

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 28, 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
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 6:31 pm.

2. DISCUSSION

A. RULES OF CONDUCT

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

B. APPROVAL OF MINUTES

1) December 20, 2016 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the December 20, 2016 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

2) January 24, 2017 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the January 24, 2017 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

C. CITIZENS BY REQUEST

1) Coatesville Parent Music Club – Park Fundraiser.

Cheryl Hanson, from the Coatesville Parent Music Club, introduced Diana McLimans to speak about some exciting news regarding the Coatesville High School Red Raider Marching Band.

Diana McLimans, Chief Fundraiser of the Coatesville Red Ranger Marching Band Parent Music Club, spoke about an upcoming fundraiser to raise \$75,000 for the Coatesville Red Raider Marching Band's trip to Washington D.C. to perform in the Independence Day Parade. Ms. McLimans asked the Board if they could use space in the East Fallowfield Community Park to conduct a craft and vendor fair fundraiser. She requested April 30, 2017 as the date of the event with a rain date the following weekend. Steve Herzog expressed congratulations to Ms. McLimans. Steve Herzog asked about liability insurance. Mike Crotty suggested checking with the Township insurance company to determine if they have an extra insurance rider for special events. Food handler licenses were discussed. Ms. Limans stated all food handlers will be required to display their food handlers' license.

MOTION: Steve Herzog made a motion to authorize the Coatesville Parent Music Club to run a fundraiser at East Fallowfield Community Park. Ed Porter seconded.

VOTE: 5-0

D. TREASURER'S REPORT

1) January 31, 2017 Treasurer's Report

Pani Martin stated there is no January Treasurer's Report to present this month. She reported she has been back from leave for 12 days and the auditors had corrections on the December bank reconciliations. The January Treasurer's Report will be presented at the March 28, 2017 Board of Supervisors meeting.

2) January 2017 Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the January 2017 payment authorizations for 131 checks in the aggregate amount of \$203,029.53 for the period of January 25, 2017 through February 28, 2017. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what check #25613, on page 2, payable to The Standard was for. Pani Martin stated it was for short-term and long-term disability insurance. Mrs. Scott objected to the membership in Western Chester County Council of Governments. She asked if it is a one-time fee. Ms. Martin stated yes it's a one-time payment. Mrs. Scott objected to the payments to Herbert MacCombie because Dennis O'Neill works for Herbert MacCombie. Therefore, there was a financial interest gain for Dennis O'Neill who was on both the East Fallowfield Township Zoning Hearing Board and Planning Commission. Mrs. Scott asked what the Keystone Municipal Services, Inc. was for. Pani Martin stated they are the company that employees Rob McLarnon, the Code Officer. Mrs. Scott asked if Keystone Municipal Services applied for the job when it was open. Steve Herzog stated Keystone Municipal Services did apply and was appointed by the Board at that time. Mrs. Scott asked about check #25652 on page 4, to Nancy M. Sage court reporter for \$855. Pani Martin stated that was for the Bawa M. Fellowship conditional use hearing on January 17, 2017. Mrs. Scott asked if that is the fee for one meeting. Ms. Martin and Mr. Herzog stated yes, that fee is for one hearing. Mike Crotty stated it is the fee for the transcript. Right-to-Know law, as it applies to the court transcript was discussed. Mrs. Scott also objected to the Siana Bellwoar, McAndrew payment for review of Right-to-Know requests. Mike Crotty stated the Right-to-Know law is complicated and they provide legal advice on Right-to-Know as requested. Mrs. Scott also asked about Siana, Bellwoar & McAndrew receiving mileage for attending meetings and when the hourly rate starts accruing. Mike Crotty stated that is specified in their engagement letter that the hourly rate starts accruing upon his arrival at the meeting. Mrs. Scott asked if police legal charges accrued for the collective bargaining are charged to the Police Department. Ms. Martin stated for collective bargaining, all legal charges are put under account 1404.10 which is in the General Fund. Mrs. Scott objected to this method of accounting.
- b. Ed Porter asked Tag Gathercole about payments to Riley & Sons and Zekes. Mr. Porter stated Riley and Sons on page 7 reflects a great rate and he asked if that price is locked in. Tag Gathercole stated the rates are locked in. Ed Porter asked why we are purchasing gas from Zekes. Tag Gathercole stated that gas is purchased from Zekes for the one police vehicle that needs high octane gasoline.

