

ORDINANCE NO. 2009-07

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of East Fallowfield hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Township of East Fallowfield," as prepared and published for the said Township of East Fallowfield, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of East Fallowfield. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of East Fallowfield organized as follows:

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Chapter 1	Administration and Government
Chapter 2	Animals
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Chapter 9	[Reserved]
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APPENDIX:

- A. Adjustments to Township Boundaries

B	Debt and Bond Issues
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D	Governmental and Intergovernmental Affairs
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G	Sewers
H	Streets and Sidewalks
I	Water
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Table to Disposition of All Ordinances

Table to Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of East Fallowfield shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Township of East Fallowfield Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective in accordance with law.

Section 3. Saving Clause. The provisions of the Township of East Fallowfield Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township of East Fallowfield Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
15, Entire Chapter	Motor Vehicles and Traffic	7; 10; 12; 15; 22; 23; 26; 30; 32; 38; 39; 48; 67; 71; 72; 11/7/1984; 1988-2; 1988-4; 1989-3; 12/6/1989; 2003-4; 2005-1; 2005-03; 2005-05; 2006-03; 2006-06; 2009-01; 2009-03

B. *Revisions.*

Section	Subject	Ordinance No., Section
[Reserved]		

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§6-101–6-105	Open Alcoholic Beverage Containers
§§6-201–6-202	Disorderly Conduct
§§13-501–13-510	Public Gatherings
15, Entire Chapter	Motor Vehicles and Traffic
§§24-401–24-417	Realty Transfer Tax

B. Amendments.

Section	Subject	Ordinance No., Section
§2-102	Penalty	5/7/1986, §3-202
§2-204	Penalty	27; 5/7/1986, §3-103
§4-106	Size and Location of Numbers	1993-13, §VI
§4-107	Violations and Penalties	1993-13, §VII
§4-209	Violations and Penalties	2005-4, §10
§5-213	Fees	2009-02, §13
§5-218	Violations and Penalties	2009-02, §18
§7-102	Fire Loss Certificate	99-01, §2
§10-101	Prohibited Nuisances Enumerated	5/7/1986, §10-101
§10-105	Violations and Penalties	5/7/1986, §10-301; 5/17/1989
§10-106	Duty to Remove	5/7/1986, §10-302; 5/17/1989
§10-207	Violations and Penalties	5/7/1986, §18-106; 1989-1
§10-303	Penalties for Violations	2000-3, §2.03; 2003-03, Art. III
§13-104	Fees	5/7/1986, §11-104
§13-106	Sunday Sales Prohibited; Hours of Sale Restricted	5/7/1986, §11-106
§13-110	Violations and Penalties	5/7/1986, §11-110
§13-206	License Fee	5/7/1986, §8-106; 5/20/1991
§13-209	Transfer Fee	5/7/1986, §8-109
§13-214	Violations	5/7/1986, §8-114
§13-216	Fire Prevention Code	5/7/1986, §8-116; 5/20/1991
§18A-104	Inspection Fee	97-1, §4

Section	Subject	Ordinance No., Section
§18A-105	Penalties and Violations	97-1, §5
§18A-206	Miscellaneous Provisions	1990-91, Art. VI
§18B-110	Violations and Penalties	2003-0-2, §101-10
§18B-201	Permits, Regulations, and Fee Schedule	2003-0-2, §101-31
§18B-405	Penalties	2003-0-2, §101-47
§18B-611	Temporary Paving	2003-0-2, §101-93
§18B-626	Supplemental Requirements	2003-0-2, §101-108
§20-101	Legislative Purpose and Intent	95-10, §1
§20-109	Penalties	95-10, §9
§20-111	Collection	95-10, §11; 2005-7, §1
§21-106	Violations and Penalties	5/7/1986, §12-106
§21-201	Permits Required for Installation of Roads, Driveways, Culverts, Drains, and Bridges; Penalty for Violations	34
§21-309	Penalty	2005-6, §9
§23-804	Penalties	2004-04, §804
§24-209	Violations and Penalties	1992-4, §5
§24-305	Administration and Enforcement	2007-08, §5

C. Repeals.

Ordinance/Resolution	Subject
<i>Ord. 1995-04</i>	Board of Administrative Appeals
<i>Ord. 2003-0-2, §§101-13–101-30, 101-37–101-40, 101-42</i>	Municipal Sewer Systems

Section 6. Land Use Amendments. The Township of East Fallowfield Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. *New Provisions.* The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section	Subject
[Reserved]	

B. *Revised Provisions.* The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions shown by underline, and are summarized as follows:

Section	Subject	Ordinance No.
§22-202	Definitions of Terms	76, §201; 2000-2, §2
§22-405	Submission of Preliminary Plan	76, §404
§22-408	Review of Final Plan	76, §407; 35, §1; 36, §1
§22-414	Permits	76, §413
§22-503	Final Plan	76, §502
§22-504	Content of Application for Planned Residential Developments	76, §503
§22-620	Sanitary Sewers	76, §619
§22-621	Water Supply	76, §620
§22-629	Design Standards for Planned Residential Developments	76, §628
§22-708	Sanitary Sewage Disposal	76, §707
§22-712	Fuel Systems	76, §711
§22-904	Enforcement Remedies	76, §903
§22-905	Preventive Remedies	76
§27-1733	Wireless Communications Facilities	2002-06, §1733
§27-2101	Establishment and Membership	2002-06, §2101

C. *Repealed Provisions.* The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike through~~, and are as follows:

Section	Subject	Ordinance No.
	[Reserved]	

Section 7. Procedural Changes. The following minor procedural changes have been made to existing Township of East Fallowfield ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Second Class Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 8. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby repealed in its entirety."

Section 9. Responsibility for Code of Ordinances. It shall be the responsibility of the Township of East Fallowfield Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of East Fallowfield Code of Ordinances and shall be available for public inspection.

Section 10. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of East Fallowfield. Whosoever shall violate this Section shall be guilty of an offense under §4911, " Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 11. Severability of Parts of Codification. It is hereby declared to be the intention of the Township of East Fallowfield that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this _____ day of _____, 20

ATTEST:

Township of East Fallowfield

Secretary

Chairman, Board of Supervisors

Fee Resolution

A resolution establishing fees for the filing of applications, permits and licenses for the Township of East Fallowfield.

WHEREAS, the Board of Supervisors of the Township of East Fallowfield has adopted a codification, consolidation and revision of the ordinances of the Township of East Fallowfield; and,

WHEREAS, it is the desire of the Board of Supervisors of the Township of East Fallowfield to eliminate all filing fees, permit fees and license fees from the Code of Ordinances and enact them instead by resolution; and,

NOW, THEREFORE BE IT RESOLVED THAT and it is hereby resolved by the Board of Supervisors of the Township of East Fallowfield that all fees are hereby fixed as follows:

Subject

Fees

Administration

The Township incurs unreimbursed professional fees and administrative costs associated with investigating work performed without a permit in the Township. The Board of Supervisors has determined it to be in the best interest of the Township to require violators to pay a fee in the amount equal to the applicable permit fee to cover the professional fees and administrative costs incurred by the Township in investigating such violations, which fee shall be in addition to the applicable permit fee required to be paid to the Township, and any other applicable fee adopted by the Township.

Code Enforcement

A.

1. \$75

Fire Prevention and Fire Protection

A. \$25

Highway Occupancy Permits

A. Permit issuance fees. These fees are applied to the administrative co

1.

a) \$100

b)

1) minimum use (e.g. single family dwellings, apartm \$75

2) low volume (e.g. \$100

Subject	Fees
3) medium volume (e.g. motels, fast food restaurants)	\$120
4)high volume (e.g., large shopping centers, multi-buildings)	\$175
c)	
1) Sidewalk and curb	\$20
2. supplement fee: each	\$50
3.	\$50
B.General Permit Inspection fees. These fees are applied to the cost incurred	
1.	
a) each	\$30
b)	\$60
c) each	\$80
d) each	\$110
2.underground facilities: pipe lines, buried cable with pedestals, conduits	
a) physically connected facility or facilities (1 st 50 feet or fraction thereof each section)	\$60
b) additional physically connected facilities (each 100 feet or fraction thereof)	\$25
3. surface openings: ²	
a) total linear feet of opening each 100 foot or fraction thereof	
1) opening in pavement	\$80
2) opening in shoulder	\$40
3) opening outside pavement and shoulder	\$30
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraphs 1, 2, and 3, only the higher fee will be charged.	
4. surface openings of less than 36 square feet	
a) service connections performed independently of underground facility installation, pipeline repairs, each opening.	
1) opening in pavement	\$90
2) opening in shoulder	\$60

This fee is calculated on the TOTAL linear feet of the facility or facilities being permitted within the right of way, regardless of whether the surface is opened.

²These fees are calculated on the total linear feet of the opening being permitted within different areas of the right of way.

Subject	Fees
3) opening outside pavement and shoulder	\$40
b) if an opening simultaneously occupies two or more highway areas identified in subparagraphs 1, 2, and 3, only the higher fee will be charged.	
5. above ground facilities: (poles, guys and/or anchors if installed independently of poles)	
a) up to 10 physically connected above-ground facilities, each continuous group	\$60
b) additional above-ground physically connected facilities, each pole with appurtenances	\$25
6. Crossings: (e.g. "overhead" tipples, conveyors or pedestrian walkways and "under grade" subways or mines)	\$200
7. Seismograph-vibroseis method (prospecting for oil, gas)	
a) first mile	\$200
b) each additional mile	\$50
8. nonemergency test hole in pavement or shoulder	
a) each hole	\$25
9. other	
a) sidewalk replacement (each block)	\$25
b) curb replacement (each 10 foot section)	\$25
C. Exemptions: permit issuance fees and general permit inspection fees are not payable by any of the following:	
1. Commonwealth.	
2. Political subdivisions of the Commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement, in that case, the application of inspection fees for pavement openings will be charged.	
3. Governmental authorities organized under the laws of the Commonwealth.	
4. Federal government.	
5. Charitable organizations.	
6. Utility facility owners for:	
a) installation of street lights at the request of Penn DOT.	

Subject**Fees**

- b) replacement or renewal of their facilities prior to a Township resurfacing project after notice from the Township.
- c) removal of poles and attached appurtenances.
- d) facilities moved at the request of Penn DOT or the political subdivision.
- e) reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

D. Additional inspection fees

If the Township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary and or fees, overhead and expenses incurred by each assigned inspector and the Township.

Licenses, Permits, and General Business Regulations**A.**

- | | |
|----|----------------------------------------------------------------|
| 1. | \$2 per day
\$5 per week
\$15 per month
\$60 per year |
|----|----------------------------------------------------------------|

B. Junkyard and scrapyards

- | | |
|----|--------------------------------|
| 1. | |
| a) | \$50 |
| b) | more than 15,000 sq. ft. \$100 |
| c) | \$200 |
| 2. | \$10 |

C. \$5**Right-to-Know Request**

- | | |
|----|------------------------------------------------------------------------------------------------------------------|
| A. | \$0.25 per page per side (8½ x 11) basis. Pennsylvania sales tax will be added to charges for copying documents. |
|----|------------------------------------------------------------------------------------------------------------------|

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| B. | If a public record is only maintained in electronically or other nonpaper reserves the right to require the requestor to receive the public record on a transfer devices purchased by the Township.) | actual cost |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|

- | | |
|----|-------------|
| C. | actual cost |
|----|-------------|

- | | |
|----|----------------|
| D. | \$5 per record |
|----|----------------|

- | | | |
|----|----------------------------------------------------------------------|-------------|
| E. | Third party charges – any charges incurred by the Township necessary | actual cost |
|----|----------------------------------------------------------------------|-------------|

Subject	Fees
F.Fulfilling request with the exception of time spent reviewing a record to	Time spent x Township employee hourly rate

Sewers and Sewage Disposal

A.	
1.	\$50
B.	C
1.	\$25
2.	standard se \$50
3.	\$75
C.	Permits, req
1.	inspection failu \$80
2.	\$80
3.	inspection failu \$80
4.	inspections after hours,
a)	\$80 per hour
b)	\$120 per hour
D.	Sewage \$30

Solid Waste

A.The Township Secretary shall charge the following fees for each trash	
1.	for each certification of a trash and r \$25
2.	for each certificati \$30
3.	for each certification provided with \$35
B.	\$10/\$2
C.	Tr
1.	\$300 per year; discount rate \$265
2.	
	a)That the Board of Supervisors of East Fallowfield Tov the invoice or charge.
	b)That the Board of Supervisors of East Fallowfield Tov
D.	

Subject	Fees
1.	\$20
2.	\$15
3.	\$10
4.	\$55
5.	\$35
6.	\$25

Stormwater Management

Stormwater Management Plan Review Escrow: At the time of filing a BMP Operations and Maintenance Plan pursuant to <i>Ord. 2004-04</i> , as amended, the applicant shall submit to the Township, which amount will be held in an escrow account to pay for any costs incurred by the Township, including legal, administrative and/or engineering costs associated with the Township's review of the BMP Operations and Maintenance Plan to insure compliance with the terms of <i>Ord. 2004-04</i> , and any other applicable Federal, State or municipal laws or regulations. Any unused balance remaining from the escrowed funds shall be returned to the applicant, unless the Township (in the exercise of sound discretion by the governing body) anticipates additional payments must be made for legal, administrative and/or engineering. If the escrow amount is not sufficient to pay for the actual costs incurred by the Township, the applicant shall promptly pay the Township for the additional fees and costs incurred by the Township. The applicant shall be required to pay any fees or costs incurred by the Township in reviewing the BMP Operations and Maintenance Plan regardless of whether the applicant proceeds with the activity requiring submission of the plan or whether the applicant decides not to proceed with the activity.	\$300
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Streets and Sidewalks

A.	Drive \$5
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Subdivision and Land Development

A.	
1.	\$190 per hour
2.	\$115 per hour
B.	\$95 per hour
1.	\$60 per hour
2.	
a)	\$0.55 per mile
b)	large for \$0.40 square foot
c)	charged to project
d)	cost + 15%

Subject**Fees**

e)

cost + 15%

3.

All hourly rates are portal to poi

C. Invoices shall be billed monthly for services to date. Invoices shall inc

D. A service charge of 1.5% per month will be added to invoices

E. These fees shall be withdrawn from an escrow account established a

F. The minimum fees to be submitted with a complete application for sul

1. Each subdivision or land development sketch plan application v
deposit has been reduced to \$100.

2. Each subdivision or land development application, whether prel
square foot of new building space. (including \$0.10 per
square foot of any existing building space the use of which
will be charged).

3. Additional deposits will be required for additional expenses rela
the Township shall be made within 15 days of the date on
which an invoice is forwarded from the Township. The re-
cordation of the plan will not be permitted unless all out-
standing fees are paid to the Township.

4. Within 45 days of the date on which the Township receives noti
portion of the sum deposited will be returned to the appli-
cant.

G.

Subdivision and Land Developpr \$50

Timber Harvesting

A.

1. With the filing of each timber harvesting permit, the operator sh
the Dam Safety and Encroachments Act and the Storm
Water Management Act, and any other applicable federal,
state or municipal laws or regulations.

Zoning

A.

Applications for building permits shall be accomp

1.

A zoning permit is required prior to the iss \$50

B. The Zoning Permit Fee is required for all structures unregulated per F

C. PA Act 45 requires the Municipality to Charge \$4 for each permit issu

1.

a)

\$100

b)

\$50 + \$0.40 per sq. ft.
(\$10,000 cap) +
zoning fee

Subject		Fees
	c)	\$50 + \$0.40 per sq. ft.
	d)	altera 2% of construction cost
	e)utility and miscellaneous use group (sheds, decks, fences,	2% of construction cost
	f)	1% of cost/minimum fee \$75
2.	All use groups other than R-1, R-2, I	
	a)	\$200
	b)	new \$85 + \$0.50 per sq. ft. of GFA ³
	c) alterations and repairs	3.5% of construction cost
	d) demolition	\$175
	e) trailer replacement (residential)	\$20 per 100 sq. ft.
	f) trailer replacement (other)	\$40 per 100 sq. ft.
	g) construction trailer	\$250
	h) temporary sales/office trailer	\$500
	i) driveways	\$75
	j) concrete slab	\$5 per 100 sq. ft.
	k) signs	\$50 + \$5 per sq. ft. (outside dimensions of frame)
	l) use and occupancy permits residential	\$5 per 100 sq. ft.
	m) use and occupancy permits all others	\$7.50 per 100 sq. ft.
3.	Plumbing and mechanical	
	a) First \$1,000 of construction cost	\$50
	b) each additional \$1,000	\$20
	c) minimum fee	\$100
	d) water and sewer lateral	\$100
4.	Electrical permits	
	a) service and feeders	
	1) 200 amp or less	\$48
	2) 201 amp to 400 amp	\$66
	3) over 400 amp	\$85 per 100 amp

- 4) sub-feeders or sub-panels 1/4 above fees
- 5) over 600 volts double above fees
- b) rough wire
 - 1) all switches, receptacles, and lighting outlets
 - (i) 1 to 25 \$60
 - (ii) each additional 10 \$12
- c) finished wiring
 - 1) all switches, receptacles, and lighting outlets
 - (i) 1 to 25 \$60
 - (ii) each additional \$12
- d) heating, cooling, cooking, appliances, equipment
motors, generators, transformers, capacitors, etc.
 - 1) less than a hp, kw, kva use finished wiring fee ----
 - (i) over a hp, kw, kva
 - (ii) a to 1.0 \$12
 - (iii) 1.1 to 5.0 \$15
 - (iv) 5.1 to 10.0 \$20
 - (v) 10.1 to 30.0 \$25
 - (vi) 30.1 to 50.0 \$30
 - (vii) 50.1 to 100.0 \$50
 - 2) over 100 \$1 per hp, kv, kva
 - 3) over 600 volts 2 x above fees
- e) signaling, communication, and alarm systems
 - 1) 1 to 10 devices \$48
 - 2) each additional \$2
- f) swimming pools
 - 1) above ground \$50
 - 2) in ground, bonding \$45
 - 3) in ground, wiring \$75
- g) minimum fee \$60
- 5. zoning hearing board applications
 - a) appeal from zoning officer \$1,500

- b) variances
- c) special exception
- D. Condition use hearing fee \$1,500
- E. Zoning Ordinance bound copy \$50
- F. Township Zoning map \$5
- G. Comprehensive Plan bound copy \$30

Miscellaneous

- A. Minimum postage for non-right-to-know requests \$5
- B. Photo copies (non-open records request) \$0.50

RESOLVED this _____ day of _____, 2009

George Broadbent, Chairman

Chris Makely, Vice Chairman

Chris Amentas, Member

Garth Monaghan, Member

Gary Barach, Member

Attest:

Denise Miller
Township Secretary

