

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 22, 2016 Approved minutes
6:30 PM

Members Present

Steve Herzog, Chairman
Carol Kulp, Member
Joe Pomorski, Member
Wilson Lambert, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

Mike Crotty

1. CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE.

Chairman Steve Herzog called the meeting to order at 6:30 pm.

2. DISCUSSION.

A. RULES OF CONDUCT FOR PUBLIC MEETINGS

Steve Herzog stated the Rules of Conduct for a public meeting were available in the back of the room.

B. APPROVAL OF MINUTES

1) January 4, 2016 Board of Supervisors Reorganizational meeting minutes.

MOTION: Steve Herzog made a motion to approve the January 4, 2016 Board of Supervisors Reorganizational meeting minutes as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott requested the word "boisterous" be removed from her comments on page 13. She stated that she would like her comment to say "due to his derogatory comments about Police Chief Lou Wilson".

VOTE: 4-0 (Vote passed with requested amendment.)

2) February 23, 2016 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the February 23, 2016 Board of Supervisors meeting minutes as presented. Joe Pomorski seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott requested that her comment on page 5 be changed to "Sharon Scott responded to candidate Mr. Lambert's comment about East Bradford Township's open space. Sharon Scott stated that the Lamb McErlane firm is in charge of the open space in East Bradford. Our Comprehensive Plan is rigged and therefore we will not have open space as East Bradford does."

VOTE: 4-0 (Vote passed with requested amendment.)

3) March 8, 2016 Board of Supervisors Workshop minutes.

MOTION: Steve Herzog made a motion to approve the March 8, 2016 Board of Supervisors Workshop minutes as presented. Joe Pomorski seconded.

VOTE: 4-0

C. CITIZENS BY REQUEST

- 1) Sharon Scott – Township Expenses – Sharon Scott stated her topic for Citizens by Request was financial management oversight by the five Board of Supervisors. She stated she sees a pattern of lawyers and wealth dictating our Township's course as well as that of surrounding municipalities and boroughs. The unelected solicitors rule and write their own checks to do so. Wealth pumps dollars into the political system through a lawyer lobbyist to escalate their power to implement their policies such as the Comprehensive Plan and contracts to increase their wealth and their open space. She said fast track high density development trashes our environment. The neglect and financial oversight by Board Members of builders' escrow has made East Fallowfield residents subsidize developers from the General Fund. Examples are the Comprehensive Plan, the Historical Windshield Survey not signed by Supervisors, the establishment of the COG, and the Chester Tax Collection Committee which gives us no oversight over the 1% tax collected. Lobbyists and lawyers have centralized government and we no longer have control. Ms. Scott spoke about an April 2015 letter from Mingis, Gutowski to the Board of Supervisors which states there is \$764,000 in negative escrow funds. The non-reimbursement of costs is significant. The 2012 and 2013 audit adjustments are not accurate. Old checks from 2005 to 2008 total unclaimed funds of \$17,656, which as of December 31, 2014 are not properly accounted for. No audits have been done following the resignation of past treasurers. She said there is no accountability. Ms. Scott asked the Board what action they took regarding the negative escrow of \$764,000. Steve Herzog stated he would need to look at the document to see what action the Board took.

D. AGRICULTURAL SECURITY COMMISSION

- 1) Board of Supervisor Member as 2016 Chairman of the Agricultural Security Commission – Agricultural Area Security Law.

Lisa Valaitis reported that she asked the members of the Agricultural Security Commission if any of them were willing to be the Commission's Chairman. Ms. Valaitis reported that Garth Monaghan agreed to do it but he thought the Chairman was required to be a Board Member. Ms. Valaitis said she could not find anything to support this in the Second Class Township Code and neither could PSATS. Lisa Valaitis stated that she did further research and found the State's Agricultural Area Security Law did cite a requirement that the Chairman of the Agricultural Security Commission be a Board Member. Mike Crotty confirmed this is correct. The Board discussed Ed Porter as a potential Chairman because he has previously chaired the Commission. The Board tabled this decision until the next Board of Supervisor meeting because Ed Porter was not present at the meeting.

E. LEGAL ISSUES

- 1) Emergency Communications Booster Ordinance.

Mike Crotty gave a brief overview of the Emergency Communications Booster Ordinance Amendment. He stated the County had some revised guidelines for the Emergency Communications System Ordinance. The revised guidelines mainly dealt with the extent of coverage new buildings are required to have and the frequency ranges that have to be provided. Last month, the Board approved the advertisement of the Ordinance.

MOTION: Steve Herzog moved that the Township approve the amendment to the Emergency Communication System Ordinance in the form as advertised. Joe Pomorski seconded.

VOTE: 4-0

- 2) Comcast Cable Franchise Agreement.

Mike Crotty gave an overview of the Comcast Cable Franchise Agreement. He said he has a final draft of the contract ready for the Board's consideration. It is a 15 year agreement, with a 5% franchise fee which is consistent with our current franchise fee. The contract has the same density and coverage requirements by Comcast, auditing protection, and an \$8,000 one-time grant from Comcast to the Township.

MOTION: Steve Herzog moved that the Township authorize the Chairman to execute the form of Comcast Cable Franchise Agreement in the form as presented. Joe Pomorski seconded.

QUESTIONS AND COMMENTS:

- a) Erwin Zeller asked where the \$8,000 goes. Mike Crotty stated it will go into the Township General Fund.
- b) Bob King said he has previously spoken about the money that Comcast pays the Township. Mr. King asked when Comcast pays. Pani Martin stated Comcast pays quarterly but we typically receive the payment a month or two after the quarter end. Mr. King asked if we get interest on that money. Mike Crotty said this is stipulated in both the old and new contracts and he believes it states the payment will be received before 45 days after fiscal quarter end. Bob King said Comcast gets more than 5% of his bill and asked where the difference goes. Mike Crotty stated Mr. King would have to ask Comcast for that information.

VOTE: 4-0

3) Tom Josiah Consulting, Inc.

Mike Crotty reported he spoke to the firm Tom Josiah Consulting, a potential candidate for financial accounting services, regarding escrow accounts, financial set up of the Township and assisting Pani Martin as needed. Mr. Crotty stated their rate is \$100 per hour. Steve Herzog said he'd need more time to review their proposal. Steve Herzog also stated he'd like to get some additional quotes to make sure the rate is in line with the industry. He would also like to get Pani Martin's opinion as well.

The Board dismissed Mike Crotty at 6:49 pm.

F. POLICE DEPARTMENT

- 1) February Police report submitted for Board and resident review.

G. PUBLIC WORKS DEPARTMENT

- 1) February Road Department report submitted for Board and resident review.
- 2) Weeds, Inc. Contract.
 - a) A list of spray ingredients was submitted for Board review.
 - b) A list of roads (banks and guardrails) to be sprayed in the Township was submitted to the Board for review.
 - c) Approval of Weeds, Inc. Contract.

Steve Herzog stated the Board has gone over this contract a few times and we now have information regarding what they are using and where the spraying would be done. Tag Gathercole said he gave the Board a list of all the roads where they spray. Tag Gathercole also stated they will not spray Hephzibah Hill Road. Steve Herzog asked Tag Gathercole if he has any concerns with taking a year off from this program. Tag Gathercole stated the main concern is the overgrowth on the guard rails but he is fine with taking a year off. Tag Gathercole said he'd like to keep Program #2 and Program #3 but Program #1 can be skipped. Mr. Gathercole commented that Weeds, Inc.'s prices have stayed the same for years. Carol Kulp stated she looked up some of the chemicals and she read the descriptions of two chemicals.

MOTION: Steve Herzog made a motion to approve the pricing set forth by Weeds, Incorporated Spray for 2016 for Program 2 and Program 3. Joe Pomorski seconded.

VOTE: 3-1 (Steve Herzog, Wilson Lambert and Joe Pomorski voted yea. Carol Kulp voted nae.)

H. FIRE DEPARTMENTS

- 1) February Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) February Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) February Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) February Modena Fire Company EMS Report submitted for Board and resident review.
- 5) Chief John Sly briefly talked about the Modena and Westwood Fire Companies' annual banquets fund drives which are as follows:
 - Westwood Fire Company Banquet – Saturday, April 16, 2016.
 - Modena Fire Company Banquet – Saturday, May 7, 2016.

I. PLANNING COMMISSION

- 1) Planning Commission Report – No Report.

J. HISTORICAL COMMISSION

- 1) February 3, 2016 Historical Commission meeting minutes presented for Board and resident review.

K. PARK & RECREATION COMMITTEE

- 1) Appointment of Park & Recreation Committee members – Wanda Korab and Linda Sarnoski.

Steve Herzog thanked Ms. Korab and Ms. Sarnoski for their interest in volunteering for the Park & Recreation Committee. Steve Herzog reiterated that even though we are appointing two new members to the Park & Recreation Committee tonight, the Committee can't take any action until more members are recruited and they have a quorum.

MOTION: Steve Herzog made a motion to appoint Wanda Korab and Linda Sarnoski to the Park & Recreation Committee for the term 2016 to 2020. Carol Kulp seconded.

VOTE: 4-0

L. TREASURER'S REPORT

- 1) The February 29, 2016 Treasurer's report was submitted for Board and resident review.

MOTION: Steve Herzog made a motion to approve the February 29, 2016 Treasurer's report as presented. Joe Pomorski seconded.

VOTE: 3-1 (Steve Herzog, Wilson Lambert and Joe Pomorski voted yea. Carol Kulp voted nae.)

- 2) February 2016 payment authorizations.

MOTION: Steve Herzog made a motion to approve the February 2016 payment authorizations as presented. Joe Pomorski seconded.

VOTE: 3-1 (Steve Herzog, Wilson Lambert and Joe Pomorski voted yea. Carol Kulp voted nae.)

3) Bank Signature Authorization.

MOTION: Steve Herzog made a motion for all members of the Board to sign the Municipal Deposit Resolution from First Niagara Bank. Joe Pomorski seconded.

QUESTIONS AND COMMENTS:

- a. Steve Herzog asked Pani Martin to confirm the purpose of this motion is to authorize all Board members to sign checks. Pani Martin confirmed this is correct.

VOTE: 4-0

4) Other Township Business.

- a. Township Newsletter – Lisa Valaitis reported that Hometown Press could offer a two newspaper trial but we could not do just one newspaper because they offer discounts to advertisers for multiple newspapers. Steve Herzog asked what the cost was. Pani Martin said the only cost would be \$1,300-\$1,400 in postage. There is \$2,000 budgeted in the General Fund for a newsletter which would cover the cost of one newspaper. Pani Martin said she loves the idea of doing a Township newsletter and briefly discussed doing a newsletter ourselves. Steve Herzog asked what content they are looking for from us. Pani Martin asked what the Board would like to see in a newsletter. There was a discussion regarding when the last newsletter was done. Steve Herzog suggested content including what's going on in the Township, how to get involved, projects in the Township and local area, things outside the Township that impact us, projects in the Township and a 6 month calendar. Wilson Lambert said he feels it should also contain information about things that the Board is doing for the residents such as road safety, and planning so people know we are making an investment in the community. Wilson Lambert said an example is that he is planning to attend a meeting with the Brandywine Conservancy regarding open space. Steve Herzog asked if Hometown Press was the only company that approached us. Lisa Valaitis said yes. Lisa Valaitis suggested doing one newsletter in the second half of this year and the second newsletter next year to stay within this year's budget.

MOTION: Steve Herzog made a motion to have Lisa Valaitis to work with Hometown Press on a two issue trial newsletter. Joe Pomorski seconded.

QUESTIONS AND COMMENTS:

1. Susan Yeoman asked if they offer an electronic version. Pani Martin said they do offer a pdf version however, although we have email addresses, we don't have a way to match them up to resident's mailing addresses. There was a discussion about updating the website to allow for this in the future. The Board discussed doing a first newspaper in June or July this year.
2. Buddy Rhoades said when township newsletters were done in the past, they got input from each department. Mr. Rhoades talked about West Chester University printing township newsletters in past years. Buddy Rhoades said we need to do a township newspaper. He also requested the Secretary and Treasurer have microphones during meetings.
3. Bob King asked if East Fallowfield Township is having an Easter Egg Hunt this year. Pani Martin stated no.

4. Sharon Scott suggested ideas for newsletter content including repairing the covered bridge and ballgame teams.

VOTE: 4-0

- b. Paylocity – Pani Martin reported she has been having several issues with Paylocity such as accruals and tax deduction errors which impacted bank reconciliations. Ms. Martin said she is frustrated that it has taken hours on the phone to get these problems corrected. She spent two months trying to get all the employee accruals to print properly. Ms. Martin reported we finally have the policy charts corrected for individuals. We need to audit individual accruals for the police and road crew departments. Pani Martin reported that Paylocity has agreed to waive the billing for the next payroll period.
- c. Munibilling – eBill Issue – Pani Martin reported a resident called the office after receiving a letter from Portnoff for the 2015 trash and recycling invoice. This resident had set up their account to receive invoices through email, however, they never received a bill. The resident had said if they had received a bill, they would have paid the bill and would never have allowed it to go to collections. Ms. Martin reported the last set of email bills that MuniBilling sent was in April 2015. This created two issues. Those 50 residents set up for email billing had not received a 2016 invoice and the first quarter payment due date has already passed. MuniBilling has since sent the bills out to those residents giving them until April 2016 to pay. The February late fees were waived. Munibilling fixed the problem on their end. Eight of these customers were sent to Portnoff for 2015 in error. She asked the Board what the fairest way to proceed is. Steve Herzog told Pani Martin to work with Portnoff to waive those eight accounts in collections. Pani Martin will proceed with contacting those eight residents to have them send their 2015 trash payments in to the office.
- d. Payroll Law Course – Pani Martin reported she attended a Payroll Law Course on March 15, 2016. This course covered topics such as employee classifications (exempt versus non-exempt), misclassification of 1099 workers versus employees, the Fair Labor Standards Act (FLSA) requirements, essential need for record keeping of all time worked, all time taken off, maintenance of records for at least three years, and any compensation received by an employer which constitutes wages and is subject to employment taxes (gift cards, bonuses, advances, sick time etc.). Pani Martin stated she will need to do a human resources project/internal audit which will involve redoing forms and make sure all employees have an I-9 form.
- e. Mortonville Road Dumping – Pani Martin reported that the road crew retrieved 56 dumped tires off Mortonville Road. The Township pays \$1.50 - \$2.00 per tire for disposal. Pani Martin said they are taking suggestions on how to prohibit dumping. Tag Gathercole reported they picked up 70 tires on Mortonville Road and Newlinville Road. Chief Porter said the Police Department does patrol those areas. Tag Gathercole reported two loads of concrete were dumped on Fairview Road. The Township is requesting residents that see anyone dumping, to please write down the tag number of the car and report it the East Fallowfield Township Police Department.
- f. Concentric Business Systems – Pani Martin reported she had an initial meeting with Concentric Business Systems regarding document scanning/archiving. Pani Martin said she has another meeting with them next Tuesday to discuss suggestions on how to proceed. They will also be discussing how other townships have set up their archiving structure. Ms. Martin said she did reach out to Docstar but they never followed up with us. Steve Herzog stated we will need multiple quotes to do this even with it being in the budget. Steve Herzog said we need to determine what records we have, what we can destroy, and what we need to keep. This needs to be done before scanning so we aren't scanning documents that don't need to be scanned.
- g. Office New Business.
 - 1) Office Liaison - Pani Martin stated she wanted to ask Ed Porter, the Office Liaison, when he could meet. Pani Martin will follow up with Ed Porter by email to set up a meeting because he was not in attendance.

- 2) DEP Violation - Wilson Lambert inquired about a DEP violation at Weaver Mulch. Steve Herzog and Tag Gathercole weren't aware of the status. Lisa Valaitis or Pani Martin will follow up with Rob McLarnon regarding this violation.

M. PUBLIC PARTICIPATION

- 1) Siti Crook said she was told about a pond on Weaver Mulch's property that is from runoff coming off of huge mounds of mulch. Ms. Crook said they use that pond water to spray mulch for the purpose of coloring the mulch. This water then sinks back down into the ground. Siti Crook stated as part of the Penn State Water Study, they took a sample from a nearby well and the nitrates were high. This process may be a reason why nitrates are high in that area.
- 2) Erwin Zeller asked if the police reports, road department reports etc. that are submitted for Board and resident review on the agenda are supposed to be attached to the agenda? Steve Herzog stated those reports are in the back of the room for residents to take. Mr. Zeller stated he reviewed the budget. He commented that the Chief of Police increased 10% and full time officers' salary and wages are up almost 50%. Mr. Zeller asked how many full time officers there are and if we need them. Chief Porter said there are eight full time officers and three part time officers. Steve Herzog stated we do need all those officers to provide 24 hour coverage in the Township. The percentage increase is due to an increase in full time officers over the past few years. Mr. Zeller asked how that compares to other Second Class Townships in terms of cost and population. Steve Herzog said some are similar. He said we've done this analysis but he doesn't have those figures in front of him. Mr. Zeller said that governments often increase taxes instead of looking at line item expenses in the budget. Mr. Zeller also asked if the officers contribute to their medical insurance plan and pension plan. Chief Porter said we have a state funded pension. Mr. Zeller asked when the new police contract is being re-negotiated. Steve Herzog said this year. Mr. Zeller said he is concerned because police costs seem to be going up without a lid. He thinks the 1.25 mills is going to go up too. Someone has to look at all these line items to see what can be reduced without decreasing services. He said we do need the safety and protection that the officers provide but sometimes we may be overly generous.
- 3) Tom Nash asked what union the Police Department is in. Steve Herzog said the Collective Bargaining Unit. Chief Porter said it is specific to East Fallowfield Township.
- 4) Dennis Crook addressed earlier comments regarding the Comprehensive Plan, and stated that more than 44% of East Fallowfield Township is open space and conservation easements. This is much higher than most townships. The Comprehensive Plan also dealt with the Police Department. Resident surveys showed great satisfaction with both the Police Department and the roads. Mr. Crook requested the Board look into the escrow money that was put into the South Caln Road and West Chester Road intersection project. At the time, the Board decided to change the plan and not do the traffic light. Mr. Crook said he is interested in that contract because he is concerned and still thinks the intersection needs help. Ditches, culverts, and/ or retention basins are needed. The intersection is not keeping up with all the new developments. Steve Herzog said the original plan was to put in a traffic light but accidents diminished after the stop signs were put in. Traffic Plan Design was supposed to provide a proposal for scaling back the road. Mr. Herzog said we never heard back from Traffic Plan Design on the cost for scaling back the roads. Pani Mani reported the escrow balance is \$282,000. Tag Gathercole said they were going to resurface and level out the road to diminish water runoff. Steve Herzog said we'd have to reach back out to Traffic Plan Design to see where that project stands and what the cost would be.
- 5) Buddy Rhoades talked about the high amount of accidents that have occurred at the intersection of South Caln Road and West Chester Road. He stated his son was in an accident there. He commented on the water runoff problem in that area. Mr. Rhoades also talked about the intersection of Buck Run Road and Strasburg Road being another high accident area. Mr. Rhoades said he wishes the Board would get more involved in the contract negotiations. When contracts go to arbitration, you can lose more. Police Department, Road Department and trash are the three biggest budgets. Buddy Rhoades also talked about the Sunshine Law and the freedom of information open to public meetings. We have the right to have access and have copies of public records. He talked about meeting agendas being posted to the Township website. He said the public wants to know what is on the agenda before the meeting. Lisa Valaitis stated the agendas are posted to the website the

Friday before a Board of Supervisor meeting. He said he'd like to see an online document center. He also stated there is work being done in the Township without permits. He'd like the Zoning Officer to look into Buck Run Road. Mr. Rhoades said the Zoning Officer only goes out to investigate jobs if someone complains. Mr. Rhoades also talked about the civil war cemetery and said we never forced that development near it to put a top coat on those roads. There are also concrete pipes that are deteriorated. Mr. Rhoades talked about the escrow agreement for the intersection of South Caln Road and West Chester Road. He said we've had developers come into the Township and then leave. We are concerned about our finances of the Township.

- 6) Bob King spoke about a current storm water problem on his property. He said a lot of water and stones run down Misty Patch Road onto his property. He also has a pipe on his property that is overflowing. Steve Herzog said Chris Della Penna would have to see it while it's happening. Mr. King requested that Chris Della Penna inspect the stormwater issue on his property.
- 7) Sharon Scott asked how Weaver Mulch is zoned. Dennis Crook said Weaver Mulch is zoned both commercial (two acres) and agricultural.
- 8) Buddy Rhoades talked about business in East Fallowfield and specifically Weaver Mulch. He commented that there is demolition going on in the Township without a permit. Mr. Rhoades said when a new Supervisor goes on the Board, they should talk to all the department heads.
- 9) Erwin Zeller asked if the Township has a full time engineer. Steve Herzog responded yes, the Township Engineer is Chris Della Penna.
- 10) Susan Yeoman asked if the engineer is full time and not contracted for inspections. Steve Herzog said yes he is a full time township engineer.
- 11) Tag Gathercole stated that catch basin number four in Manchester Farms will need to be inspected before the roads are dedicated.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:35 pm. Joe Pomorski seconded. VOTE: 4-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary