

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
January 26, 2016 Approved minutes
6:33 PM

Members Present

Steve Herzog, Chairman
Ed Porter, Vice Chairman
Carol Kulp, Member
Charles Kilgore, Member
Joe Pomorski, 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 6:33 pm.

2. EXECUTIVE SESSIONS

Steve Herzog stated the Board of Supervisors executive sessions on December 30, 2015 and January 26, 2016 regarding personnel issues.

3. DISCUSSION

1) RULES OF CONDUCT FOR PUBLIC MEETINGS - Steve Herzog stated the Rules of Conduct at a public meeting are available in the back of the room. Mr. Herzog briefly reiterated the Rules of Conduct which are no shouting out, no interrupting, directing all questions and comments to the Chairman, and no personal attacks. All speakers need to come up to the front of the room to speak. Mr. Herzog also thanked the Road Crew for their great job handling the snow storm. He commended them for their hard work and extra hours put in.

2) APPROVAL OF MINUTES

1) October 27, 2015 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the October 27, 2015 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

2) November 10 2015 Board of Supervisors Workshop minutes.

MOTION: Steve Herzog made a motion to approve the November 10, 2015 Board of Supervisors Workshop minutes as presented. Ed Porter seconded.

VOTE: 5-0

3) November 24, 2015 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the November 24, 2015 Board of Supervisors meeting minutes as presented. Joe Pomorski seconded.

VOTE: 5-0

4) October 13, 2015 Board of Supervisors Workshop minutes.

Ed Porter asked Lisa Valaitis if she had revised the October 13, 2015 Board of Supervisors Workshop minutes. Lisa Valaitis will present the revised October 13, 2015 meeting minutes at the next Board of Supervisors meeting.

3) CITIZENS BY REQUEST

- 1) Shawn Sims – Youth football team in East Fallowfield Township similar to Coatesville Raiders or Downingtown Young Whippets – Shawn Sims was not present.
- 2) Mike Petro – 5K Race – Beacon of Knowledge 5K Race in East Fallowfield Park – Mike Petro spoke briefly about the 5K run and one mile fun run with your dog that will be hosted by Beacon of Knowledge on Saturday, April 30, 2016 in East Fallowfield Park. Mr. Petro stated he is on the Board of a non – for profit organization called the Beacon of Knowledge which is a financial planning group. He said we help people that need financial help such as planning, saving and creating a budget. Mr. Petro said the race will start at 10:00 am and be over by 1:00 pm. Registration starts at 8:00 am. Mr. Petro stated they have sponsors and are looking to fundraise about \$5,000. They hope to have a 100 runners in the race. Mike Petro spoke to the Board about the insurance policy they have to cover this event. The Chester County Running Store is going to run the race. Triple Fresh will take care of all the trash removal. They have 30 volunteers. Registration can be done online through the Chester County Running Store or at Triple Fresh. The registration fee is \$25 solo and \$30 with a dog. Ed Porter asked about the track. Mike Petro stated they have mapped out the track. Mike Petro explained how the event would be laid out. The event will be rain or shine. The Board approved putting the event on the Township website.
- 3) William Taylor Reil – Constitution – William Taylor Reil stated he has been studying the Constitution law for 26 years in Pennsylvania. Mr. Reil passed documents out to the Board and stated he hoped they would use them. Mr. Reil spoke about the State Constitution. He specifically asked the Board to read the Declaration of Rights section. He read a section of the Declaration of Rights and said this is what should be done here. Those in government are civil servants and sometimes that unfortunately gets lost. Mr. Reil encouraged the Board to read the State Constitution. He suggested they look to the Lord and the Supreme Law to make sure they are doing the right thing. He said he gave them a booklet called “Victory for State Sovereignty.” Mr. Reil said very little people realize the federal government has very little role to play within the states. Mr. Reil commended the Board for attempting to improve the process.

4) LEGAL ISSUES

Mike Crotty, from Siana, Bellwoar & McAndrew introduced himself as the newly appointed Solicitor for East Fallowfield Township. He thanked the Board for appointing his firm and said he looks forward to working with the Township in a cost effective and comprehensive manor. Mr. Crotty said they are in the process of doing a file transfer. He said we have handled some personnel issues that require no Board action at this time. They will also be working on a Comcast franchise agreement.

- 1) Revised Fee Schedule Resolution 2016-01 (Revised for Legal Fees).

Pani Martin reported that the only change is that the solicitor fee was updated.

MOTION: Steve Herzog made a motion to approve Resolution 2016-01 approving the revisions to the Township Fee Schedule, Treasurer Draft 1/12/16. Ed Porter seconded.

VOTE: 5-0

- 2) Chester County letter regarding Emergency Radio Satellite Signal Booster Ordinance - Authorization to draft an amendment to Chapter 4, Part 2 to make the Code consistent with the new County specifications.

Mike Crotty stated there are two or three minor changes that need to be made to be consistent with the County's most updated specifications.

MOTION: Steve Herzog made a motion to allow our Solicitor to draft an amendment to Chapter 4, Part 2 to make our code consistent with the new County specifications regarding the Emergency Radio Satellite Signal Booster Ordinance. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Ed Porter asked if a motion is needed. Mike Crotty said the next step is to present the ordinance to the public and then motion to approve the ordinance. Mike Crotty stated he always prefers a motion be made.

VOTE: 5-0

5) VACANCY BOARD

1) 2016 Vacancy Board Appointment.

Applicant: Tim Tipton.

Steve Herzog asked Mike Crotty to explain what the Vacancy Board does. Mike Crotty explained that in the event there is a resignation on the Board of Supervisors, and the Board can't come to a consensus to make a decision regarding a replacement, the Vacancy Board member serves as the fifth Supervisor to vote on an appointment to fill the open Board position. If the Vacancy Board can't come to a decision, then the matter would go before the court. Mike Crotty stated the Board has 30 days to fill an open Supervisor position and then the Vacancy Board has 15 days. If a Supervisor resigns, and a new Supervisor is appointed, that position would be up for reelection in the next election year.

Tim Tipton stated in light of no one else stepping forward at the last meeting, he thought it would be a good thing to step forward as a resident.

MOTION: Steve Herzog made a motion to appoint Tim Tipton as the East Fallowfield Township 2016 Vacancy Board member. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Wes Maughan asked how many members are on the Vacancy Board. Steve Herzog stated the Vacancy Board consists of one member.
- b) Ed Porter thanked Tim Tipton for applying to the Vacancy Board position. Ed Porter asked Mr. Tipton about his resume regarding his experience with Hammer Inc. and Tipton Home Improvements from 1995 – 2014. He asked if Tipton Home Improvements was a sole proprietorship in East Fallowfield. Mr. Tipton responded yes. Ed Porter asked about Hammer Inc. Mr. Tipton said it was a partnership that later became a sole proprietorship.

VOTE: 2-3 (Steve Herzog and Joe Pomorski voted yea. Ed Porter, Carol Kulp and Charles Kilgore voted nae.)

- a) Kerri Sinkler asked if she could ask the Board members who voted no for a reason. Ms. Sinkler stated that she wanted to know because there are no other applicants. Steve Herzog stated Ms. Sinkler can ask why but the Board members who voted no are not required to answer.

MOTION: Ed Porter made a motion to appoint Nelson Walter as the East Fallowfield Township 2016 Vacancy Board member. Charles Kilgore seconded.

- a) Pani Martin stated Nelson Walter submitted an application to the Township for Charles Kilgore's Board of Supervisor position. However, Charles Kilgore still holds his position on the Board.
- b) Nelson Walter spoke about his interest in the Vacancy Board. He stated he would like to serve the Township. He has lived in the Township for 30 years. He said he'd like to get involved in some of the Township issues. He stated it was his intent to apply for the Vacancy Board position.

VOTE: 3-2 (Ed Porter, Carol Kulp and Charles Kilgore voted yea. Steve Herzog and Joe Pomorski voted nae.)

- a) Andy Marvel stated the Secretary stated that Nelson Walter didn't formally put in an application for this position. Steve Herzog stated there is no formal application but Mr. Walter did send an email of interest. Mr. Marvel asked if anyone else can step up now and apply for the Vacancy Board. Steve Herzog stated a vote has been passed so new applicants will not be considered.
- b) Ed Porter stated that if there is a resignation, the Vacancy Board member does not necessarily take a seat on the Board. If there is a majority vote to appoint a new Supervisor, the decision wouldn't even go to the Vacancy Board. Ed Porter stated if a Supervisor does resign, he would like residents to put in an application for that position.

6) UNFINISHED BUSINESS

- 1) Rouse / Chamberlin – Ridgecrest Development Update – Jonathon Penders.

Jonathon Penders, from Rouse Chamberlin Homes, stated that last time they appeared before the Board regarding Ridgecrest was in 2014. Mr. Penders stated they had worked on some minor plan changes at that time. Early in 2015, they had lined up their financing and been working through the final steps for final plan approvals and permits. This development is for 70 single family lots and two existing farm houses on 140 acres. The development will be located at the corner of South Caln Road and West Chester Road. With our financing in place, we were working with the previous Solicitor on finalizing the final agreement documents that need to be in place between the developer and the Township. With East Fallowfield's change in legal counsel, we have reached out to Siana Bellwoar and are revising our forms to use their forms. They are expecting to have those finalized and back before the Board for consideration of approval at the February Board meeting. They are looking to break ground sometime this year. The development will take 27 months for the first phase and 43 months for the second phase. Ed Porter discussed the sewer system and asked when South Caln Road will be closed. Mr. Penders stated it will not ever be completely closed. It will be closed on a temporary basis to install the sewer. They just need to cross the new sewer system under South Caln Road.

7) POLICE DEPARTMENT

- 1) December Police report submitted for Board and resident review.
- 2) Approval to hire Francis J. O'Donnell for the position of full-time Police Officer.

MOTION: Steve Herzog made a motion to hire part-time Police Officer Francis J. O'Donnell to full-time Police Officer at the rate of \$27.43 per hour, per the CBA. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked why this has come up again because it was voted down at the last meeting. She said the Township is financially strapped and the current Board did not mind the budget. She feels the deficit is primarily created by our unionized police department. We can utilize backup from other local police department such as South Coatesville, City of Coatesville and Parkesburg. We will not be understaffed and don't need another full-time officer. Ms. Scott said Officer O'Donnell's comments at the last meeting were unprofessional.
- b) Wes Maughan spoke about the budget wars in East Fallowfield Township. We have a \$1.4 million budget. Approximately 55% of that budget is the Police Department. He said this is basically a law abiding community. We are on the edge of some problem areas. We do need to look at the whole picture and prioritize. Mr. Maughan stated having 55% of your total budget coming out of one department when you have a whole spectrum of services to provide is problematic. The Board does not have control over this due to the union contract of the Police Department. He said the budget is too high and there is not a clear and compelling reason to hire another police officer.

- c) Joe Pomorski stated that hiring Officer O'Donnell full-time would be to replace full-time Officer Justin Fonock who recently resigned. This would not be an additional full-time position. Joe Pomorski stated the Police Department is proactive rather than reactive which is the reason that East Fallowfield Township is safe.
- d) Chief Porter stated that John O'Donnell has been on the police force for two plus years. He has given up other jobs in the County to come exclusively work for East Fallowfield Township. He puts in 70 hours every two weeks to fill scheduling holes. Officer O'Donnell is well trained and is an excellent people person.
- e) Martin Bower stated he was the primary caregiver of his mother in her later years. There were multiple times that he had to call emergency services. He praised Chief Porter for arriving on the scene within one minute. This fast response time of the police and EMT's saved his mother's life multiple times. He also spoke on behalf of the people service. He spoke about his daughter witnessing a crime and Chief Porter's aid in this area. The Police Chief was very helpful in this regard. Mr. Bower did state he feels the budget should be looked at but he is in support of East Fallowfield's Police Department.

Charles Kilgore resigned from his position as East Fallowfield Township Supervisor at 7:27 pm. Mike Crotty instructed that Mr. Kilgore submit an official resignation letter with the Township.

- f) John Abel stated that budgets need to be met. Mr. Abel asked what police overtime would be required if we do not hire this full-time officer. He also commented on response time in this Township. He stated the Board not agreeing on anything as a group is failed leadership. He also commented that Chief Porter can't effectively lead the Police Department when his job is being threatened. At the end of the day, the Board needs to work with all the departments in the Township. Actions the Board has taken at the last meeting is why the Township has unions.
- g) Chief Porter stated if we don't hire Officer O'Donnell, the part-time officer budget will be impacted. Chief Porter commented that the Police Department already has a full-time officer out on long-term disability. There is a lot of scheduling time that needs to be filled. He stated he can only schedule part-timers to work 70 hours every two weeks per the contract.
- h) Buddy Rhoades stated he doesn't want a Board that agrees as long as the Board members vote with their consciences. He commented on the Board having control and that residents have recently shown a lot of disrespect to the Board. Mr. Rhoades also commented that there is a lack of communication between the Police Chief and the Board. There should be better communication between departments and all five Board members. Mr. Rhoades commented that he'd like to see more residents at budget meetings. He also stated that the Township has gone through several township managers, treasurers and secretaries in the last few years.
- i) Joe Pomorski commented there is no lack of communication between himself and the departments. He said he talks to Tag Gathercole daily and Chief Porter every other day.
- j) Earl Doan presented a booklet called Robert's Rules to the Board. He said he spent two terms as Board of Supervisor and has an understanding of what should be done on the Board and how public meetings are conducted. He said the residents of East Fallowfield Township deserve better. He stated the previous meeting is not how meetings should be conducted. He also commented that the people that commended the Road Crew during the snow storm were not out on the roads right after the storm.
- k) Jim Burns stated we had one full-time officer that resigned. If we hire Officer O'Donnell as full-time then we will still be down by one part-time officer which will help the budget. Officer O'Donnell would also be hired full-time at a lower rate than the full-time officer that resigned. Steve Herzog confirmed this was correct.
- l) Wes Maughan talked about considering the budget and police labor costs. He said alternatives should be looked at such as state police coverage in the Township. However most residents want local police

coverage. We have tools available to sustain the services to the community in proportion to what people are used to. He said he could cut the budget by 30% without cutting services.

- m) Ed Porter asked if the eighth officer was originally hired because an officer was out for a long period of time. Chief Porter said two were out at that time but there was also a lateral move to create the detective slot. Ed Porter asked why the position wasn't put out to the public for advertisement. Chief Porter stated he could do that but he would get flooded with applications and it would take a long time to get through it all and hire someone. Ed Porter commented that East Fallowfield Township is a diverse township but we aren't a diverse government. Ed Porter stated he'd like to see the government be more diverse. Chief Porter agreed. There was a discussion between Ed Porter and Chief Porter regarding collecting applications for two weeks and reviewing them versus hiring Officer O'Donnell.
- n) Wes Maughan stated that to hire any full time public employee, it is required that position be fully advertised. Mr. Maughan asked the Solicitor, Mike Crotty to confirm this. Steve Herzog asked Mike Crotty if advertising the position is required when hiring a part-time officer as a full time officer. Mike Crotty stated advertising the position is not required unless it is required per the CBA. Steve Herzog stated it is not required by the CBA.
- o) Carol Kulp stated that her primary job is to the residents, Township and to control the budget. She said she'd like to be objective and consider resident's interest first because she did run on the budget. She requested the vote be tabled for now and studied further.
- p) Joe Pomorski stated the Chief needs a full-timer now.
- q) Ed Porter stated he can't effectively vote due to his personal life being threatened. He asked the residents at the meeting how they'd like him to vote. Mr. Porter stated he had no ability to vote because he'd be threatened after the fact. He said he has no protection within Pennsylvania. He asked how many residents would like him to vote to hire Officer O'Donnell. Ed Porter stated his vote was yes based on the residents at the meeting.

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

8) PUBLIC WORKS DEPARTMENT

- 1) December Road Department monthly report submitted for Board and resident review.
- 2) Weeds, Inc. Contract.

MOTION: Steve Herzog made a motion to approve the pricing set forth by Weeds, Incorporated spray for 2016. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Pani Martin asked the Board which program – program 1 or 2. The Board asked what program was done last year. Pani Martin will ask Tag Gathercole.

Steve Herzog rescinded the motion. This will be discussed at the next Board of Supervisors meeting.

9) FIRE DEPARTMENTS

- 1) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) December Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 3) December Modena Fire Company EMS Report submitted for Board and resident review.
- 4) Annual 2015 Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) Annual 2015 Modena Fire Company Fire Chief's Report submitted for Board and resident review.

COMMENTS:

- a) Joe Deckman stated he was the 2015 Fire Chief of the Westwood Fire Company and is the assistant Fire Chief for 2016. He stated he has lived in the Township since 1984. They ran 27 total calls in December, one of which was in East Fallowfield. They ran 312 calls for 2015. 184 were to Valley Township and 50 calls were to east Fallowfield. That is 16% of total calls. He commended Tag Gathercole for his tremendous job during the big snow storm. He said the Road Crew did tremendous effort. He spoke about the County's mass notification system during the storm. He said several, more municipalities and towns participated in this emergency response than not. East Fallowfield Township did not participate in the emergency response. He asked who's role it is to put East Fallowfield on the list of municipalities participating in the state of emergency. He asked why he did not see East Fallowfield on the list.
- b) Tony Sirna responded by saying they participated in every sit rep before, during and after the storm. We were involved in every conference with the County and PECO. We were on Knowledge Center. We participated with the County as a subset of the issue. As for snow emergency, the state declared a snow emergency. The only thing a snow emergency does is tell people that they can't drive during a storm on snow emergency routes. We don't have any snow emergency routes. It also forbids parking on emergency routes and we have a no parking ordinance. Mr. Sirna said he communicated with Chief Porter and Tag Gathercole. He also sent his plans to Joe Pomorski and spoke to him several times. Mr. Sirna stated he will make sure that Chief Deckman will get these sit reps. He said we also assisted the Road Crew several times to get roads clear for emergency calls. Mr. Sirna told Joe Deckman that they can discuss this further.
- c) Ed Porter asked if there is something that can be done to ease the tension between these parties – Tony Sirna, Jim Reagan and Joe Deckman. Ed Porter also stated he'd like to attend their next meeting.
- d) Joe Deckman apologized and said he just wondered why East Fallowfield Township was not on the snow emergency list. He also stated that residents can sign up to get the County emergency mass notifications.
- e) Chief John Sly, from Westwood Fire Company, presented his year-end report for Westwood. We had 163 calls in East Fallowfield Township. We had 1,504 hours of ambulance usage in East Fallowfield Township in 2015. He addressed some comments made at the previous meeting. He addressed a comment made by Mrs. Scott that the government had shut down the fire departments and seized the fire trucks. Sharon Scott stated she had not said that. Chief Sly also addressed a request from Ed Porter for finances and payroll. He said he submitted that to the Township several months ago. He thanked the Board for the budget increase to the fire departments of \$50,000 for 2016. He also stated there is definitely a line of communication problem between Westwood and the East Fallowfield Township Emergency Coordinators. He thanked the Road Crew and Police Department for their efforts during the storm. He said there was an incident with an ambulance that got stuck in the snow while on a call. Chief Sly stated the ambulance was damaged when a Township truck pushed it through the snow. He requested the Township pay for the damages which was estimated to be a few hundred dollars. Steve Herzog requested Chief Sly forward the relevant information to the Board and they will review it.
- f) Todd Bryant, Assistant Chief and President of Modena Fire Company, spoke about the recent snow storm. He suggested for next time that they hold a meeting and develop an instant action plan. They could also talk to the Township staff and Police through radio communications to work together. Mr. Bryant said it is about the residents and protecting them. We had three feet of snow so what could we do about the roads.

10) PLANNING COMMISSION

- 1) Planning Commission Report – Dennis Crook reported that the Planning Commission had two scheduled meetings in January. Mr. Crook stated that they did not have a meeting on January 11, 2016 due to not

having a quorum. At the workshop on January 18, 2016, they discussed the review application for the Planning Commission for substitutes and alternates. They also discussed the State Act PL176 No. 42 which allows for alternate Planning Commission members. He said they will be looking at this further. Another item they discussed was the official township map which still needs to be completed. Mr. Crook discussed planning practices such as putting in a central business that generates waste heat to other local buildings. Another item discussed was promoting utilization of renewable energy sources, authorizing to charge fees, make inspections and hold public meetings, providing for mediation, appeals to courts, and penalties for violations. Mr. Crook said these are some of things missing in our processes. We think if the Board wants to put alternative Planning Commission members in place, the position should be advertised. Mr. Crook stated the Planning Commission does not feel they need an alternate. Ed Porter asked if all seven members are always present at the meetings. Dennis Crook stated that not everyone comes to all meetings however only two meetings did not have a quorum. Dennis Crook read out loud Section 404 of The Second Class Township Code which states that an Elected Auditor can't serve, be elected, or appointed to any other township position. Ed Porter asked that any other applicants be considered if applications are received. Dennis Crook recommended a motion be made to declare that alternates will be accepted. Mike Crotty spoke about needing to add this to the Code. Ed Porter asked Dennis Crook to keep track of the attendance at Planning Commission meetings.

Dennis Crook spoke about the response letter to John Good that was discussed at the Planning Commission meeting. He said they will need help on this. We looked through it, wrote a response letter and edited it. We had asked Mr. Pompo, with Board permission, to give them some guidelines on how to address the issues they are bringing forward. We are trying to be prepared on what guidelines to provide. We have to keep to the previous settlement and need guidelines on how to do that. Ed Porter asked if Dennis Crook found any plans and the time frame of expiration. Dennis Crook said they need to go back through the ordinance. Mr. Crook said we have five different old subdivisions that have gone past two to three years into 5, 10, and 15 years. Ed Porter stated these subdivisions were instructed to go back before the Planning Commission. Mike Crotty stated it depends on how stale their application is. Mike Crotty said he will look at it before the next Planning Commission meeting.

They also looked through the Comprehensive Plan and may need legal advice on the high priority items. They wanted to combine Office-Industrial zoning and Mixed Use zoning into just Mixed Use. This will need an ordinance to do. Improving public access, septic and well inventory, official township map, township manager, improve administrative communication with residents are other high priority items they want to address. Using Facebook to improve communication was discussed. A newsletter was also discussed as an option.

Dennis Crook briefly discussed the Master Planner courses that are coming up. He said there are four sections including community planning, subdivision and land development, zoning, and zoning administration. Mr. Crook said if you have enough participants, they will do the course here at the Township. Dennis Crook discussed the details and the cost. He also spoke about the importance of these courses. Steve Herzog requested Dennis Crook forward the course information to the Board.

11) HISTORICAL COMMISSION

- 1) The December 2, 2015 Historical Commission meeting minutes was submitted for Board and resident review.
- 2) Buddy Rhoades presented an update on the Frog Hollow Covered Bridge. They have a 100 ton crane out there and two contractors on the job. One is doing the understructure and the other contractor is taking down the beams. The bridge will remain historical. Trucks will still not be able to go through the bridge when it is complete. The progress on the bridge construction is moving along quickly. Mr. Rhoades talked about an old school house on Mt. Carmel Road and another historical home on Strasburg Road. There is a possibility that the Mortonville Bridge may be refaced. They also asked the Zoning Officer to investigate the pub in Mortonville. We have written to the Zoning Officer to follow up on three historical issues. He also talked about needing a grant to repair Mortonville Road. This Board will have to address this problem. Mr. Rhoades also commented on the lack of communication between the fire companies. He said all jobs in the Township should be advertised. Mr. Rhoades talked about how the fire companies send out donation requests to residents and only 10% of residents contribute. They do depend on the townships to donate money to them.

12) PARK & RECREATION COMMITTEE

- 1) No Report – all positions on Park & Recreation Committee are currently vacant. Steve Herzog stated the Township is looking for Park & Recreation Committee volunteers. The information is on the Township website and interested applicants can apply by submitting a resume to the Township office.

13) TREASURER'S REPORT

- 1) The December 31, 2015 Treasurer's report was submitted for Board and resident review.

MOTION: Steve Herzog made a motion to approve the December 31, 2015 Treasurer's report as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Ed Porter asked Pani Martin how the Township is doing so far. Pani Martin stated she has been dealing with December's numbers and hasn't gotten to January. We extended \$188,000 this month which is on par. Ed Porter asked if all the 2015 earned income has been collected yet. Pani Martin said we collected \$15,000 today for 2015/2014. Pani Martin will have the auditor apply that to 2015/2014. The numbers on the Treasurer's report do not include the \$15,000 because the report is as of December 31, 2015. Ed Porter asked when the tax bill will be mailed out. Pani Martin said it will be mailed out the first week in February. Questions can be directed to the Chester County Treasurer. There is a 2% discount for paying early.
- b) Steve Herzog asked if the Comcast Cable TV franchise payment had been received yet. Pani Martin stated the payment has not been received. They are always late with their payments.
- c) Buddy Rhoades said there are three or four properties that the Township owns on Newlinville Road. Mr. Rhoades also commented that there is a Township owned property on Goosetown Road. He stated selling these properties to raise money has previously been discussed. Ed Porter stated the Goosetown Road property was researched and is deed restricted. Buddy Rhoades commented that there is illegal hunting happening on the Goosetown property. He also talked about residents in East Fallowfield Township that don't pay trash bills. He commented on his parent's property that is vacant but they are being billed for trash.
- d) Fred Camenzind asked how the Township is communicating with senior citizens who don't have internet and can't check Facebook or the Township website. Those seniors will find out about the new tax bill when they open it in the mail. The seniors are being left in the dark about what is happening in the Township. Joe Pomorski stated the new tax was reported in the Daily Local. Mr. Camenzind stated that not everyone gets the Daily Local. Mr. Camenzind stated that a mailing should be done to keep those seniors informed.

VOTE: 4-0

- 2) December 2015 payment authorizations.

MOTION: Steve Herzog made a motion to approve the December 2015 payment authorizations as presented. Ed Porter seconded.

VOTE: 4-0

- 3) Other Township Business – Pani Martin.

- a) Career Track / Fred Pryor Training Courses – Pani Martin said she took a budget course in December and for the cost of that course plus \$199, she could take unlimited courses with Career Track / Fred Pryor Training Course for a one year period. She listed all the courses she is interested in taking that would all be covered for \$199 for a full year. This would only be for Pani Martin. Each person needs to be purchased separately. The Board approved this. Pani Martin asked the Board if she should look into this for Lisa Valaitis and Katherine Archibald. The Board stated yes as long as there are more than two courses that would be applicable for each person. Steve Herzog also stated staffing issues would need to be addressed.
- b) Heating System Circuit / Taking Server Down – Pani Martin stated that the server went down between Christmas and New Year's Day. The battery backup unit failed. At the time, Steve Herzog authorized the purchase of a new battery for the battery. Pani Martin said a few days later they noticed the heater was registering the temperature at 76 degrees but it was very cold in the building. A circuit breaker was tripped and took out the heater and the server. She isn't sure which is tripping the circuitry. Ms. Martin said the bigger issue is that the server isn't reliable. When the server goes down there isn't much work that can be done. It's causing a disruption in work. Steve Herzog stated that purchase of a new server is approved in the budget. Pani Martin will proceed with Compnet on replacing the server. Steve Herzog stated that Tag Gathercole will need to take a look at the circuits.
- c) Account 1441.40 – Subside to Fire Companies 2016 – Pani Martin stated she received an email stating that Modena and Westwood Fire Companies would like to equally split the subsidy from East Fallowfield Township. Ms. Martin stated she let the fire companies know that she would put their request on the agenda but that the decision is up to the Board. She said she ran numbers per the fire companies' year end reports. The summary of EMS calls stated that Modena had 214 calls and Westwood had 163 calls. Summary of fire calls reported that Modena took 102 fire calls and Westwood took 50 fire calls. Modena serviced 60% of the calls and Westwood serviced 40% of the calls last year. Pani Martin summarized the ambulance gas usage for Modena and Westwood. She reported that from May through December, Modena used 1,461 gallons of fuel. From April through December, Westwood used 2,706 gallons of fuel. Modena used 35% of the fuel allocations and Westwood used 65% of the fuel allocations. Steve Herzog and Tony Sirna stated the distribution of funds is decided by the fire companies.
- Joe Deckman spoke about the reports that the Township provides to the fire companies. There is money there that comes from foreign insurance companies. This money is funneled down to local municipalities. East Fallowfield Township chooses to show that money as if it's coming from the Township. That money is coming from outside agencies. Pani Martin stated in the case of East Fallowfield Township, there are two line items – one line item for East Fallowfield's funding and the second line item is this additional funds.
- d) Change in Township Solicitor – Pani Martin stated some of this was discussed in the executive session. She said she'd like to reiterate to the Board that changing solicitors has caused difficulties in the office. Tasks are taking longer and things are being delayed due to not having a solicitor that is familiar with the Township. She said she does not question Siana Bellwoar's ability to represent the Township. Ms. Martin stated she is hopeful we will start having a smooth transition. She asked the Board if she still has permission to contact the Solicitor. The Board said yes. Pani Martin stated that she really wanted to understand why we changed solicitor. There was a discussion regarding the change. Joe Pomorski said now that we have a change in the Board, he would like to revisit going back to Lamb McErlane. Mike Crotty spoke in favor of Siana Bellwoar. Ed Porter stated he is very impressed with the Solicitor's Report that Mike Crotty provided that they have not been given before. Ed Porter also stated that Vince Pompo rarely attended our meetings. Ed Porter also said that Siana Bellwoar was recommended to us by Lamb McErlane. Ed Porter stated it wasn't about saving \$5 per hour. The decision was made based on a lot of things. Ed Porter stated he hopes this will be a positive experience. Joe Pomorski talked about changing firms being challenging for Pani Martin and the office. There was a discussion between Joe Pomorski and Ed Porter about past legal costs.

Mike Crotty spoke about his experience. He said he has been an attorney for 12 years. He represents townships, boroughs and cities when they are sued. 50% is direct solicitor work, day to day municipal experience such as right to know, MPC, Second Class Township Code. Siana have a good selection of attorneys that are experienced with employment and labor law issues. Mr. Crotty also discussed his various awards. He serves on his own Township's Planning Commission. He can write ordinances, review

ordinances and apply ordinances. Pani Martin asked the Board if they are concerned with their lack of knowledge of our Township's history. Joe Pomorski stated he did have concerns about switching firms. Pani Martin stated total legal expenses were \$47,000 last year. Steve Herzog talked about moving forward at this point and working with Siana Bellwoar.

- e) Verizon – Update to Government Plans – Pani Martin stated she spoke to someone in Verizon's Government Division. There is a Commonwealth of PA pricing option. Ms. Martin stated they tried to explain the pricing. Steve Herzog stated he received the pricing information from Pani Martin but had not reviewed it yet. Pani Martin requested that the Board review the pricing information.
- f) Manchester Farms Update – Pani Martin reported that she spoke to Eric Schrock today and she presented an update on Manchester Farms. The Township has been paid through April 27, 2015. There is an outstanding balance of \$17,990 for Della Penna Engineering and Lamb McErlane legal fees. They are working on processing another draw for the Township. They also recently got a letter from DEP regarding basin conversion and closing the basin. E.B. Walsh just got approval for basin conversion and closure. Weather pending they will do as soon as possible. They have the 14 street trees ready to be planted. There is also an extra tonnage issue that the contractor is disputing. When the basin and trees are done, the development should be complete. At this point, they should be able to apply for dedication of the roads.

14) NEW BUSINESS

- a) Zoning Hearing Board Opening - Ed Porter stated that there is an opening on the Zoning Hearing Board.
- b) Board of Supervisor Vacancy – Ed Porter stated this Board has 30 days to select an applicant for the open Supervisor position. He requested that residents apply if interested. Mike Crotty stated that any interview for the open Supervisor position must be done in a public meeting. For elected positions, interviews must be done in a public meeting. Employees can be interviewed in executive session. The Board discussed interviewing applicants and the next Board of Supervisor Workshop. Ed Porter asked Lisa Valaitis to post the Supervisor opening on the Township website.

15) PUBLIC PARTICIPATION

- a) Buddy Rhoades thanked the Board for the way this meeting was conducted. He said there are senior citizens in the Township that might want to apply for the open Supervisor vacancy but don't have internet or Facebook. He commented on postcards that were sent to some residents. He talked about a mailing or newsletter being needed to advertise the open Supervisor position. Mr. Rhoades also talked about the definite need for a township manager. He also talked about West Vincent Township changing the entire staff. We elected the Board to make our decisions. They need to communicate with the departments. However the departments don't make decisions, the Board does. He talked about changing the township lawyers. He said telephone calls from residents to the lawyer adds to costs.
- b) Ed Porter suggested contacting the Daily Local to advertise the open Board of Supervisor position. There was a reporter present at the meeting who said he would report it.
- c) Tim Tipton requested the copies of his resume be returned to him.
- d) John Abel told Ed Porter that he should address personal threats with the Police Department. He also stated that anyone speaking at the meeting should be providing solutions. What creative funding sources has the Board gone after to address the fire companies' monetary shortages? How many residents in the Township pay a trash bill? Pani Martin stated 2,770 residences pay a trash bill. Ed Porter said he would like to see a fire tax question be put on the ballot to allow residents to decide. This allows residents to determine through voting to increase the amount of funds that go to the fire companies. Mr. Abel asked Carol Kulp if she knows what the cost to hire a police officer is. She said no. He said the standard practice to hire police officers for full time officers is to hire from the part-time officer pool. The Board needs to challenge every department in the Township to find cuts in the budget.

- e) Sharon Scott commented on the Rules of Conduct in a public meeting. She stated it says the Chairman and Vice Chairman should control the order of business of a meeting. She stated this did not happen at the last meeting. Sharon Scott also commented that the previous speaker did not follow the rules. Ms. Scott read a sample from the Rules of Conduct - "all statements should be directed to the presiding officer. No participant may address or question the Board of Supervisor members or township staff." She asked that this be followed. She said when a developer's application comes before the Planning Commission, there should be a folder started. On the inside of the folder should be a checklist. Mrs. Scott commented on a strategic advisor and stacking the deck. Mrs. Scott also stated she would not want the Township to sell any of its land. Any open space the Township has should be held on to.
- f) Joe Pomorski stated that Steve Herzog, as Chairman and Ed Porter as, Vice Chairman both did a tremendous job at the previous meeting. He also reported that there is an applicant for the Park & Recreation Committee. Joe Pomorski suggested one of the Board members could reach out to the interested applicant.
- g) Michael Grabill asked what the qualifications are for the Park & Recreation Committee. Ed Porter spoke about the exciting opportunity to join the committee because the park is largely unfinished.
- h) Dennis Crook talked about the possibility of putting in place any type of exclusion for the township tax to help out some of the lower income senior citizens. Mr. Crook said he's researching this and would like to put feelers out regarding this. He said Washington State has done this for veterans. There would be requirements such as age and low income.
- i) Keith Anderson stated he is a member of both the Modena and Kennett Square Fire Companies. He is on the snow crew in Kennett Borough. He asked what the Township has in place for the disaster we had this past weekend. Most residents didn't see a plow for three days. Residents don't need to go out but emergency vehicles need to be able to reach residents in need. He'd like to know his family is safe when he isn't home. Mr. Anderson asked the Board if they are going to hire more staff or what they will do about this problem. Ed Porter said some of the trucks broke down and there was equipment failure. There was definitely more man power needed. It is the most severe storm we've had in years. Mr. Anderson stated he knows the Road Crew worked hard but they did not have the proper equipment and man power needed. Tag Gathercole stated he told the Board he'd take the heat on this. Tag Gathercole said he has been doing this for 25 years and had never seen a storm this big. Mr. Anderson stated the Board needs to give Tag Gathercole the equipment he needs. Joe Pomorski stated the Board did implement a 1.25 mill tax. If we had implemented a higher tax we could have bought more equipment. Tag Gathercole stated that he will be talking to the Board about improvements.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:44 pm. Ed Porter seconded. VOTE: 4-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary