

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 23, 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 room.

B. APPROVAL OF MINUTES

1) April 25, 2017 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the April 25, 2017 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

a. Ed Porter asked for a correction to his comments on page 2 under item b.

VOTE: 5-0 (with correction on page 2)

2) May 9, 2017 Board of Supervisors Workshop Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the May 9, 2017 Board of Supervisors Workshop meeting minutes as presented. Ed Porter seconded.

VOTE: 5-0

C. TREASURER'S REPORT

1) April 30, 2017 Treasurer's Report.

MOTION: Steve Herzog made a motion to approve the April 30, 2017 Treasurer's Report. Ed Porter seconded.

VOTE: 5-0

2) April 2017 Payment Authorizations.

Pani Martin explained that in order to change banks, she needed to cut checks from each existing checking account to transfer funds to the new bank accounts to get the new accounts set-up. She explained that these checks to transfer funds are in the payment authorization but are not part of expenses paid out. Pani Martin stated she

designated the transfer amounts versus the regular expenditures in the motion to approve the payment authorization.

MOTION: Steve Herzog made a motion to approve the April 2017 payment authorizations as presented for the period of April 22, 2017 through May 23, 2017 in the total amount of \$493,020.16. This represents \$188,720.16 in expenses paid from all Key Bank accounts and \$304,300.00 represents checks written to transfer funds from the old Key Bank accounts to open new Fulton Bank accounts. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked about the Capital Project Fund payment on page 18 of the payment authorization. Was the General Fund using Capital Project funds and paying it back? Pani Martin explained that in 2016, the Township allocated \$30,000 for a document scanning project that was put on hold. The Board made a motion at the end of 2016 to move that money to the Capital Projects Fund to put the money on hold but the money was not physically moved to the Capital Projects Fund. The Capital Project Fund total as of April 30th was \$337,584.61. Ms. Scott asked if there was any money put aside for a capital project. Pani Martin stated that was up to the Board. Mrs. Scott asked if there is a Capital Reserve Fund. Steve Herzog stated that the Capital Projects Fund is basically a reserve fund.

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

3) General Code – Editorial and Legal Analysis.

Pani Martin discussed the need for the Township to have an editorial and legal analysis done of the Township Code Book. There are inconsistencies in the Township Code and some of the codes are very old. Ms. Martin reported she got a quote of \$6,800 from General Code, the Township's current codification company. Pani Martin discussed the full details of the services covered under the quote. There was a discussion on what additional costs could be incurred with this process such as additional legal expenses. Steve Herzog requested Pani Martin get additional quotes from other companies and ask General Code if the \$6,800 is a cap.

4) Park Day – Township Sponsor.

Pani Martin announced the date for Park Day this year is October 14th. She said one of the biggest part of organizing Park Day is getting sponsorship. Pani Martin stated it has taken a lot of effort from Katherine Archibald, Tag Gathercole and herself to bring in enough sponsorship to cover the cost of the event. Ms. Martin said Park Day costs approximately \$7,500. She requested the Board allow the Township cover some of the funds for Park Day. Two years ago, all of the Park Day expenses were covered with donations. Last year, we covered half the costs and the rest was covered by an old balance in the Friends of the Park account. Pani Martin stated that Tag Gathercole brought in a significant amount of donations. The Board suggested taking the list of last year's donating businesses and contacting them to assess initial interest in donating to Park Day this year.

5) Fall Newsletter Discussion.

Pani Martin reported Hometown Press did not get paid by our major sponsor last year. Hometown Press is asking for help by asking that the Township provide a list of potential Township sponsors. Pani Martin asked the Board whether to ask for sponsors for the newsletter or Park Day because the same list of potential sponsors would be used for both. The goal is for a newsletter to be sent out in August. Steve Herzog stated August or September is acceptable.

6) Positive Pay – Fulton Bank – Discussion.

Pani Martin reported Fulton Bank offers Positive Pay as an extra preventive measure to avoid check fraud. The base cost for each account would be \$600 per year plus a per check fee. Pani Martin stated the Township has nine bank accounts. All or just some accounts could be covered by Positive Pay. Pani Martin recommended the General Fund and Liquid Fuels accounts for coverage. The Board decided not to enroll in Positive Pay at this time.

7) New Business/Updates.

- a. Allied Waste – Pani Martin reported on Monday morning she got a call from a resident that had her car parked on the street and Allied Waste’s truck hit her car and totaled it. The resident has been arguing with Allied Waste for several weeks. Pani Martin stated they are now working together and hopefully working out a solution. Mike Crotty did confirm that the Township is not liable under the contract with Allied Waste.
- b. June 3, 2017 – Pani Martin discussed the retirement party scheduled for Sergeant Ed Masterstefone who has been a police officer for the Township for over 30 years. She said the Police Chief requested the Township pay for the party and the Board had agreed. Pani Martin asked what expense account to take the cost from. The Board instructed Pani Martin to use Account 1409.80 Township – Other.
- c. F-350 Lease for Public Works - Pani Martin presented a follow-up to the Board’s questions about the F-350 vehicle lease-purchase from the previous meeting:
 - Warranty – 3-year or 36,000-mile warranty for anything that isn’t a break.
 - 5-year or 60,000-mile powertrain warranty.
 - Additional coverage is available. Pani Martin will forward information on to Board when she receives it.
 - There are no mileage restrictions.
 - Pani Martin said she is talking to Fulton Bank about reduced interest rates.
- d. Verizon Wireless - Pani Martin presented a Verizon Wireless update. Verizon Wireless is the Township’s cell phone provider for the Public Works Department, Police Department and Emergency Management personnel. Verizon provided the Township with a new phone system with an autoresponder that allows the caller to dial in to a specific person. For the Police Department, the call will go to the officer on duty and if the officer is out of the office, the call will forward to their cell phone. Ms. Martin stated this will get rid of some of the charges we’ve been incurring and will definitely bring down costs. Ed Porter asked Pani Martin to look into data plan savings.

D. CITIZENS BY REQUEST

1) Stuart Vogt – Appeal of 2017 Trash Fees Letter.

Pani Martin presented a synopsis of Mr. Stuart Vogt’s letter requesting for a waiver of the 2017 trash and recycling fees for 2203 Strasburg Road. The original owner passed away and an estate took over the property. Mr. Vogt submitted a letter to the Township requesting the 2017 trash and recycling invoice be waived because no one is living in the home on the property located at 2203 Strasburg Road. She said Stuart Vogt is unable to personally attend the Board of Supervisor meeting because he resides in Oregon. Mike Crotty stated the Township needs to memorialize that no one is living in the residence. The Board also stated that the requirement to obtain a waiver is that the property owner must come before the Board every year to request a waiver.

MOTION: Steve Herzog made a motion to waive the 2017 trash fee and late fees for 2203 Strasburg Road under the ownership of Stuart Vogt. Ed Porter seconded.

VOTE: 5-0

- 2) Northwoods Homeowners Association (HOA) - Al Koenig and Tonya Klughardt – Al Koenig spoke on behalf of the Northwood’s HOA. He said the Northwoods Development is located northwest of the intersection of North Caln Road and West Chester Road and across the street from Manchester Farms. Mr. Koenig asked if the developer, Moser put in a \$10,000 bond for improvements to that intersection. He stated there is a water runoff issue and water pools on Sidesaddle Lane. Al Koenig said they have a problem with ice in the winter because of this water issue. The ice is in the location where the school bus stop is. He said there should be a drain in that location. Mr. Koenig requested use of some of these funds to fix the problem with water pooling at Sidesaddle Lane. Ed Porter stated the Township does have a fund for the West Chester Road and South Caln Road intersection. There was a discussion about what work needs to be done at that intersection. The Board is waiting for Traffic Plan Design (TPD) to come back with a recommendation on what needs to be done at that intersection. Pani Martin confirmed there was a \$90,000 deposit done to the Moser/Northwoods escrow account in 2013.

E. FIRE DEPARTMENTS

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

F. LEGAL ISSUES

- 1) Floodplain Ordinance – Update Only.

Mike Crotty stated FEMA set a flood plain ordinance map effective date of September 29, 2017. We need to have our flood plain ordinance in affect before that date. If the Township does not, residents with flood insurance will lose their eligibility under the Federal Flood Insurance Program. The FEMA Coordinator sent the ordinance draft to MacCombie's office. MacCombie will review and send the draft to the Planning Commission for review and discussion. The goal is to have this ordinance advertised by July or August.

- 2) Manchester Farms – Road Dedication.

Mike Crotty stated Manchester Farms has submitted their Deeds of Dedication for their roads, right-of-ways and other areas of the development that will be dedicated to the Township. The As-Built Plans were received and approved by Chris Della Penna some time ago.

MOTION: Steve Herzog moved that the Township approve Resolution No. 2017-04, accepting as Township roads Cyprus Lane, Little Squire Drive, Bridle Path Lane and the additional right of way for Misty Patch Road and South Caln Road, subject to the remaining financial security being delivered to the Township for use toward future maintenance, upkeep and repairs to those roads and other Township improvements within the development. There was no second to the motion.

QUESTION: Ed Porter questioned whether the Resolution was correct because Manchester Farms does not exit to Misty Patch Road. Mike Crotty read from the Deeds of Dedication which had the same wording as the Resolution. Mike Crotty stated this is also the description from their engineer and on their legal documents.

ACTION: The Board tabled this vote and Mike Crotty will check on the validity of Misty Patch Road.

- 3) Holland – Update from Applicant's Engineer as to Plan Status.

Michael and Lisa Holland, as well as their engineer from Inland Design were not in attendance. Mike Crotty stated the Hollands had requested to be on the agenda. Mike Crotty presented a status update of the Holland application for 1525 South Bailey Road. He stated the Hollands want to move their development forward however there are still two outstanding issues. Their plans were submitted with a different footprint than what was approved by the Board under the land development review process. The Township will need to approve amended plans to reflect the amended plan footprint. The Township Engineer is reviewing for compliance with the Township Ordinances. They also need the Chester County Health Department's approval for the septic system they will be putting on the site. The original Sewage Facilities Planning Module was kicked back with comments from the Chester County Health Department. The Holland's engineer has resubmitted a revised Sewage Facilities Planning Module for County review. There is no Board action required at this time.

- 4) MetroPCS – 180 Doe Run Road Cell Tower.

Mike Crotty presented a brief history of the MetroPCS – T-Mobile. In 2011, MetroPCS and T-Mobile presented a plan to put up a cell tower in the Township on the PECO property located at 180 Doe Run Road. This would be a

monopole cell tower put in the middle of an electrical tower. It will not be a new tower. They had to get conditional use approval to do this. They had an engineering letter with conditions to meet and are in the process of taking care of some engineering issues. Their timeline for acting on the conditional use application expires July 2017. They submitted a request to the Township for an extension of their conditional use approval to July 2018.

MOTION: Steve Herzog made a motion to extend the conditional use permit for T-Mobile / MetroPCS from July 2, 2017 to July 2, 2018. Ed Porter seconded.

VOTE: 5-0

G. ZONING HEARING BOARD

1) Resignation of Bruce Shallis from Zoning Hearing Board.

Steve Herzog reported that Bruce Shallis officially resigned from the Zoning Hearing Board. A letter of resignation was presented to the Board.

H. PLANNING COMMISSION

1) Planning Commission Report.

