

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 25, 2017 Approved minutes
6:32 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 6:32 pm.

2. DISCUSSION

A. RULES OF CONDUCT

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

B. APPROVAL OF MINUTES

1) March 28, 2017 Board of Supervisors meeting minutes.

MOTION: Steve Herzog made a motion to approve the March 28, 2017 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

a. Sharon Scott commented on a spelling correction on page 2.

VOTE: 5-0 (approved with spelling correction)

2) April 11, 2017 Board of Supervisors Workshop meeting minutes.

MOTION: Steve Herzog made a motion to approve the April 11, 2017 Board of Supervisors Workshop meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

C. TREASURER'S REPORT

1) March 31, 2017 Treasurer's Report.

MOTION: Steve Herzog made a motion to approve the March 31, 2017 Treasurer's Report. Ed Porter seconded.

QUESTIONS AND COMMENTS:

a. Ed Porter asked what accounts are included in the expense account 1406 – Other General Government Administration on page 3. Pani Martin stated that account encompasses several expenses and she will look into that account and let the Board know what invoices were posted.

VOTE: 5-0

2) March 2017 Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the March 2017 payment authorizations as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Steve Herzog asked for the number of checks and total dollar amount. Pani Martin said she did not have the total number of checks but stated the total dollar amount for all checks was \$160,470.72.
- b. Ed Porter asked about check #25816 for the Master Planner Zoning Course. Ed Porter stated the Board did not vote to approve the expenditure of the Master Planner Course at a prior meeting but the check has already been cut. He asked Mike Crotty if approving the payment authorizations took care of this matter. Mike Crotty said a motion should be made to approve the course if it hasn't been done in a prior meeting. Mike Crotty said the check can still be approved by the Board under the payment authorizations before the motion is made to approve the course. The Planning Commission Chairman was questioned and asked if he understood that he needed Board of Supervisor approval before spending in the future and he replied yes.
- c. Steve Herzog asked for confirmation that Master Planner course expenditure was coming out of the Planning Commission budget. Pani Martin confirmed it was. Steve Herzog stated the Planning Commission has not used any of their budgeted money this year.
- d. Ed Porter asked Tag Gathercole why he purchased three shovels from Weaver's Mulch as opposed to Home Depot or Lowes. Tag Gathercole stated the Township has an account with Weaver's Mulch. Ed Porter also asked about a flag pole rope that was purchased for \$300. Tag Gathercole confirmed this purchase was made and that flag pole ropes are unusually expensive.

VOTE: 5-0

3) Approval of Master Planner Zoning Course.

MOTION: Steve Herzog made a motion to approve the Chester County Master Planner Zoning Course participation by the Planning Commission and Zoning Hearing Board. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Discussion - There was a discussion about who attended the first course of Master Planner Zoning Course and that prior Board approval is needed for courses.
- b. Buddy Rhoades asked what the cost per person was for the course. Pani Martin stated the cost was \$155 per person. Buddy Rhoades also asked if that cost came out of the Planning Commission budget. Steve Herzog stated yes.
- c. Ed Porter asked Pani Martin to enroll him in the class. He said he could not attend the first course because the Board had not approved the spending for the course. Mr. Porter will make up the first course.
- d. Mike Crotty asked Steve Herzog to confirm he is approving participation by nine people. Steve Herzog stated that was correct.

VOTE: 5-0

4) Office Liaison.

Pani Martin stated she spoke to Randy Doan and requested him as Office Liaison. She stated she has difficulty reaching the current liaison. She said the Board is not moving forward with hiring a Township manager and she needs assistance with office related issues. Ed Porter stated he is the current liaison. He also explained that

the liaison position functions as a messenger back to the other Board members. Ed Porter discussed a previous Board member getting in trouble by being added to payroll and assisting in the office. He also stated he hasn't received messages from her about the office. Ed Porter asked about the status of the storage boxes in the attic. He stated we have been talking about getting clarification on what documents should be kept. Pani Martin stated they have been working through organizing the office and going through boxes in the office. Mike Crotty discussed the Record Retention Manual. Ed Porter stepped down as Office Liaison.

MOTION: Steve Herzog made a motion to appoint Randy Doan as the Office Liaison. Ed Porter seconded.

VOTE: 5-0

5) SBA Communications.

Pani Martin explained SBA Communications is the company that the Township leases the cellular tower to. The tower is located behind the Township building. Ms. Martin reported SBA Communications offered to buy the Township out which means buying the right to the easement. The Township would retain ownership of the land. Ms. Martin stated we receive rental income of \$30,000 and an additional \$6,000 to \$8,000 in revenue sharing a year. The offered buyout price is \$513,000 which is approximately 13.5 years of rent and revenue. There was a discussion about the contract agreement details. The Board discussed this and decided not to pursue this option.

6) General Code – Editorial & Legal Analysis of Code Book.

Pani Martin stated through the years, the Township has updated code and she posed the question of the Township having a legal review of the codification because there are inconsistencies in the code according to both Rob McLarnon and the Planning Commission. Ms. Martin stated that General Code offers a service called a legal and editorial analysis. She said the cost of the service would roughly be \$3,000-\$7,000. Dennis Crook discussed the difference between the ordinances for historic and non – historic residences and what can be enforced. Mr. Crook said there is nothing in the code to allow an abandoned building to be torn down. There was a discussion about abandoned homes and the International Property Maintenance Code. Mike Crotty discussed the options for dealing with abandoned properties.

7) West Chester Road – Escrow – Bank Balance – Discussion.

Pani Martin stated the auditor, Mike Crotty, and two Board members discussed the West Chester Road Escrow account recently. Ms. Martin reported for now we aren't going to touch that account because it is legally specified for improvements for West Chester Road that still may be pending. She will go through the West Chester Road Escrow Account and determine what the administration fees are in that account. Ed Porter discussed the history of the escrow account and keeping money in that escrow account. He also discussed the history of the problems of that intersection and the original intent to put in a traffic light. In the area of the intersection, there is a 74-house development yet to be built and stormwater management problems.

D. CITIZENS BY REQUEST

1) Melissa Kline – Request for Special Use Permit for Park Pavilion Rental.

Melissa Kline said her son Owen earned his Eagle Scout Award by doing a project in the East Fallowfield Park and they would like to hold his Eagle Scout Award Ceremony at the park. She stated they rented the park pavilion for Wednesday, May 3, 2017 and she requested use of a fire pit and 12 tiki torches. All items will be contained.

MOTION: Steve Herzog made a motion to make a special exception for Melissa and Bryan Kline to use a fire pit and tiki torches on May 3rd for an Eagle Scout Ceremony. Ed Porter seconded.

VOTE: 5-0

2) Michael Grabill - Request for Special Use Permit for Park Pavilion Rental.

Michael Grabill stated he would like to have a Blue and Gold Ceremony in which Cub Scouts move on to Boy Scouts. He stated they already rented the park pavilion. Mr. Grabill requested permission to bring in grills to cook food. He said they would have a fire marshal present and fire extinguishers.

MOTION: Steve Herzog made a motion to make a special exception to Cub Scout Troop 219 for their Blue and Gold Ceremony on May 5th to bring in and use personal grills for cooking food. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert asked what the time frame is. Mr. Grable stated 6:00 pm to dark.
- b. Ed Porter requested the office send anyone that requests special exception to come before the Board.

VOTE: 5-0

3) Sharon Scott – Audit.

Sharon Scott discussed the Planning Commission minutes being unavailable for their meeting in which the Planning Commission issued a letter with their recommendation to the Board to approve the Bawa M. Fellowship conditional use application. Ms. Scott said she wants to know who voted for the recommendation of that conditional use application. She asked the Board if it is good business standard operations to have the Township Secretary also be the Planning Commission Secretary. The Planning Commission makes recommendations to the Board of Supervisors and the Board makes decisions based on these recommendations. She asked why a Planning Commission member isn't the secretary of that commission. She also stated the Planning Commission minutes are not up to date. Lisa Valaitis is working on the catching those minutes up. She does not attend the meetings and does the minutes by listening to a recording of the meetings. There was also a discussion on the amount of detail that should be in meeting minutes. Mike Crotty also stated that the meeting minutes were not relied on regarding the Bawa M. Fellowship conditional use decision. There was a Planning Commission letter of recommendation which went to the Board of Supervisors. There was a discussion about the possibility of one Planning Commission member volunteering to do meeting minutes.

4) Kate Gathercole – No Junkyard.

Kate Gathercole discussed her family's residence at 375 Doe Run Road in East Fallowfield Township. She said her family is currently renting the property. She stated they want to buy the home and asked their landlord if a lease purchase option was available. The owner, Mr. Jim Sisk, told her family that this option is not available because an agreement of sale was signed with a local garage to create a junkyard on his properties of approximately 96 acres. Kate Gathercole presented a history of the Township's ordinances and Prang's Junkyard. Kate Gathercole presented a letter from Mr. King at PKJ Ventures & Cane Capital, and a sales agreement for property to become a junkyard, to the Board of Supervisors. She said Mr. King wants to exercise the buyout in the junkyard agreement to build homes. He also mentions in his letter that Arcelor Mittal plans to triple the size of the landfill in East Fallowfield. She asked the Board several questions. She asked the Board if a junkyard can be on Sisk's properties. Do the Supervisors believe residents want a 96-acre junkyard and a landfill that will be triple the size of the current landfill in East Fallowfield? Has the information in the King letter been verified by anyone in the Township? Why haven't residents been informed of this information? What liability does a homeowner have if this information is not disclosed to future buyers? What is the Township liability for not disclosing this information? Will the Supervisors post Mr. King's letter to the Township website for all residents to be informed of this information?

Discussion: Ed Porter asked Kate Gathercole where she got her information. She said she looked most of it up. Dennis Crook stated Mr. Sisk's property is zoned Office-Industrial. Steve Herzog stated there is nothing before the Board on that property. Dennis Crook stated a it could be allowed under conditional use approval which would have to be approved by the Board. The Board stated a lot would have to happen before a junkyard could be opened. A conditional use application would have to be submitted. There would be notice given to residents about any conditional use public hearings that would be required. The Board members all stated they

did not approve a junkyard. Additionally, Randy Doan stated it would be difficult to have a junkyard on that property because there is a stream in that area. The Prang's Junkyard has been cleaned up. Ed Porter stated the Board can't post a private letter on the Township website.

E. FIRE DEPARTMENTS

1) Westwood Fire Department – 2015 Audit Report – Chief John Sly.

Chief John Sly discussed the Westwood Fire Department 2015 Audit Report. He identified findings in the report which were in compliance with the previous audit and having an inadequate finance system. Chief Sly reported these findings have been rectified. Chief Sly discussed an audit finding of insufficient bond coverage for their treasurer. He said they increased the bond coverage to rectify this finding. He also discussed the Fire Relief Fund and explained what it is and what that money can be used for.

2) Westwood Fire Department Financial Statements.

Chief John Sly also presented Westwood's financial statements for 2014 and 2015. Westwood has their finances audited in full every year since the problem with the previous treasurer. He discussed a previous employee in 2012 that used fire company funds for his own use. He was bonded and Westwood got all the money back that was taken. Chief Sly stated today in court, that prior employee admitted guilt.

3) Decline in Volunteerism.

Chief John Sly discussed an overall decline in volunteers for fire companies, township boards and commissions. He stated Westwood is going to need to pay more fire fighters because of the lack of volunteers. He said this is something he hopes the Board will consider at budget time. Chief Sly also spoke about Westwood's upcoming charity events and the Board of Supervisors' invitation to their annual banquet. Chief Sly commended the Board for supporting the Volunteer Tax Credit Act 172.

4) February Westwood Fire Company Fire Chief's Report submitted for Board and resident review.

5) February Westwood Fire Company Fire Chief's Report submitted for Board and resident review.

6) March Modena Fire Company Fire Chief's Report submitted for Board and resident review.

7) March Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

8) March Modena Fire Company EMS Report submitted for Board and resident review.

F. POLICE DEPARTMENT

1) March Police Report submitted for Board and resident review.

2) Approval to hire David Wakeley for the position of part-time police officer at the rate of \$15.00.

Chief Porter announced that Sergeant Ed Masterstefone is retiring. The Police Department is losing a full-timer as well as two part-timers who have not been working any hours. He also requested the Board accept the bid of \$2,250 for selling the 2009 Dodge Charger. Steve Herzog stated that the starting rate of pay for the part-time officers during training will be \$15.00 per hour. When training is complete the pay rate will increase.

