

MINUTES FOR MARCH 19, 2024 VALLEY TOWNSHIP BOARD OF SUPERVISORS

The second monthly meeting of the Valley Township Board of Supervisors was held on Tuesday, March 19, 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 7:08 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; Kris Lenhart, Public Works/Facility Director; Chief Glenn Eckman; Amanda Sundquist, Esquire, of Unruh, Turner, Burke & Frees (Township Solicitor); and Michael J. Ellis, P.E. of Pennoni Associates Inc. (Township Engineer).

PUBLIC HEARING

Ms. Proctor turned the meeting over to Ms. Sundquist who opened the advertised Public Hearings. Ms. Sundquist first reviewed an Ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 10, “Health and Safety,” by the creation of New Part VIII, “Fireworks”; and other miscellaneous provisions contained herein. She noted the Board Exhibit List as follows:

- B-1: Ordinance
- B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on March 12, 2024)
- B-3: Correspondence dated March 11, 2024, to the Chester County Law Library providing proposed amendment for public inspection (*note: original letter included referenced enclosure*)
- B-4: Correspondence dated March 11, 2024, to the *Daily Local News* providing proposed amendment for public inspection (*note: original letter included referenced enclosure*)

Ms. Sundquist noted there was no change from the review of the proposed ordinance at the last meeting except the correction that the fireworks hours were from 10:00 a.m. to 10:00 p.m., except for certain dates noted in §10-803.2 (C). There were no further questions from the Board of Supervisors or comments from the public.

Ms. Baugher made a motion, seconded by Mr. Leidy, to close the first Public Hearing and open the second Public Hearing. The motion passed unanimously.

Ms. Sundquist reviewed an Ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 5; “Code

Enforcement,” Part 5, “International Property Maintenance Code” in its entirety to update it with the International Property Maintenance Code, 2021 Edition; and other miscellaneous provisions contained herein. She noted the Board Exhibit List as follows:

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- B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on March 12, 2024)
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- B-4: Correspondence dated March 11, 2024, to the *Daily Local News* providing proposed amendment for public inspection (*note: original letter included referenced enclosure*)

Ms. Sundquist mentioned this was discussed at the last Board meeting and the only changes made were to Section 5-503. There were no further questions from the Board of Supervisors or comments from the public.

Ms. Yates made a motion, seconded by Ms. Baugher, to close the second Public Hearing and open the third Public Hearing. The motion passed unanimously.

Ms. Sundquist reviewed an Ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 13, “Licenses, Permits and General Business Regulations,” in Part 3, “Peddlers and Solicitors”, to update the requirement for Peddlers and Solicitors in the Township and other miscellaneous provisions contained herein. She noted the Board Exhibit List as follows:

- B-1: Ordinance
- B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on March 12, 2024)
- B-3: Correspondence dated March 11, 2024, to the Chester County Law Library providing proposed amendment for public inspection (*note: original letter included referenced enclosure*)
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Ms. Sundquist noted the only substantial change was the last version had that the permit when issued was valid for 60 days and it was changed to 30 days, which is the validity of the current solicitation permit. There were no further questions from the Board of Supervisors or comments from the public.

Mr. Goldsmith made a motion, seconded by Mr. Leidy, to close the third Public Hearing and reopen the regular session. The motion passed unanimously.

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 real estate matter.

CITIZEN'S 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 – March 5, 2024**
- b. Approve bills presented for payment**
- c. Approve Treasurer's Report for month ending February 29, 2024**
- d. Consideration to accept 440 Highlands Boulevard – Eastern Highlands Partners, LLC Grant of Time Extension letter dated March 5, 2024, due to expire on April 19, 2024, up to, and including, October 18, 2024**
- e. Consideration to accept IDG Development, LLC letter dated March 14, 2024, granting an extension of the review from March 31, 2024 to July 31, 2024**

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. She also added that on Saturday, March 23 at 11:00 a.m. at the Township building, they will be filling Easter eggs and are looking for volunteers to help. Ms. Yates mentioned that the ESAC regular meeting will be held this Thursday, March 21 at 6:30 p.m.

DEPARTMENT REPORTS

Police Report - The monthly report was issued and part of the Board of Supervisors' packets. Chief Eckman stated there were 1,791 calls for February 2024 and 3,542 total calls for 2024. He also reviewed the following training and community events as well as some additional information:

- On February 27 & 28, Chief Eckman and Valley Township Police hosted police officers from surrounding agencies for Session V of Advanced De-Escalation & Trauma Informed Training. The classes were conducted by staff from the Lincoln Center and the final session will be next week.
- On March 11, Chief Eckman and Sgt. Parker attended firearms training at the Chester County Public Safety Training Center.
- Valley Township Police Department will be participating in the PA Statewide Aggressive Driving Enforcement Initiative starting 3/18/24. Chief Eckman applied for grant funding to cover the police overtime expenditures associated with the grant. Valley Township Police was awarded with an initial grant of \$1,200.00. Chief Eckman stated that the correspondence

came from Governor Shapiro's office and it's a great program. Ms. Proctor inquired as to why only Downingtown and Valley Township are the only ones participating in Chester County. Chief Eckman replied that staffing issues play a part and mentioned that Montgomery County and State Police have participation.

Chief Eckman also noted that their Police Secretary, Jeri Pearson, is in the process of updating the police website and Officer Duca updates the police page on Facebook. Ms. Yates encourages everyone to look at the website and stated that Chief Eckman has very good tips for people in his e-mail.

Fire/EMS - The monthly report was issued and part of the Board of Supervisors' packets. Chief McWilliams noted that the EMS Division responded to 236 calls for the month of February, of which 79 were in Valley Township. The Wagontown division calls were 357, of which 15 were in Valley Township. The Fire Company responded to 29 calls for the month of February, of which 19 were in Valley Township. The total time in service was 20 hours, 40 minutes and total manpower was 138 with an average of 5 per call. Ms. Proctor asked how things are going and Chief McWilliams responded they are very busy and doesn't anticipate it slowing down. There is still a wait for beds at the hospitals with the amount of ambulances arriving from all around the area.

Emergency Management - No report provided. Mr. Joe Sciandra was not present.

Public Works/Facility - The monthly report was issued and part of the Board of Supervisors' packets. Mr. Lenhart reviewed his report mentioning the following items. Seven employees were called in for the snow storm on February 17; Continuing to inventory signage and stormwater inlets on the iworq program; Repaired yards that were damaged during plowing with the main one being on Ross Street where a vehicle was stacked on the side of the road; Installed approximately 30 new street signs starting on Lincoln Highway, the main drags and then into the neighborhoods (trying to get all signage up to PennDOT size and reflectivity standard); PAWS temporarily repaired the dips on Country Club Road with cold patch (sewer main was repaired and still have to do permanent repair). In regard to the F550 truck, the owners came to the garage and removed it before going down to Weavers. Both Ms. Yates and Ms. Proctor inquired about some bulk items that have been laying around for months and asked if we are doing red tags anymore. Mr. Lenhart confirmed that they are doing tags – red is trash and yellow is recycling and when they return at the end of the day, they are put in Ms. Hurst's mailbox in Codes. He clarified that bulk trash still cannot take TV's, mattresses, etc., they will need to be tagged and they do not tag a second time. Mr. Lenhart will follow up with Ms. Hurst on any outstanding tags.

Administration - The monthly report was issued and part of the Board of Supervisors' packets. Ms. Rambo noted that the EIT and LST was up this month due to the 4Q reports being filed. There was a real estate deposit one week ago and our largest deposit for real estate taxes will be in April. On March 1, we received the liquid fuel allocation for \$253,319.95. There was one zoning hearing application received from Valley Square Development Associates to reapply seeking relief for a variance and to permit a drive aisle to be located 28.6 feet from West Lincoln Highway where a 50-foot and landscape buffer setback is required; variance to permit a trash dumpster to be located 4.7 feet from the right of way of Prescott Road; and a variance to permit a portion of parking space to be located 22.2 feet from the right of way of Prescott Road. These variance were granted on October 6,

2022; however, the order expired on April 6, 2023. Relief is sought as part of a plan to develop a portion of Lot 3 as a convenience store with accessory gas pumps. The hearing is scheduled for April 30 at 7:00 p.m. Ms. Wichhart has contacted Civic Plus to put the *Do Not Solicit Registration* Form on the website to be submitted online along with a few other forms such as the Right-to-Know Form, Act 22 Request Form and Complaint Form. Ms. Yates inquired about putting surveys on Civic Plus and Ms. Rambo mentioned that they can be added to the website.

Codes - The monthly report was issued and part of the Board of Supervisors' packets. Ms. Yates acknowledged the work by the Department noting all the filing that has been caught up and the septic management letters that went out. Ms. Rambo noted that there should have been an initial inspection with the implementation of the septic management plan that was not done. Mr. Ellis noted that when the ordinance went into effect, the Township could have done an initial inspection, but there was discussion who was going to do it and the associated expense.

PLANNING COMMISSION REPORT

The Planning Commission meeting draft minutes from their March 12, 2024, meeting were issued and part of the Board of Supervisors' packets. Denny Bement, representing the Planning Commission, provided a review of their meeting addressing the two agenda items from their meeting: 1) Request for zoning amendment from Westwood Ridge and 2) amended Westwood Ridge land development plan and waivers. He noted that there was representation for a resident who has concerns within an existing easement on the Westwood Ridge property. It was confirmed by Mr. Ellis that during the initial plan review process, that there was no building, construction, or disturbance on the easement. Mr. Ellis stated that the Planning Commission recommended approval of the four waivers and the amended Westwood Ridge Land Development Plan for the Board of Supervisors' consideration. Ms. Rambo noted that the Planning Commission recommended approval of the zoning amendment for allowing for covered decks in cluster developments in the R1 and R2 development.

Mr. Bement requested the Board of Supervisors' approval to allow Pennoni to review the requirements of EV stations. Ms. Baugher pointed out that you see some EV stations more so at commercial lots such as Walmart, grocery stores, etc. It was suggested by Mr. Leidy to wait to see the market trend for EVs and that sample ordinances could be pulled by staff for possible review.

At this time, Ms. Proctor inquired about the speed limit ordinance. Both she and Ms. Yates attended a class covering this subject and asked if there are speed signs in developments and, if not, what the speed in developments, what can it go up to and what is the distance between speed signs. Chief Eckman noted that there is a vehicle code in both rural and urban areas pointing out some differences between private areas like HOA's where the speed is not 55 mph and public areas. He mentioned that we have had ordinances passed with and without signs being posted and that Ms. Hurst in Codes can look an ordinance up and if it's there, then we could just post a sign. The speed limit in Quiet Village was addressed and Chief confirmed the speed limit is 50 mph which is not posted. Mr. Lenhart pointed out that with some of the ordinances in Quiet Village, many signs have been replaced over the years for 25 mph. Ms. Sundquist stated that she can pull the current ordinances and compare to the Township streets addressing that the most problematic ones have to be prioritized. Looking at the current ordinance, she noted it has not been updated since 1999 and

there are 17 streets with reduced speed limits. Chief Eckman referred to Title 75, Chapter 3362A summarizing there is a general speed limit, maximum 35 mph urban, 65/70 mpg freeway, 25 mph residential district if highway is not numbered, 55 mph in other locations. He will capture this and send to the Board of Supervisors for their review. Chief Eckman stated that a traffic study has to be attached to the ordinance and also mentioned that Ms. Proctor had good concern with this and it should be updated. Staff will look into what our current ordinances outline.

SOLICITOR'S REPORT

Consideration to adopt an ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 5, "Code Enforcement," Part 5, "International Property Maintenance Code" in its entirety to update it with the International Property Maintenance Code, 2021 Edition; and other miscellaneous provisions contained herein – **Mr. Leidy made a motion, seconded by Ms. Yates, to adopt Ordinance No. 1 of 2024 of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 5, "Code Enforcement," Part 5, "International Property Maintenance Code" in its entirety to update it with the International Property Maintenance Code, 2021 Edition; and other miscellaneous provisions contained herein.** The motion passed unanimously.

Consideration to adopt an ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 13, "Licenses, Permits and General Business Regulation," in Part 3, "Peddlers and Solicitors", to update the requirements for peddlers and solicitors in the Township and other miscellaneous provisions contained herein – **Mr. Leidy made a motion, seconded by Ms. Yates, to adopt Ordinance No. 2 of 2024 of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 13, "Licenses, Permits and General Business Regulation," in Part 3, "Peddlers and Solicitors", to update the requirements for peddlers and solicitors in the Township and other miscellaneous provisions contained herein.** The motion passed unanimously.

Consideration to adopt an ordinance of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 10, "Health and Safety," by the creation of New Part VIII, "Fireworks"; and other miscellaneous provisions contained herein – **Mr. Leidy made a motion, seconded by Ms. Yates, to adopt Ordinance No. 3 of 2024 of the Township of Valley, Chester County, Pennsylvania, amending the Valley Township Code of Ordinances, as amended, at Chapter 10, "Health and Safety," by the creation of New Part VIII, "Fireworks"; and other miscellaneous provisions contained herein.** The motion passed unanimously.

Discussion to establish Parks & Recreation Committee or Commission – Ms. Sundquist noted that the Authority is winding down and pointed out that other Townships have either a Commission by ordinance with appointed members and non-member/volunteers and some have a Committee which can be established by Resolution. She mentioned that some Parks & Recreation groups follow certain rules and regulations and focus on parks, trails, etc. Ms. Sundquist requested some direction of what they are looking for. Ms. Proctor stated that in the past they attended trail meetings, etc. and

mainly events. Ms. Sundquist asked if they are looking for it to be more formalized in an ordinance where it makes more sense to have appointed members. Some of the Board members agreed that it should be appointed township residents/property owners as recommendations would be presented to the Board of Supervisors for expenditures. Ms. Baugher suggested it would be a good idea to get a separate group together that would handle Valley Day, concerts and other events. Ms. Sundquist ended by saying she will put something together and bring it back to the Board of Supervisors.

ENGINEER'S REPORT

Consideration to authorize funding for design/engineering for Hillview Outfall Project – Ms. Baugher made a motion, seconded by Ms. Yates to authorize Pennoni to begin design/engineering for the Hillview Outfall Project in an amount not to exceed \$6,000. The motion passed unanimously.

Consideration to apply for extension to FEMA/PEMA for Hillview Outfall Grant – Mr. Ellis stated that the funding expires on 12/31/24 and that the project is not likely to get done by then. He will have a discussion with FEMA for the extension. It's a 12-month process and depending if there is a permit or not, could be 1-2 years. They will request an extension for one year to the end of 2025, if feasible after talking to FEMA/FEMA. There was discussion regarding moving forward with the project, additional funding needed, and turnover of the project to the Township Engineer for implementation. It was noted that the Township Engineer and Township Manager should have a meeting with the Emergency Management Coordinator to turn this project over to Pennoni to implement and coordinate with FEMA/PEMA.

At this time, Ms. Sundquist departed the meeting.

The Engineer's Report was issued and part of the Board of Supervisors' packets. Mr. Ellis reviewed the following capital projects from the report:

- 359 East Glencrest Road/Millview Basin Drainage – Mr. Ellis noted the new end wall is in place, they are bringing the pipe up and are working on a hole in the road. Ms. Yates mentioned that the sign is down and Mr. Ellis commented that he will let them know about it.
- S. Park Avenue Bridge Replacement – Ms. Yates inquired about this. Mr. Ellis noted it is fully designed and they are working on the final calculations of hydraulics now.

At this time, Mr. Ellis departed the meeting.

OLD BUSINESS

Consideration of Presence Bank CD that will mature on March 23, 2024 – Ms. Rambo noted this will mature on March 23, 2024 and they have 10 calendar days after the 23rd to redeem it. Looking at the next couple months, it should be reinvested as the general fund checking is well funded and a large real estate tax deposit is expected in April. Ms. Rambo reviewed the three options noting that Presence Bank's rate is 5.01% for a 10-month CD. She received a call today from PSDLAF who sent their current investment rates to her and provided the most current PLGIT rate sheet. **Mr.**

Leidy made a motion, seconded by Ms. Yates, to reinvest the total amount of the Presence Bank CD that will mature on March 23, 2024, in in a 240-day CD, currently with an interest rate of 5.55%, with PLGIT. The motion passed unanimously.

NEW BUSINESS

None

COMMITTEE/AUTHORITY REPORTS

Safety – Ms. Baugher reported that they meet monthly.

Parks & Recreation – Ms. Proctor had no update.

ESAC – Ms. Yates mentioned that they have a meeting on Thursday, March 21 at 6:30 p.m. and that they meet the third Thursday of each month.

COG – Ms. Yates mentioned they are getting the committee started this month. Mr. Goldsmith is going to animal control and Ms. Yates to ESAC subcommittees prior to the meeting on March 27.

Other:

Chief Eckman mentioned that Coffee with the Chief is set for April 24 from 9:00 a.m.–11:00 a.m. at the Township Building.

Ms. Rambo mentioned that Mr. Lenhart and Ms. Wichhart are meeting with one of Senator Muth’s staff members this Thursday, March 21, to go over some logistics of the hearing they are having at our Township building on April 17 regarding brine on highways.

CITIZEN COMMENTS

None

There being no further business to discuss, the meeting was properly adjourned at 9:19 p.m.

Janis A. Rambo
Township Secretary