- a. Planning Commission Meeting on May 2, 2017 – Dennis Crook reported on the May 2, 2017 Planning Commission meeting. Mr. Crook said they discussed Ordinance Section 22-401 - Plan Submission and Review Procedures and Ordinance Section 22-501 - Plan Requirements. Mr. Crook stated the Planning Commission would like to review both of these sections. He said he reviewed the Township forms and it is the same form as in the Ordinance. Mike Crotty spoke about the courts' views on these applications and the need to make sure the Township doesn't preliminarily reject developer's applications. He spoke about the legality of handling applications from developers. We need to give applicants a chance to cure deficiencies with their application. This needs to be balanced against the risk of deemed approvals. We need to watch what we say is required from outside. Some application requirements in the process are not mandatory or practical with the initial application. Dennis Crook also discussed non-conforming uses and inconsistencies in the Code between different zoning districts. Mr. Crook also reported the Planning Commission is pulling back on their procedural document and focusing on the Township Procedural Ordinance. He stated the Planning Commission is in favor of the editorial and legal analysis of the Township Code.
- b. Discussion on Official Map – Wilson Lambert spoke about adopting an official map. He said the official map is a powerful tool that can allow the Township to reject developer applications. Mike Crotty stated an official map is one tool used in combination with the Subdivision and Land Development Ordinances and the Zoning Ordinances. There was a discussion on the uses of an official map.
- c. Bronson (Harkins Farm) Sketch Plan – The Planning Commission reviewed the Harkins Sketch Plan. The Planning Commission advised the Bronsons on the direction to go in because they are residents functioning as a developer.
- d. Towerville Christian Church – Dennis Crook reported the Towerville Christian Church's Special Exception application went before the Zoning Hearing Board. The Planning Commission reviewed their application and recommended approval of their Zoning Hearing Board application for special exception.
- e. Zoning Permit Application Fee of \$75 – Dennis Crook said the Keystone Municipal contract states half of the zoning permit fee goes to the Township and half goes to Keystone Municipal.
- f. Homeowners Associations (HOA's) – Some residents are under the wrong impression that HOA requirements supersede Township regulations. Residents may not realize that they need approval from the Township as well as their HOA. There was a discussion on outside management firms overseeing HOA's.
- g. Wagner Lane – Wilson Lambert asked if Wagner Lane has been dedicated. Mike Crotty recommended checking if Wagner Lane is on the Liquid Fuels map of roads to determine if Wagner Lane is dedicated.

- h. Conditional Use Fee – Ed Porter asked Mike Crotty if the \$1,500 conditional use application fee is appropriate and if the Township is recouping its costs. Ed Porter stated he noticed some of the costs on these applications are coming in higher than the fee amount. Mike Crotty explained the following costs can be recouped: court reporter fees, building, lights and staff, advertising costs and miscellaneous. The Municipalities Planning Code does not allow legal fees to be recouped. Mike Crotty stated you don't want the application fee to be so high as to be burdensome to residents. Setting the fee amount is a balancing act between the Township having costs covered versus setting the application fee too high that it becomes burdensome. Mike Crotty stated \$1,500 is comparable to what other municipalities charge for conditional use applications.

At 8:14 pm, the Board dismissed Mike Crotty from the meeting.

I. POLICE DEPARTMENT

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

J. PUBLIC WORKS DEPARTMENT

- 1) April Road Department Report submitted for Board and resident review.
- 2) Approval to Hire Part-Time Grass Cutters.

Pani Martin stated that the Board has the option to hire three employees and split the hours among the three employees or hire two employees. The Board discussed the various options.

MOTION: Steve Herzog made a motion to hire Lucas Witte, Jesse Kelly, and Kyle Seace as part-time grass cutters at a rate of \$13.50 per hour. Ed Porter seconded.

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

- 3) Township Road Work.

There was a discussion on what roads would be worked on this year. The Board requested a list of recommended roads from Tag Gathercole.

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) No Report.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:28 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary