

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
December 20, 2016 Approved minutes
6:30 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 6:30 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 an executive session on December 20th regarding personnel issues.

C. APPROVAL OF MINUTES

1) October 25, 2016 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the October 25, 2016 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

D. CITIZENS BY REQUEST

- 1) Paula Davis – Mrs. Davis spoke in regard to a recent incident and ongoing problem in the Township between herself, the Police Department and another Township resident. She also spoke about not getting any response to her phone calls to various Board of Supervisor members. She requested a Board member and Chief Porter meet with her regarding the recent incident. Mrs. Davis stated there were incidents/problems on November 26, December 3rd and December 10th. She stated 911 was called and on December 10th, the officer on duty did not respond. Mrs. Davis stated that when you call 911, an officer should respond. She also stated she called the Police Department to request copies of reports and she got no answer. Steve Herzog stated he would gladly discuss the issue with Chief Porter and work on a response. Mike Crotty stated that the Supervisors individually as a board can't direct the Police Chief to take criminal action. It is the District Attorney's office's job to prosecute.

E. TREASURER'S REPORT

1) November 30, 2016 Treasurer's Report.

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

QUESTIONS AND COMMENTS:

- a. Ed Porter asked why Account 1407.30 Computer Network Expense went up. Steve Herzog stated that account went up because the website was hacked and needed to be repaired. Janice Prezuhy confirmed that to be correct. Ed Porter asked Chief Porter if he felt the part-time officer budget of \$100,000 would work out. Chief Porter stated yes. Ed Porter asked if there was a big ticket purchase in Account 1432.15 Vehicle – New Equipment. He said the account was budgeted for \$19,000 and is currently at \$23,000. Janice Prezuhy stated she would run an activity report.
- b. Mike Kurlande stated it looks like there are some transpositions on the summary page. Steve Herzog stated the detail pages are correct.
- c. Sharon Scott stated, as an Elected Auditor, she'd like the record to reflect that she will continue to report that she doesn't feel the Township's financial records are correct. She said this is no reflection on the employees. Mrs. Scott stated she feels the Township finances are rigged because we are in the process of being taken over by Chester County Centralized Government. Steve Herzog directed Mrs. Scott to ask questions about the current financial statements.
- d. Erwin Zeller stated there are a lot of percentages over budget in various accounts. Mr. Zeller asked if anyone looks into these large variances. Mike Crotty stated on the summary, there was a line shifted and some of the year-to-date actual vs percent of budget figures are off by one line which is causing the variances. Steve Herzog stated the Board does look at and questions large percentage changes.

VOTE: 5-0

2) November 30, 2016 Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the November 2016 payment authorizations for 92 checks in the aggregate amount of \$113,125.31 for the period of December 1, 2016 through December 20, 2016. Ed Porter seconded.

VOTE: 5-0

F. FIRE DEPARTMENTS

- 1) October Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 2) October Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 3) November Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) November Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

G. 2017 Budget Adoption.

- 1) Adoption of 2017 Budget 11/22/16.

Steve Herzog stated the budget was advertised. The advertisement was approved on November 22, 2016.

MOTION: Steve Herzog made a motion to adopt the 2017 11/22/16 budget as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott stated the Township does not need a \$1.3 million police department. Mrs. Scott said the Police Department's budget has increased by \$1 million over 16 years. She said nothing warrants that cost especially since neighboring townships such as West Bradford Township and Newlin Township don't even have police departments. Mrs. Scott objected to paying \$1.3 million for the Police Department.

- b. Erwin Zeller stated he had a similar concern with the Police Department's budget. There is a 7.7% increase. Mr. Zeller stated he is not against the Police Department and they are important for safety. However, the cost of the Police Department needs to be balanced with the need of the residents. Ed Porter stated there is a reduction in the Police Department's budget this year. The Police Chief reduced his 2017 budget by not hiring an eighth full time officer.
- c. Randy Doan commented that 30-40% of the Police Department's calls are calls we don't hear about such as domestic abuse and child abuse. Chief Porter confirmed this to be true. Mr. Doan stated the Township does not have a lot of outside crime such as robberies. Steve Herzog stated our crime is down but some of that is because we have the Police Department patrolling the Township. Having a police department is being proactive in preventing crime.
- d. Thomas Nash stated he agrees with Randy Doan. Mr. Nash commented that the police work is not transparent. He said we don't see the amount of crime they handle. He said there is no data as to the amount of police calls related to number of residents. Steve Herzog spoke about the monthly police report that lists the number and type of calls.
- e. Sharon Scott commented on the state police building that was built in West Bradford Township. She said they built a police barracks and rent it to the state. West Bradford Township gets free police protection and gets money for the rental of the barracks. Mrs. Scott also commented she did not approve of the Public Works Department unionizing and the resulting legal fees. Mrs. Scott stated the Township should run on the earned income and the residents should not be taxed.
- f. Ed Porter asked Mike Crotty if the resolution needs to be passed every year. Mike Crotty stated last year's resolution only covered one year. This year's resolution sets the tax rate indefinitely until the tax rate is changed.

VOTE: 3-2 (Steve Herzog, Randy Doan, and Wilson Lambert voted yea. Ed Porter and Carol Kulp voted nae.) Ed Porter stated he voted nae because of the tax resolution. Mr. Porter stated he worked with the Board to save money in the 2017 budget and there is extra money in the budget. Mr. Lambert stated this budget was based on the existing tax rate.

2) Adoption of Resolution No. 2016-10 to levy a 2017 real property tax in the sum of 1.25 mills.

Steve Herzog stated this resolution is to levy the same real estate tax rate as last year of 1.25 mills.

MOTION: Steve Herzog made a motion to adopt Resolution 2016-10 authorizing the Board of Supervisors of East Fallowfield Township to levy a real property tax to be collected for the 2017 fiscal year for general purposes in the sum of 1.25 mills on each dollar of assessed valuation. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked Wilson Lambert about his vote to pass the tax. She said last year was the first year of this tax and prior to 2016, there was no tax. Mr. Lambert said he has a fiduciary obligation to pass this budget. This budget is the budget the Board decided on and it was based on the collection of this tax. Mrs. Scott stated the goal should have been to reduce Township expenses so a real estate tax was not needed.

VOTE: 3-2 (Steve Herzog, Randy Doan, and Wilson Lambert voted yea. Ed Porter and Carol Kulp voted nae.)

H. LEGAL ISSUES

1) Bawa M. Fellowship Conditional Use Application – Next Hearing Scheduled for January 17, 2017 at 6:00 pm

Mike Crotty announced there will be a continued hearing for the Bawa M. Fellowship conditional use hearing scheduled for January 17, 2017 at 6:00 pm. This notice is posted on the website.

2) Triple Fresh Market Coolers – Request for Waiver.

Mike Crotty stated Triple Fresh had requested a waiver from the subdivision and land development requirement to put three coolers on their site. There are certain zoning issues they are proceeding with the Township to address. Chris Della Penna and Rob McLarnon had no issues with the request. Steve Herzog briefly explained that Triple Fresh wants to put coolers on their back loading dock. There will be no change on the footprint of the building and no change to the impervious surface.

MOTION: Steve Herzog moved that the Township approve the request of Triple Fresh for a waiver from the Township subdivision and land development process to allow for the installation of the three new coolers on its site, subject to Triple Fresh obtaining all necessary zoning relief from the Zoning Hearing Board. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter asked Lisa Valaitis if the agenda was posted on the website for residents to review. Lisa Valaitis stated she did post the agenda on the website.

VOTE: 5-0

3) Official Map.

Mike Crotty stated the Board still has the proposals before them for the official map.

4) Independent Auditor.

Mike Crotty stated in order for the Township to appoint an independent auditor for next year, the Board needs to give a 30-day notice by posting an intent to appoint an independent auditor in the newspaper.

MOTION: Steve Herzog moved that the Township advertise its intent to appoint Barbacane Thornton as its independent auditor for the fiscal year 2016, at its meeting on January 24, 2017. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what happens if this was not done in the past. Mike Crotty stated that Section 917 of The Second Class Township Code requires this. Lisa Valaitis stated the intent to appoint an auditor was done last year. It was advertised on November 10, 2015.

VOTE: 5-0

I. SUPERVISOR ED PORTER

1) Manchester Farms Update.

Ed Porter reported on a meeting he attended with Eric Schrock and the Manchester Farms HOA. Mr. Porter reported the Manchester Farms HOA is happy with Phase 1 and 2 overall. There are a few driveways in Phase 1 and two sections of sidewalk that need to be repaired. The HOA is primarily concerned about the five basins. Ed Porter discussed inspection of each of the five basins. Ed Porter discussed a problem with basin five that is causing water runoff issues on Misty Patch Road. Overall, the basins look good.

2) Cameras.

Ed Porter stated he reviewed the YouTube results and discussed a time limit requirement of 15 minutes. He said additional time can be requested. Ed Porter reported that he researched the costs of the Township purchasing cameras and estimated the cost to be \$1,000. Mr. Porter spoke about the details of microphone placement and equipment in the meeting room. Ed Porter stated he picked out two cameras.

J. PLANNING COMMISSION

1) Planning Commission Report.

Dennis Crook reported the Planning Commission held both a meeting and a workshop in December. Mr. Crook discussed the Holland Daycare Center. The Commission felt comfortable recommending the Holland Daycare to the Board of Supervisors. They have a general recommendation in favor of the Holland Daycare Center and they will keep working with them.

2) Holland Daycare Center Subdivision and Land Development Application – 1525 South Bailey Road – Presentation by Mark Padula, Inland Design.

Mark Padula, Professional Engineer with Inland Design, reported he attended the previous Planning Commission meeting. One outstanding issue is that Greg Richardson, Township Traffic Engineer, was asking for a traffic speed study. Mr. Padula spoke about the details of the traffic issues and the intersection of South Bailey Road and West Chester Road as well as the location of the driveway. He said he felt confident he could put together a final plan based on the comments in the letters from Chris Della Penna and Greg Richardson. Mr. Padula requested approval from the Board of Supervisors. The review period is until January 7, 2017. The speed study will be done this week. Dennis Crook spoke about the Planning Commission comments on the plan. The Planning Commission is in favor of the plan approval if all the conditions are met.

MOTION: Steve Herzog made a motion to accept the preliminary/final land development application for the Holland Daycare Center subject to the conditions: (1) all outside agency approvals are satisfied; (2) fully comply with the Township Engineer's review letter dated December 14, 2016; (3) fully comply with the Township Traffic Engineer's review letter dated December 8, 2016 with a note that this encompasses waivers of Sections 22-405 (to treat this as a preliminary/final application), Section 22-502.C.3 (impact statement submissions), and the waiver from Section 22-623.3 (overhead utilities). Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked why the motion was not on the agenda for the public to see. Mike Crotty stated there is no requirement for that and this issue was not under consideration until the applicant made their presentation. Mrs. Scott requested motions be published on the agenda in the future. Mrs. Scott asked what the three sections were that were referenced in the motion. Mike Crotty provided an explanation regarding the three sections. She asked if there were any objections from neighbors at the conditional use hearing. Mike Crotty stated there were no objections.
- b. Ed Porter commented that Mrs. Scott made a good point about the motion not being published on the agenda. We just continued a decision with Triple Fresh at this meeting. However, there were no objections made at the Triple Fresh conditional use hearing. Ed Porter asked for clarification on Item #3 – "partially comply on the design". Mike Crotty stated it is a summation of the additional warrant stop sign study. They will be providing that information.

VOTE: 5-0

There was a discussion regarding the traffic study and working with West Bradford Township on the study. Ed Porter asked what we do with the information on the study once we receive it. Mike Crotty stated the Township will then have all the information needed to get the required approval from PennDOT. We will work on an arrangement with West Bradford Township for payment of installation of the stop sign. Mr. Crotty stated there is typically a 60 day turn around once approval is submitted to PennDOT.

3) Planning Commission Report (Continued) – Dennis Crook.

Dennis Crook stated at the Planning Commission meeting, they discussed the duties of the Planning Commission, their filing system and annual report. Dennis Crook stated the Planning Commission has discussed adding Section 209.1 of the MPC to the Township Ordinance. They are looking to scratch out the

section about the housing code because it is not in our ordinances. The Planning Commission is looking for the Board to decide on the Planning Commission's duties. Mike Crotty spoke about an alternative method of cross referencing the MPC. Dennis Crook also discussed a water study.

Dennis Crook announced George Sampson resigned from the Planning Commission. Two new applicants were interviewed at the workshop: Stephanie Saxton and Michael Domboski. The Planning Commission would like to appoint Stephanie Saxton to replace George Sampson for the term 2015-2018. Mr. Crook reported Lisa Valaitis created a Planning Commission attendance summary from January 2014 - present and one member has only been in attendance for 50% of the regular meetings and 30% of the workshops. He reported the Planning Commission also discussed bylaws for the Commission. Dennis Crook spoke about creating alternate positions. Ed Porter posed a question to the Board about giving the Planning Commission the job of working on the Park since there is currently no Park & Recreation Committee. Dennis Crook stated he would bring the park idea back to the Planning Commission for discussion.

K. POLICE DEPARTMENT

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

L. PUBLIC WORKS DEPARTMENT

- 1) November Road Department Report submitted for Board and resident review.
- 2) Public Works Update – Tag Gathercole.
 - a. Mortonville Road - Tag Gathercole reported that Traffic Plan Design will be presenting/providing information on Mortonville Road for the Board to review.
 - b. Bamboo Ordinance Discussion - Tag Gathercole discussed the possible need for a bamboo ordinance. Tag Gathercole discussed a recent issue with bamboo blocking Strasburg Road and Misty Patch Road. The Public Works Department needed to remove the fallen bamboo from the road while trying to treat the road during snow. Tag Gathercole presented an example ordinance from another municipality. He would like the ordinance to specify the bamboo be kept 30 feet off the roads.
 - c. Purchase of 22-ton Air Jack - Tag Gathercole requested purchasing a 22-ton air jack to lift up trucks. This would allow them to change tires themselves. He presented three quotes. Tag Gathercole will get more quotes for the next Board of Supervisors meeting. There was a discussion about types and brands of air jacks.

M. PARK & RECREATION COMMITTEE

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

N. HISTORICAL COMMISSION

- 1) November 2, 2016 Historical Commission meeting minutes was submitted for Board and resident review.

O. NEW BUSINESS

- 1) Employee handbook.

Ed Porter asked Mike Crotty if Eric Brown will get back to the Board about the Employee Handbook. Mike Crotty stated Eric Brown will follow-up with the Board. Ed Porter asked why there is an employee being allowed to work on the employee handbook and discuss concerns with Eric Brown. Steve Herzog stated he thought the employee was reviewing their job description. Ed Porter stated the Employee Handbook should be worked on between the Board and the Solicitor.

P. PUBLIC PARTICIPATION

- 1) Erwin Zeller asked where the income and revenue for the real property tax is in the 2017 budget. Randy Doan explained it is called municipal millage and it's the sixth line down on the budget. Erwin Zeller also asked if the police contract has been completed. Steve Herzog stated the police contract is still in discussion. The Board is looking to finalize that in the next few weeks. Mr. Zeller also asked if part-time officers have benefits such as pension/401K. Steve Herzog stated part-time officers do not have benefits.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:30 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary