

MINUTES FOR DECEMBER 1, 2020 VALLEY TOWNSHIP BOARD OF SUPERVISORS

The first monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, December 1, 2020, via virtual meeting through *Go To Meeting*.

The Board of Supervisors meeting was called to order by Chairwoman Patrice Proctor at 7:57 p.m. Those participating in the meeting were Supervisors Christopher Lehenky, Kathy O'Doherty, Sharon Yates, Carmen Boyd, and Patrice Proctor. 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 Kris Lenhart, Township Roadmaster.

It was noted that the meeting was being 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.

PUBLIC HEARINGS

As advertised, there were three public hearings held:

Hearing #1 – To consider and immediately thereafter during its regular meeting decide whether or not to enact an ordinance of Valley Township amending the Code of the Township to amend Chapter 10 “Health & Safety” with a new Part 6 “Vacant Property Registration and Security” to provide for a purpose, public nuisance, definitions, vacant properties and identification, vacant property registration; registration fee schedule, security requirements, exemptions, applicability, violations and penalties and annual report and other miscellaneous provisions contained herein.

Ms. Sundquist reviewed the exhibits for the proposed ordinance and gave an overview of the ordinance. Section 1 creates a new Part 6 “Vacant Property Registration and Security” which provides for a purpose, designation of public nuisance, definitions, vacant properties and identification, vacant property registration, registration fee schedule, security requirements, exemptions, applicability violations and penalties and annual report. Section 2 provides for repealer. Section 3 addresses invalidity. Section 4 authorizes General Code to make nonsubstantive changes. Section 5 provides for an effective date.

Ms. O'Doherty inquired if this would pertain to “snowbirds” and Ms. Yates inquired about military personnel. Ms. Sundquist reviewed how the length of their being away would apply with this ordinance.

There were no questions from the public. The hearing was closed.

Hearing #2 – To consider and immediately thereafter during its regular meeting decide whether or not to enact an ordinance of Valley Township amending the Code of the Township at §13-503 to add the requirement that alarm users update the Township on changes to their permit information and to delete §13-507(4); §13-505 to be renumbered as a new §13-508 and create a new §13-505 to establish certain alarm system requirements; §13-506 to add a new subsection (3) to provide for the new revocation of permits; §13-507 to be deleted in its entirety and to add a new §13-507 and other miscellaneous provisions contained herein.

Ms. Sundquist reviewed the exhibits for the proposed ordinance and gave an overview of the ordinance. Section 1 amends §13-503(3) to require users to supply corrected information. Section 2 deletes §13-504(4) in its entirety. Section 3 renumbers §13-505 as §13-508, and creates a new §13-505 “Alarm System Requirements” which provides requirements for alarm systems. Section 4 creates new §13-506(3) to permit the police department to revoke permits. Section 5 deletes §13-507 and creates new §13-506(3) to permit the police department to revoke permits. Section 5 deletes §13-507 and creates new §13-507 to provide for offenses, penalties and violations. Section 6 provides for a repealer. Section 7 addresses invalidity. Section 8 authorizes General Code to make nonsubstantive changes. Section 9 provides for an effective date.

There were no questions or comments from the Board of Supervisors or public. The public hearing was closed.

Hearing #3 – To consider and immediately thereafter during its regular meeting decide whether or not to enact an ordinance of Valley Township amending the Code of the Township at Chapter 15, “Motor Vehicles”, Part 3, “Restrictions on size, weight and type of vehicle and load” Section 15-304 to restrict vehicles other than passenger cars on certain streets and to include school buses in the excluded vehicles and other miscellaneous provisions contained herein.

Ms. Sundquist reviewed the exhibits for the proposed ordinance and gave an overview of the ordinance. Section 1 amends §15-304(1) by limiting Bradley Avenue, Euclid Street, Green Street, Grove Avenue, Hemlock Avenue, Kirby Street, Oak Avenue, Ridge Avenue, South Park Avenue, Steel Avenue, West 10th Avenue and West 11th Avenue to passenger car vehicles only and updating the restriction for Robinson Avenue. Section 2 amends §15-304(2) to include school buses in the permitted exempted vehicles. Section 3 provides for repealer. Section 4 addresses invalidity. Section 5 authorizes General Code to make nonsubstantive changes. Section 6 provides for an effective date.

There were no questions or comments from the Board of Supervisors or public. The public hearing was closed.

ANNOUNCEMENT OF MEETINGS/ACTIONS OF THE BOARD

Ms. Proctor noted that the Board of Supervisors met on November 19, 2020, at 5:30 p.m. to interview a part-time maintenance laborer and met in Executive Session following to discuss personnel. The Board met, as advertised, on November 23, 2020, at 6:00 p.m. for budget review; recessed into Executive Session for legal advice from the Township Solicitor; and reopened the meeting to authorize the Township Secretary to advertise the preliminary 2021 Budget as discussed during the public session.

Ms. Proctor also reported that the Board of Supervisors met prior to this evening's meeting at 6:30 p.m. to discuss personnel and litigation matters.

CITIZEN COMMENTS ON AGENDA ITEMS

None.

APPROVE MINUTES AS WRITTEN

Mr. Lehenky made a motion, seconded by Ms. Boyd, to approve the minutes of the November 17, 2020, Board of Supervisors meeting. Ms. O'Doherty noted that the expiration of the Hill International contract extension was not noted in the motion. The date of the contract extension was to December 31, 2020. The motion passed unanimously.

Ms. O'Doherty inquired if the Township had a response from the termination of the Eagle Disposal contract. Ms. Rambo noted, as per an eMail forwarded to the Board previously, that Ed Ward of Eagle Disposal's parent company reached out upon receipt of the notice and apologized for their lack of communication this year following the purchase of Penn Waste/Eagle Disposal and hoped the Township would keep the Eagle Disposal center as an option in the future.

APPROVE PAYMENT OF BILLS

Mr. Lehenky made a motion, seconded Ms. Boyd, to approve payment of bills as presented. The motion passed unanimously.

BOARD GENERAL COMMENTS

Ms. Proctor noted that trash and recycling that would be collected on December 25 would be collected on December 28. Ms. Yates confirmed that the Compost Site would be open on December 12 and passed on information regarding dog licensing for 2021.

CITIZEN'S REQUEST TO BE ON THE AGENDA

None

SOLICITOR'S REPORT

Discussion/consideration for ordinance advertisement – Ms. Sundquist reviewed the following ordinances presented for consideration:

- Vacant Property Ordinance – Ms. Yates made a motion, seconded by Ms. O'Doherty, to adopt Ordinance 2020-04, an ordinance that would amend Chapter 10, "Health and Safety" with a new Part 6, "Vacant Property Registration and Security" to provide for a purpose, public nuisance, definitions, vacant properties and identification, vacant property registration, registration fee schedule, security requirements, exemptions, applicability, violations and penalties and annual report and other miscellaneous provisions. The motion passed unanimously.
- False Alarm Ordinance Amendment – Ms. Boyd made a motion, seconded by Mr. Lehenky, to adopt Ordinance 2020-05, an ordinance amending the Code of the Township at §13-503 to add the requirement that alarm users update the Township on changes to their permit information and to delete §13-5073(4); §13-505 to be renumbered as a new §13-508 and create a new §13-505 to establish certain alarm system requirements; §13-506 to add a new subsection (3) to provide for the new revocation of permits; §13-507 to be deleted in its entirety and to add a new §13-507 and other miscellaneous provisions. The motion passed unanimously.
- Westwood Truck Ordinance Amendment – Ms. Yates made a motion, seconded by Mr. Lehenky, to adopt Ordinance 2020-06, an ordinance of Valley Township amending the Code of the Township at Chapter 15, "Motor Vehicles", Part 3, "Restrictions on size, weight and type of vehicle and load" Section 15-304 to restrict vehicles other than passenger cars on certain streets and to include school buses in the excluded vehicles and other miscellaneous provisions – specifically limiting Bradley Avenue, Euclid Street, Green Street, Grove Avenue, Hemlock Avenue, Kirby Street, Oak Avenue, Ridge Avenue, South Park Avenue, Steel Avenue, West 10th Avenue and West 11th Avenue to passenger car vehicles only and updating the restriction for Robinson Avenue. Question: Ms. Boyd confirmed if all the noted streets would be requiring signs posted which was confirmed. The motion passed with Ms. Boyd voting nay.

At this time, Ms. Sundquist departed the meeting.

ENGINEER'S REPORT

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

- Valley View Business Park Lot 7 – Mr. Ellis reported they performed construction observations during construction and testing of the private sanitary sewer mains and construction of storm sewer lines. They also met with the builder about relocating proposed trees to the rear of the site for screening and processed Financial Security Release #3.

- Township Municipal Complex – Ms. Ellis reported that they are still waiting for a cost quote from a contractor for the proposed detention basin underdrain pipe to address he spring seeps and standing water. They prepared a letter and concept sketch of proposed Lincoln Highway eastbound left turn lane re-striping, guiderail, and access drive signage. The documents will be submitted to the Township for submission to PennDOT to request a field meeting. Information is being evaluated to determine options and spacing for enclosures and protection for the generator and HVAC equipment.
- Concord Street Reconstruction – Mr. Ellis reported that they continue to perform construction observation and engineering office support during the construction of storm sewers. Weekly updated was prepared for website posting. Mr. Ellis noted that Pennsylvania American Water has been very responsive and cooperative during the project to date at their cost. It was also noted about the condition of PAWC’s project on Valley Road. Ms. Yates inquired if anyone knew if any more paving would be done this year. Mr. Lenhart noted that he would reach out to Bob Kennedy of PennDOT but also encouraged residents to contact PennDOT as they are more responsive to individuals than municipal representatives.
- Sewer System – Property owner of 140 Andrews Lane has contacted the Township. He previously was advised that he would need to complete the DEP mailer to begin the process of a sewer main extension at a Board meeting earlier this year.
- Stormwater – Mr. Ellis reported that he had recently attended a presentation by the Chester County Engineers which outlined the County’s updates to comply with the DEP’s 2022 model ordinance. All MS4 municipalities are required to update their existing ordinances to be consistent with the DEP 2022 Model Ordinance by September 30, 2022. Once a stormwater management facility is constructed, annual inspections are required for the first five years and then every three years thereafter. The County anticipates that an updated Municipal Model Ordinance will be adopted between April and September 2020 to meet the DEP 2022 Model Ordinance requirements.
- 1037 Manor Road Retaining Wall – All remaining construction punch list items were completed.

Discussion/consideration regarding Valley View Business Park Lot 7 (Little Red Dog LLC) Financial Security Release #3 in the amount of \$109,043.36 – Based on the recommendation of the Township Engineer, **Mr. Lehenky made a motion, seconded by Ms. O’Doherty, to approve Valley View Business Park Lot 7 Financial Security Release #3 in the amount of \$109,043.36 requested by Little Red Dog LLC.** The motion passed unanimously.

Discussion/consideration regarding payment application #2 from Marino Corporation for Concord Street Project in the amount of \$73,072.80 – Mr. Ellis stated that their office received revised payment application this afternoon, but there is still an item that needs adjustment for 2A Stone. Pennoni Associates, upon receipt of a corrected invoice, would recommend the approval of a payment release in the amount of \$73,072.80. Based on the recommendation from the Township Engineer, **Ms. O’Doherty made a motion, seconded by Ms. Boyd, to approve Payment Application #2 in the amount of \$73,072.80 for Marino Corporation for the Concord Street Project contingent upon a corrected invoice being received.** The motion passed unanimously.

Kris Lenhart noted that a complaint was received from 931 Madison Street noting their basement was flooded and sump pump and water damage during the storm which they believe is related to the project digging. A representative from Pennoni with meet Mr. Lenhart at the site. Ms. Proctor also noted that there was flooding at 2nd Avenue and West Lincoln Highway during yesterday's storm.

Ms. O'Doherty inquired about the tree at the Stoltzfus House at the Township Municipal Complex. Mr. Lenhart stated that he had one person in who noted fungal disease and issues from the lantern flies. It was noted that no more than 5% of pruning should be done in one year. Mr. Lenhart stated that he would have it looked at by another technician.

At this time, Mr. Ellis departed the meeting.

OLD BUSINESS

Discussion/consideration to ratify extension of an offer of employment for the position of part-time maintenance laborer – **Ms. Boyd made a motion, seconded by Ms. O'Doherty, to ratify the offer of employment to a candidate for the position of part-time building maintenance laborer at the rate of \$15.00 per hour conditioned upon successful background check, physical, and drug screening.** The motion passed unanimously.

Mr. Lehenky departed the meeting at this time.

NEW BUSINESS

Discussion/consideration remove William Kriston from probationary period effective December 7, 2020 – **Ms. O'Doherty made a motion, seconded by Ms. Boyd, to table a decision at this time to discuss during an Executive Session.** The motion passed unanimously.

Consideration to allow Janice Duca to rollover 1 day (8 hours) of 2020 vacation to 2021 – **Ms. O'Doherty made a motion, seconded by Ms. Boyd, to allow Janice Duca to roll over 1 day (8 hours) of 2020 vacation to 2021 to be used in the first quarter of 2021 at the 2020 pay rate.** The motion passed unanimously.

Consideration to allow Kathy Jeffers to rollover 4 days (32 hours) of 2020 vacation to 2021 – **Ms. Boyd made a motion, seconded by Ms. O'Doherty, to allow Kathy Jeffers to roll over 1 day (8 hours) of 2020 vacation to 2021 to be used in the first quarter of 2021 at the 2020 pay rate.** The motion passed unanimously.

Consideration to allow Wayne Winters to rollover 1 day (8 hours) of 2020 vacation to 2021 – **Ms. O'Doherty made a motion, seconded by Ms. Boyd, to allow Wayne Winters to roll over 1 day (8 hours) of 2020 vacation to 2021 to be used in the first quarter of 2021 at the 2020 pay rate.** The motion passed unanimously.

Discussion/consideration regarding copier lease – It was noted that the current copier lease, for two machines, would be coming to an end in the January/February timeframe. Both Stratix, the

current vendor, and Rothwell Document Solutions have provided a quote for four new machines equivalent to the current machines. The monthly prices also include the maintenance plan included instead of a separate annual bill for usage and maintenance. Stratix quote was \$754.00 a month and Rothwell's quote was \$629.91. It was noted that Stratix stated that they would reimburse the moving cost of the two copiers moved in August if the Township resigned the lease with Stratix. **Ms. O'Doherty made a motion, seconded by Ms. Yates, to enter into a lease agreement for four copiers as per their proposal with Rothwell Document Solutions at a monthly price of \$629.92.** The motion passed unanimously.

The motion passed unanimously.

CITIZEN COMMENTS

None

There being no further business to discuss, the meeting was properly adjourned at 9:27 p.m.

Janis A. Rambo
Township Secretary