

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
October 25, 2016 Approved minutes  
6:32 PM

**Members Present**

Steve Herzog, Chairman  
Ed Porter, Vice Chairman  
Carol Kulp, Member  
Randy Doan, 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 6:32 pm.

2. DISCUSSION

A. RULES OF CONDUCT

Steve Herzog stated the Rules of Conduct are posted in the back of the room.

B. EXECUTIVE SESSIONS

Steve Herzog stated the Board of Supervisors held executive sessions on October 4<sup>th</sup>, October 11<sup>th</sup>, and October 25<sup>th</sup> regarding personnel issues.

C. APPROVAL OF MINUTES

1) September 27, 2016 Board of Supervisors budget meeting minutes.

MOTION: Steve Herzog made a motion to approve the September 27, 2016 Board of Supervisors budget meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked who was present in the executive sessions. She stated she thinks this information should be public record. Steve Herzog stated all five Board members were present in the executive sessions. The Township Solicitor was not present.
- b. Buddy Rhoades talked about the budget and stated he hopes the Board members have gone over the budget. He requested the Board consider the residents collecting social security when considering the budget. Mr. Rhoades also spoke about the two collective bargaining agreements that impact the budget.
- c. Erwin Zeller asked if the Police Pension Plan, which is estimated to be \$90,000, is comparable to other townships. Do the police contribute to the pension plan? Does the police have a 401k plan? Pani Martin said the police put in 5% and the rest is funded by the state supplemental insurance fund. The Township gets the entire \$90,000 back. Pani Martin stated they do not have a 401k.

VOTE: 5-0

2) September 27, 2016 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the September 27, 2016 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

3) October 11, 2016 Board of Supervisors budget meeting minutes.

MOTION: Steve Herzog made a motion to approve the October 11, 2016 Board of Supervisors budget meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

D. CITIZENS BY REQUEST

1) Siti Crook – 65 Pa. C.S.A. 711. Use of equipment during meetings; ACLU files lawsuit: Brajovic v. Borough of Blawnox.

Siti Crook addressed the videotaping of public meetings she has done. She looked into citizens recording public meetings. Ms. Crook stated she will not record before meetings start and will stop recording when the meetings have adjourned. Additionally, she took down off the internet any videos that had recordings of before or after meetings. Ms. Crook also discussed the ACLU file lawsuit Brajovic v. Borough of Blawnox which was a lawsuit regarding videotaping of meetings. The ACLU Section Pa, C.S.A. 711 allows videotaping to be done.

Ed Porter stated their previous discussions regarding videotaping meetings was about having Township cameras do the recording. He said the Board discussions have been about how we can make a better product for residents by having the Township record meetings. Mr. Porter stated he has never been against residents recording meetings.

2) Mike Petro – Beacon of Knowledge 5K-9.

Mike Petro asked the Board for the approval of the Beacon of Knowledge Charity 5K-9 again this year. The event will be held on Saturday, May 6, 2017. It will be similar to last year but they plan to get more sponsors and runners. They will take care of rentals, insurance and trash. Mr. Petro will request to be on the agenda in January and he will provide the required insurance.

MOTION: Steve Herzog made a motion to approve the Beacon of Knowledge 5K event scheduled for Saturday, May 6, 2017 contingent on providing appropriate special event insurance. Ed Porter seconded.

VOTE: 5-0

E. LEGAL ISSUES

1) Bawa M. Project Conditional Use Hearing – Informational Only. Continued Hearing Scheduled for November 14, 2016 6:00 pm.

Mike Crotty announced the next Bawa M. Fellowship Conditional Use Hearing will be on November 14, 2016 at 6:00 pm. He reminded the Board that they can only review/consider evidence and testimony presented during the hearings. Mike Crotty stated that anyone whose party status was challenged by the applicant has the opportunity to submit a position statement in writing as to why you should be considered for party status. Ed Porter disclosed that he was offered an opportunity to view the Bawa property but he turned it down. Sharon Scott asked about the procedure regarding party status. Mike Crotty explained the procedure regarding party status.

2) Temporary Assistant Treasurer.

MOTION: Steve Herzog moved that the Township enter into a contract with MuniTemps for the position of Temporary Assistant Treasurer for a minimum of 25 hours per week up to 35 hours per week at most at a rate not to exceed \$39.50 per hour, subject to the individual obtaining the requisite treasurer's bond. Ed Porter seconded.

QUESTIONS AND COMMENTS.

- a. Buddy Rhoades asked for clarification on the maximum 35 hours per week. He asked the Board if this is because the temporary position will be part-time. Steve Herzog stated that is correct.

VOTE: 5-0

3) Year-End Planning – Update/Informational Only – Budget/Auditor Appointment/Organizational Meeting/Regular Meetings.

Mike Crotty discussed key dates to minimize advertising costs. Once the budget is ready, the Board has to advertise the budget 20 days before adopting it. You can make changes to the budget after advertising but changes are limited. Mike Crotty stated we need to advertise our intent to appoint an auditor at, or after, the reorganizational meeting. Mr. Crotty recommended advertising the intent to appoint an auditor and the reorganizational meeting in one advertisement to save on costs. The only other planning for year end is to check with the committees and commissions to verify their meetings schedules are still acceptable.

4) Mortonville Road – Feedback from Township Traffic Engineer.

Mike Crotty stated he heard back from the traffic engineer who talked to Tag Gathercole and both are in favor of reopening the road one way. In order to do this, the Township will need an ordinance and some additional work from the traffic engineer so the ordinance holds up. Tag Gathercole stated we would have one lane open in both directions with yield signs. Ed Porter asked if the road could be opened before winter. Tag Gathercole said yes as long as the traffic engineer gives him all the parameters. Mike Crotty stated the Board needs to authorize him to draft an ordinance at the November Board meeting.

QUESTIONS AND COMMENTS:

a) Buddy Rhoades asked how far along we are with collective bargaining for both the Police Department and Public Works Departments and who represents the Township in negotiations. He also asked about the status of the intersection of South Bailey Road and West Chester Road. Steve Herzog said the Board is working directly with the Police Department in negotiations. The Public Works negotiations are complete and the contract is good for a few years. Mr. Herzog stated that the intersection of South Bailey Road and West Chester Road would be handled with the Holland traffic study for the daycare center. The cost will be covered by the Hollands. Buddy Rhoades asked if the escrow is still in place for the intersection of South Caln Road and West Chester Road. Steve Herzog stated the escrow is still there but no work is being done on the intersection. Pani Martin stated there is \$282,000 in the West Chester Road escrow.

5) Manchester Farms.

Tag Gathercole asked about the status of Manchester Farms and the road dedications. Mike Crotty stated they are getting close and the punch list is being worked through. Mr. Crotty stated they have to prepare as-built plans before road dedication can be done.

COMMENTS AND QUESTIONS:

a) Erwin Zeller asked who represents the police in contract negotiations. Do they have a labor lawyer? Steve Herzog stated right now it is the Board talking to the police bargaining team. If we come to an agreement both sides will have the lawyers review. If we can't come to an agreement, it will go to arbitration and Siana Bellwoar will represent us.

b) Ed Porter addressed a question that Sharon Scott raised in the September 27, 2016 meeting minutes approved earlier regarding whether an audit needs to be done when a treasurer resigns. Ed Porter asked Mike Crotty to reconfirm that it is no longer required to conduct an audit when a treasurer resigns. Mike Crotty stated that Section 901b of the The Second-Class Township Code states the decision to conduct an audit upon the resignation of a treasurer is at the discretion of the chairman of board of auditors, either the elected auditor or appointed audit firm. When a treasurer resigns, an audit can be requested but it's not required. Mrs. Scott stated the Board is being irresponsible by not requesting an audit.

c) Buddy Rhoades asked the Board to read the previous audit report. He recommended an audit to protect the current Township Treasurer going on leave before the temporary treasurer starts.

6) RFP's for Zoning and Code Enforcement Officer.

MOTION: Steve Herzog made a motion to request RFP's for our zoning and code enforcement officer. Ed Porter seconded.

VOTE: 5-0

F. PLANNING COMMISSION

1) Planning Commission Report.

Dennis Crook reported on the October 3, 2016 Planning Commission meeting. He said they discussed two issues: The Planning Commission Township Ordinance and The Municipalities Planning Code section regarding the Planning Commission. Mr. Crook discussed an issue with having conflicting information on what constitutes a quorum. He requested the statute that governs quorums. Mike Crotty explained that a majority of those appointed to the Planning Commission need to be present at a meeting to have a quorum. Dennis Crook stated the October 3<sup>rd</sup> Planning Commission meeting did have a quorum with three members present but they were under the impression they did not have a quorum.

Mr. Crook reported they have three applicants that they'd like to appoint: George Sampson, John Nielsen, and Sue Monaghan. Mr. Crook also reported that the Bawa M. Fellowship and the Holland Daycare Center were both present at the meeting. The Planning Commission proceeded with these discussions but did not prepare a recommendation due to confusion about quorum. He recommended the Board appoint the three applicants. Mike Crotty stated the Board does not need a formal recommendation from the Planning Commission in order to appoint new members to the Commission. Ed Porter stated he would like to submit his name as an alternate Planning Commission member. Dennis Crook reported he couldn't get in touch with Jim Weeks. Mike Crotty stated the Township would need to create an ordinance to approve the Planning Commission alternate positions.

MOTION: Steve Herzog made a motion to appoint George Sampson, John Nielson and Sue Monaghan as members of the Planning Commission. Ed Porter seconded.

Mike Crotty recommended the Board specify the unexpired terms for each newly appointed member. Lisa Valaitis read what the terms are for the vacant positions. There was a discussion about assigning the terms to the newly appointed members.

MOTION RESCINDED: Steve Herzog rescinded the motion.

MOTION #2: Steve Herzog made a motion to appoint Sue Monghan to the Planning Commission term 2016-2019, George Sampson to the Planning Commission for the term 2015-2018, and John Nielson to the Planning Commission for the term 2014-2017. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked if the three applicants have been attending Planning Commission meetings and if the applicants submitted applications in writing and met with the Planning Commission. Sharon Scott asked about the Planning Commission having a quorum at the last meeting because only three members were in attendance. Steve Herzog explained that they had a quorum because they only have four members and three were in attendance. There was a discussion about Board of Supervisor quorum requirements.
- b) Buddy Rhoades commented on attendance at the Master Planner Courses, delegates, quorum and conflict of interest. Mr. Rhoades spoke in favor of having delegates that can fill in. Mr. Rhoades offered to be an alternate for the Planning Commission. Mike Crotty stated we need to create an ordinance to establish alternate positions. Mike Crotty stated under the MPC, the Township can have Planning Commission alternates but the Township needs to create the positions through approving a resolution. He also stated that there is no ordinance to address vacant buildings.

- c) Ed Porter thanked Dennis Crook for organizing the master Planner course. He asked for Dennis Crook to keep a tally on Planning Commission members' attendance at meetings and report to the board. This would allow us to determine if alternate members are needed.

VOTE: 5-0

Dennis Crook asked Mike Crotty if the governing body is also considered the appointing authority. Mike Crotty stated yes. Mr. Crook asked for the Board to determine which duties the Planning Commission should do. Dennis Crook also commented on the Planning Commission and Board of Supervisors overlapping of duties. Ed Porter stated the Board isn't using the Planning Commission to its fullest capacity. In the Master Planner course, they recommend the Board utilize the Planning Commission for many duties. Wilson Lambert discussed empowering the Planning Commission by allowing them to make decisions. Mike Crotty stated that the Board can delegate the Planning Commission as a special hearing master to make decisions. There was a discussion about possible tasks to use the Planning Commission for.

Dennis Crook commented that the ordinance 1993-12 is not in the ordinance books. Dennis Crook stated the Planning Commission could help with putting order into the ordinances and codifications.

Mike Crotty and Dennis Crook discussed the list of developments in the Township zoning ordinance improvements the Planning Commission is working on.

Buddy Rhoades spoke about the Historical Commission, Planning Commission and Zoning Officer working together. He also commented that there is no ordinance for vacant buildings and the Township has vacant buildings. Mr. Rhoades asked for follow-up on the Harkins Farm and Mill Trail bicycle trail. He stated the Planning Commission could work on ordinances rather than paying the Solicitor to prepare ordinances. Buddy Rhoades requested the Planning Commission's annual reports. He stated the Planning Commission has by-laws.

#### G. SUPERVISOR ED PORTER

- 1) Township Providing a Video of the Board of Supervisor Meetings on the Township's Website for Residents (Continued Discussion).

Ed Porter discussed the Township video-taping public meetings. This would deliver a better product to residents that have internet access. Storing the videos was discussed. Steve Herzog stated he was in favor of this. Ed Porter discussed possible video placement in the meeting room. Other legal requirements of recording were discussed. Ed Porter will research further. Legal requirements of meeting minutes were discussed.

- 2) Township Building Security Cameras Installation Status and Placement.

Ed Porter thanked Chief Porter for installing video cameras in the Township building. There is now one video camera in the office and six outside the building.

- 3) Timacula Road Status and Discussion.

Ed Porter discussed possible extra money in the 2017 budget to repair Timacula Road. Tag Gathercole confirmed this is a high priority road for repairs in 2017.

- 4) Development Basin Status.

Ed Porter discussed the condition of the Manchester Farms basins. He reported he inspected the one Manchester Farms basin between South Caln Road and Misty Patch Road. It is currently holding water and has high grass growing in it. Tag Gathercole stated the basin is supposed to be empty after so many days. Ed Porter discussed the mechanics of how the basin functions and its effects on Misty Patch Road. Tag Gathercole confirmed Manchester Farms is responsible for the basins. The Board needs to determine who is responsible for the various basins in the Township to prepare for the stormwater regulations coming in the future.

5) Section 207 of the MPC.

Ed Porter discussed Board of Supervisor meeting minutes from February, 2012 regarding the Planning Commission submitting annual reports by March each year as stated in Section 207 of the MPC. This was discussed in the recent Master Planner course. An annual report creates a history record of the Planning Commission. He discussed what details could be included in an annual report.

H. PUBLIC WORKS DEPARTMENT

1) Salt Shed Repair Quotes.

Tag Gathercole submitted salt shed repair quotes to the Board for review. Tag Gathercole discussed the scope of repairs needed. Repair materials were also discussed. Pani Martin stated there is \$15,000 budgeted for repairs. Repairs will start within a week and a half.

MOTION: Steve Herzog made a motion to accept the quote from Proud Foot Roofing to repair the salt shed with the change of using 5/8 CDX instead of OSB. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades recommended one of the Board of Supervisors, along with Tag Gathercole, oversee the salt shed repairs. We have expertise on the Board. Randy Doan volunteered to check on the work.

VOTE: 5-0

Mike Crotty, Township Solicitor left the meeting at 8:27 pm.

I. POLICE DEPARTMENT

- 1) September Police Report submitted for Board and resident review.

J. PUBLIC WORKS DEPARTMENT

- 1) September Road Department Report submitted for Board and resident review.

K. FIRE DEPARTMENTS

- 1) September Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) September Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only – submitted for Board and resident review.
- 3) September Modena Fire Company Fire EMS Report submitted for Board and resident review.
- 4) September Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) September Westwood Fire Company EMS Report submitted for Board and resident review.
- 6) Chief John Sly reported both Fire Companies participated in the Township Community Day this year. Steve Herzog thanked them for being there and their ongoing service.

L. PARK & RECREATION COMMITTEE

- 1) No Report. Steve Herzog stated the Park & Recreation Committee needs volunteer members.

M. HISTORICAL COMMISSION

- 1) October 5, 2016 Historical Commission meeting minutes submitted for Board and resident review.
- 2) Historical Commission Update.

Buddy Rhoades reported the Frog Hollow Bridge is open. He commented on wanting more cooperation between the Historical Commission, Planning Commission and Zoning Officer. He stated that preservation of historical properties is very important.

N. TREASURER'S REPORT

- 1) The September 30, 2016 Treasurer's Report submitted for Board and resident review.

MOTION: Steve Herzog made a motion to approve the September 30, 2016 Treasurer's Report as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked why this month's payments were \$50,000 higher. This month's payments are \$264,000 and the average is \$213,000. Is there a much higher than average payment in the fourth quarter? He also asked if it's accurate that the projected yearly payments are higher than the actual by \$375,000. Pani Martin stated in the Treasurer's Report there is a monthly payment authorization analysis. Ms. Martin stated this month we paid out for the police pension fund as well as worker's compensation for Modena and \$23,000 for the 2016 freight liner. The Township is reimbursed for the police pension fund. This is not reflected in the payment authorizations.

VOTE: 5-0

- 2) September 2016 Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the September 2016 payment authorizations for 109 checks in the aggregate amount of \$264,479.10 for the period of September 28, 2016 through October 25, 2016. Ed Porter seconded.

VOTE: 5-0

- 3) Municipal Deposit Resolution – Key Bank.

Pani Martin stated First Niagara Bank has changed to Key Bank. With Randy Doan being a new Board of Supervisor member, all paperwork needs to be redone.

MOTION: Steve Herzog made a motion for all Board members to sign the Certificate of Incumbency, new Public Entity Signature Card, New Public Entity Depository Certificate, and all appropriate exhibits. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades asked who will be writing checks. Steve Herzog stated the Board of Supervisor members sign checks.

VOTE: 5-0

4) Fulton Bank.

Pani Martin stated the bank paperwork needs to be redone because there is a new Supervisor. This account is a lockbox account and nothing is signed for on this account.

MOTION: Steve Herzog made a motion for all Board members to sign the Resolution of Unincorporated Association from Fulton Bank. Ed Porter seconded.

VOTE: 5-0

5) Other Township Business.

a. Chester County GIS Service.

Pani Martin stated this service contract was brought before the Board by Herbert MacCombie. The agreement is for \$1,500. It is asking for an additional \$500 to be put aside for costs.

MOTION: Steve Herzog made a motion to approve the GPS Field Data Collection Program Agreement with Chester County CPS Field Data Collection Program for storm sewer mapping with the stipulation not to exceed \$2,000. Ed Porter seconded.

QUESTIONS AND COMMENTS:

a) Sharon Scott asked if this is the first map done. Ed Porter stated this is strictly for the service of mapping pipes that emits stormwater throughout the Township. Ed Porter stated to the best of his knowledge, at this particular time serving on the Board and being a Township resident, yes. Steve Herzog stated this is to map out stormwater for MS4. Mrs. Scott asked if the work is being done by the County. Steve Herzog stated the work is being done by the County and at a cheaper cost than Herbert MacCombie's office.

VOTE: 5-0

b. Park & Recreation Resignation.

Pani Martin stated the following Park & Recreation members resigned: Linda Sarnoski, Wanda Korab and Pete Sinkler resigned. There are two remaining members.

c. Does the Board Want to Switch Banks?

Pani Martin stated that First Niagara Bank has changed to Key Bank. Ms. Martin asked the Board if they'd like to switch banks. She suggested Fulton Bank. Pani Martin will research bank fees.

d. Brandywine Conservancy.

Pani Martin stated the Brandywine Conservancy has asked the Township to put in a letter nominating the Brandywine Creek as the 2017 river of the year. If the Board approves, she has the letter for the Board to sign. The Board approved.

O. PUBLIC PARTICIPATION

- 1) Buddy Rhoades commented on the videotaping of meetings. He said he has a problem with videotaping before or after a public meeting. This is a violation of his civil rights. Mr. Rhoades stated he has no problem being videotaped during a public meeting.
- 2) Dennis Crook responded to Ed Porter's earlier discussion regarding the Planning Commission's annual report. He said that the annual report was listed on the request from the Board as to what they want the Planning Commission to do. Ed Porter stated that the MPC requires if a municipality has a planning commission, they must abide to the MPC. The MPC says they shall submit an annual report by March 1<sup>st</sup>.



Dennis Crook requested the Board vote to approve the Planning Commission prepare an annual report. Ed Porter stated the Board doesn't have to vote on it because it is stated in the MPC. Dennis Crook stated the Planning Commission has not done an annual report for years prior to him being on the Commission. The Planning Commission will start doing annual reports.

- 3) Buddy Rhoades stated that years ago, the Planning Commission had by-laws. He stated the Planning Commission had a secretary that did meeting minutes. He also commented on the various Boards having vacancies and that this could be due to a breakdown in communication. Perhaps the volunteers don't know what the job responsibilities are for the commissions. He spoke on the importance of volunteers attending meetings. Mr. Rhoades spoke about catch basins. He discussed the Zoning Officer, enforcement and lack of follow-up regarding the tires he reported.
- 4) Sharon Scott commented that the Township staff is taking Township time on behalf of the unions to deduct dues through payroll deductions. Mrs. Scott stated this should be a union expense rather than a Township expense. She stated she did not know as an elected auditor that she should be telling the Board to conduct an audit every time a treasurer resigns. She said the Board should do that. She spoke against the Township tax. Mrs. Scott asked what is wrong with the voice recording. Ed Porter stated the Township could post the voice recording. However, posting videotaped public meetings promotes transparency. Ed Porter discussed lack of resident attendance at meetings. Recording meetings would allow residents to view the meeting recordings. Mr. Porter spoke about different benefits of videotaping meetings. Sharon Scott asked if the Township staff was paid, received comp. time, or volunteered for working Park Day. Pani Martin stated they were paid through donations. Pani Martin commented that the union dues are auto-calculated by our payroll system. Randy Doan stated the Department of Labor requires us to do this.
- 5) Erwin Zeller discussed the need for more signs advertising the Park & Recreation vacancies.
- 6) Buddy Rhoades stated videotaping meetings does get more people involved and it is money well spent. Mr. Rhoades also stated the fire companies did a great job at Park Day. He commented that the zip line was very popular.
- 7) Ed Porter suggested additional ways to get donations for the next Park Day. The Buy a Brick fundraiser was discussed.
- 8) Buddy Rhoades discussed the Buy a Brick fundraiser program.

### 3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:17 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary