

MINUTES FOR APRIL 23, 2019 VALLEY TOWNSHIP BOARD OF SUPERVISORS

The regular monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, April 23, 2019, at the Township Municipal Building, 890 West Lincoln Highway, Coatesville, PA.

The meeting was called to order by Chairwoman Patrice Proctor at 7:40 p.m. Those in attendance were Supervisors Christopher Lehenky, Kathy O'Doherty, Joe Sciandra, William H. Handy, Sr., and Patrice Proctor. Also in attendance were Carol R. Lewis, Township Manager; Edward F. Rasiul, 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 and personnel.

CITIZENS COMMENTS ON THE AGENDA:

None

DEPARTMENT REPORTS:

Public Safety – Chief Newhall provided the monthly report for March 2019. He reported that the new police vehicle is now at the outfitters. He noted that the record management grant submitted through PCCD is still under review. Chief Newhall also reported that we are now compliant with Act 79, a new law which requires law enforcement to accept firearms from those who have been convicted of domestic violence. We are also now in compliance with the PA Commission on Crime and Delinquency requirement to report monthly how many juveniles we take into custody. An officer will be registered to participate in a four-day program for car seat installation which will be a two-year certification. He hopes to have two officers certified by the end of the year. He noted that the 12-hours shift schedule is now in place.

Chief Newhall presented Todd Pechin with a *Certificate of Commendation* for assisting a police officer who was attempting to apprehend an individual.

A Resolution was presented to adopt guidelines for Valley Township Police Officers when making authorized warrantless summary arrests. **Mr. Sciandra made a motion, seconded by Mr. Handy, to adopt Resolution 2019-13, a Resolution adopting guidelines for Valley Township Police Officers when making authorized warrantless summary arrests for certain offenses under Title 18.** The motion passed unanimously.

Ms. O'Doherty inquired about the Township's Town Watch. Chief Newhall advised that he is still gathering information.

Fire/EMS – The monthly Fire and Ambulance reports from Westwood Fire Company were provided.

Emergency Management – No report.

PLANNING COMMISSION:

Denny Bement reported on the Planning Commission’s April 9, 2019, meeting. He noted that the Planning Commission reviewed dumpster enclosure and bollard ordinance standards. The Township Engineer will be drafting SLDO revisions to incorporate the recommended standards. He also reported that the Planning Commission reviewed revising the Township’s standard four-foot wide sidewalk to five-foot wide and noted that the County is asking for an 80-foot wide right of way. He noted that the ADA requires five-foot bump outs, and most municipalities are complying. It was also requested that the Township Engineer develop an ordinance amendment to the minimum sidewalk width of five feet.

Mr. Bement noted that the Planning Commission also reviewed requirements for food trucks. It was noted that food trucks are a growing presence. Mr. Bement stated that the Commission preferred to not take any action at this time. Mr. Bement noted that Airport Diner and Amycel are working on finalizing their plans to address the Township Engineer’s review letters.

CITIZEN’S COMMENTS:

Jacyln Gleber (ChesPenn Health Services), “Young Lungs at Play” – Ms. Gleber gave a presentation of the statewide initiative to eliminate children’s exposure to secondhand smoke, aerosol and debris at public parks, buildings and playgrounds; protect the environment and health of all; and to positively influence community norms. She noted that the program provides free signage, helps develop a press release, and provides a sample ordinance. Mr. Sciandra expressed his interest in contacting the homeowners’ associations for their “buy in” of the program as well. The Board concurred to move forward and requested that Ms. Lewis draft an ordinance for the Board’s review and to provide a list of suggested locations for the signs and how many we would need for the May 7, 2019, agenda.

Jesus Juarez Mora, 67 Scott Avenue – Mr. Mora requested sewer connection to Valley Township’s system for a vacant lot that he is hoping to develop at 67 Scott Avenue. It was noted that service is provided in that area; Mr. Rasiul noted that he would need to complete a DEP Mailer for sewer module exemption. **Mr. Sciandra made a motion, seconded by Ms. O’Doherty, to authorize potential connection subject to Township and DEP permit reviews and approvals.** The motion passed unanimously.

Mr. Sciandra noted that a private bridge near where the work at Sucker Run was done last year is in bad shape and should be investigated by Codes.

Wilson Armentrout, 23 Green Street – It was noted that Mr. Armentrout, who had requested to be on the agenda, was not present.

Denise & Andrew Holmes – Mr. and Mrs. Holmes were present and requested a refund for sewer charges applied to their account for a group home located at 250 Ash Street. Mrs. Holmes stated that 250 Ash Street ceased being a group home in December 2014. She said she notified the

Township but invoicing continued for two sewer charges and that she had continued to pay the bills which Mr. Sciandra questioned they continued to pay for two sewers if they had notified us. When asked by Ms. Duca recently to provide confirmation that 250 Ash Street had ceased at the end of 2014 as a group home, Mrs. Holmes brought in a letter from the Pennsylvania Department of Public Welfare noting that 100 Moody Street as of January 1, 2014, was no longer considered a licensed personal care home. Township records do not show this property as ever being registered with the township as a group home. It was questioned if the Holmes' property at 100 Moody Street was not properly billed for two sewer services while it was in operation as a group home. After continued discussion, the Board tabled any decision until additional information is provided to confirm the year(s) when 100 Moody Street was in operation as a group home.

Louise L. Smith, First Baptist Church of Passtown – Ms. Smith, on behalf of the First Baptist Church of Passtown, requested use of the Township property at 890 West Lincoln Highway to hold a flower and yard sale on Saturday, May 25, 2019, beginning at 8:00 a.m. Mr. Sciandra noted that the event would need to be done and cleaned up by dark. Ms. Smith stated that it would be concluded by 3:00 p.m. Ms. O'Doherty questioned if they would need a port-a-potty. Ms. Smith stated that none would be needed and that people would not be staying long. There would be approximately 10 tables set up for the yard sale where people would be buying space to set out their items. All unsold items would need to be taken back. Mr. Sciandra noted that a certificate of insurance would be required. Ms. Smith did ask if those helping with the event could use the Township's restrooms. The Board noted that the building would not be open when the police were out of the building. Mr. Sciandra questioned if there would be any food for sale, and Ms. Smith stated that Teel's would be catering food for sale. Mr. Sciandra noted that he would also need to provide the Township with a Certificate of Insurance and to ensure that he had the Chester County Health Department's food handler license and had an event license. **Mr. Sciandra made a motion, seconded by Mr. Lehenky, to allow the First Baptist Church of Passtown to use the Township Property at 890 West Lincoln Highway on May 25 from 8:00 am to 3:00 pm with the requirement that the church and caterer's Certificates of Insurance are provided before the event and that the caterer has the required Health Department Food Handler License and Event permit.** The motion passed unanimously. Mr. Sciandra also requested that the set up of the event does not require parking along Business Route 30 and that the police department will need to have access in and out of the parking lot/building at all times.

Ms. Smith invited the Board to attend the Church's Community Cook Out on June 22.

SOLICITOR'S REPORT:

Mr. Rau noted that most updates were presented in Executive Session.

He noted that if the Board took action on an "obstruction within boundaries of public highways" ordinance, noted under the Manager's Report, that he recommended that the motion be subject to finalization and advertising be made following the Solicitor and Manager's language edits and to note that obstruction would be of natural and man-made nature.

Discussion/consideration regarding "Obstruction within Boundaries of Public Highways" Ordinance – **Mr. Handy made a motion, seconded by Ms. O'Doherty, to authorize the**

Township Manager and the Township Solicitor to draft an ordinance with regards to obstruction within boundaries of public highways. The motion passed unanimously.

OLD BUSINESS:

Discussion/consideration regarding Verizon franchise agreement negotiation consultant – The Board reviewed proposals from Unruh Turner Burke & Frees and a proposal from the Cohen Law Group for services through the Chester County Consortium. After review and discussion, **Mr. Sciandra made a motion, seconded by Mr. Lehenky, to contact with Unruh Turner Burke and Frees for Verizon Franchise contract negotiation as per the proposal outlined in Andy Rau’s eMail of April 3, 2019, at a price not to exceed \$5,500.** The motion passed unanimously.

At this time, Mr. Rau departed the meeting.

ENGINEER’S REPORT:

Mr. Rasiul submitted the engineer’s report which is on file at the Township Office. Mr. Rasiul highlighted the following items from the written Engineer’s Report:

- Oakcrest Phase II”Highview” – Mr. Rasiul reported that the developer has requested a sitewide punchlist inspection. He also noted that there is a issue on Lot 114 regarding sump pump discharge and Ryan Homes is trying to resolve the issue.
- Amycel – Mr. Rasiul noted that the revised final land development plan is under review. A review letter should be issued by the end of the week. It is anticipated that they will come before the Board at their May 7, 2019, for plan approval.
- Hemlock Avenue Bridge Replacement – The US Fish and Wildlife Service has provided a clearance letter in response to Pennoni’s submission on the absence of wetlands and bog turtle habitat. The project is being coordinated with DCD who does not expect to receive federal funding for another 1-2 months. If they do not receive their funding until mid to late June, it would be unlikely that final paving on the project could occur before winter which would push the final paving to spring of 2020.
- Recreation and Open Space Plan – A public meeting to present the Plan is scheduled for May 7 at 7:00 p.m.
- Comprehensive Plan Update – The next meeting of the Steering Committee is May 25. A public visioning meeting is scheduled for May 29.
- PA DCED Greenways, Trails & Recreation Program (CTRP Grant) – Mr. Rasiul reported that a pre-application conference call confirmed the eligibility and scope of potential projects to include demolition of the existing Township building, basketball court resurfacing, and other improvements of existing parks.
- CDBG Grant Reapplications – Mr. Rasiul reported that reapplications for Concord Street Reconstruction and Wagontown Road Reconstruction projects can be considered for submittal under the upcoming grant round.

PA DCED GTRP Grant Application – **Ms. O’Doherty made a motion, seconded by Mr. Sciandra, to proceed to submit a grant application under the Pennsylvania DCED’s GTRP**

grant program for the existing township building demolition and possibly park improvements. The motion passed unanimously.

Discussion/consideration to re-apply for CDBG grants for Concord Street Construction and Wagontown Road Reconstruction – The Board discussed resubmission of both grant applications that were submitted in 2018. Mr. Rasiul had commented that when his office talked with the County, they had noted that funding for Wagontown Road may not be possible but Mr. Bokovitz had requested that Ms. Proctor contact him regarding Wagontown Road. As there was still time to decide about re-submission, **Mr. Sciandra made a motion, seconded by Mr. Handy, to table a decision regarding re-applying for CDBG grants for Concord Street Construction and Wagontown Road Reconstruction.** The motion passed unanimously. It was agreed that a conference call to the County will be set up with Ms. Proctor, Ms. Lewis, and Mr. Ellis participating from the Township.

Discussion/consideration to accept Airport Diner's 90-day extension – The Board reviewed the extension granted by Airport Diner. **Mr. Sciandra made a motion to table to the May 7, 2019, meeting noting that the Board will not take action until the professional fees are brought current. Mr. Handy seconded the motion.** The motion unanimously.

Mr. Rasiul departed the meeting at this time.

MANAGER'S REPORT:

Discussion/consideration regarding Resolution to adopt Non-Permit Fee Schedule – Ms. Lewis reviewed a draft Resolution to adopt a non-permit fee schedule. The Board reviewed the proposed fees for park/pavilion rental. Mr. Sciandra felt the proposed refundable deposit was a bit low should the park not be left in good condition. After discussion, the Board concurred to increase the proposed fees for park security deposit to \$150.00; park reservation for a resident up to 3 hours to \$25.00; and park reservation for a non-resident up to 3 hours to \$50.00. The Board also concurred that approval and fee would need to be determined by the Board of Supervisors for any event over three hours or any event, regardless of length, that would have 25 people or more in attendance. **Mr. Sciandra made a motion to adopt Resolution 2019-14, a resolution setting non-permit fee schedule, as drafted and modified with regards to the rates for park rental. Mr. Lehenky seconded the meeting.** The motion passed unanimously.

Discussion/consideration regarding grant from Senator Dinniman – It was noted that Senator Dinniman has been in contact with Valley Township regarding grant funding that he has available in the amount of \$50,000. It was noted that a meeting was held on Monday with Mike Ellis of Pennoni at Westwood Park (John A. Gibney Park) to evaluate a stormwater issue. It was noted that an underground drain could be installed, but permitting would be required. It was also noted that all three park basketball courts are in need of resurfacing and that the cost to do one was budgeted for 2019. Mr. Sciandra suggested that the use of the grant funds also include resurfacing the other two courts. **Mr. Sciandra made a motion, seconded by Ms. O'Doherty, for the Township Manager to request use of grant funding for the stormwater solution and**

permitting at the John A. Gibney Park and resurfacing of two basketball courts. The motion passed unanimously.

NEW BUSINESS:

Discussion/consideration regarding basketball court resurfacing proposal for Hayti Park from E. Squires Paving in the amount of \$11,000 – A proposal was reviewed for the basketball court at Hayti Park. The proposal included the contractor to mill large cracks to base; scratch coat low areas in the court; and to resurface with a 2” compacted 9.5 mm top. The contractor will take down the fence so work can be completed and will include line striping. The contractor with the lowest proposal was E. Squires Paving in the amount of \$11,000. Ms. Lewis advise that she obtained good references. **Mr. Sciandra made a motion to accept the proposal from E. Squires Paving, dated March 31, 2019, in the amount of \$11,000 to resurface the Hayti Park basketball court. Mr. Handy seconded the motion.** The motion passed unanimously.

Discussion/consideration regarding paving repairs on South Mt. Airy Road – The Board reviewed a proposal from Dan Malloy Paving, Inc. to overlay a section of Mt. Airy Road and repave swale with 1.5” depth 9.5 mm wearing course of approximately 71 lf x 17 lf in the amount of \$8,500. **Ms. O’Doherty made a motion, seconded by Mr. Sciandra, to accept the proposal from Dan Malloy Paving, Inc., for repairs to South Mt. Airy Road not to exceed \$8,500.** The motion passed with Mr. Lehenky voting nay.

Discussion/consideration for water/sewer adjustment for 133 Maple Avenue – The Board reviewed the request for water and sewer adjustment for 133 Maple Avenue. **Mr. Lehenky made a motion, 2nd by Mr. Sciandra to deny the refund request.** The motion passed unanimously.

Discussion/consideration to approve payment applications for new township building construction – **Mr. Sciandra made a motion to approve payment applications for new township building construction and related expenses as follows:**

- Perrotto Builders - \$18,199.80
- Unruh Turner Burke & Frees (legal consultation/construction) - \$1,313.50
- DSS Philly (roof panel) - \$1,465.65

Ms. O’Doherty seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES:

Mr. Handy made a motion, seconded by Mr. Lehenky, to approve the minutes of the April 2, 2019, meeting as presented. The motion passed with Mr. Sciandra abstaining as he was not in attendance at the April 2, 2019, meeting.

TREASURER’S REPORT:

The Treasurer’s Report was read.

PAYMENT OF BILLS

Mr. Sciandra 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

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There being no further business to discuss, the meeting adjourned at 10:28 p.m.

Janis A. Rambo
Township Secretary