

MINUTES FOR AUGUST 6, 2019 VALLEY TOWNSHIP BOARD OF SUPERVISORS

The first monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, August 6, 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 7:32 p.m. Those in attendance were Supervisors Kathy O'Doherty, William Handy, and Patrice Proctor. Supervisors Christopher Lehenky and Joe Sciandra were absent. Also in attendance were Carol R. Lewis, Township Manager and Andrew D.H. Rau, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor). Ms. Proctor noted that some members of the Board met with an EAC candidate at 6:15 p.m. and the Board of Supervisors met in Executive Session prior to the meeting at 6:30 p.m. to discuss matters of litigation.

OATH OF OFFICE:

Timothy Parker was sworn in as Sergeant of the Valley Township Police Department by The Honorable Judge Grover Koon.

CITIZENS COMMENTS ON THE AGENDA:

None

APPROVAL OF MINUTES:

Mr. Handy made a motion, seconded by Ms. O'Doherty, to accept the minutes from the July 16, 2019, meeting. The motion passed unanimously.

PAYMENT OF BILLS:

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

GENERAL BOARD COMMENTS:

Ms. Proctor noted the following upcoming events:

- The Parks and Recreation Authority's casino trip for Saturday, August 10, is sold out.
- The Book Bag Give Away will be held on Saturday, August 17 at 1:00 p.m. There will be 100 bookbags distributed.
- A concert will be held on Saturday, September 7, at 12:00 noon, at Westwood Fire Company featuring Wilson Lambert's "Blue Philly Magic".
- Annual Valley Day will be held on Saturday, September 28 from 11:00 a.m. to 4:00 p.m., with a rain date of September 29. Location is the same as last year across from Highlands Business Park.

CITIZEN COMMENTS:

Casey Leidy, 306 LaRose Drive – Mr. Leidy stated that he had contacted PennDOT’s District 6 office regarding the traffic study that was done for West Lincoln Highway and Buckthorn Drive. PennDOT advised that their office had not performed a formal study but one could be requested by the municipality. He further contacted a representative from Senator Andy Dinniman’s office who advised that a TE160 application would need to be submitted and he reviewed various criteria that could warrant a light, which would be at the Township’s expense. The Board confirmed that the previous traffic studies had been performed by the Township’s engineer. Ms. Lewis reiterated that there is no cost for the study or no obligation following the study. The Board concurred to authorize the Township Manager to submit the TE160 for a traffic study to be performed by PennDOT for West Lincoln Highway and Buckthorn Lane.

Curtis Miller of Representative Chrissy Houlahan’s office (District 6) – Mr. Miller gave a report of the Representative’s activities year-to-date and encouraged the Township to reach out to her and her staff should the need arise.

SOLICITOR’S REPORT

Discussion/consideration regarding Airport Diner Land Development Preliminary/Final Plan (1210/1214 West Lincoln Highway) - Mr. Rau reported that certified letters were mailed, as well as copies sent electronically, by his office to the applicants and their professionals of the “Airport Diner Land Development Plan” on July 26 advising the current time extension expires on August 7, 2019, and that unless the escrow balance is made current by the close of business on August 5, 2019, the Valley Township Board of Supervisors would have an action item on its August 6 agenda to deny the Airport Diner land development plan and application. The denial would reference, inter alia, failure to properly address the comments and plan revisions required by the Pennoni engineering letter dated March 8, 2019 and failure to address the comments and plan revisions required by the March 13, 2019 Pennoni eMail to Mr. Stillman and Mr. Koppenhaver as to the Planning Commission conditional recommendations from its meeting of March 12, 2019.

Mr. Rau confirmed that outstanding professional fees have not been paid and no response has been received from the applicants, Abdelkhalek Mohamed Elkhoully and/or Ragab Mekawy.

Mr. Handy inquired if anyone was present representing “Airport Diner” (there were none). **Ms. O’Doherty made a motion, seconded by Mr. Handy, to adopt Resolution 2019-16, a resolution of denial of application of Abdelkhalek Mohamed Elkhoully and Ragab Mekaway for preliminary/final land development of 1210/1214 West Lincoln Highway**

for failure to comply with the Valley Township Ordinances and Township Review Comments, and per Section 508 (2) of the Municipalities Planning Code (MPC), and hereby fully incorporates the Pennoni Review Letter and Pennoni Email as Exhibits A and B hereto, and finds the Denial merited in light of the following defects found in Airport Diner Application and related plans, and for failure to meet statutory or ordinance provisions, and / or to correct engineering errors, as follows:

- (A) Failure to meet Valley Township Zoning Ordinance Sections 311.7; and 312.8.D., as detailed in the Pennoni Review Letter at Page 2, Comments 1 and 2;
- (B) Failure to meet Valley Township SLDO Ordinance Sections 304.5.A; 306.2; 492.E(2); 403.F(9); 603.A; and 615.4(C)(4) as detailed in the Pennoni Review Letter at Pages 2 and 3, Comments 3 to 8;
- (C) Failure to meet Valley Township Stormwater Management Ordinance Sections 302.A; as detailed in the Pennoni Review Letter at Page 3, Comment 9; as well as failure to correct multiple Stormwater engineering calculation errors and conflicts detailed at Pages 3 and 4, Comments 10 to 15;
- (D) Failure to answer secondary and/or inaccurate outlet structures listed for Basins 1, 2 and 3; and failure indicate size and materials for proposed water lines or to indicate curb stops as detailed in the Pennoni Review Letter at Page 4, Comments 16 and 17;
- (E) Failure to address sprinkler systems, fire suppression, or fire service connections, and failure to address illegible meter pit details on plans as stated in the Pennoni Review Letter at Page 4, Comment 18;
- (F) Failure to indicate elevations for water and sewer main connections; failure to address potential conflicts with underground utilities, or provide accurate and viable water and gas services utility profiles and safe vertical separations or water lines and gas lines, or to provide pipe bedding detail which accurately provides for warning tape placement, as detailed in the Pennoni Review Letter at Page 5, Comments 19 and 20;
- (G) Failure to address grinder pump details or to provide utility plan information as to grease interceptor access covers and to address possible sidewalk conflicts, detailed in the Pennoni Review Letter at Page 5, Comments 21 and 22;
- (H) Failure to address all General Comments detailed in the Pennoni Review Letter at Pages 5 and 6, Comments 23-26, including but not limited to handicapped parking signage; landscape size values; trash dumpster enclosures; and multiple issues regarding emergency access drive detail and paver systems;
- (I) Failure to address requirements of approval detailed by the Pennoni Email, in relation to conditions recommended by the Valley Township Planning Commission, as follows and listed verbatim:
 - 1. The plans shall ultimately satisfy all comments in our Submission #3 review letter, dated March 8, 2019
 - 2. The dumpster enclosure and enclosure details shall be revised to include the following:
 - a. A concrete pad within the enclosure instead of the proposed asphalt
 - b. The enclosure fence itself shall be 6 feet tall; the fence posts may exceed that height as necessary to ensure 6 feet of screened enclosure is provided
 - c. The enclosure gate material/design shall match the fence material/design
 - d. At least three bollards need to be provided, equally spaced along the rear face of the enclosure and inside of the curb, to prevent damage to the enclosure when the dumpsters are emptied
 - 3. Evidence shall be provided that the parking lot lighting requirements can be met without the use of wall-mounted lights. This can be provided as a sub-consultant or vendor cut sheet showing the footcandle levels without the wall-mounted lights present, if convenient.
 - 4. Compacted backfill shall be placed in maximum 8" lifts, compacted to 95% density in paved areas and 90% density in non-paved areas, per ASTM D1557. E&S Note #19 on Sheet 11 and all Sheet 12 details that include backfill need to reference this requirement.
 - 5. Snouts must be provided for all outlet pipes in inlet I-4B.

Additionally, the following comment on the Submission #3 Supplemental drawings, received by Pennoni on March 12, 2019, shall be satisfied:

- 6. Pipe P-3 and/or OS-4A appear to have been modified and we question if this modification was intentional. In the original Submission #3, this pipe exited OS-4A at elevation 644.50, ran approximately 34 LF, and entered I-4 at 644.14, for a slope of approximately 1%. In this supplemental submission, the Sheet 6 OS-4A callout reports P-3 as exiting at 644.70 and entering I-4 at 644.14, for an approximate calculated slope of 1.6%. However, Sheet 6 and the revised Storm Pipe Capacity tabulation show this pipe's slope as 3.2%; the calculated pipe capacity flow rate also appears to reflect the 3.2% slope. This invert elevation increase appears to have increased the storage use of Basin 2 as early as the 25-year storm. We

question if this was an intended change and note that P-3's slope needs to be revised in the report calculations.

AND FURTHER, in conjunction with the DENIAL of the Airport Diner Application as stated and set forth herein, the Valley Township Board of Supervisors further and hereby authorizes its Solicitor, Engineer and Staff to take all necessary legal actions to pursue the unreimbursed professional and review fees related to the Airport Diner Application, including but not limited to reimbursement of the expenses, fees and costs of legal action and collection.

The motion passed unanimously.

MANAGER'S REPORT:

Discussion/consideration regarding Cooperative Police Service Agreement between CASD Police Department and Valley Township Police Department and Memorandum of Understanding – Mr. Rau noted that his office has reviewed the *Memorandum of Understanding* between the Valley Township Police Department and Coatesville Area School District as well as the *Cooperative Police Service Agreement* between CASD Police Department and the Valley Township Police Department which is before the Board this evening for consideration. **Mr. Handy made a motion, seconded by Ms. O'Doherty, to approve the Memorandum of Understanding between the Valley Township Police Department and Coatesville Area School District as well as the Cooperative Police Service Agreement between CASD Police Department and the Valley Township Police Department.** The motion passed unanimously.

OLD BUSINESS:

Consideration to authorize public notice to adopt Zoning Ordinance amendment to add definitions and establish criteria for medical marijuana dispensary and medical marijuana grower/processor uses – It was noted the comment letter was received from the Chester County Planning Commission recommending and supporting the adoption of the proposed zoning ordinance amendment. **Ms. O'Doherty made a motion, seconded by Mr. Handy, to authorize the public notice be advertised to adopt the Zoning Ordinance Amendment to add definitions and establish criteria for medical marijuana dispensary and medical marijuana grower/processor uses.** The motion passed unanimously.

At this time, Mr. Rau departed the meeting.

MANAGER'S REPORT CONTINUED:

Consideration to authorize transfer of \$30,000 from the Fire Fund Checking Account to the Fire Capital Reserve and \$64,000 from the Ambulance/EMS Checking Account Fund to the Ambulance/EMS Capital Reserve – **Mr. Handy made a motion, seconded by Ms. O'Doherty, to authorize the transfer of \$30,000 from the Fire Fund Checking Account to the Fire Capital Reserve and \$64,000 from the Ambulance/EMS Checking Account Fund to the Ambulance/EMS Capital Reserve.** The motion passed unanimously.

Discussion/consideration regarding heat for township building – Ms. O’Doherty made a motion, seconded by Mr. Handy, to approve a quote dated April 18, 2019 from Rogers Mechanical Company in the amount of \$1,200 to replace the leaking condensate return piping in the rear of the boiler. The motion passed unanimously.

ENGINEER’S REPORT:

Discussion/consideration regarding grant for the by-pass pump – Ms. Lewis reported that the Rock Run Pump Station Bypass Pump project cost still remains around the proposed grant amount of \$105,000 despite the change of scope from the above ground to submersible pump. The Township is responsible for 50% of the cost plus all engineering and permitting. The design is near completion; however, there was a question if there is value in expending the \$50,000 in constructions costs plus permitting costs if the system will be sold. **Mr. Handy made a motion, seconded by Ms. O’Doherty, to not to proceed with the grant Pennsylvania Department of Community & Economic Grant, Contract #C000065107, for Wastewater Pump Improvements.** The motion passed unanimously.

Discussion/consideration regarding Escrow Release #10/Final for Valley View Business Park Lot #5 in the amount of \$71,175.88 contingent upon, as recommended by the Township Engineer, \$5,000 professional fees not be released until all current and future professional fees are paid and \$66,175.88 not be released until the remaining punch list items have been completed and confirmed by Pennoni – **Mr. Handy made a motion, seconded by Ms. O’Doherty, to authorize Escrow Release #10/Final for Valley View Business Park Lot #5 in the amount of \$71,175.88 contingent upon, as recommended by the Township Engineer, \$5,000 professional fees not be released until all current and future professional fees are paid and \$66,175.88 not be released until the remaining punch list items have been completed and confirmed by Pennoni Associates.** The motion passed unanimously.

Discussion/consideration regarding direction relative to Oakcrest I sidewalk pitting issue responsibility – Ms. Lewis reported that she and Mr. Ellis visited the site to look at the pitting sidewalks. It was noted that the pitting sidewalks are entirely within the open space areas which would be the responsibility of the HOA. The pitting is indicative of over-salting of the sidewalk and damaged from snow removal – noting that some of these sidewalks are over 10 years old. It was the consensus of the Board to not require the developer to repair or replace the pitting sidewalks that are entirely within the open space areas that would be the responsibility of the HOA.

NEW BUSINESS:

Discussion/consideration for IT carrier – Ms. O’Doherty made a motion, seconded by Mr. Handy, to table the decision for an IT carrier for the new township building. The motion passed unanimously.

Discussion/consideration for appointment to the EAC to fill vacant seat – Ms. Lewis advised that there are two applicants for the vacant EAC seat. Ms. O’Doherty noted that this has been a Council that has seen a lot of change in the last two years. Ms. Lewis noted that Mr. Ellis will be attending the August 15, 2019, meeting to review the responsibilities and initiatives/projects as well as assist in the EAC in reorganizing. Ms. O’Doherty inquired if an “alternate” could also be appointed to the EAC. **Mr. Handy made a motion, seconded by Ms. O’Doherty, to appoint Kate Kelly to the vacant seat on the Environmental Advisory Council to expire on December 31, 2019, and to appoint Jennifer Kowaleski as an alternate to the EAC.** The motion passed unanimously.

Discussion/consideration regarding Citation One (Hanger 5B) utility bill adjustment request – Fred Gunther was present to request consideration of utility bill adjustment for 2 Lindberg Boulevard (Hanger 5B). He advised that he had received a letter from the Township dated March 29 advising excessive water usage at 2 Lindberg Boulevard. He noted that they first checked every water source within the building and did not find any leaks. In the interim, the Township had done another reading and an additional 51,000 had been used. Mr. Gunther stated that he had requested that the Township turn the water off. It was noted that Township personnel discovered water running outside of the building. The building has a pit meter. It was noted that the buildings at the airport do not have curb stops, which is normally where water service is turned off. The Airport only has one curb stop that services the entire line. Water service was turned off in the meter pit. It was further noted that it is the responsibility of the owner to locate and repair the leak. Notification was sent from the Township on April 17 confirming the water being turned off at the valve inside the meter pit and noted the importance of repairing the leak noting a permit would be required. Mr. Gunther confirmed that no repairs have been done to date. He asked the Board to consider an adjustment to his sewer bill. He noted that he has paid \$1,000 towards his first quarter bill which was \$4,340.15 and requested that an adjustment be made of the water usage portion of the bill to reflect a credit for the water usage that resulted in the water not being turned off on March 29 until it was turned off on April 17 as well as a credit from the sewer portion of the bill.

It was the consensus of the Board to table any action and to a) investigate the situation and see if PA American would issue back to the Township the sewage charges of water that was not treated through the wastewater system and b) to have a discussion with the Airport Authority that the Township with either send one bill to the Authority and they can bill their tenants or that they will install curb stops for each building.

Discussion/consideration to hire Jennifer Schreiber as a part-time police officer pending physical, drug/alcohol, and psychological testing – Ms. Lewis noted that Chief Newhall has asked to hire Jennifer Schreiber as a part-time police officer pending physical, drug/alcohol, and psychological testing. She noted that Ms. Schreiber has passed the background check. **Ms. O’Doherty made a motion, seconded by Mr. Handy, to authorize hiring Jennifer Schreiber as a part-time police officer contingent upon successfully completing her physical, drug/alcohol, and psychological testing at a starting rate of \$17.89 and after successful completion of her six-month probationary period an increase to \$18.94 (increase of \$1.05**

an hour) and after one-year of employment to \$20.00 per hour (increase of \$1.06 an hour).
The motion passed unanimously.

CITIZEN COMMENTS:

Margie Runk, 385 Rockdale Drive – Ms. Runk stated that trucks continue to come down Rockdale Drive. She also stated that a sign was recently installed stating “Quarry Street”. She stated that there is no Quarry Street.

With regards to the truck traffic, it was suggested that Sadsbury Township be contacted to see if signage could be installed on Washington Lane within Sadsbury Township’s portion about no truck turning onto Rockdale Drive.

John Sensing, Sr., 80 Robinson Avenue – Mr. Sensing asked for confirmation that Robinson Avenue was going to be widened. The Board confirmed that there are no plans to widen Robinson Avenue.

Toni Barber, 1010 Front Street – Ms. Barber stated if new street signs were being ordered, if someone could replace the “Cemetery Lane” sign as it is misspelled.

Ms. Proctor noted that the Valley North voting district has been increased to three voting locations starting with this Fall’s general election. Notification will come from Voter Services what location registered voters will now vote. Ms. Proctor stated that election clerks are needed for the three locations. Valley South will remain with one location.

There being no further business to discuss, the meeting adjourned at 8:55 p.m.

Janis A. Rambo
Township Secretary