equipped to handle the streets. Mr. Lehenky noted that perhaps a larger truck and an additional person may be needed. He stated with some "smart plowing" we can handle the plowing.

Mr. Bement questioned the punch list. Mr. Rasiul stated that the Township would need to show that the developer is in default of the Developer's Agreement. If so, this would trigger the

bonds. Mr. Bement stated that he knew of another township that was in a similar situation and they sued the builder. Mr. Jarvis stated that he would need to check on the provisions of the bond. Wendy Walsh, 103 Rawson Lane, questioned why the Township doesn't know the details of the bonds. She stated that she believes the Township should be here to help the residents and feels that they get very little for their taxes.

Mr. Sciandra stated that Hillview is part of the community and asked to review the facts. He stated that normally when a developer is done with the construction, they prepare documents and offer the improvements for dedication. He noted that the process was not met for 2016. Mr. Rasiul stated that they had requested release of the bond, but did not officially offer for dedication. He stated that a punch list was prepared and noted that they did provide as built, but there were problems with the basins and handicap ramps. The ramps were addressed, but there are still many other items on the punch list. Mr. Sciandra also noted there must be separation of what is owned and maintained by the Homeowners Association and what is to be offered for dedication which must match what is on the approved plan to be done and those standards. He noted that the HOA has jurisdiction over common ground from Day 1 to maintain. He noted that typically the HOA documents transition from the developer to the HOA; such as, after 25% buildout, they will add a member to the HOA Board. Mr. Sciandra reiterated that the developer must build as to what is on the approved plan. The Township cannot impose rules that are not on the approved plan. He stated that he would like to see the Township and HOA work together. He stated if the developer is in default, it must be under the provisions of the Developer Agreement. Mr. Sciandra also noted that the continued extension dates by the governors over the years has had an effect on developers' deadlines. He did state that the next step is for the developer to offer the improvements for dedication. He suggested that a letter be sent to Orleans that we are expecting that the process of formal dedication should be taking place.

Mr. Bement stated that the HOA was requested to sign legal documents to take over the detention ponds. He stated that he refused to do that as they could not show that the County and Pennoni had signed off. Mr. Rasiul confirmed that some fixes were done on the basin, but it needs to be inspected. Mr. Rasiul stated that he does not believe we can enforce the total punch list as some items are personal and are not on the approved plans. He noted that retaining walls under four feet are more defined as "landscaping" and not treated as structural. He noted that it is not an easy process to call the bonds. He did note that the developer is also required to post an 18-month maintenance bond.

Mr. Sciandra also inquired if the Township could have a copy of the HOA documents to include the bylaws. Mr. Bement stated that they are on the Hillview website and asked Ms. O'Doherty if she would provide them to the Township as she has access to the Hillview website.

The Board agreed that a letter should be sent to Orleans advising that we understand the development has been completed and we expect the dedication process to begin. The Board asked that the Township Solicitor, in coordination with the Township Engineer, should send the letter.

Mr. and Mrs. Hamilton, Main Street Culvert Project – Ms. Proctor advised that she had received a note that the Hamilton’s were not able to make this evening’s meeting.

At this time, Mr. Lehenky stepped out of the meeting.

**SOLICITOR’S REPORT:**

- Mr. Jarvis reported that Mr. McErlane sent a letter to the Township granting permission for Township representatives to go onto the “Horowitz” property relative to the Manor Road Rehab Project.
- Mr. Jarvis reported that he drafted the proposed Emergency Response Resolution.
- Mr. Jarvis reported that he has begun drafting an amendment to the Solid Waste Ordinance.
- Mr. Jarvis reported that he did legal research on the vacant supervisor position.
- Mr. Jarvis reported that he prepared the O&M Agreements for the Spruce Street Sewer Connection project.
- Mr. Jarvis stated that he saw in today’s *Daily Local News* the passing of Doris Darlington, former Secretary/Treasurer of Valley Township.

**OLD BUSINESS:**

Discussion/consideration to adopt the annual Emergency Services Resolution – **Mr. Sciandra made a motion to adopt Resolution 2017-06, a Resolution amending by rescinding the existing EOC Notification List and substituting in place thereof the EOC Notification List and substituting in place thereof the EOC Notification List for 2017. Ms. O’Doherty seconded the motion.** Question: Mr. Lehenky – yes; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

At this time, Mr. Jarvis departed the meeting.

**ENGINEER’S REPORT:**

Mr. Rasiul read and submitted the engineer’s report which is on file at the Township Office.

During Mr. Rasiul’s report, Mr. Lehenky rejoined the meeting.

Ms. Proctor asked when the bidding process and construction work would begin for the Manor Road Project. Mr. Rasiul advised that the bidding documents are almost ready. If no wetlands are found, the project should be able to be bid out in approximately one month. If a DEP permit is required, this would delay the process. He noted that we will need an easement on the property.

**OLD BUSINESS CONTINUED:**

Discussion regarding the Floodplain Ordinance – Mr. Rasiul noted that the draft comments have been issued. Mr. Ellis is willing to review with the Board of Supervisors the proposed changes. One option would be prior to the Planning Commission meeting scheduled for March 14. Another option, based on the Planning Commission’s recommendation to take the most stringent

approach, would be to proceed to submit the draft ordinance to FEMA for review and when their comments are returned to then review with the Board of Supervisors prior to adoption which must be done by September. After discussion, it was noted that anyone who was interested in meeting with Mr. Ellis, that he would be available at 6:00 p.m. prior to the Planning Commission meeting. Mr. Lehenky said he could meet with him following the monthly water meeting on Friday, March 10.

**NEW BUSINESS:**

Discussion/consideration for annual CCR preparation by M&B Environmental at a cost of \$1,620 – The proposal from M&B was reviewed for the preparation of the annual CCRs. It was noted that the price was \$420 higher than the last two years. After discussion, **Mr. Lehenky made a motion to authorize Pennoni Associates Inc. to prepare the annual CCRs. Ms. O’Doherty seconded the motion.** Question: Mr. Lehenky – yes; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

Mr. Sciandra inquired if anyone from the interested community group got back to anyone regarding the stone that they wanted from the retaining wall. No one had been contacted.

At this time, Mr. Rasiul left the meeting.

**OLD BUSINESS CONTINUED:**

Consideration to approve the Grinder Pump O&M Agreements for Maximilian Morresi, 143 Spruce Street, and Paula J. and Ronald W. Brownback, Jr., 82 Green Street – **Ms. Sciandra made a motion to approve the Grinder Pump O&M Agreements for Maximilian Morresi and Paula J. and Ronald W. Brownback, Jr. Mr. Lehenky seconded the motion.** Question: Mr. Lehenky – yes; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

Discussion/consideration regarding London Track Subdivision professional fees – It was noted that in August 2016, Bob White of Customers Bank and his attorney, Arthur Sagnor, met with Mr. Jarvis, Ms. Proctor and the Township Manager and Township Secretary. At that time, Mr. White requested that the Township Engineer be permitted to inspect the basin and confirm the punch list items for dedication. Following that meeting, the Township has been forwarding the professional fees on a monthly basis and no payment has been received. The Board requested that the Solicitor send a letter advising that until payment is received that the Township Engineer is not authorized to do any more inspections.

Discussion/consideration to approve DaVita Planning Module Resolution and Transmittal Letter – **Mr. Sciandra made a motion to approve the Planning Module Resolution and to authorize the transmittal letter to be signed for DaVita. Mr. Lehenky seconded the motion.** Question: Mr. Lehenky – yes; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

Discussion regarding draft Solid Waste Ordinance Amendment – **Mr. Sciandra made a motion to table any decision regarding the Solid Waste Ordinance Amendment. Mr. Lehenky**

**seconded the motion.** Question: Mr. Lehenky – yes; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

**APPROVAL OF MINUTES:**

**Ms. O’Doherty made a motion to approve the minutes from the February 21, 2017 meeting as presented. Mr. Sciandra seconded the motion.** Question: Mr. Lehenky – abstain; Ms. O’Doherty – yes; Mr. Sciandra – yes; Ms. Proctor – yes.

**CITIZEN COMMENTS:**

None

**ADJOURNMENT:**

There being no further business to discuss, the meeting was properly adjourned at 9:27 p.m.

Janis A. Rambo  
Township Secretary