VOTE: 5-0

E. FIRE DEPARTMENTS

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

- 4) January Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) January Modena Fire Company EMS Report submitted for Board and resident review.

F. ZONING HEARING BOARD

- 1) Resolution to Appoint Bruce Shallis as a Zoning Hearing Board member for the Term Ending December 31, 2019.

Steve Herzog stated the candidate, Mr. Shallis was not able to attend the meeting. Mr. Herzog stated there is a Zoning Hearing Board hearing coming up soon and they would really like a third member to be appointed prior to that hearing. Mike Crotty reported the Zoning Hearing Board hearing is on March 8, 2017. Lisa Valaitis stated Mr. Carnes, Zoning Hearing Board Solicitor, found it acceptable to appoint Mr. Shallis without prior interviewing.

MOTION: Steve Herzog made a motion to adopt Resolution 2017-03 appointing Bruce Shallis as a Zoning Hearing Board member for the term ending December 31, 2019. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott stated she did not approve of the Board appointing Mr. Shallis without him being present to be interviewed.
- b. Erwin Zeller asked how many members are on the Zoning Hearing Board. Steve Herzog stated that board should have three members. Mr. Zeller asked what makes the applicant qualified. Steve Herzog stated he runs three small businesses. Mike Crotty stated Mr. Shallis is an East Fallowfield resident which is the main qualifier. Mike Crotty stated the terms of each member are staggered.

VOTE: 5-0

G. LEGAL ISSUES

- 1) Bawa M. Fellowship – Announcement Only: Board to Further Consider at its March 28, 2017 Meeting.

Mike Crotty reported on the Bawa M. Fellowship conditional use application, and stated that he received briefs from the meeting memorandum from the applicant, Attorney Stretton, and Mrs. Scott. The Board will consider the matter further at the March 28, 2017 Board of Supervisor meeting. Ed Porter asked Mike Crotty if he received correspondence from Mr. Jaros stating that a resident notified him of Mrs. Scott giving testimony before the Board and discussing opinion. Mike Crotty stated he didn't raise any further objections and everything is in order with that.

- 2) Planning Commission Ordinance.

Mike Crotty stated the Planning Commission Ordinance was discussed at last month's Board of Supervisors meeting, and it has been advertised and is ready for Board consideration. The ordinance spells out the powers and duties of the Planning Commission.

MOTION: Steve Herzog made a motion for the Township to adopt the Planning Commission Ordinance amendment in the form as advertised. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter asked how this ordinance compares to the MPC. Mike Crotty stated a lot of the language in the ordinance was taken from the MPC. Mike Crotty stated the Planning Commission wants it to be clear on what the Board expects their Commission to do.

- b. Sharon Scott discussed Mike Crotty being on his municipality's Planning Commission. She asked what township he serves on the Planning Commission for. Mr. Crotty stated it is Upper Providence Township. His Planning Commission functions like a second class township's and is an advisory board. Mike Crotty stated his municipality's ordinances are online and East Fallowfield Township's ordinances are online.

VOTE: 5-0

3) Bamboo Ordinance.

Mike Crotty stated this ordinance has not been advertised but is ready to be considered for advertisement. The purpose of the ordinance is to prevent anyone from growing bamboo within a certain setback of the roads. Mr. Crotty stated the property setback requirement has been removed.

MOTION: Steve Herzog made a motion to advertise the draft Bamboo Ordinance per the recommendation of the Planning Commission and in the form as presented, to be considered for adoption at the Board meeting on March 28, 2017. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades asked if the ordinance strictly covers township roads. Mr. Rhoades stated there is bamboo growing along Strasburg Road which is a state road. Mike Crotty stated the ordinance covers township and state roads. Mr. Rhoades asked if bamboo needs to be removed if it is already planted. Mike Crotty stated bamboo already planted does not have to be removed and it can remain on the property provided it does not expand beyond the buffer zone.
- b. Dennis Crook stated the Planning Commission reviewed the Bamboo Ordinance at their last meeting. He reported most Planning Commission members were in favor of the Bamboo Ordinance.

VOTE: 5-0

4) Mortonville Road.

Mike Crotty stated in order to complete the work on Mortonville Road, there is an ordinance needed to change the code to authorize the traffic signs, lane restrictions and truck restrictions. Mike Crotty stated the next step is to authorize advertisement of the ordinance. Mike Crotty discussed weight limits and he stated no trucks or school buses will be allowed on the road. The definition of a truck was discussed. Steve Herzog stated they need more clarification on what the definition of both a truck and a passenger vehicle are. There was a discussion about different restriction options. Mike Crotty stated the specifications for restrictions need to come from Traffic Plan Design and he will follow-up with them. They also discussed tabling the action versus authorizing the advertising of the ordinance. Ed Porter suggested moving forward with the current language which would get the road open and prevent tractor trailers from driving on the road. Meanwhile, the Township can work on defining both a truck and a passenger vehicle. Tag Gathercole stated Krapft will not allow buses on the road if no truck signs are posted.

MOTION: Steve Herzog made a motion to advertise the ordinance to authorize traffic signage, lane restrictions and truck restrictions associated with the Mortonville Road project. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Tom Nash asked if the signs have to be "no truck" signs or could they post signs with vehicle weight limits. Mike Crotty stated the Township would need a traffic engineer to certify the proper weight limit through a traffic study.
- b. Buddy Rhoades commented that he agrees with the Board that they move forward with the no truck sign option. Mr. Rhoades also stated farm tractors need to be addressed.
- c. Tag Gathercole spoke about the quotes he got on signage, guard rails and line painting for Mortonville Road. He reported that 362 feet of guard rail would need to go in. Tag Gathercole discussed his concern

about boring into the road to put the guard rails posts in. Ed Porter stated he asked Randy Waltermeyer, with Traffic Plan Design, at the last meeting and Mr. Waltermeyer had said there won't be a problem.

- d. Mike Crotty stated it makes the most sense to pay these expenses out of Liquid Fuels. He said performance bonds would need to be submitted for the guard rails and line painting.

VOTE: 5-0

Billing – General Fund vs. Liquid Fuels: Pani Martin stated the Traffic Plan Design bill has not been paid yet and she asked the Board where this bill should be posted. She asked if it can be taken out of Liquid Fuels. Tag Gathercole stated he spoke to Brian Dayton, with PennDOT, and he said we may not need a project number to pay it out of Liquid Fuels. Mr. Gathercole said Brian Dayton will look into this and get back to him.

Mortonville Road Work/Bids: Tag Gathercole stated he got quotes for the different types of work needed for Mortonville Road which include signs, guard rails, and line painting. The sign work cost is just for the actual signs. The Public Works Department will install the signs. Tag Gathercole stated they will do the blacktopping themselves. Mike Crotty stated the Board needs to authorize the work and the ordinance to open Mortonville Road.

MOTION: Steve Herzog made a motion to authorize the Public Works Department to go ahead with the Mortonville Road project using Collision, Inc. for guardrails at \$8,065.63, U.S. Municipal for the signs at \$1,591.14, Brite Stripe Company for line painting at \$1,500, and 10-tons of blacktop for \$46 a ton for a total of \$460 pending PennDOT approval of the project for Liquid Fuels. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert discussed signs and compliance with the new 2018 sign regulations. Mr. Lambert commented that the Township needs to ensure the posted signs are in compliance with the new regulations. Mike Crotty stated all new signs purchased are in compliance with the new regulations.
- b. Eric Schrock asked Tag Gathercole if it is Collinson, Inc. rather than Collision, Inc. Tag Gathercole stated that was correct.
- c. Steve Herzog stated that the motion should state Collinson, Inc.

VOTE: 5-0

5) Medical Marijuana Zoning: Discussion Only.

Mike Crotty stated marijuana zoning is a current hot topic. Mr. Crotty spoke about the possible need to consider passing an ordinance to regulate medical marijuana. He said other townships are starting to pass ordinances on medical marijuana. Growing marijuana is treated as institutional rather than agricultural. Mike Crotty asked the Board if they would like to have the Planning Commission discuss this. There was a discussion on the purpose/need to regulate this when the State is imposing regulations. Mike Crotty stated the growth is permitted indoors by the State. He said the Board could consider a zoning ordinance to address which zoning districts to allow medical marijuana growth. Ed Porter asked Mike Crotty to present the State regulations for Board review.

6) Act 172 Emergency Responder Tax Credits: Follow-up.

Mike Crotty stated there are examples of local municipal ordinances in the Board meeting packet for Board consideration.

7) PSAB Grant Writing Seminar: Discussion/Informational Only.

Mike Crotty informed the Board that PSAB is offering grant writing seminars that the Board might find useful. Mike Crotty is trying to get PSAB to offer a local seminar and he will inform the Board when a local seminar is scheduled.

8) Manchester Farms.

Mike Crotty reported he has not received a clean letter from Chris Della Penna on the as-builts. Chris Della Penna is in the process of reviewing. Mr. Crotty stated this is the only thing they are waiting on to accept dedication of the roads. Eric Shrock gave a brief overview of the history of Manchester Farms and he summarized all the remaining work that was completed. Mr. Schrock spoke about outstanding bills on snow plowing. There will be a final draw of money and he estimates about \$30,000 will be dispersed to the Township upon dedication of the roads. Mr. Schrock recommended holding these funds in escrow since there will be no maintenance bond. Mr. Schrock discussed quotes for the cost of paving two remaining driveways. Pani Martin will submit final bills to Mr. Schrock. Tag Gathercole stated there are some faded stop signs and some stop signs that aren't to code based on size. Mr. Schrock stated he will get those stop signs replaced. Mr. Schrock also recommended dispersing money to the Manchester Farms HOA for the purpose of completing the two remaining driveways.

9) Official Map: Discussion Only.

Mike Crotty stated the quotes are in the Board's meeting packet for review. Mike Crotty reported the Planning Commission is considering applying for a VPP Cash Grant for the Official Map project. There was a discussion about the VPP Cash Grant. Ed Porter reported he spoke to Susan Elks with the Chester County Planning Commission about the grant and the grant is offered twice a year. There will be another grant opportunity in August. The grant requires the official map project to be completed within one year. Ed Porter stated the grant would cover 70% of the Township's costs.

10) Triple Fresh Special Exception Application: Discussion Only – Zoning Hearing Board Hearing Scheduled for March 8, 2017.

Mike Crotty asked the Board if they would like to consider taking a position on the application. Triple Fresh will be presenting at the Planning Commission meeting on Monday, March 6, 2017. Mike Crotty also reported the Township received another Zoning Hearing Board hearing application for a patio at 26 N. Danbury Circle. No hearing date has been set yet.

H. PLANNING COMMISSION

1) Planning Commission Report.

Dennis Crook presented a report on the February Planning Commission meeting and workshop. He said they went through the Planning Commission Procedural Protocol Manual at their workshop. Mr. Crook reported Bawa M. Fellowship was at their February meeting to discuss their conditional use application. Mr. Crook stated the Planning Commission submitted a formal letter of recommendation to the Board regarding the Bawa M. Fellowship project. The Planning Commission has also been working on bylaws and they will be bringing the bylaws back to the Board. Mike Crotty stated the Planning Commission Bylaws can be approved by resolution. They discussed the Act 537 review. Next Planning Commission meeting they will discuss hosting a Community Conversation through the 2020 Program on the East Fallowfield Township Park. Mr. Crook reported the Master Planner courses are coming up in the spring. He also discussed the list of Township developments and how to proceed with that list. Mike Crotty recommended the Planning Commission send the development list to the Board and they will instruct him on action. The Ridgecrest and Harkins Farm Developments were also discussed.

I. POLICE DEPARTMENT

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

J. PUBLIC WORKS DEPARTMENT

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

2) Weeds, Inc. Contract Approval for 2017.

Tag Gathercole stated program 1, spraying around the guardrails, was dropped last year. He stated there was no problem last year with the elimination of program 1. Last year, Programs 2 and 3 were approved.

MOTION: Steve Herzog made a motion to approve the pricing set forth by Weeds, Incorporated spray for 2017 programs 2 and 3. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what is being sprayed and where. Tag Gathercole stated broad leaf and brush along the banks will be sprayed. Mrs. Scott stated she objects to this motion and she objects to spraying. She stated she'd rather have weeds than have spraying done. The spray will go into the ground and the water supply.

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

3) Salt Contract.

Tag Gathercole asked the Board if they approve of him signing the salt contract for next year. Mr. Gathercole discussed changing the quantity from 500 tons down to 350 tons. He reported the Township still has plenty of salt.

MOTION: Steve Herzog made a motion to approve the COSTARS salt contract at 350 tons. Ed Porter seconded.

VOTE: 5-0

4) Cumberland Drive Complaint on Stormwater Problem.

Tag Gathercole discussed a recent complaint from a resident on Cumberland Drive regarding a stormwater problem on Cumberland Drive Tag Gathercole said the Township has talked about this situation in the past and documented it with pictures. The swale is not there anymore like it should be. Mr. Gathercole requested taking Mr. Lambert out next Saturday to look at this area. Ed Porter stated he spoke to the resident regarding his complaint. The resident had not reached out to the current Board. He is having major problems at his home with water and ice. Ed Porter discussed getting feedback from Chris Della Penna on this issue.

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) February 1, 2017 Historical Commission meeting minutes submitted for Board and resident review.
- 2) Historical Commission Update: Buddy Rhoades spoke about the need for a township ordinance to address abandoned homes. He commented that abandoned properties in East Fallowfield Township need to be boarded up. He stated he would welcome the Planning Commission to work with the Historical Commission. He'd also like the Zoning Officer to work with the Historical Commission.
- 3) Appointment of Rebecca Hunt to the Historical Commission 2017-2021 Term.

MOTION: Steve Herzog made a motion to appoint Rebecca Hunt to the Historical Commission 2017-2021 term. Ed Porter seconded.

VOTE: 5-0

4) Appointment of Connie McLaughlin to the Historical Commission 2015-2019 Term.

MOTION: Steve Herzog made a motion to appoint Connie McLaughlin to the Historical Commission 2015-2019 term. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott said she was aware of one vacant term but who is the second person is replacing. Lisa Valaitis explained that Joe McCormick found in the Township Ordinances that the Historical Commission is allowed up to seven members. Mr. Rhoades also stated the additional members help to ensure a quorum at Historical Commission meetings.

VOTE: 5-0

M. NEW BUSINESS

- 1) Ed Porter congratulated Lee Schlingmann, Historical Commission member, on her winning the Landscapes photo contest.

N. PUBLIC PARTICIPATION

- 1) Siti Crook spoke about recent attempted home break-ins along Strasburg Road in Parkesburg. Ms. Crook stated that she is concerned about this trend. Steve Herzog suggested trying to locate a police alert or article about this and post it on the website and Facebook.
- 2) Buddy Rhoades spoke about Timacula Road needing work. He also spoke about a property in the Township with abandoned tires and trucks. Mr. Rhoades said nothing has been done about this for months.
- 3) Tag Gathercole stated they took pictures of the tires and a letter was sent to the owner.
- 4) Wilson Lambert stated we need to get more creative with code enforcement. He spoke about residents calling him regarding woods being cut down. He suggested hiring a person to drive around the Township and look for code violations. Pani Martin stated the policy in the office now is that Rob McLarnon only responds to written complaints. He does not go out and look for code violations. Ms. Martin stated Rob McLarnon would take action on something if the Board instructs him to do so. Ed Porter said Rob McLarnon is very thorough in investigating complaints.
- 5) Buddy Rhoades spoke about code violations in the Township. Mr. Rhoades stated that the Code Officer does not drive around the Township searching for code violations. Buddy Rhoades stated that if a resident brings up a zoning violation in a public meeting, they should not also have to file a written complaint with the Township.
- 6) Discussion: There was a discussion on the Township's complaint policies, the Code Officer's policies, and Use and Occupancy not being required for resale and rental properties. There was a discussion between Ed Porter and Randy Doan regarding complaint policies. Tag Gathercole spoke about Use and Occupancy for resale of homes and rental properties. Ed Porter discussed residents being singled out regarding complaints.
- 7) Connie McLaughlin asked where the property with all the tires is located. She said she was interested in how this gets handled. Steve Herzog stated the property is along Route 82 across from Brook Crossing.
- 8) Sharon Scott stated she approves of the current system that requires a written complaint to be filed with the Township in order for the Code Officer to investigate potential violations.
- 9) Erwin Zeller asked about abandoned properties being sold through sheriff sale. Randy Doan stated that a property owner has to be delinquent for three years before a sheriff sale is done. Mike Crotty states it takes a long time to sell a home through sheriff sale. Mr. Zeller commented that he owns a rental property in Caln Township and he is required to pay a rental fee and a fee to have his property inspected every three years. Mr. Zeller stated East Fallowfield Township does not have these requirements which would provide a safety feature and generate revenue. Ed Porter stated the problem with required inspections is that the Township

could potentially be put at risk if the Code Officer doesn't catch something during one of those required inspections.

10) Buddy Rhoades discussed the need for abandoned houses to be boarded up. He also commented on abuse of power.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:56 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary