

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
January 24, 2017 Approved minutes
6:31 PM

Members Present

Steve Herzog, Chairman
Ed Porter, Vice Chairman
Carol Kulp, Member
Randy Doan, Member
Wilson T. Lambert, Jr., Member

Township Staff Present

Lisa Valaitis, Township Secretary
Janice Prezuhy, Assistant 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 6:31 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 January 4th, January 6th, and January 24th regarding personnel issues.

C. APPROVAL OF MINUTES

1) November 30, 2016 Board of Supervisors Special meeting minutes.

MOTION: Steve Herzog made a motion to approve the November 30, 2016 Board of Supervisors Special meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

2) December 13, 2016 Board of Supervisors Workshop meeting minutes.

MOTION: Steve Herzog made a motion to approve the December 13, 2016 Board of Supervisors Workshop meeting minutes as presented. Carol Kulp seconded.

VOTE: 4-0 (Ed Porter abstained.)

3) January 3, 2017 Board of Supervisors Reorganizational meeting minutes.

MOTION: Steve Herzog made a motion to approve the January 3, 2017 Board of Supervisors Reorganizational meeting minutes as presented. Wilson Lambert seconded.

VOTE: 3-0 (Ed Porter and Carol Kulp abstained.)

D. TREASURER'S REPORT

1) December 31, 2016 Treasurer's Report.

MOTION: Steve Herzog made a motion to approve the December 31, 2016 Treasurer's Report as presented. Randy Doan seconded.

VOTE: 5-0

2) December 2016 Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the December 2016 payment authorizations for 123 checks in the aggregate amount of \$157,691.16 for the period of December 21, 2016 through January 24, 2017. Ed Porter seconded.

VOTE: 5-0

E. FIRE DEPARTMENTS

- 1) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) December Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) December Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 4) December Modena Fire Company EMS Report submitted for Board and resident review.
- 5) 2016 End of Year Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 6) 2016 End of Year Modena Fire Company EMS Report submitted for Board and resident review.

F. SUPERVISOR ED PORTER

1) Act 172 Tax Credit for Emergency Service Volunteers - Discussion.

Ed Porter commented on the fire departments continually talking about volunteerism being down. Mr. Porter said this could be costly to the Township in the future because more paid staff is required when volunteerism is down. Ed Porter explained that Act 172 is a municipal tax break that municipalities are offering to emergency service volunteers. Mike Crotty discussed specific details and requirements of Act 172 and the approval process. Mike Crotty stated this needs to be set up by the Township through an ordinance.

2) Amending New Comprehensive Plan to Offer a Plan with Water Issues in the Township.

Ed Porter said the Township is seeing water and sewer issues south of Strasburg Road and with Act 537, he feels the Township needs to address this issue and plan for it. Data is coming in for Act 537 and there are issues with some wells in the Township. Ed Porter stated there is a potential development in the area of Timicula Road. Some of the residents' major concerns about the impact of this development is the potential negative impact on their wells. Ed Porter stated the Township needs to offer alternative plans to help residents south of Strasburg Road that have problems with their wells. Mike Crotty stated the Comprehensive Plan can be opened up at any time and the first step is to review the Comprehensive Plan. Ed Porter stated he was not in favor of completing the Comprehensive Plan before Act 537. Ed Porter suggested waiting for the Act 537 Plan to be complete and look at the data to determine where the public water and sewer problem areas are. Ed Porter discussed Bawa and the Comprehensive Plan. There was a discussion on the benefits and disadvantages of allowing public water and sewer south of Strasburg Road. Ed Porter stated the Township needs to start planning for residents and address the problems with water and sewer. Options need to be offered to the residents south of Strasburg Road. Mr. Porter stated he is not talking about residents being forced to tie into public water and sewer. There was a discussion on the rationale of declaring Strasburg Road the line between public and private water and sewer in the Comprehensive Plan. Randy Doan spoke about not being able to stop development in areas once public water and sewer is brought into an area. There was a discussion about the relevant sections of the Comprehensive Plan.

3) Continued Discussion on Opening Mortonville Road.

Randy Waltermeyer, from Traffic Plan Design, presented a proposal to reopen Mortonville Road one-way with a one-lane with stop signs on either end of a 150-foot section of the road. There would be a taper on either end of the one-way section to transition back to a two-lane road. Randy Waltermeyer discussed the estimated costs

for different options. The guide rail estimate was half of the Jersey barrier estimate. Mr. Waltermyer stated that most of the work alternatives can be completed by the Township Public Works Department which would keep costs down for the Township. There was some discussion on the technical problems with the road structure. There was a discussion on the guide rail option versus Jersey barrier option. Ed Porter discussed the negative impact of the road being closed on the residents. Weight limits and capacity were discussed. Mike Crotty discussed the need for an ordinance as well as the details of the required ordinance. Bidding requirements were also discussed. Using Liquid Fuels funds for the work was also discussed. Mr. Waltermyer stated the signs would meet the new 2019 reflectivity requirements.

G. FIRE DEPARTMENTS

- 1) Chief John Sly, Westwood Fire Company – Chief John Sly reported that Westwood Fire Company's 2015 full audit will be presented soon. Westwood's year end reports will also be available soon. Chief John Sly discussed the specific requirements and details of Act 172. He applauded the Board for pursuing this and stated it will show the Township's support of volunteerism.

H. LEGAL ISSUES

- 1) Police Collective Bargaining Agreement.

Steve Herzog stated the Township and the East Fallowfield Police Department did reach a memorandum agreement (tentative) on the Police Collective Bargaining Agreement. The agreement was published on the website and Facebook for public review.

MOTION: Steve Herzog moved to adopt the memorandum of agreement between East Fallowfield Township and the East Fallowfield Township Police Officers' Association to ratify the terms of a new two-year contract effective January 1, 2017 through December 31, 2018. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked what the percentage salary increase was for the police officers. Steve Herzog stated the agreement got rid of contract overtime and replaced it with chart days. Steve Herzog stated the base pay was increased 7½% but the four hours of contract overtime will no longer be paid as time and a half. The net pay is the same. There is a 2% annual raise in addition to the 7½% increase. Mr. Zeller asked what the proper balance is between police salaries and services. Mr. Zeller asked the Board if they are concerned that the Police Department budget was 44% of the last year's Township budget. Mr. Zeller asked the Board what they consider the proper balance between safety and cost. Steve Herzog stated last year's police budget included an eighth full-time officer that is not included in the 2017 budget. The part-time police officer's budget was increased. There is an overall budget savings of \$80,000. Mr. Herzog stated when the new Police CBA is ratified, we can compare it to the 2017 budget.
- b. Tom Nash asked about the incident reports that the Chief of Police submits. Mr. Nash asked if the Board has an overseer for the Police Department. Steve Herzog stated anyone can request an incident report and the Board does have a Police Department liaison to work with Chief Porter. There was a discussion on the contractual mandatory overtime versus the new pay structure. The net pay is the same and the police officers work the same 84 hours every two weeks. Mr. Herzog stated Chief Porter will monitor and control actual overtime.
- c. Erwin Zeller stated the 7½% increase is very generous. He said he isn't sure the tax payers are getting their fair share out of this. Steve Herzog explained how the change in pay structure works. The police officers are being paid the same amount under the new pay structure as they were paid with the mandatory overtime. Ed Porter stated when overtime is worked, the total cost will be higher. Overtime needs to be controlled. Ed Porter also discussed medical coverage costs/plan. Erwin Zeller asked what kind of pension/401k the police have. Steve Herzog stated they have a state pension. Vacation days were also discussed.

- d. Tom Nash asked how long the contract is good for if ratified. Steve Herzog stated the contract is good for 2017 and 2018. Mr. Nash also asked when the next negotiations will take place. Steve Herzog stated next year. Mr. Nash asked why the contract is so short. Steve Herzog stated this was because of medical insurance. Hospitalization rates were the reason the Police Department went with a two-year contract. Randy Doan stated the Township has 12 police officers in order to have two police officers on duty at the same time. Mr. Nash commented on other necessary expenses such as fixing Mortonville Road.
- e. Sharon Scott asked if the Police Chief is a working policeman. The Board stated yes he is. She asked how many full-time officers are on the force. Chief Porter stated there are seven full-time officers. Ed Porter stated the Chief gave up one full-time police officer which saved the Township \$80,000 in the 2017 budget. Mrs. Scott asked how many part-time officers there are. Sharon Scott stated police costs are outrageous. Mrs. Scott discussed West Bradford Township and the state police.
- f. Erwin Zeller discussed looking into other options and alternatives to lower costs.
- g. Sharon Scott asked about legal fees for negotiations and stated the legal charges should be charged to the Police Department. The Board will look into that. Randy Doan stated the Township saved \$40,000 by avoiding arbitration.
- h. Ed Porter stated if a municipality is not served by State Police, then police costs are usually the highest percentage of a municipality's budget. Arbitration does not favor the Township in negotiations. The Township has lost twice in arbitration and it is a huge cost to the Township. There was a discussion about the differences in the negotiation process with the Police Department and the Public Works Department.
- i. Tom Nash stated he is not against the Police Department. He is questioning the costs and budget and asking if there are alternatives to bring the budget down.
- j. Ed Porter discussed the fact that the Police Agreement was posted on the website and Facebook for transparency and the importance of transparency. There was a discussion about transparency and other municipalities using our contract to do their own police contract negotiations.
- k. Dennis Crook thanked the Board of Supervisors for their participation in the police arbitration. He also commended Chief Porter for bringing the Police Department's budget down. Mr. Crook stated the police costs break down to about \$200 per resident. He said he's happy to put his \$200 in for police protection.

