

## **MINUTES FOR JULY 16, 2019 VALLEY TOWNSHIP BOARD OF SUPERVISORS**

The regular monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, July 16, 2019, at the Township Municipal Building, 890 West Lincoln Highway, Coatesville, PA.

The meeting was called to order by Chairwoman Patrice Proctor at 7:42 p.m. Those in attendance were Supervisors Christopher Lehenky, Kathy O'Doherty, William Handy, Sr. and Patrice Proctor. Supervisor Joe Sciandra was absent. Also in attendance were Carol R. Lewis, Township Manager; Michael J. Ellis, P.E., of Pennoni Associates, Inc. (Township Engineer); and Andrew D.H. Rau, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor).

Ms. Proctor noted that the Board of Supervisors met in Executive Session at 6:30 p.m. to discuss matters of litigation, real estate, and personnel.

### **CITIZENS COMMENTS ON THE AGENDA:**

David McCoy, 323 South Bonsall Road, Coatesville (West Caln Township) – Mr. McCoy advised that he previously attended a meeting regarding the portion of Airport Road that is Valley Township's responsibility that is in bad shape. Mr. Lehenky stated that the portion of Airport Road was included in last year's road program, but due to budget and bid results, Airport Road was not done and no road program was budgeted this year.

### **OLD BUSINESS:**

Discussion/consideration regarding Buckthorn/Robinson/Oaklyn roads – Mr. Rau reviewed that the staff recommendation presented at the public meeting of June 18 was to make Robinson and Oaklyn one-way streets as Robinson and Oaklyn are too narrow for two vehicles to pass safely without having to go on private property as well as danger of residents walking or biking along the roads. It was noted that one additional comment was submitted to the Township who was in support of the proposal for one-way streets. Mr. Ellis reviewed the recommended traffic pattern and advised that Pennoni has done some turning templates with software that they have to simulate emergency service and recreation vehicles making the turns on the proposed traffic flow. The template testing was done for a 40-foot long emergency vehicle and a 40-foot camper to a 20-foot truck. Actual tests will be scheduled with the fire company. Residents John Schmidt and Theresa Smith of 50 Robinson Avenue advised that they could participate in the testing with their truck and trailer if needed. Ms. Smith inquired if the chains at Roundhill would be moved to the other side of the sidewalk.

**Ms. O'Doherty made a motion, seconded by Mr. Lehenky, to authorize the Township Solicitor to prepare and advertise an ordinance for Board action to create the following directional paths:**

- **Retain Robinson Avenue as a 2-way street between Airport Road and Oaklyn Lane;**
- **Establish a counterclockwise movement beginning with Robinson Avenue as one-way travelling west at the intersection of Oaklyn Lane;**

- Establish Buckthorn Drive as one-way travelling south between Robinson Avenue and Oaklyn Lane; and
- Establish Oaklyn Lane as one-way traveling east.

Such action being subject to the Township Engineer's field recommendations regarding turning design and any paving or stabilization of turn areas; and further subject to the Township Engineer's field recommendations regarding the Roundhill development chains, and any other grading, signage, bollards, vegetative work or related needs.

The motion passed unanimously.

#### **BOARD GENERAL COMMENTS:**

Ms. Proctor noted that in addition to the items listed on the agenda of upcoming events, the voting district for Valley North will be divided into three sites. People will be needed to work at the voting sites on election dates. Anyone who is interested in working at the polling places should contact her.

#### **DEPARTMENT REPORTS:**

Police – The monthly report was distributed.

Fire/EMS – The monthly Fire and Ambulance reports from Westwood Fire Company were provided. Chief Sly advised that Westwood has ordered a new ambulance to be placed in service for the Westwood station as well as an ambulance ordered to be placed in service at the Wagontown station. He stated that he would be in contact with Ms. Lewis regarding capital funding. He also noted that at the recent annual banquet, 19 EMTs were presented with "life saving awards" as well as the elected officials being recognized for their commitment to provide ambulance and fire funding, many through tax funding.

Emergency Management – No report.

#### **PLANNING COMMISSION:**

Mr. Bement reported on the Planning Commission's July 10, 2019, meeting. He noted that the Planning Commission was asked to look at the Township's Parks rules and regulation ordinance. They looked at some other municipalities' ordinances and thought that Caln Township's, with modification, could be tailored for Valley Township. He stated that the Commission reviewed a draft zoning ordinance amendment adding definitions and establishing criteria for medical marijuana dispensary and medical marijuana grower/processor uses that is recommended that the Board consider for adoption. Mr. Bement noted that the state regulations are incorporated into the proposed zoning amendment.

**Mr. Handy made a motion, seconded by Mr. Lehenky, to authorize Act 247 submission to the Chester County Planning Commission for the proposed zoning ordinance amendment**

**by adding definitions and establishing criteria for medical marijuana dispensary and medical marijuana grower/processor uses.** The motion passed unanimously.

Mr. Bement also reported that the Planning Commission reviewed the Chester County Planning Commission's review of the proposed Subdivision and Land Development Ordinance Amendment for dumpster design and sidewalk width. The Chester County Planning Commission noted that the Township may also wish to add an additional minimum setback dimension from lot lines and that the Township may wish to consider adding a requirement that the doors to the dumpster enclosure should be self-closing using a mechanism that slowly closes the enclosure door while still permitting a trash collection vehicle to lift and empty the dumpster. Mr. Bement advised that the Planning Commission did not recommend requiring self-closing doors or any changes to the existing setback.

**Ms. O'Doherty made a motion, seconded by Mr. Lehenky, to authorize the proposed SALDO amendment for dumpster design and sidewalk width be advertised for Board consideration.** The motion passed unanimously.

#### **CITIZEN COMMENTS:**

Denny Bement, Hillview HOA President – Mr. Bement stated that in the initial planning Agreement of 2003 for the Hillview community, the units to be built in Caln Township would utilize the amenity buildings located within Valley Township. These agreements lapsed. Mr. Bement inquired if once the roads in Hillview are dedicated to Valley Township, if the Hillview HOA could buy the stubs of roads at the end of Heston and Gibney to make that part of their common ground which would give them the authority to prohibit through-traffic from the Caln property. He noted that the proposed development in Caln Township is to be completed in two phases – 40 homes in the first phase and the remaining 50 homes in the second phase. Mr. Rau recommended to the Board of Supervisors to not consider the proposal.

Mr. Bement inquired if during the construction phases, if Valley could restrict construction vehicles from utilizing Heston and Gibney for through access into Valley. Mr. Rau stated that Caln Township could restrict to prevent damage. Mr. Rau noted that the Solicitor's office, Township Engineer, and Township Manager will set up a meeting to talk to the developer and explore weight restrictions on the road to prevent damage and possibility of establishing financial security for any damage to the roads.

#### **ENGINEER'S REPORT:**

Mr. Ellis, as a follow up to the public comment earlier in the evening regarding paving of Airport Road, reviewed the scope and bid price in 2018 which was not accepted to be done as part of the 2018 road program. He estimated that with current pricing the project may be in the \$52,000 to \$59,000 range. He also reviewed a tentative schedule to prepare the bid package, bid, award and execute contract which would result in the work being done mid-October. He did advise that the project would be completed in about three days.

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

Ms. O'Doherty questioned if there was funding in the budget that could be used for this work. In an effort to not delay the timeframe Mr. Ellis outlined, **Mr. Handy made a motion, seconded by Ms. O'Doherty, to authorize Pennoni Associates to prepare the bid package for road repairs to the Valley Township section of Airport Road as proposed in the 2018 road project scope of work and issue the bid notice contingent upon the Township Manager confirming funding availability.** The motion passed with a vote of 3-0 as Mr. Lehenky was not present during the vote.

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

- Oakcrest Phase II – Mr. Ellis reported that they have scheduled a review of the design calculations and plans for the pedestrian bridge. He also noted the developer needs to address issues with an infiltration bed.
- Airport Diner – Mr. Ellis reviewed that the Valley Township Planning Commission had previously recommended conditional approval of the plan contingent upon minor plan items to be addressed, third-party approvals, establishment of financial security, etc. The current extension will expire on August 7, 2019, the day after the Board of Supervisors next public meeting. Currently, the applicant owes the Township over \$14,500 in professional fees and has not responded to requests for payment. Mr. Ellis stated that he reached out to the applicant's consultant who has been the contact for this submission and he stated that they have stopped all work on this project as well due to non-payment by his client. It was the consensus of the Board that a letter should be sent to the applicant that to date he has not responded to the comments in the Township Engineer's last review letter nor requests to satisfy his outstanding professional fees and that the current plan expiration is August 7, 2019. Mr. Rau advised that unless the Board wanted to issue the letter, that his office would send the letter to addresses known.

At this time, Mr. Lehenky rejoined the meeting.

- Township Municipal Complex – Pennoni's inspector met with Perrotto's superintendent on July 1 to determine scope and schedule for upcoming sitework construction and inspections. We were also requested to review change orders for the sitework by the architect. Perrotto indicated sitework will resume with preparation of the parking lots for paving as soon as the change orders are resolved.
- Hemlock Avenue Bridge Replacement – Mr. Ellis advised there has been no activity since the last meeting. Ms. O'Doherty noted that a resident questioned her with the time table of the work. Ms. Lewis will respond to the resident.
- Irish Alley Pavement Damage – The Agreement was drafted by the Solicitor's office and reviewed with the property owner. One modification has been requested and the Agreement will be reissued.
- Environmental Advisory Council – Mr. Ellis reported the EAC will next be meeting in August. It was noted that another resident has shown interest in the remaining open seat; however, she would not be available to meet with the Board prior to the August 6 meeting as she will be on vacation. It was suggested that Ms. Lewis, Mr. Ellis and any

Board member who is available will meet with the interested party on July 25, 2019, at 4:30 p.m. prior to the next Comp Plan Steering Committee meeting. Mr. Ellis noted that he has drafted an agenda for the August EAC meeting.

- Hillview – Mr. Ellis noted that the Pinkerton paving punch list has been completed.

Mr. Ellis departed the meeting at this time.

#### **SOLICITOR’S REPORT:**

Mr. Rau noted that Thomas S. Wyatt has advised that he has resigned his position at Dilworth Paxson LLP. Dilworth Paxson LLP had been retained as regulation/special transaction counsel should there be an agreement to enter into an asset sale of the water and/or sewer systems. **Ms. O’Doherty made a motion, seconded by Mr. Handy, to approve the engagement of Thomas Wyatt as special PUC counsel, along with Mr. Wyatt’s new firm of Obermayer Rebmann Maxwell & Hippel LLP subject to the Township Solicitor’s assurance of substantially similar terms compared to the prior Dilworth Paxson LLP engagement.** The motion passed unanimously. Mr. Rau noted that Mr. Wyatt’s rate would be \$380 per hour, compared to \$385 per hour quoted by Dilworth Paxson LLP.

Discussion/consideration regarding Agreement with Covanta for television/monitor/eWaste disposal – Mr. Rau reported that he reviewed the tentative agreement with Covanta to dispose of televisions, monitors, and other eWaste for the Township. He had two recommended changes: one was that both parties could terminate at any time and the second was that any additional charges would be at Covanta’s “actual cost”, not at a cost to be determined by Covanta. **Mr. Lehenky made a motion, seconded by Ms. O’Doherty, to authorize an Agreement be executed between the Township and Covanta for the disposal of electronic material contingent to Covanta accepting the revised terms noted by Valley Township’s Solicitor.** The motion passed unanimously.

At this time, Mr. Rau departed the meeting.

#### **MANAGER’S REPORT:**

Ms. Lewis reported that a Memorandum of Understanding would be distributed to the Board from the Coatesville Area School District regarding the School District’s police.

Ms. Lewis confirmed that the Board’s consensus with regards to road projects be prioritized and developed by the Township engineer.

Ms. Lewis provided a review of a meeting with the Hayti Historical Committee that was held today. She noted that Ms. Proctor and Mr. Handy were in attendance. She reported that a feasibility study is requested to be done regarding the work and costs for the current Township Building. She noted that the Board currently has a grant to do a master site plan for the meeting. She asked for approval to explore if the funding for the master site plan could be used for the feasibility study. Ms. Lewis stated that the Hayti Historical Committee was advised that should it be feasible for this building be converted into a use that they are considering, that no Township

funding would be allocated to this building once it is no longer used for the Township operations. The consensus of the Board was to permit the Township Manager to inquire if the feasibility study could be funded under the DCNR grant. Ms. Lewis reconfirmed that this was just to confirm if the project could be funded. Any decision to move forward would be brought back to the Board.

**OLD BUSINESS:**

Discussion/consideration regarding Township Logo – Ms. Lewis presented the Board with four new designs. The Board asked to see option “A1” redone with the ladle showing the steel material being poured in red, not blue, as it appears to look like it is representing water, not hot steel.

Discussion/consideration regarding 312 Randall Lane regarding meter testing – Ms. Lewis noted that previously the Board voted to waive the \$55-meter test for 312 Randall Lane, regardless if the meter passed or failed. She noted, however, that there is a \$188 fee for the new meter and a \$40 installation fee by the plumber. It was the consensus of the Board that if the meter passes, the homeowner would be responsible for the new meter cost and installation cost.

**NEW BUSINESS:**

Discussion/consideration to purchase a 2020 HV507 International truck from Five Star International, LLC and truck bed from E.M. Kutz, Inc. – A proposal was reviewed. **Mr. Handy made a motion, seconded by Mr. Lehenky, to approve the purchase of a 2020 HV507 International truck and truck bed as per the proposal from Five Star International, LLC dated June 6, 2019, noting the truck chassis price in accordance with CoStars contract 025-005 in the amount of \$100,775.00 and the truck bed provided by E.M. Kutz, Inc. per CoStars contract 025-053 in the amount, including options, of \$64,954.00 for a total cost of \$165,729.00.** The motion passed unanimously.

**APPROVAL OF MINUTES:**

**Ms. O’Doherty made a motion, seconded by Ms. Proctor, to approve the minutes of the July 2, 2019, meeting as presented.** The motion passed with Mr. Handy abstaining as he was not present at the July 2 meeting.

**TREASURER’S REPORT:**

The Treasurer’s Report was read.

**PAYMENT OF BILLS**

**Mr. Handy made a motion, seconded by Ms. O’Doherty, to authorize payment of bills as presented.** The motion passed unanimously.

**DEPARTMENT REPORTS:**

Public Works – The monthly report was distributed to the Board of Supervisors and is on file at the Township Office.

Administration – The monthly report was distributed to the Board of Supervisors and is on file at the Township Office.

**CITIZEN’S COMMENT:**

None

There being no further business to discuss, the meeting adjourned at 10:43 p.m.

Janis A. Rambo  
Township Secretary