MOTION: Steve Herzog made a motion to hire David Wakeley as a part-time police officer at the rate of \$15.00 an hour per the CBA. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades asked Chief Porter if he had uniforms for these new officers. Chief Porter stated he had plenty of uniforms to reuse. Mr. Rhoades commented on problems with accidents at the intersection of South Caln Road and West Chester Road. Tag Gathercole suggested putting red flashing lights on the stop signs at that intersection.
- b. Erwin Zeller asked for clarification on the change of Police Department staff and the breakdown/number of full-time and part-time officers. Chief Porter stated there were seven full-time officers and four part-time officers. He said two part-timers are getting over taxed by covering so many hours. There will be six full-time and six part-time police officers.
- c. Buddy Rhoades asked if background checks of police officers are done. Chief Porter confirmed that is accurate.
- d. Sharon Scott objected to the continual hiring of new police officers and turnover in the Police Department. She said she would prefer to see full-timers hired. She said this action is putting a financial burden on the Township. Chief Porter stated there is a savings with part-timers because there are no benefits being paid. There was a discussion between the Board and Chief Porter regarding the cost savings of hiring part-time officers. Chief Porter gave a background on the new officers.
- e. Thomas Nash asked for clarification on what the part-timers are paid. Ed Porter stated part-time officers are only paid their hourly rate for the hours they work. They do not get benefits/health insurance.
- f. Buddy Rhoades stated he is in favor of hiring more part-timers instead of full-timers. He also spoke about part-time police officers working for other townships.
- g. Erwin Zeller asked if officers can be on call and respond to calls from home. He asked if officers that take calls are on duty and patrolling the Township. Chief Porter stated officers that take calls are on duty and they are out patrolling during their shift.

VOTE: 5-0

- 3) Approval to hire Christopher Connelly Sr., John Hewczuk and John O'Keefe for the position of part-time police officers at the rate of \$15.00 an hour per the CBA.

MOTION: Steve Herzog made a motion to hire Christopher Connelly Sr., John Hewczuk, and John O'Keefe as part-time police officers at the rate of \$15.00 an hour per the CBA. Ed Porter seconded.

VOTE: 5-0

- 4) Approval of Sale of 2009 Dodge Charger.

MOTION: Steve Herzog made a motion to approve the sale of the 2009 Dodge Charger that was put out for bid on Municibid.com for \$2,250 to Robert Buchholz. Ed Porter seconded.

VOTE: 5-0

G. LEGAL ISSUES

- 1) Bawa M. Fellowship Conditional Use – Update Only.

Mike Crotty stated they did receive the counter-signed Decision from the applicant.

- 2) Township Bank/Depository.

Mike Crotty stated switching banks to Fulton Bank is up for Board consideration. The Second Class Township Code requires a motion to approve banks and depositories by resolution.

MOTION: Steve Herzog made a motion to approve Resolution No. 2017-07, establishing Fulton Bank as a Township Depository in place of Key Bank, subject to the Township Treasurer confirming that Fulton Bank complies with all requirements of The Second Class Township Code. Ed Porter seconded.

VOTE: 5-0

3) Comcast Cable Franchise Agreement.

Mike Crotty reported that a slight change in definition of gross revenue on page 2, number 11 was requested by Comcast.

MOTION: Steve Herzog made a motion to approve the Comcast Cable Franchise Agreement in the form as presented. Ed Porter seconded.

VOTE: 5-0

4) Manchester Farms Road Dedication – Update Only.

Mike Crotty reported the Manchester Farms road dedication is on hold. They did receive approval from Chris Della Penna and submitted the As-Built Plans. The last thing they need to give the Township is a signed Deed of Dedication.

5) Floodplain Ordinance – Update Only.

Mike Crotty reported that MacCombie's office is working on the floodplain ordinance. They just submitted a draft floodplain ordinance to Leslie Rhoads for review. She is the FEMA Floodplain Coordinator for the State. Her approval of the ordinance draft is required before pushing the ordinance forward for approval.

6) Emergency Responder Tax Credits – Update Only.

Mike Crotty stated he is waiting for CCATO to put out its form with regulations on who qualifies for tax credits. Once this document is issued, the Township can move forward.

7) Non-Competitive Agreements.

Ed Porter asked Mike Crotty about non-competitive agreements for third-parties to municipalities. Mike Crotty stated he has not come across this. Ed Porter discussed an issue with a previous Township third-party and a potential conflict of interest.

H. PLANNING COMMISSION

1) 2016 Annual Report.

Dennis Crook presented the 2016 Planning Commission Annual Report to the Board of Supervisors.

2) Planning Commission Report.

- a. Meeting Minutes - Dennis Crook discussed the style of meeting minutes and the debate on whether meeting minutes are too detailed versus not detailed enough. He said this debate has been going on for decades.
- b. Photographs of Abandoned Buildings and Properties in Poor Condition - Dennis Crook presented photographs of abandoned buildings and buildings in poor condition. He said some of the photographs were of historical buildings. Mr. Crook reported he's looked through the ordinances for relevant code to address these issues. There was a discussion about the different properties in the photographs. Mr. Crook stated the Township has a fiduciary duty to deal with these homes because of health and safety issues. Dennis Crook discussed the two sets of codes for residences – one code for historic properties and a second code for non-historic properties. Mr. Crook stated Rob McLarnon can't enforce violations for any of

the properties that aren't historic. The Township complaint system was also discussed. Steve Herzog welcomed the Planning Commission to forward example code from other townships and to make recommendations to the Board. Property Maintenance Code was also discussed.

3) Status of 1525 South Bailey Road Subdivision and Land Development Plan Application.

Dennis Crook presented the status of the subdivision and land development plan application for 1525 South Bailey Road. He stated the conditions listed in the conditional use approval had to be satisfied prior to approval of a preliminary or final subdivision and land development application. Mike Crotty stated the Holland's submitted the Sewage Facilities Planning Module. Dennis Crook stated there is nothing on the Holland application being held up by the Planning Commission. Steve Herzog stated that Lisa Holland is looking for a timeline. Dennis Crook said it's in the hands of outside agencies such as the Chester County Health Department and Chester County Planning Commission so a timeline is difficult to provide.

The Board of Supervisors dismissed Mike Crotty from the meeting at 9:25 pm.

I. PUBLIC WORKS DEPARTMENT

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

2) Upcoming Road Maintenance.

Tag Gathercole thanked Wilson Lambert and Randy Doan for riding around the Township with him. Tag Gathercole discussed which roads he recommends for work this year including: Molinuex Road (intersecting with Doe Run Church Road), Glenrose Road (Park Avenue to Allegheny), Timicula Road, Mount Carmel Road (patch), and Westmoreland Road (patch). He will have a cost estimate for the Board at the next workshop.

3) Boy Scouts.

Tag Gathercole reported the Boy Scouts are going to replace the roof on the shed at the back of the Township building property this Saturday. They need permission to dispose of the roofing materials in the Township dumpster. The Board approved the Boy Scouts disposing of the roofing materials in the Township dumpster.

4) Replacement Truck.

Tag Gathercole discussed a need to replace the 2007 truck with plow and spreader. He presented a 3-year option of \$14,693 per payment and a 4-year option of \$11,239 per payment for an F-350 with a spreader on the back and a new plow. He will sell the old one. He said the purchase is in the budget. The information will be forwarded to the Board and they will vote on this at their next meeting.

5) Part-Time Grass Cutters for Hire.

Tag Gathercole reported he will be hiring two part-time grass cutters at 24 hours per week for 20 weeks. The pay rate is \$13.50 per hour. Tag Gathercole stated he has not gotten many applications yet. Advertising for this job was discussed.

6) Other Public Works Discussion.

Crack and seal was discussed for certain roads.

J. PARK & RECREATION COMMITTEE

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

K. HISTORICAL COMMISSION

1) April 5, 2017 Historical Commission meeting minutes submitted for Board and resident review.

L. PUBLIC PARTICIPATION

- 1) Buddy Rhoades said the Police Department part-time pay rate of \$25.50 per hour is comparable to other municipalities. He spoke in favor of the Board hiring four part-time police officers. He also discussed the State Police. Mr. Rhoades talked about speeding and j-brakes on Strasburg Road. He said it is big help that Mortonville Road is now opened and commended the Board for getting that done. He spoke in favor of milling on roads.
- 2) Thomas Nash asked if the candidates for Board of Supervisor would be listed on the website. The Board discussed this and said that the candidates' names could not be posted on the Township website.
- 3) Dennis Crook discussed alternative facts and false accusations that have been discussed recently at meetings. He said this has been coming up more and more and needs to be addressed by the Township. Ed Porter said the Solicitor has advised the Board to stay neutral and that the Board can't take an official position on this. As Chairman, Steve Herzog is trying to keep speakers on point. Dennis Crook also commented on other people interrupting when he is speaking/presenting his Planning Commission Report.
- 4) Buddy Rhoades stated he had been speaking at Board meetings on behalf of the Historic Commission. He also said if the property maintenance code comes up again, the meetings will be packed with residents.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:55 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary