

MINUTES FOR APRIL 7, 2020 VALLEY TOWNSHIP BOARD OF SUPERVISORS

The first monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, April 7, 2020, via virtual meeting through *Go To Meeting*.

The Board of Supervisors meeting was called to order by Vice Chairwoman Kathy O'Doherty at 7:30 p.m. Those participating in the meeting were Supervisors Kathy O'Doherty, Sharon Yates, Carmen Boyd, and Patrice Proctor. Supervisor Christopher Lehenky did not participate. Chairwoman Patrice Proctor advised that Vice Chair O'Doherty would facilitate the meeting as she may need to "leave the meeting" for family purposes. Also participating in the meeting were Amanda Sundquist, Esquire of Unruh, Turner, Burke & Frees (Township Solicitor); Michael J. Ellis, P.E., of Pennoni Associates, Inc. (Township Engineer); and Carol R. Lewis, Township Manager.

It was noted that the meeting, and all future meetings until further notice, would be conducted through *Go To Meeting* to comply with Governor Wolf's order that all individuals in Chester County stay home in an effort to slow the spread and minimize public exposure to COVID-19 and maintain social distancing.

ANNOUNCEMENT OF MEETINGS/ACTIONS OF THE BOARD

Ms. O'Doherty noted that the Board of Supervisors met in Executive Session on March 20, 2020, at 11:00 am regarding continuation of Disaster Emergency Declaration via conference call. She also noted that the Board of Supervisors met in Executive Session on March 31, 2020, at 2:00 p.m. via conference call regarding litigation matters, continuity of service under the Disaster Emergency Declaration, and personnel matters.

Ms. O'Doherty noted actions taken by the Board of Supervisors to comply with the *Disaster Emergency Orders* and Proclamations issued by Governor Wolf since March 14, 2020 as of this evening:

- **Township buildings and Township parks are closed to the public until further notice. The public should not use or attempt to use those facilities. No park facility permits or use of the Township Public Meeting room will be granted until the Disaster Emergency Declaration has been lifted.**
- **The Township building is closed to the public until further notice. Township staff is working remotely to the extent their job duties allow. When Township staff must be on site, they are utilizing facilities in shifts and maintaining the recommended distance of 6 feet from others. Residents who need to contact Township staff should use the contact information on the Township's website and they will respond as promptly as possible.**
- **Payments to the Township can be made by U.S. Mail to PO Box 467, Coatesville, PA 19320 or in our drop box adjacent to the Township Building Front Door. No cash payments -- check or money order. If you want a returned receipt, please include a self-addressed, stamped envelope with your payment.**
- **Until further notice, the Township has canceled all non-essential Township committee meetings. Please check the Township's website for cancellations.**

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- Until further notice, the Township has implemented a Go To Meeting Platform that will be utilized for Board of Supervisors meetings and other essential public meetings. The public will be able to video in or call into the meetings. Depending on how long the disaster emergency persists, the Township may begin to permit nonessential committee meetings on this platform. Please check the Township's website for meeting schedules and instructions on how to connect or call into meetings. Instructions may also be obtained by calling the Township building.
- The Township strongly encourages local businesses to comply with the Governor's Orders regarding the temporary physical closures of non-life-essential businesses. Residents with concerns regarding the continued operations of businesses may contact the non-emergency line for the Police at 610 383-7000.
- The Township's Code and Zoning Enforcement staff ability to perform inspection until the Governor's Orders are lifted is very limited. The Township's Code and Zoning Officers will be reaching out to applicants of currently open permits on how to proceed.
- It is the Township's understanding that it should be receiving additional guidance on the processing of new permit applications and applications under the Municipalities Planning Code. Any new applicants will be requested to complete a waiver of the statutory and regulatory time frames as part of their applications. The Township would like to thank its current applicants who have all been amenable to scheduling later meeting dates and granting extensions.
- The Township also expects to receive additional guidance from the Office of Open Records on processing new Right-to-Know requests. The Township is requesting that residents only file the most urgent of requests and work with the Township as to additional extensions of time regarding processing. At this time the Township cannot facilitate any in person review of records. The Township also will not be accepting in-person submissions or in person pick up of records; all requests and responses must be sent by mail or email.
- We encourage you to view information from the Chester County Department of Health. This site is updated frequently and includes links to the CDC website. You can sign up to receive info from the Health Dept. through ReadyChesco.
- This situation is evolving on a day to day basis. The Township website will be a resource to residents for any changes to its operations.

RATIFICATION OF ACTION ITEMS TAKEN BY THE BOARD OF SUPERVISORS DURING EMERGENCY DISASTER

Ms. O'Doherty reviewed actions taken by the Board since March 14, 2020. **Ms. Yates made a motion, seconded by Ms. Proctor, to ratify:**

- **Ratification of Resolution 2020-08, Declaration of Local State of Disaster Emergency**
- **Ratification of Resolution 2020-09, Authorization of Execution & Filing of Petitions for Declaratory Order with PA Public Utility Commission**
- **Ratification to pay bills on the March 17, 2020, bills to be paid list**
- **Ratification to approve payment applications for the new Township Building for:**
 - Jay R. Reynolds - \$10,867.77
 - Trefz Mechanical Inc. - \$21,782.45
 - Perrotto Builders Ltd - \$425,225.42
- **Ratification of authorization to transfer \$457,875.64 from PSDLAF to Coatesville Savings Bank General Fund Checking account for contractor payments**

The motion passed unanimously.

CITIZEN COMMENTS ON AGENDA ITEMS

None. It was noted that there was one additional participant on the virtual meeting, but they did not identify themselves. It was also noted that the public notice for the virtual meeting was published in the *Daily Local News*, posted at the Township Building and on the Township website. The notice stated that comments could be eMailed to the Township Secretary by 3:00 p.m. on this date to be read at the meeting. No comments were received by the Township Secretary to be read at the meeting.

APPROVE MINUTES AS WRITTEN

Ms. Boyd made a motion, seconded by Ms. Yates, to approve the minutes of the March 3, 2020, Board of Supervisors meeting. The motion passed unanimously.

APPROVE PAYMENT OF BILLS

Ms. Yates made a motion, seconded by Ms. Proctor, to approve payment of bills as presented. The motion passed unanimously.

BOARD GENERAL COMMENTS

Ms. O'Doherty noted that the Spring Bulk Trash Collection is still on schedule at this time. The Community Yard Sale dates are cancelled. Other scheduled events such as the Brandywine Conservancy Creek Cleanup scheduled for April 18, the annual Easter Egg Hunt of April 10, and the Community CleanUp Day on May 9 are postponed. The Compost Site is closed until further notice. The Volunteer Luncheon that would have been held in April will be rescheduled for a later date in the year.

SOLICITOR'S REPORT

Ms. Sundquist reviewed that Oakcrest I has complied with all requirements, including the posting of a cash maintenance escrow. Documents were presented for consideration:

- Resolution to accept Deeds of Dedication for Easements in Oakcrest Phase I – **Ms. Boyd made a motion, seconded by Ms. Proctor, to adopt Resolution 2020-10, a Resolution accepting the Deeds of Dedication for Easements in Oakcrest Phase I.** The motion passed unanimously.
- Resolution to accept Deeds of Dedication for Roads in Oakcrest Phase I – **Ms. Yates made a motion, seconded by Ms. Proctor, to adopt Resolution 2020-11, a Resolution accepting the Deeds of Dedication for Roads in Oakcrest Phase I.** The motion passed unanimously.
- Consideration to authorize execution of Maintenance Agreement – **Ms. Proctor made a motion, seconded by Ms. Yates, to authorize the execution of the Maintenance Agreement for Oakcrest Phase I.** The motion passed unanimously.

ENGINEER'S REPORT

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Mr. Ellis submitted the Engineer's Report which is on file in the Township Office.

The following items from the report were reviewed:

- Hillview – Ms. O'Doherty noted that the area where the restoration work was completed looks like it is sinking. Mr. Ellis advised that when a Pennoni representative is next in the Township that it would be looked at.
- Valley View Business Park, Lot 8 – A phone conference was held with the developer regarding the developer's intention to develop an industrial use on the parcel and potential relief that they may pursue from steep slope and woodland protection zoning standards.
- Township Municipal Complex – Ms. O'Doherty questioned if the building is secure. Ms. Lewis advised that she would confirm.
- 2020 Road Program – Ms. Ellis noted that they are preparing construction cost opinions for roads, broken down into segments from intersection-to-intersection, for consideration by the Board at their April 21 meeting to select which road segments to bid. Mr. Ellis reviewed the proposed timeline to bid to awarding at the May 19 meeting for work to be performed during the summer. There was a discussion regarding Concord Avenue which is being addressed through a County grant which involves federal funding.
- Pugh Property Drainage – No activity since last report. Awaiting feedback from PADEP on the Growing Greener Grant application.
- Comp Plan Update – The Plan was presented to the Township Planning Commission at the March Planning Commission meeting and follow up revisions are being made to address comments. It was planned to be presented to the Board of Supervisors in April. It was the Board's consensus to wait for that presentation until regular "in person" meetings are held.
- Water System – Mr. Ellis reviewed the status of the draft Consent Order and Agreement phone conference with DEP regarding the Comprehensive Monitoring Plans (CMPs) and Uninterrupted System Service Plans (USSP). DEP's comments were discussed on the draft plan submissions thereafter with them, as well as USSPs for the interconnect systems with PAWC. PAWC is assembling required information for the USSPs. Pennoni has requested that the information be provided this week so that the plans can be finalized and submitted to DEP next week.
- MS4/TMDL Plan – DEP provided feedback to comment responses regarding the calculations in the TMDL Plan. They are requiring the calculations be revised to account for water quality treatment that "should" be occurring in the Springbrook Village and Valley Crossing stormwater basins if they were functioning as originally designed thirty-plus years ago. Pennoni will revise the calculations accordingly, but they anticipate this will yield a shortfall and will necessitate another BMP be added to the TMDL Plan. If so, the Plan will need to be revised and resubmitted to DEP for review and approval before a permit is issued.

Consideration of Payment Application #1 to DESSCO Design & Construction, Inc., for Hemlock Bridge Project – **Ms. Yates made a motion, seconded by Ms. Proctor, based on the Township Engineer's recommendation to authorize payment #1 to DESSCO Design & Construction**

Inc. in the amount of \$90,900.63 for work completed for the Hemlock Bridge Project. The motion passed unanimously.

MANAGER'S REPORT

Discussion/consideration regarding Non-Exclusive Video Sharing License Agreement with the Commonwealth of Pennsylvania, acting through its Department of Transportation (PennDOT) as part of its ongoing Intelligent Transportation Systems initiatives – The Board discussed the Agreement and Ms. Lewis noted that video could be shared between PennDOT and the police. **Ms. Yates made a motion, seconded by Ms. Proctor, to proceed with a Non-Exclusive Video Sharing License Agreement with the Commonwealth of Pennsylvania, acting through its Department of Transportation (PennDOT) as part of its ongoing Intelligent Transportation Systems initiatives.** The motion passed unanimously.

Discussion/consideration to note that the Valley Township Codes Officer is an agent of the Board of Supervisors with regards to enforcement of Township ordinances – Ms. Lewis noted that throughout the Township Ordinances it notes enforcement by the Board of Supervisors; she asked that it be noted that the Township Codes Officer is an agent of the Board to enforce Township ordinances. **Ms. Yates made a motion, seconded by Ms. Proctor, to designate the Valley Township Codes Officer as an agent of the Board to enforce Township Ordinances.** The motion passed unanimously. Ms. Sundquist recommended that a future amendment could add the action taken this evening.

OLD BUSINESS

Discussion/consideration to authorize transfer of 2006(7) Freightliner Recycle Truck to Borough of South Coatesville as per DEP's Municipal Recycling Grant requirements and authorize transfer representative for Valley Township – Ms. Lewis noted that the Borough of South Coatesville will take possession of the former back up recycle truck that Valley Township previously acquired from Phoenixville Borough. As Phoenixville had originally purchased the truck through a DEP recycle grant, it was given to Valley Township at no cost. The truck is currently being inspected and South Coatesville has agreed to pay for the inspection costs, transfer costs, and has already add the truck to their insurance. **Ms. Boyd made a motion, seconded by Ms. Proctor, to authorize the transfer of the 2006(7) Freightliner Recycle Truck to the Borough of South Coatesville and to authorize Carol Lewis as the Township's agent to sign transfer documents.** The motion passed unanimously. There was discussion regarding possible current notary restrictions with the social distancing and regarding South Coatesville taking possession of the truck before formal transfer. It was the consensus of the Board, due to possible liability issues, to not allow physical possession of the truck until it is legally transferred. **Ms. Yates made a motion, seconded by Ms. Boyd, to amend the previous motion to also name Patrice Proctor as an alternate to sign transfer documents in addition to Carol Lewis.** The motion passed unanimously.

Discussion regarding conditions in current Township Building – The Board discussed air quality conditions in the current Township Building due to the building being limited to employees only. Several suggestions were discussed to help pull the moisture from the air.

NEW BUSINESS

Discussion/consideration to approve quote for blinds for the new Township Building from Budget Blinds, as per their quote dated 3/5/2020, in the amount of \$6,833.67 and authorization to issue 50% deposit – The Board reviewed the quote from Budget Blinds and their warranty. **Ms. Proctor made a motion, seconded by Ms. Boyd, to authorize the purchase of blinds for the new Township Building from Budget Blinds in the amount of \$6,833.66 and to authorize deposit of 50% of the cost.** The motion passed unanimously.

Discussion/consideration to approve a Resolution authorizing the destruction of documents as set forth in the *Municipal Retention Records Manual* – A resolution was presented listing documents that could be destroyed as per the retention guidelines previously approved. **Ms. Boyd made a motion, seconded by Ms. Yates, to adopt Resolution 2020-12, a Resolution authorizing the destruction of documents:**

- Insurance policies – 2013 and previous
- Litigation files – James Bell vs. Valley Township
- Litigation files – Robert Townsend vs. Valley Township
- Satisfied Municipal Lien files – 2018 and previous
- Survey of Financial Interest forms – 2014 and previous
- Right to Know Requests – 2017 and previous
- Accounts payable/voucher files – 2012 and previous
- Bank Statements & Reconciliations – 2012 and previous
- Deposit Slips – 2012 and previous
- Purchase Orders – 2012 and previous
- Cancelled payroll checks/payroll check registers – 2012 and previous
- Pay Period Reports – 2012 and previous
- Quarterly returns of withholding of Federal income tax – 2015 and previous
- Quarterly returns of withholding of State and Local taxes withheld – 2016 and previous
- Time cards and attendance reports – 2016 and previous
- Wage and Tax Statements – 2015 and previous
- 1099 Forms – 2015 and previous

The motion passed unanimously.

Discussion/consideration to exonerate property tax lien for mobile home removed 2019 school tax year, Parcel 38-05B501A022T (Raymond Shelton) in the amount of \$110.81 - Request from the Chester County Tax Claim Bureau was reviewed for delinquent real estate property taxes that are uncollectable because the mobile home was physical removed from the associated lot. **Ms. Yates made a motion, seconded by Ms. Boyd, to approve the property tax lien exoneration for a mobile home removed from parcel 38-05B501A022T in the amount of \$110.81.** The motion passed unanimously.

Consideration to remove Kris Lenhart, Jr., from probationary status effective April 12, 2020 – It was noted that Kris Lenhart, Jr., will complete his 90-day probationary period on April 12, 2020. **Ms. Yates made a motion, seconded by Ms. Boyd, to remove Kris Lenhart, Jr., from probationary status effective April 12, 2020.** The motion passed unanimously.

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Discussion regarding Safety Meeting – Ms. O’Doherty question the monthly safety meetings during the Emergency Disaster period and if virtual monthly safety committee meetings would be required. The Township Secretary will contact our insurance agent.

Discussion regarding “Protocol for Meetings” – Ms. O’Doherty noted that a few months ago, the Board was provided Sadsbury Township’s “Protocol for Meetings” guidelines that were available to the public when attending public meetings. The Board agreed to review the sample provided and consider adopting a similar procedure.

Discussion regarding need to issue “essential employee” letter – Ms. O’Doherty questioned if employees should be issued a letter to show that they are an essential employee working for the Township should they be stopped under the Governor’s “stay at home” order. Ms. Sundquist advised that she could forward a sample letter that they have provided other municipalities.

Authorized Township Representatives to post messages on “chesco.org” – There was a discussion regarding who is authorized to post messages on “chesco.org”. It was the consensus of the Board that in addition to Joe Sciandra and Nicole Sciandra, additional Township personnel should be authorized to post messages. Ms. Lewis stated that she would follow up with the County what is required to obtain authorization.

CITIZEN COMMENTS

None

There being no further business to discuss, the meeting was properly adjourned at 9:06 p.m.

Janis A. Rambo
Township Secretary