

## **MINUTES FOR MARCH 5, 2024**

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

The first monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, March 5, 2024, via hybrid to allow participation at the Valley Township Building at 1145 West Lincoln Highway, Coatesville, PA or through the *Go To Meeting* platform.

The Board of Supervisors meeting was called to order by Chairwoman Patrice Proctor at 7:03 p.m. Those in attendance at the Township Building were Supervisors Patrice Proctor, Casey Max Leidy, Linda Baugher, LeRoy Goldsmith and Sharon Yates. Also attending the meeting at the Township Building were Janis Rambo, Township Manager/Township Secretary and Amanda Sundquist, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor). Kris Lenhart, Public Works/Facility Director and Michael J. Ellis, P.E. of Pennoni Associates Inc. (Township Engineer) attended virtually.

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

Ms. Proctor noted that the Board of Supervisors met in Executive Session prior to tonight's meeting at 6:00 p.m. to discuss a possible litigation/legal matter and real estate issues.

#### **CITIZENS COMMENTS ON AGENDA ITEMS**

None

#### **CONSENT AGENDA**

**Mr. Leidy made a motion, seconded by Ms. Yates, to approve the consent agenda:**

- a. Approve minutes as written – February 20, 2024**
- b. Approve bills presented for payment**
- c. Consideration to accept 700 Fox chase – Koenig Engineering Inc.'s Grant of Time Extension letter dated February 28, 2024, extend the land development plan review timeframe due to expire on March 20, 2024 up to, and including, June 19, 2024**
- d. Consideration to accept Chester County Area Airport Authority's extension until June 30, 2024 to review Land Development Application for Chester County G.O. Carlson Airport Expansion**

The motion passed unanimously.

#### **BOARD GENERAL COMMENTS**

Ms. Proctor reviewed some of the Township's General Comments/Upcoming Events as listed on page 2 of the agenda. Ms. Yates added that the ESAC meeting scheduled for April 18 is preempted by the Board of Supervisors meeting, so they will be having a workshop meeting on Saturday, April 20 which is also Earth Day with the possibility of setting up with East Fallowfield, Parks & Rec and

maybe some others. Ms. Proctor noted that the Annual Easter Egg Hunt is scheduled for Friday, March 29 starting at 3:00 p.m. at Rainbow Elementary School with a rain date of Saturday, March 30 at Noon. She mentioned they will be filling eggs on Saturday, March 23 at 11:00 a.m. at the Township Building if anyone is interested in helping. She also contacted Harrison House and they are going to help stuff the eggs.

## **ENGINEER'S REPORT**

Consideration to retroactively authorize signing of the temporary construction easement and Landowner-Grantee Agreement with Michael E. Pugh – **Ms. Yates made a motion, seconded by Mr. Goldsmith, to retroactively authorize signing of the temporary construction easement and Landowner-Grantee Agreement with Michael E. Pugh.** The motion passed unanimously.

Engineer Update – Mr. Ellis provided an update on the temporary construction easement and Landowner-Grantee Agreement with Michael E. Pugh and reported that a pre-construction meeting on March 4 was held with work is to begin on March 11. They will be instituting a complete road closure between Coronet Drive and Brick Row from 359 East Glencrest Road and mobilizing work next week. Mr. Ellis mentioned they expect 4-5 weeks of work, but the road is scheduled to be closed until mid-May to allow for weather-related delays, etc.

At this time, Mr. Ellis departed the meeting.

## **SOLICITOR'S REPORT**

Consideration to authorize advertising of amendment to the Valley Township Solicitation Ordinance relative to days and times of solicitation – Ms. Sundquist reviewed the draft ordinance stating there have been some concerns raised regarding Sunday solicitation and the 5:00 p.m. end time. She stated these are legal concerns and she suggests that the Township modify their ordinance. Ms. Sundquist drafted amendments to the current Solicitation Ordinance which also cleans up older provisions. She noted there are some exemptions from this law such as religious and political groups, farmers, small children, etc. There was discussion regarding the Township keep a “Do Not Solicit” list, as proposed in the ordinance amendment and also noted that residents can post their property with “no solicitation” signage.

**Mr. Leidy made a motion, seconded by Ms. Baugher, to authorize the Solicitor to advertise the amendment to the Valley Township Solicitation Ordinance relative to days and times of solicitation.** The motion passed unanimously.

Consideration to authorize Solicitor to prepare an ordinance amendment to adopt the Property Maintenance Code of 2021 and advertise – Ms. Sundquist reviewed a proposed ordinance amendment to adopt the 2021 Property Maintenance Code; currently the Township is enforcing the 2009 Property Maintenance Code.

**Ms. Baugher made a motion, seconded by Mr. Leidy, to authorize the Solicitor to prepare an ordinance amendment to adopt the Property Maintenance Code of 2021 and advertise. The motion passed unanimously.**

Consideration to authorize the Solicitor to prepare ordinance amendment for the Township's fireworks ordinance – Ms. Sundquist reviewed the draft ordinance stating it's limited with what is state law with fireworks. She noted that under state law there are certain regulations which can and cannot be regulated when it comes to consumer or display fireworks.

**Mr. Leidy made a motion, seconded by Mr. Goldsmith, to authorize the Solicitor to prepare ordinance amendment for the Township's fireworks ordinance. The motion passed unanimously.**

Consideration to authorize the Chairwoman to sign an extension for the escrow period for the easement escrow funds for an additional year, ending at the close of Escrow Agent's business day on or immediately after November 9, 2024, for the escrow agreement dated November 18, 2021, between Valley Township and Pennsylvania American Water Company and US Bank National Association regarding the wastewater asset purchase – Ms. Sundquist mentioned that when the water/sewer assets were sold, there were still some easements that were not obtained or found. Therefore, \$100,000 was put into escrow until they are provided.

**Ms. Baugher made a motion, seconded by Mr. Leidy, to authorize the Chairwoman to sign an extension for the escrow period for the easement escrow funds for an additional year, ending at the close of Escrow Agent's business day on or immediately after November 9, 2024, for the escrow agreement dated November 18, 2021, between Valley Township and Pennsylvania American Water Company and US Bank National Association regarding the wastewater asset purchase. The motion passed unanimously.**

Consideration to authorize the Chairwoman to sign an extension for the escrow period for the easement escrow funds for an additional year, ending at the close of Escrow Agent's business day on or immediately after November 9, 2024, for the escrow agreement dated November 18, 2021, between Valley Township and Pennsylvania American Water Company and US Bank National Association regarding the water treatment and distribution asset purchase – **Ms. Baugher made a motion, seconded by Ms. Yates, to authorize the Chairwoman to sign an extension for the escrow period for the easement escrow funds for an additional year, ending at the close of Escrow Agent's business day on or immediately after November 9, 2024, for the escrow agreement dated November 19, 2021, between Valley Township and Pennsylvania American Water Company and US Bank National Association regarding the water treatment and distribution asset purchase. The motion passed unanimously.**

## **OLD BUSINESS**

Update regarding Parks & Recreation Authority's decision to dissolve – Ms. Rambo noted that the Parks & Recreation Authority voted to begin the process to dissolve at their last meeting. Ms. Sundquist stated that she will work with Parks & Recreation Authority on dissolving the Authority noting this can take some time due to technicalities, public notices, etc.

At this time, Ms. Sundquist departed the meeting.

## **NEW BUSINESS**

Discussion regarding Presence Bank CD maturity on March 23, 2024 – Ms. Rambo stated this is for information purposes only. She noted there is \$1.4MM in a CD at Presence Bank and \$400,000 was former ARPA applied at fund release for general operating cost. Ms. Rambo noted that the \$400,000 is coming in as revenue in this year's budget. Current rates for Presence Bank and PLGIT were distributed and action would be requested at the next meeting for disposition of the CD to mature on March 23.

Consideration to apply for an Act 902 Grant for recycling truck – Ms. Rambo noted the DEP has announced a round of 902 grants for recycling. Mr. Lenhart and Ms. Rambo would like to apply for a recycle truck. The grant is a maximum award of \$200,000 for this round and Mr. Lenhart received a quote in the \$450,000 range. Ms. Rambo noted the requirement to have a pre-meeting with Mary Alice Reisse from the DEP to see if they qualify for the truck. Ms. Baugher asked if the maximum award for this round is \$200,000 and Ms. Rambo responded the maximum total cost is \$222,222 to include the match. The Board was in consensus to apply for an Act 902 Grant for a recycling truck.

Consideration to accept Charlsie Beattie's resignation from Parks & Recreation Authority – Ms. Proctor recognized Ms. Beattie's many years and dedication, coming to meetings or calling in on the phone. She suggested sending Ms. Beattie a thank you certificate for all the service she provided. Ms. Proctor inquired about them having two openings. Ms. Rambo said with the Authority's vote to dissolve, filling the two open seats would not be necessary. Ms. Baugher asked if a Parks & Recreation Commission can be established simultaneously to this. Ms. Rambo stated she would confirm with the Solicitor.

**Mr. Leidy made a motion, seconded by Ms. Baugher, to accept Charlsie Beattie's resignation from Parks & Recreation Authority.** The motion passed unanimously.

Consideration to adopt Resolution establishing protocol designed to promote the lawful and orderly administration of its public meetings – Ms. Rambo proposed a resolution that was distributed at the recent *Municipal 201 seminar*. She noted the proposed Resolution had been reviewed by Ms. Sundquist. The Resolution set the public presentation time that a speaker may speak for a maximum of 5 minutes. Ms. Proctor and Mr. Leidy agreed that 5 minutes is a long time to speak.

**Mr. Leidy made a motion, seconded by Ms. Baugher, to adopt Resolution 2024-14 establishing protocol designed to promote the lawful and orderly administration of its public meetings.** The motion passed unanimously.

Consideration to exonerate real estate property tax liens on mobile home removed from parcel 3802P002600T – Ms. Rambo explained this was a mobile home that was removed without obtaining a permit and no forwarding information was provided. She said the park owner pays for the real estate tax the mobile home sits on; the owner pays the real estate tax portion for the mobile home. The owner left in 2021. The County is asking that the Township exonerate the taxes due.

**Mr. Goldsmith made a motion, seconded by Ms. Yates, to exonerate real estate property tax liens on mobile home removed from parcel 3802P002600T.** The motion passed unanimously.

Consideration to approve Special Event Services Agreement with EH Creative Services LLC for “Sin Brothers” performance on June 29, 2024, in the amount of \$1,200 – Mr. Leidy commented he really likes this band and Mr. Rambo noted the Certificate of Insurance and Agreement have been signed and they do not require a deposit.

**Mr. Leidy made a motion, seconded by Ms. Yates, to approve Special Event Services Agreement with EH Creative Services LLC for “Sin Brothers” performance on June 29, 2024, in the amount of \$1,200.** – The motion passed unanimously.

Consideration to approve Special Event Services Agreement with “Mason Dixon Band” for performance on July 27, 2024, in the amount of \$1,500 contingent upon receiving Certificate of Insurance – Ms. Proctor commented that they are a country band. Ms. Rambo looked up some of Mason Dixon Band’s videos and said they are a dance band with originals. She stated we are waiting on their Certificate of Insurance and they are requesting a \$750.00 deposit. She suggested moving forward contingent upon receiving their Certificate of Insurance and issuing the deposit.

**Mr. Leidy made a motion, seconded by Ms. Yates, to approve Special Event Services Agreement with “Mason Dixon Band” for performance on July 27, 2024, in the amount of \$1,500 contingent upon receiving Certificate of Insurance and issuing the deposit.** The motion passed unanimously.

Consideration to approve Special Event Services Agreement with “Wilson Lambert’s BLUE philly MAGIC” for performance on September 7, 2024, in the amount of \$2,700 contingent upon receiving Certificate of Insurance – Ms. Proctor noted they are a very popular, busy band and they will be playing in Springfield this month. Mr. Rambo noted they are \$100 more this year than last year. Mr. Leidy asked what they are doing to be the same amount of money as the other two bands combined. Ms. Proctor explained they lead for other bands on stage, they are very big and play in East Goshen every year. Mr. Leidy noted that East Fallowfield was about \$2,000 for all four of their bands and it was a grant sponsorship. It was noted that the band is starting at 6:00 p.m., the same time Valley Day is ending and it’s a long day for everyone to stay. Ms. Baugher suggested talking to Westwood and asking them not to open the bar until 6:00 p.m. and Ms. Proctor asked why cut off the money to Westwood. Ms. Rambo expressed concern with people and vendors leaving and traffic coming in for the concert. Mr. Leidy believes most people will split the day – either come early for Valley Day or come late for the concert. Ms. Proctor thinks it has a lot to do with how we are setting up noting that medical will be inside the fire hall. She believes parking will be an issue and suggested letting the vendors park right where they set up. Mr. Leidy suggested having an aerial

map printed and handed out. Ms. Proctor said they are trying to do things as early as possible and will be putting the vendor information out soon. She asked Mr. Lenhart if Public Works has ever helped with a concert. Mr. Lenhart replied they have never done a concert, but they have done clean up after Valley Day. He said it will be additional time for Public Works to stay. Ms. Proctor said this is their first time putting the band behind Valley Day. Ms. Rambo mentioned we are waiting on the Certificate of Insurance. Mr. Lenhart asked if Public Works will need to stay until the end of the concert and Mr. Rambo responded no, only for breakdown of Valley Day.

**Ms. Yates made a motion, seconded by Mr. Goldsmith, to approve Special Event Services Agreement with “Wilson Lambert’s BLUE philly MAGIC” for performance on September 7, 2024, in the amount of \$2,700 contingent upon receiving Certificate of Insurance.** The motion passed, 4-0, with Mr. Leidy voting nay.

#### **CITIZEN COMMENTS/NON-AGENDA ITEMS**

Peter DiMaio, Trustee from the Coatesville Area Public Library, was in attendance and thanked the Board for their continued support letting them know they are much appreciated. He mentioned that the Penny Williams retired in August as Director of the Library and they now have a new person. He stated they do library lessons, books and cards at some of the local schools, and are starting a *Friends of the Library* Program. Ms. Proctor asked if the library will do a Book Bag Give-Away at Valley Day and Mr. DiMaio replied that he will ask at their next Board meeting. The Board thanked him for his work at the library.

There being no further business to discuss, the meeting was properly adjourned at 8:04 p.m.

Janis A. Rambo  
Township Secretary