

MINUTES FOR DECEMBER 3, 2019
VALLEY TOWNSHIP BOARD OF SUPERVISORS

The first monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, December 3, 2019, at the Township Municipal Building, 890 West Lincoln Highway, Coatesville, PA.

The Board of Supervisors meeting was called to order by Chairwoman Patrice Proctor at 8:10 p.m. Those in attendance were Supervisors Kathy O’Doherty, Joe Sciandra, and Patrice Proctor. Supervisors Christopher Lehenky and William Handy, Sr., were absent. Also in attendance were Andrew D.H. Rau, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor) and Michael J. Ellis, P.E., of Pennoni Associates Inc. (Township Engineer). Ms. Proctor noted that the Board of Supervisors met in Executive Session prior to the meeting at 6:30 p.m. to discuss matters of litigation and personnel. Ms. Proctor recognized and welcomed Supervisors-elect Carmen Boyd and Sharon Yates to the meeting.

CITIZENS COMMENTS ON AGENDA ITEMS:

None

APPROVAL OF MINUTES:

Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to table the approval of the minutes of the November 19, 2019, meeting as three members attending the November 19 meeting were not present. The motion passed unanimously.

PAYMENT OF BILLS:

Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to pay bills as presented. The motion passed unanimously.

CITIZEN’S COMMENTS:

None

BOARD GENERAL COMMENTS:

Ms. Proctor noted the Tree Lighting Ceremony on Sunday, December 8 at 6:00 p.m. She stated that Judge Hines will be singing. The Children’s Holiday Party will be held on December 14, 2019, from 12:00 – 2:00 p.m. at Rainbow Elementary School; volunteers are needed.

SOLICITOR’S REPORT:

Discussion/consideration to accept “Airport Diner’s” request to pay \$2,000 each month for fees owed to the Township – Mr. Rau reviewed that the “Airport Diner” owes the Township \$16,541.70 for outstanding professional fees related to their Land Development Plan review and \$1,934.68 for costs for the Township to board up the building at 1210 West Lincoln Highway for

a total of \$18,476.38. The owner of the property brought in a check for \$2,000 and has requested to pay \$2,000 each month until the amount due to the Township is paid in full. Mr. Rau recommended that the Board approve the request subject to an Agreement being drafted and approved by the Township Solicitor and signed by the property owner. Mr. Sciandra questioned if a finance charge or penalty could be included. After discussion, **Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to accept the property owner of 1210 West Lincoln Highway request to pay the Township \$2,000 each month until the amount due to the Township is paid in full for professional fees in the amount of \$16,541.70 and boarding up of 1210 West Lincoln Highway in the amount of \$1,934.68 subject to an Agreement to be approved by the Solicitor and signed by the property owner to include a 2% annual finance fee.** The motion passed unanimously.

PFM/Water & Sewer Update – Mr. Rau reviewed that the Board of Supervisors had contracted with PFM Financial Advisors to evaluate the Township’s water and sewer systems as well as seek bids for the systems. He noted that the Board of Supervisors has received a bid from Pennsylvania American Water Company and that a Resolution is to be considered at the next public meeting for the sale of the systems. The Board had charged staff and the Solicitor to prepare a letter to be mailed to the residents. After discussing the details of an informational letter to be sent to Township residents, **Ms. O’Doherty made a motion, seconded by Mr. Sciandra, to authorize that a letter be issued with the following content:**

Dear Resident,

Due to the age of the Township’s infrastructure, and the need for continuous repair and upkeep which would otherwise cause the Township to significantly raise the water and sewer rates, the Board of Supervisors, after a lengthy proposal process and analysis with the assistance of PFM Financial Advisors, has received and is taking the appropriate steps to act upon a desirable offer for sale of the Township sewer and water systems for approximately \$21,275,000. The proceeds of this offer represent dollars which can be used toward improving roads and bridges, parks and recreation, preparing resilient and responsive municipal services, and wisely investing for the Township’s future. The Township is also working with the Pennsylvania Department of Community and Economic Development (DCED) to develop a long-range economic plan for the Township.

The process has been very long to date and we have a long way to go. It will be approximately another year until we can close on the sale of the systems and the Township actually receives the funds. As the Township has been reviewing its revenue and expenditure budget for 2020, it is necessary to impose a very small 1/4 mill tax increase for 2020. This means that if your property is assessed at \$100,000 you would owe an additional \$25 next year.

In December, the Board will have on its public agenda the resolution to accept the significant water and sewer bid submitted by Pennsylvania American Water. Following action on the resolution, there will be an Engineering and Utility Valuation mandated by the PA Public Utility Commission (PUC). Throughout 2020, we will be going through the PUC process, and preparing real estate documents and closing materials. Then, in early 2021, we would likely be in a position to proceed to closing at which time the Township would then receive the proceeds from the sale.

The Supervisors worked very hard to make sure the residents would see little to no impact in the near future. If you have a well, you can continue to have it. If you have flat rate and you want it to continue, you can. The base rates themselves will not change at all for a minimum of two years. Our next meeting is Tuesday, December 17th at 7:30 p.m. Representatives from PFM and Pennsylvania America Water will be available at this meeting to answer questions.

The motion passed unanimously.

OLD BUSINESS

Discussion/consideration to set Special Meeting to adopt the 2020 Budget and to authorize public inspection of the preliminary 2020 budget – **Ms. O’Doherty made a motion, seconded**

by Mr. Sciandra, to set a Special Meeting for December 27, 2019, at 12:00 p.m. for the purpose of enacting the 2020 Budget and any other business before the Board. The motion passed unanimously.

Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to authorize placement of the Public Notice advertising public inspection of the preliminary 2020 Budget. The motion passed unanimously.

It was noted that the preliminary 2020 budget reflects a real estate tax increase of 0.25 mill.

NEW BUSINESS

Discussion/consideration to accept the resignation of Chris Smiley as write-in tax collector per resignation letter dated December 2, 2019 and to confirm the re-appointment of Chester County Treasurer for 2020 property tax collection services per Resolution 2017-13, adopted November 21, 2017, and pursuant to the annual rollover of the existing agreement with Chester County to provide such tax collection – It was noted that Chris Smiley was the certified write in winner as elected tax collector with one vote. He notified the Township Secretary that he had received correspondence from County Voter Services and he was going to sign the form provided by the County “resigning from the office” and therefore by declining this position, allowing Voter Services to notify the municipality of a vacancy of elected tax collector. Mr. Smiley forwarded a copy of his signed “*Resignation of Office Won*” to the Township and was included in the Board’s meeting packet.

Ms. Sciandra made a motion to accept the resignation of Chris Smiley as write-in tax collector per the resignation letter to the County dated December 2, 2019. Ms. O’Doherty seconded the motion. The motion passed unanimously.

Ms. O’Doherty made a motion to confirm reappoint of the Chester County Treasurer for 2020 property tax collection services per Resolution 2017-13, adopted November 21, 2017, and pursuant to the annual rollover of the existing agreement with Chester County to provide such tax collection. Mr. Sciandra seconded the motion. The motion passed unanimously.

ENGINEER’S REPORT:

Oakcrest Phase I – Mr. Ellis reviewed that outstanding items for project closeout and dedication still consist of approving of the deeds and security agreement, establishment of the financial security escrow account, and provision of an as-built landscaping plan. He noted that dedication has not taken place to get on next year’s liquid fuel allocation and reviewed the liquid fuel process and time frame requirements. He also reported that the Township Secretary had advised that the current Line of Credit is to expire on December 31, 2019 but it notes that the LOC shall be deemed automatically extended without amendment for a period of one year from the expiration date unless we are notified in writing not less than 60 days prior to the expiration date. Mr. Ellis asked if the Board would like confirmation from either the developer or the bank that

the security is not expiring. The consensus of the Board was for either Mr. Ellis or Mr. Rau to follow up.

Discussion/consideration to grant Valley Square Development Associates' request for a waiver/modification of Section 304.8 to extend the time frame for recording up to and including December 31, 2020 – Mr. Ellis noted that Valley Square (Valley Suburban Development) is working on their HOP with PennDOT. He said it could be up to six months until they can obtain the HOP as PennDOT had extensive comments to their application. Mr. Ellis stated that he had talked with Craig Lewis, the developer's legal counsel, and the reason they have asked for an additional year is that they did not want to keep coming back to the Board every few months for another extension. After review of the time frame, **Mr. Sciandra made a motion to approve Valley Square Development Associates' request for an extension for recording the approved Subdivision and Land Development Plan to September 20, 2020. Ms. O'Doherty seconded the motion.** The motion passed unanimously.

At this time, Mr. Rau departed the meeting.

Mr. Ellis submitted the Engineer's Report which is on file in the Township Office. Mr. Ellis highlighted the following items from the report:

- Hemlock Avenue Bridge Replacement – Pre-bid meeting was held on November 22. Approximately five contractors attended. Bids are due on December 12, 2020.
- Comprehensive Plan Update – Mr. Ellis reported that work continues on schedule. A draft of the Plan is being prepared for review at the next Steering Committee meeting on January 21, 2020. The Plan will be revised thereafter and is tentatively planned to be submitted to the Township Planning Commission for review at their March meeting and for the Board's review at their second meeting in March.
- North Park Avenue Drainage Improvements – Pennoni coordinated with the contractor, Andrews Excavating, on contract award and ordering of the inlet and manhole. Construction is expected to occur in the next three weeks.
- 1037 Manor Road Retaining Wall – Mr. Ellis reported that the property owner hired a new contractor to complete the work who began work on December 2.

Discussion/consideration to pursue PaDEP Growing Greener Plus Grant for Valley Crossing swale and detention basin project an approximate construction cost of \$110,000 requiring a 15% match – Mr. Ellis reviewed the grant requirements. A letter of support will be required from the Chester County Planning Commission and the landowner will need to sign an Agreement. **Mr. Sciandra made a motion, seconded by Ms. O'Doherty, to proceed to pursue the PaDEP Growing Greener Plus Grant for Valley Crossing swale and detention basin project at an**

approximate construction cost of \$110,000 requiring a 15% Township match. The motion passed unanimously.

Discussion/consideration to apply for a PaDCED Small Water & Sewer Grant for Pugh Property Drainage and Millview Basin Rehab project at an approximate construction cost of \$110,000 requiring a 15% match – Mr. Ellis reported that Valley Township could apply for a grant from DCED for the stormwater issues. The consensus of the Board was for Pennoni to continue to pursue the grant application.

Discussion/consideration to provide letter of support and confirmation of matching funds to City of Coatesville for an application for PaDEP Growing Greener Plus Grant for Pugh Property Drainage and Millview Basin Rehab Project at an estimated construction cost of \$400,000 requiring a 15% match – Mr. Ellis reviewed that this application would be submitted by the City of Coatesville; however, they will need to get sign-off from the property owner of Millview which is still under Chetty Builders which would probably be unlikely to obtain before the grant application deadline. Mr. Ellis noted that Mr. Pugh is not agreeable with our projected scope. Although neither grant (PaDCED Small Water & Sewer Grant or the PaDEP Growing Greener Plus Grant) looks viable at this time for the Millview Basin Rehab and Pugh Property Drainage Project, Mr. Ellis stated that we could be eligible for a CDBG through Chester County in their next round as it would be a multi-municipal grant. He estimates that the next round of grants would be in the June 2020 time frame.

At this time, Mr. Ellis departed the meeting.

OLD BUSINESS CONTINUED

Discussion/consideration for request to waive late fee for 112 Danielle Lane – **Mr. Sciandra made a motion to table the request to waive the late fee for 112 Danielle Lane. The motion was seconded by Ms. O’Doherty.** The motion passed unanimously.

NEW BUSINESS CONTINUED:

Discussion/consideration to approve vacation carry over – **Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to approve vacation carry over for:**

**Elizabeth Corle – 56 hours
Kathy Jeffers – 16 hours
Milton Young – 40 hours
Kelly Young – 16 hours**

consistent with past practice that they use the vacation time during the first quarter of 2020 at the 2019 pay rate. The motion passed unanimously.

Discussion/consideration to approve Handicap Sign for 949 West Madison Street – Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to approve the Handicap Sign Request for 949 West Madison Street contingent upon the missing information noted on the application form be provided; specifically, the placard number(s) and dates. The motion passed unanimously.

Discussion/consideration to set time for 2020 Organization Meeting of January 6, 2020, and authorization to advertise for organization meeting and business meeting to follow – Mr. Sciandra made a motion to set the 2020 Organization Meeting of the Board of Supervisors for January 6, 2020, at 7:00 p.m. and authorized the public notice of the Organization Meeting and the first business meeting of the month to follow the conclusion of the Organization Meeting. The motion was seconded by Ms. O’Doherty. The motion passed unanimously.

Discussion/consideration to set time for 2020 Elected Auditor Organization Meeting of January 7, 2020, and authorization to advertise – Mr. Sciandra made a motion to set the 2020 Elected Auditor Organization Meeting for January 7, 2020, at 7:00 p.m. and authorized the public notice of the meeting date and time. Ms. O’Doherty seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS:

None

There being no further business to discuss, the meeting was properly adjourned at 9:48 p.m.

Janis A. Rambo
Township Secretary