VOTE: 4-1 (Steve Herzog, Ed Porter, Randy Doan and Wilson Lambert voted yea. Carol Kulp voted nae.)

2) Bamboo Ordinance – Discussion.

Mike Crotty gave a brief summary on the issues with bamboo in the Township. The purpose of this ordinance is basically to deal with bamboo in areas where it becomes a nuisance. The ordinance requires a buffer zone of 30 feet from right of way areas and 15 feet from neighboring properties. Mike Crotty stated bamboo grows fast and tall and falls over in the roadways creating a safety hazard. The next step is to have the Planning Commission review the proposed ordinance.

3) Planning Commission Bylaws and Alternatives – Discussion.

Steve Herzog stated the purpose of creating Planning Commission Bylaws is to update the Township books to provide more detail about the purpose of the Planning Commission. The bylaws will also create 1-3 alternate positions on the Planning Commission.

MOTION: Steve Herzog moved that the Township authorize the advertisement of the Planning Commission Ordinance in the form as presented by the Township Solicitor, for consideration of approval at the Board meeting on February 28, 2017. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Mike Crotty explained the purpose of this Ordinance such as setting the duties of the Planning Commission.

- b. Ed Porter asked if the Ordinance changes the structure with the Board of Supervisors. Mike Crotty stated the structure of how the Planning Commission functions with the Board of Supervisors was not changed.
- c. Dennis Crook asked if attendance should be in the Ordinance. Mike Crotty said it would be incorporated into an ordinance. Mike Crotty stated the idea is mandatory attendance and not meeting the requirement would be subject to removal by the Board of Supervisors. Ed Porter asked what the attendance requirements are for the Planning Commission. Dennis Crook stated that will be presented in the bylaws at the next Board of Supervisors meeting. Mike Crotty stated the standard procedure is to do a simple resolution with the bylaws to have the bylaws recorded.
- d. Sharon Scott asked what the criteria is for being appointed to the Planning Commission and what happens when a member doesn't attend meetings. Mrs. Scott also asked how the alternate position would work. Steve Herzog stated the Ordinance will state the powers and duties of the Planning Commission. Steve Herzog explained how the alternate positions would function. Steve Herzog stated membership requirements aren't specifically defined. The Planning Commission interviews applicants and makes recommendations to the Board for appointment of members. Ed Porter stated the MPC also has some requirements listed for Planning Commission members.

VOTE: 5-0

4) Resolution 2017-02

MOTION: Steve Herzog made a motion to approve Resolution 2017-02 appointing Barbacane Thornton & Company as the East Fallowfield Township auditors replacing the Elected Auditors for the fiscal year of 2016. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert asked why we are replacing the Elected Auditors. Mike Crotty stated this has been done for years in the Township. Mr. Crotty stated typically the depth and scope of an audit done by an elected auditor will be much less than an outside professional auditing firm. This is allowed under The Second Class Township Code.
- b. Ed Porter also stated there is a savings with this firm.
- c. Steve Herzog stated this firm is heavily used by other local municipalities.
- d. Carol Kulp stated this firm offered more services.

VOTE: 5-0

I. VACANCY BOARD

1) 2017 Vacancy Board Appointment.

There was a discussion regarding the role of the Vacancy Board. Erwin Zeller stated Buddy Rhoades was interested in the Vacancy Board. He asked why Buddy Rhoades could not serve on the Vacancy Board while being on the Historical Commission. Mike Crotty stated The Second Class Township Code stipulates the Vacancy Board and Zoning Hearing Board members can't hold any other positions in the Township (appointed or elected).

MOTION: Steve Herzog made a motion to appoint Erwin Zeller as the East Fallowfield Township 2017 Vacancy Board member. Ed Porter seconded.

VOTE: 5-0

J. AGRICULTURAL SECURITY COMMISSION

- 1) Appointment of a Board of Supervisor Member as the 2017 Chairman of the Agricultural Security Commission.

MOTION: Steve Herzog made a motion to appoint Ed Porter as the 2017 Chairman of the Agricultural Security Commission. Carol Kulp seconded.

VOTE: 4-0 (Ed Porter abstained.)

K. BOARD OF SUPERVISOR LIAISON APPOINTMENTS

- 1) Appointment of 2017 Board of Supervisor Liaisons.

MOTION: Steve Herzog made a motion to appoint the following Board liaisons as presented. Ed Porter seconded.

Planning Commission – Carol Kulp
Historical Commission – Randy Doan
Emergency Services and Fire Marshal – Steve Herzog
Park and Recreation – Ed Porter
Police – Steve Herzog and Ed Porter
Public Works – Wilson Lambert
Township Office – Ed Porter

VOTE: 5-0

Ed Porter stated the liaison positions function as messengers. No decisions are made by the liaisons. All decisions go back to the Board.

L. 2017 STATE SUPERVISOR'S ASSOCIATION CONVENTION VOTING DELEGATE

- 1) Appointment of 2017 State Supervisor's Association Convention Voting Delegate.

MOTION: Steve Herzog made a motion to appoint Ed Porter as the 2017 State Supervisor's Association Convention Voting Delegate. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Steve Herzog explained some details of the State Supervisor's Association Convention Voting Delegate.

VOTE: 4-0 (Ed Porter abstained.)

M. PLANNING COMMISSION

- 1) Planning Commission Report.

Dennis Crook reported on the January 9, 2017 Planning Commission meeting. Mr. Crook reported they worked on the Planning Commission Bylaws which are being reviewed by Mike Crotty. In the Bylaws, they addressed membership, alternate membership, quorum, attendance by telephone, officers and duties. The attendance policy was not addressed. They included meeting dates in the Bylaws. Mike Crotty recommended not stating specific meeting times in the Bylaws. They also discussed requiring attendance of the Master Planner Course in the Bylaws. Mr. Crook also briefly discussed a procedural manual that the Commission reviewed at their meeting. Community discussion was discussed in relation to the East Fallowfield Park. Dennis Crook discussed Act 537 and doing another water study. There was a discussion about South Brandywine Middle School and the proposed public water and sewer application that was on and off again. The Comprehensive Plan and Strasburg Road being set as the public water and sewer dividing line in the Township along with water quality was discussed. Mr. Crook discussed the homes south of Strasburg Road that have problems with their wells and the Planning Commission's attempt to come up with a solution. Mr. Crook discussed fluoride in public water.

- 2) Special Exception Application – Triple Fresh. Mike Crotty stated the Township received an application to amend the Special Exception Application from Triple Fresh. This application will go before the Planning Commission. There will be a Zoning Hearing Board hearing as well.

At 8:58 pm, the Board dismissed Mike Crotty, Township Solicitor.

N. POLICE DEPARTMENT

- 1) December Police Report submitted for Board and resident review.
- 2) Approval of a Municipal Lease Purchase.

MOTION: Steve Herzog made a motion to approve the four-year Municipal Lease Purchase of a 2017 Chevy Tahoe with a \$1 buyout through Susquehanna Commercial Finance, Inc. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Steve Herzog asked what the payment will be. Chief Porter stated the annual payment will be \$12,551.63 for a four year period. This includes all the equipment in the vehicle and the graphics. Chief Porter stated the engine is done in the car out front. That vehicle will be decommissioned within the price. Some of those parts will be used on the new car.
- b. Erwin Zeller asked if this lease is for an additional or replacement vehicle. Chief Porter stated it is a replacement vehicle and the total price is \$46,650.

VOTE: 5-0

O. PUBLIC WORKS DEPARTMENT

- 1) December Road Department Report submitted for Board and resident review.
- 2) Weeds, Inc. Contract Approval for 2017.

This discussion was tabled until the February 28, 2017 Board of Supervisors meeting.

P. PARK & RECREATION COMMITTEE

- 1) No Report. The Park & Recreation Committee currently has five vacancies.

Q. HISTORICAL COMMISSION

- 1) December 7, 2016 Historical Commission meeting minutes submitted for Board and resident review.
- 2) January 11, 2017 Historical Commission meeting minutes submitted for Board and resident review.

R. PUBLIC PARTICIPATION

- 1) Connie McLaughlin asked if the Historical Commission still has a vacancy. Lisa Valaitis stated there still is a vacancy. Ms. McLaughlin asked how to apply to the Historical commission. Steve Herzog instructed Ms. McLaughlin to contact Lisa Valaitis.
- 2) Sharon Scott presented some facts on the Bawa M. Fellowship conditional use application. Steve Herzog asked her if she had submitted her facts to Mike Crotty. She stated she had not submitted her facts to Mr. Crotty but she would do so. She said the original application was received in the year 2000. Mrs. Scott stated thousands of dollars of legal fees have been spent on the Bawa M. Fellowship conditional use application. Mrs. Scott stated she would like the Board to know that the application has flaws and they can't apply for an institution planned community of private residences because the Federal Fair Housing Act and Pennsylvania

Human Relations Act for the Equal Housing Opportunity makes it illegal. Mrs. Scott asked the Board of Supervisors to void the application due to non-payment of fees and requested the old and new legal fee charges be reimbursed to the Township.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:07 pm. Randy Doan seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary