

## **MINUTES FOR FEBRUARY 15, 2022**

### **VALLEY TOWNSHIP BOARD OF SUPERVISORS**

The second monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, February 15, 2022, via hybrid to allow participation at the Valley Township Building at 1145 West Lincoln Highway, Coatesville, PA or through the *Go To Meeting* platform. Chairwoman Patrice Proctor called the meeting to order at 7:30 p.m.

Those participating in the meeting virtually were Supervisors Kathy O'Doherty and Carmen Boyd with Supervisors Sharon Yates, Casey Leidy and Patrice Proctor in attendance at the Township Building. Also attending the meeting at the Township Building were Glenn D. Eckman, Chief of Police; Peter Barsz, CPA, Treasurer; Amanda Sundquist, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor); Michael J. Ellis, P.E., of Pennoni Associates Inc. (Township Engineer) and Scott T. Piersol, Township Manager. Kris Lenhart, Roadmaster, participated virtually.

#### **ANNOUNCEMENT OF MEETINGS/ACTIONS OF THE BOARD**

Ms. Proctor noted that the Board of Supervisors met in Executive Session at 6:00 p.m. prior to the meeting to discuss personnel and real estate issues.

#### **CITIZEN COMMENTS ON AGENDA ITEMS**

None

#### **APPROVAL OF MINUTES**

**Mr. Leidy made a motion, seconded by Ms. Yates, to approve the minutes from the February 1, 2022, Board of Supervisors meeting as presented.** The motion passed unanimously.

#### **TREASURER'S REPORT**

Mr. Barsz reported on the Township's reconciled fund balances as of January 31, 2022:

General Fund	\$22,186,095.65
Payroll Fund	\$17,702.96
Sewer Fund	\$294,866.29
Water Fund	\$268,094.37
Fire Tax Fund	\$160,201.21
Ambulance/EMS Tax Fund	\$132,911.63
State Fund (Liquid Fuels)	\$108,836.48
Oakcrest Maintenance Escrow	\$299,083.70
Escrow Accounts	\$131,651.96
<b>Total Balance</b>	<b>\$23,599,444.25</b>

Discussion/consideration of reserve fund investment – Mr. Barsz reviewed the rate quotes received in response to an inquiry to seven financial institutions:

<u>Bank/Financial Institution</u>	Rates of Investment Options					
	Money	Certificates of Deposit				
	Market	60 days	90 days	120 days	150 days	180 days
# PLGIT	0.0004	0.0025	0.0018	0.0026	0.0033	0.0043
# PSDLAF	0.000005	0.0002	0.0010	0.0020	0.0030	0.0035
# Presence Bank	(See notes)	0.0010	0.0012	0.0015	0.0018	0.0020
# Malvern Bank	0.0025	-	-	-	-	-
# Fulton Bank	0.0003	0.0005	0.0005	-	-	0.0005
# Truist Bank	-	-	-	-	-	-
# Key Bank	-	-	-	-	-	-
# TD Bank	0.0001	0.0002	0.0010	0.0016	0.0023	0.0029
# S&T Bank	0.0001	0.0005	0.0005	0.0005	0.0005	0.0005

It was noted that Key Bank did not return a proposal and Truist Bank advised that they did not feel they should participate as they are in the midst of a merger.

After review and upon Mr. Barsz recommendation, **Ms. O'Doherty made a motion, seconded by Ms. Yates, to transfer \$10,000,000 for deposit into Presence Bank Money Market Fund and to invest \$10,000,000 already deposited at PLGIT as follows:**

	Amount	Rate
PLGIT - 60 days (CD Program)	2,000,000	0.0025
PLGIT - 90 days (TERM)	2,000,000	0.0018
PLGIT - 120 days (TERM)	2,000,000	0.0026
PLGIT - 150 days (TERM)	2,000,000	0.0033
PLGIT - 180 days (TERM)	2,000,000	0.0043

The motion passed unanimously.

## **APPROVE PAYMENT OF BILLS**

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

## **BOARD GENERAL COMMENTS**

Ms. Proctor reviewed the upcoming Board announcements:

- Township Building has reopened to the public. Hours are 8:00 am to 4:00 pm, Monday through Friday (excluding holidays). MASKS ARE REQUIRED TO BE WORN.
- Drop off recycling of electronics and television collection has been suspended at the Township Building until our disposal company can begin collecting items and we are re-registered with the DEP. Residents can take one television per vehicle to the Chester County Solid Waste Authority Landfill (Route 322, west of Honey Brook)
- Discount movie ticket sales are available for purchase for \$9.50 each (cash sales only)
- Compost site open on March 12, 2022, 8:00 am to 2:00 pm (2240 Upper Gap Road)

- Mattress collection – February 28 – pre-paid fees apply
- Township office will be closed on February 21; Monday's trash collection picked up on February 22

### **CITIZEN REQUEST TO BE ON THE AGENDA**

Lauri Shannon Bailey – Ms. Shannon-Bailey was present to request the Board's consideration to pass a resolution in support for a state-wide solution to Pennsylvania's failure to meet its constitutional mandate to ensure quality public education. She introduced Sandra Miller, who was participating virtually, who provided a background of the initiative that in 2014, six Pennsylvania School Districts (William Penn, Greater Johnstown, Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre Area) along with the PA Association of Rural and Small Schools, the NAACP-PA and a group of public school parents filed suit in Pennsylvania Commonwealth Court against state legislative leaders, state education officials, and the governor for failing to uphold the General Assembly's constitution obligation to provide a "thorough and efficient" system of public education and violating the Constitution's equal protection clause.

Ms. Proctor asked if the Coatesville Area School District has passed the Resolution. Ms. Miller stated that CASD passed the resolution on February 8, 2022; Caln Township approved the Resolution on February 11, 2022; and it is on the City of Coatesville's meeting agenda for February 21, 2022.

Ms. O'Doherty invited Ms. Miller and Ms. Shannon-Bailey to attend an upcoming COG meeting and Ms. Boyd inquired about ensuring that funds are budgeted properly if passed and how they are used in the school districts. Ms. Miller stated that their efforts were only to ensure the passing of the Resolution.

Following discussion, the Board concurred to change the order of the agenda and go to Old Business.

### **OLD BUSINESS:**

Discussion/consideration to adopt a Resolution in support of education in Pennsylvania is a constitutional right - **Mr. Leidy made a motion, seconded by Ms. O'Doherty, to adopt Resolution 2022-09, a Resolution in support of education in Pennsylvania is a constitutional right.** The motion passed 4-1 with Ms. Boyd voting nay.

### **DEPARTMENT REPORTS**

Police Report – Chief Eckman reported on the Police Department's activity for the month of January noting that the total calls for the month were 1,158. He also provided the charts for the busiest hours of the day and the busiest days of the week. He also noted:

- On January 15, 2022, Chief Eckman was recertified as a CPR and First Aid Instructor; the certification is valid through January 2024.
- On January 29, 2022, Officer Duca completed a Child Abuse and Neglect Investigation course.
- MPOETC is mandating a "hands on" in-classroom Use of Force Control Tactics class as part of our continuing education in 2022.

- On January 5, 2022, the area police chiefs met at East Brandywine Police Department to discuss the closure of Brandywine Hospital. Chester County Department of Emergency Services initiated an EOC Plan that included all of the emergency services. Chief Eckman noted that the closure of the two hospitals has adversely impacted our region and the unmet needs are being worked on. He also noted the impact to police with regards to lab testing as well as the mental health services that were provided from Brandywine Hospital.

Ms. O'Doherty questioned about the MPOETC training logistics; Chief Eckman advised that they could source it or partner with another department.

Consideration to endorse/approve Valley Township Police Department General Order 1.5 relative to selecting, hiring, and training of personnel – **Mr. Leidy made a motion, seconded by Ms. Yates, to approve the Valley Township Police Department General Order 1.5 relative to selecting, hiring, and training of personnel as amended February 4, 2022.** Ms. Proctor called for a roll call vote: **Mr. Leidy – aye; Ms. Yates – aye; Ms. Boyd – nay; Ms. O'Doherty – nay; Ms. Proctor – aye.** The motion passed 3-2.

Ms. O'Doherty noted that perhaps the Board could meet with the Chief to make some “tweaks” to the policy. Ms. Sundquist noted that the General Order 1.5 is now in effect as written.

Fire/EMS – Chief McWilliams noted that the January reports were eMailed out last this afternoon just prior to the meeting. He noted that the Westwood Fire Company responded to 26 calls during January of which 16 were in Valley Township. He noted that there were two house fires and that there was \$180,000 at risk which only resulted in \$30,000 of damages.

Chief McWilliams noted that the Ambulance Division responded to 138 calls of which 59 were in Valley Township. The Wagontown Division responded to 207 calls in January of which 17 were in Valley Township. He also noted that the annual membership fund drive was mailed out.

Ms. Proctor inquired when Westwood Fire Company is unable to respond, who is called out. Chief McWilliams noted if the call is to the South Side it would be Keystone and to the North Side would be Sadsbury. Ms. Proctor questioned if Sadsbury is closer than Coatesville. Chief McWilliams noted it would depend where in the Township.

Ms. Yates inquired about wait times at the emergency rooms. Chief McWilliams stated that the majority of the calls are being taken to Chester County or Paoli and the Wagontown Division is seeing an increase in calls in the western portion of their district going to Lancaster General Hospital. Wait times are one to three hours to be seen.

Ms. Proctor noted that at the recent COG event, representatives were unaware that the law had changed regarding an ambulance not needing to transport if a person expired but that a police officer would need to stay with the deceased until the coroner arrived. She stated that there was an interest to set up a Roundtable on this issue.

## **PLANNING COMMISSION REPORT**

Jim Druecker provided the February Planning Commission report from their meeting on February 8, 2022. He noted that the Planning Commission was advised that Valley View Lot 8 has a new owner; Micronics is discussing stormwater issues with the Airport and has a tentative agreement; and the traffic impact study prepared for the Airport development has been received and is being reviewed by the engineer.

He noted that with regards to Cleveland Cliffs:

- Prior waiver request for PADEP exemption is satisfied
- Prior waiver request for PAWC approval was received and is satisfied
- Cleveland Cliffs outstanding financial security has been finalized
- The prior requested waivers for exterior lighting have been removed
- The Planning Commission recommends approval of the waiver from Section 611.5 of SALDDO regarding landscaping for non-residential facades facing the street
- The Planning Commission recommends approval of the waiver for submission of preliminary and final plans concurrently
- The Planning Commission recommends approval of combined preliminary and final land development plans contingent upon satisfying the outstanding items in Pennoni's February 4, 2022, review letter

Mr. Druecker also reported that Osman Aydemir of Maysis Properties, LLC presented two sketch plans for development at 55 Glencrest Road. The intention is to construct affordable housing with one concept having 54 units and with the other concept having 186 units. Concerns expressed by the Commission at the meeting included zoning, fire and safety, traffic study, woodland protection, open space, roadway improvements, water supply, parking, building access, and construction on existing steep slopes.

Mr. Druecker noted that a meeting is being planned in response to an initial inquiry about land development along Valley Road for 45 to 50 homes on 35 acres across from the Handy Farm.

## **SOLICITOR'S REPORT**

Ms. Sundquist advised that her report would be the first item noted under the Engineer's Report with regards to the Cleveland Cliffs Preliminary/Final Land Development Plan.

Ms. Sundquist reviewed the two waivers requested for approval this evening:

- Consideration to approve waiver request per §304.1 – waiver to file Preliminary and Final Land Development Plans concurrently - **Mr. Leidy made a motion, seconded by Ms. Yates, to grant a waiver as from Section 301.4, in order to permit the submission of a combined preliminary/final land development plan application, subject to any**

**conditions attached to the final plan approval.** Ms. O'Doherty inquired if this was a good idea; Mr. Ellis advised that there are no issues. The motion passed unanimously.

- Consideration to approve waiver request per §611.5 regarding landscaping is required for all non-residential building facades facing the street line - Ms. O'Doherty questioned why this waiver was being requested. Mr. Andrew DeFonzo, P.E., of D.L. Howell & Associates responded to his client's plan. **Mr. Leidy made a motion, seconded by Ms. O'Doherty, to grant a waiver from Section 611.5 in order to permit the Applicant not to provide landscaping on the north side of the building facing Valley Road, subject to any condition attached to the final plan approval.** The motion passed unanimously.

Consideration to approve the Cleveland Cliffs Preliminary/Final Land Development Plan contingent upon satisfaction of Pennoni Associates review letter dated February 4, 2022 – Ms. Sundquist read a proposed Plan approval for Cleveland Cliffs:

*To grant final plan approval to a plan titled Preliminary/Final Land Development Plan of Cleveland Cliff's Steel – NAB Building Addition", prepared by D.L. Howell, dated October 18, 2021, and last revised January 19, 2022, consisting of twenty (20) sheets, subject to the following conditions to be satisfied in advance of release of the final plans for recording (unless otherwise specifically indicated herein or in the referenced document):*

- 1. The waiver from Section 611.5 does not alleviate the Applicant's obligation to provide plantings under other provisions of the Township's Ordinances.*
- 2. The Applicant shall execute the Township's Land Development Agreement, the Financial Security Agreement (with security posted concurrently), Best Management Practices Operation and Maintenance Agreement, and Professional Services Agreement and return them to the Township for review and approval by the Township Solicitor and Township Engineer. Prior to posting of security the Township will advise the Applicant what portion of professional fees will be included in the security and which portion of professional fees will be placed in the Professional Services Agreement.*
- 3. The Applicant shall reimburse the Township for all outstanding Township expenditures, including consultant fees paid, for this Project.*
- 4. The Applicant shall comply with all conditions of approval as set forth in the October 19, 2021 Decision and Order of the Zoning Hearing Board.*
- 5. The Applicant shall comply with all conditions of approval as set forth in the October 19, 2021 Decision and Order of the Board.*
- 6. The Applicant shall comply with all outstanding recommendations and requirements in the February 4, 2022 Review Letter, to the satisfaction of the Township Engineer, which includes without limitation, #1, 4, 7, 9, 10, 12, 13, 14, 15, 16, 17, and 18.*
- 7. The Lighting Plan shall be revised to provide for all full cut-off light fixtures.*

8.     *The Applicant shall obtain all required permits and approvals.*
9.     *The Applicant shall obtain a FEMA Letter of Map Revision for the alterations to the floodplain.*
10.    *All stated conditions shall be completed and satisfied prior to the release of any plans for recording, unless otherwise indicated, and as a requirement of the Approval herein.*

**Mr. Leidy made a motion to approve the Cleveland Cliffs Preliminary/Final Land Development Plan as read and outlined by the Township Solicitor.** The motion passed unanimously.

At this time, Ms. Sundquist departed the meeting.

## **ENGINEER'S REPORT**

Consideration to approve final financial security release (#11) for Little Red Dog –

Based on the Township Engineer's recommendation, **Ms. Yates made a motion, seconded by Ms. O'Doherty, to approve the final financial release for Little Red Dog/Cigas Machine Shop in the amount of \$150,971.98.** The motion passed unanimously.

The Engineer's Report was distributed and is on file at the Township Office.

Mr. Ellis reviewed the following items from the written report:

- Valley Suburban – Mr. Ellis reported rock blasting is scheduled to begin as early as Thursday of this week. Ms. Proctor inquired about notifications. Mr. Piersol noted that he has notified the Fire Company and the pipeline has been notified and will have representatives on site. Mr. Piersol stated that he would be sending out a notification thru readychesco.org. He noted that there is nothing in the regulations regarding notifications prior to blasting. Ms. Proctor stated that blasting companies in the past have notified letters. Mr. Ellis stated that he would notify the contractor tomorrow morning to request that notifications be delivered to the surround area that could be affected.
- Wagontown Road Reconstruction – Mr. Ellis reviewed the need to determine how to proceed with implementation and scheduling of the project now that all funding appears to be in place between the PennDOT Multi-Modal grant (\$1.5 million), County CRP grant (\$500,000), and PAWC's contribution of \$100,000 towards design. Mr. Ellis noted that design and engineering is the next step and it is expected to be around 12-15% of the overall project cost and thereby estimated in the ballpark of \$250,000. He noted that PAWC's contribution is directed solely toward the design and 10% (\$50,000) of the County CRP grant can be used toward design. He reviewed options in his report to cover the remaining \$100,000. It was noted that if PennDOT funds are used, design and contracting procedures will need to be followed including public solicitation for engineering through an RFP process as administered by the Township. Mr. Ellis advised that he would forward a sample RFP to the Township for staff to use.

- West Lincoln Highway Corridor Master Plan – A meeting is being coordinated with PennDOT tentatively scheduled for March 15 at 10:30 (videoconference) and the next Task Force meeting is scheduled for March 22.
- PAWC Glencrest and Regency Road Opening Permit – A pre-construction meeting with PAWC for the water main extension and road work is scheduled for February 16 at 10:00 a.m.

At this time, Mr. Ellis departed the meeting.

## **DEPARTMENT REPORTS**

Public Works – The written monthly report was provided to the Board of Supervisors. Mr. Lenhart reviewed the report noting that the Department was out for 8 winter events for salting/plowing, the “red tag” program for trash non-compliance as resumed; and that Public Works has removed the majority of the items left at the former Township Building. Over 8 tons was removed last week.

Administration – Monthly administration and Codes Department report was distributed.

Workplace Safety Committee – No report; February meeting is being rescheduled due to lack of quorum.

Parks & Recreation – Ms. Proctor reported that the Committee is working on the Easter Egg Hunt and may opt to purchase pre-filled eggs this year. Attempts to confirm a joint Valley Day/Air Show with the Airport is ongoing. If confirmation cannot be obtained, a date for Valley Day will be scheduled. The Authority met with a promoter for concert series for the summer.

Historic Committee – Ms. Boyd reported that there was no meeting due to lack of quorum.

EAC – Ms. Yates advised that the EAC did not meet due to a lack of quorum.

COG – The February COG meeting will be hosted at Valley Township.

## **MANAGER’S REPORT**

Mr. Piersol reviewed his written report and noted that he met with representatives of Keystone Lighting Services of State College to discuss the second phase of the LED upgrade for the streetlights. Field surveys will be conducted during the period of February 23 through March 2 by Evari GIS of San Diego, CA. Once the audit process has been completed and approved, the second phase of the program moves into the design phase. The final design will be completed by the end of March. Final step in the design phase is approval by the Board with the expectation that this will occur in April or May. If the Board approves to move into the Construction Phase, this work would begin in the fall of 2022. A copy of the February 11 2022, report was distributed with the Manager’s Report.



## **NEW BUSINESS**

Discussion/consideration to approve the proposal from Visual Sound for A/V upgrades– Ms. O’Doherty discussed the Visual Sound proposal. She discussed and noted some concerns regarding the warranties offered.

During the discussion, Mr. Leidy departed the meeting.

The payment plan was also discussed noting that 50% deposit is due with the order and 40% when the equipment is delivered. **Ms. O’Doherty made a motion, seconded by Ms. Yates, to table any decision of the Visual Sound proposal.** The motion passed 4-0.

## **CITIZEN COMMENTS**

None

There being no further business to discuss, the meeting was properly adjourned at 10:50 p.m.

Janis A. Rambo  
Township Secretary