

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 27, 2017 Approved minutes
6:34 PM

Members Present

Steve Herzog, Chairman
Randy Doan, Member
Wilson Lambert, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

Mike Crotty

A. CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE.

Chairman Steve Herzog called the meeting to order at 6:34 pm.

B. 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) May 23, 2017 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the May 23, 2017 Board of Supervisors meeting minutes as presented. Randy Doan seconded.

VOTE: 3-0

2) June 13, 2017 Board of Supervisors Workshop Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the June 13, 2017 Board of Supervisors Workshop meeting minutes as presented. Randy Doan seconded.

VOTE: 3-0

C. ZONING HEARING BOARD

1) Appointment of Kathleen Moffitt by Resolution to the Zoning Hearing Board 2017-2019 Term.

MOTION: I make a motion to adopt Resolution 2017-08 appointing Kathleen Moffitt as a Zoning Hearing Board member for the term ending December 31, 2019. Randy Doan seconded.

VOTE: 3-0

D. POLICE DEPARTMENT

1) May Police report submitted for Board and resident review.

2) Brian Simmons – New Sergeant – June 3, 2017.

MOTION: Steve Herzog made a motion to promote Officer Brian Simmons to the position of Sergeant retroactively effective June 3, 2017. Randy Doan seconded.

VOTE: 3-0

3) Swearing in of New Sergeant Ceremony – Judge Nancy Gill.

Judge Nancy Gill swore in Brian Simmons as Sergeant of the East Fallowfield Township Police Department. Chief Porter stated the East Fallowfield Township Police Department was proud to announce the promotion of Brian Simmons to the rank of Sergeant for East Fallowfield.

4) Memorandum of Understanding.

MOTION: Steve Herzog moved that the Township approve the Memorandum of Understanding with the Police Association in the form presented. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked what the Memorandum of Understanding is. Mike Crotty gave a brief explanation of the document. He said it memorializes the modification of one of the provisions in the health insurance that covers the Township Police Department.

VOTE: 3-0

5) Exclusion Removal – Health Care Plan.

MOTION: Steve Herzog moved to authorize and direct the Township Treasurer to request the exclusion on orthotic devices be removed from the Township's insurance plan in accordance with the Memorandum of Understanding. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked how this will impact the budget. Steve Herzog stated there is no cost effect.

VOTE: 3-0

E. FIRE DEPARTMENTS

1) Westwood Fire Company Update.

Chief John Sly briefly summarized the May Westwood Fire Company Fire Chief's Report and EMS Report. Chief Sly stated there were four calls in East Fallowfield. Chief Sly announced a fundraiser mailing will be going out soon to those who haven't donated yet. Chief Sly also reported on a commercial fire that occurred on June 10th at R&R Home Furnishings. He said the damage was limited.

2) Letter of Praise of Westwood Fire Company.

Pani Martin read a letter out-loud from the owner of R&R Home Furnishings praising Westwood Fire Company and their outstanding efforts in handling the recent fire at R&R Home Furnishings.

3) Act 172 Emergency Responder Tax Credits – Discussion Only.

Mike Crotty briefly summarized the Act 172 Emergency Responder Tax Credits that the Board of Supervisors are considering. It allows a local tax credit for volunteers that serve local fire companies. Mr. Crotty stated he is waiting for PSATS to put out guidelines on the criteria on who qualifies for the tax credit. Chief Sly stated there is a County movement to have all the local municipalities work together and approve this at one time. Chief Sly stated it is a partial credit on local tax and it could be up to 20% of a volunteer's annual municipal tax.

4) May Modena Fire Company Fire Chief's Report submitted for Board and resident review.

- 5) May Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 6) May Modena Fire Company EMS Report submitted for Board and resident review.

F. TREASURER'S REPORT

- 1) May 31, 2017 Treasurer's Report

MOTION: Steve Herzog made a motion to approve the May 31, 2017 Treasurer's Report. Randy Doan seconded.

VOTE: 3-0

- 2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of May 24, 2017 through June 27, 2017 in the total amount of \$152,522.03. Randy Doan seconded.

VOTE: 3-0

- 3) Transfer Authorizations.

MOTION: Steve Herzog made a motion to approve the Transfer Authorizations moving funds from old depository accounts at Key Bank to new depository accounts at Fulton Bank as presented for the period of May 24, 2017 - June 27th, 2017 in the total amount of \$2,020,000.00. Randy Doan seconded.

VOTE: 3-0

- 4) Governor's Center for Local Government Services – Letter of Intent.

Pani Martin stated at least a year ago the Board had discussed and motioned to change our chart of accounts. Ms. Martin stated at a recent training class, the local government center stated they have people that will come out to the Township to help with this task. Pani Martin requested the Board to motion to submit a Letter of Intent to the Governor's Center which would allow her to speak to them and figure out what would help our Township. Pani Martin stated that the Township needs to be on the DCED chart of accounts. It was a recommendation by the auditors. The auditors won't have to convert to the DCED chart of account which will lower auditing costs.

MOTION: Steve Herzog made a motion to submit a Letter of Intent to the Governor's Center for Local Government Services for technical assistance regarding our Chart of Accounts and Budget Preparation. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked if this would cost the Township money. Steve Herzog stated it won't cost money now because there is no commitment at this point. At some point in the future it will cost money. Mrs. Scott asked what the point is of converting to the DCED chart of accounts. Steve Herzog stated the benefits are that our chart of accounts will better line up with DCED's accounts which is who the Township reports to. The cost of the audit will be reduced because a chart of accounts conversion will no longer be needed.
- b. Buddy Rhoades stated this was not stated in the audit report as a recommendation. Mr. Rhoades spoke about an audit recommendation to clean up the escrow account. Mr. Rhoades suggested the Board review the audit review letter before making a decision on this.

- c. Randy Doan asked if we are mandated to follow any suggestions from the DCED if we submit a letter of intent. Steve Herzog stated this is just to start talking to the DCED about what the scope of work would be and the cost associated with the work.
- d. Pani Martin stated that Barbacane Thornton's current year recommendation letter to the Board addressed the DCED chart of account and stated the general ledger chart of accounts does not comply with the DCED chart of accounts. The recommendation from the auditor was to have the Township's chart of accounts conform to the DCED chart of accounts. Pani Martin read the audit review letter.

VOTE: 3-0

5) Updated Interest Rates for Lease Purchasing for 2017 F-350.

MOTION: Steve Herzog made a motion to approve the updated 3-year municipal lease purchase of a 2017 Ford F-350 with plow and salt spreader with a \$1 buyout through Fulton Leasing Company. The total price is still \$42,305.00. The reduced interest rate is 2.77% with updated annual payment prices of \$14,493.94. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a) Wilson Lambert spoke about extended warranties. He said we should consider extended warranties. It would be cost effective to consider the 3-year/36,000-mile warranty. Pani Martin stated the lease includes a 3-year/ 36,000 mile warranty. She stated the extended warranty will cover the entire vehicle except regular wear and tear items. Ms. Martin also discussed the details of a 5-year/100,000 mile warranty. Ms. Martin stated there are lease options between 3-8 years and 36,000-125,000 miles.
- b) Pani Martin stated the motion should be approved tonight to lock in the low interest rate. The warranty can be added later.
- c) Buddy Rhoades asked if the lease was through Costars. He also asked what type of salt spreader it is.
- d) Connie McLaughlin asked how many miles are put on the trucks per year. Steve Herzog estimated the Township vehicles put on an average of 10,000-12,000 miles per year.
- e) Discussion: There was a discussion about the age of the various vehicles owned by the Township.

VOTE: 3-0

6) Nationwide Payment – Officer Form Updates.

Pani Martin stated that the signers for Nationwide need to be updated.

MOTION: Steve Herzog made a motion to add Steve Herzog and Randy Doan as signers for Nationwide Payments Merchant Services Officer Form officially making them officers for this account. Wilson Lambert seconded.

VOTE: 3-0

7) Review of Postcard for ACT 537 – Ercildoun & Doe Run Farms Areas.

Pani Martin stated she designed a postcard for the Ercildoun and Doe Run Farms areas as instructed by the Board at the last meeting. There was a discussion about what areas are included in Ercildoun. Pani Martin reported the public meeting will be on Monday, July 24, 2017 at 6:30 pm at the South Brandywine Middle School.

MOTION: Steve Herzog made a motion to authorize the printing and postage of the postcard to go to the 300 residents in the Ercildoun and Doe Run Farms areas regarding the Sewage Facilities Plan Discussion. Randy Doan seconded.

VOTE: 3-0

8) Muirfield Energy – Broker for Energy Supply for Township.

Pani Martin presented a report from Muirfield Energy which is a broker for energy suppliers. Their document includes price quotes for local energy suppliers. The Board of Supervisors stated they will review the report and think about this option. PECO's rates were discussed. Pani Martin will research PECO's rates and the Board will discuss this topic again at the next meeting.

9) Payroll/Timekeeping Company – Vendor Quotes for Review.

Pani Martin presented price quotes from two payroll companies - PayChex and PayTime. She said PayTime is the most economical and also her preference. Their system is customizable. She discussed PayTime as compared to the current system Paylocity. She stated PayTime would require less double checking. Further review and discussion will be done on this topic.

10) Republic Services – Web Services/Phone App.

Pani Martin stated that Republic Services requested a list of addresses in the Township. She said the Township has not previously granted this request. She discussed their recent change in call center service. The new call center has a long wait time for residents and is also giving incorrect information to residents. One of Republic Service's suggestions to address this problem is putting the Township addresses into their intranet site for residents to submit bulk trash requests through the internet or a phone app. The Board decided not to grant this request at this time.

11) East Fallowfield Township Park – Parking Lot Line Painting.

Pani Martin stated that Tag Gathercole requested this proposal be put on the agenda for consideration. She said the proposal is for seal coating and restriping in the East Fallowfield Park parking lot.

MOTION: Steve Herzog made a motion to appoint Best Home Care, Inc. to seal coat and re-stripe the parking lot off of Buck Run Road in East Fallowfield Park for a cost of \$3,300. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Randy Doan asked if there is a zoning violation in regard to Best Home Care, Inc.
- b. Mike Crotty stated there is separately but not against Best Home Care, Inc.
- c. Randy Doan asked if the Township can give them business during this time.
- d. Mike Crotty stated yes.
- e. Buddy Rhoades asked what type of seal is being proposed. He spoke about sand mix. Steve Herzog stated the sealer type is sand mix.
- f. Erwin Zeller asked if this item and the previous motions were all included in the budget. Pani Martin stated that all the items up for consideration by the Board are included in the current year budget. Ms. Martin stated this expense would come out of the General Fund.

VOTE: 3-0

12) Penn State – Municipal Management Priorities Survey.

Pani Martin reported that PSATS or PSAB sent a link out for a Penn State Municipal Survey. She suggested the Board members each fill out their own survey and submit them to her. She will then combine the results. Pani Martin stated the purpose of the survey is to identify municipal management priorities and how they differ

by geographic region, community character, and other basic demographic factors. She also read off the list of questions on the form. The Board discussed the survey and decided to table this discussion.

13) Christmas Eve/Christmas Day Holiday Observance.

Pani Martin reported that this year Christmas Eve falls on a Saturday and Christmas Day falls on Sunday. Both are Township holidays. She asked the Board which days off should be scheduled for the Christmas Eve and Christmas Day holidays this year. The Board discussed the options and decided on Monday and Tuesday as the two holiday days off.

MOTION: Steve Herzog made a motion to acknowledge the Christmas Eve / Christmas day holiday observance as Monday, December 25 and Tuesday, December 26, 2017. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked if New Year's would be handled the same way. Pani Martin stated New Year's Day is on Sunday so Monday would be the holiday. New Year's Eve is not an office holiday.
- b. Buddy Rhoades asked what the two union contracts state. He stated the motion regarding the holidays only applies to the office staff. Randy Doan stated the employee handbook does not address this situation. Randy Doan stated the Board doesn't have a say over the union employee holidays.

VOTE: 3-0

14) New Business/Updates.

- a. Hometown Press – Pani Martin reported that Hometown Press will not be able to provide a newsletter for the Township due to lack of advertisers. Pani Martin asked the Board if they'd like to find another company to replace Hometown Press to do a newsletter. Ms. Martin suggested a company called PRINT. The Board stated they would like to continue doing a newsletter.
- b. 2005 Tractor TR-2 – Pani Martin presented an insurance update on the tractor that recently burned in a fire. The 2005 tractor was insured for \$10,000. Our insurance broker is reaching out to Selective to provide additional coverage under the mobile equipment policy.

G. LEGAL ISSUES

1) Holland Land Development.

Mike Crotty stated the Board previously granted Conditional Use approval for Michael and Lisa Holland for a daycare center located at 1525 South Bailey Road. Mike Crotty reported the Board also previously approved the Holland's preliminary subdivision and land development plan subject to a few conditions. Following that, the applicant slightly revised the building footprint. Mr. Crotty stated the Holland's are here for three things. (1) The County requires approval of an on-lot septic management agreement. (2) The County requires a Sewage Facilities Planning Module be completed and submitted to DEP. (3) Technical compliance with the plans the Holland's submitted because they are is a change from the plan the Board approved in December.

Mike Crotty commented on Traffic Plan Design's review letter and Chris Della Penna's review letter. Mr. Crotty noted that Chris Della Penna commented to ensure that Tony Sirna and Jim Reagan have seen the plans and had a chance to comment on the plans.

Mark Padula, Engineer from Inland Design, spoke to the Board regarding the Holland application. He addressed Chris Della Penna's review comment in his letter dated June 27, 2017, that more time needed to be given for Emergency Services to review the revised plan. He gave a recap/timeline on the Emergency Services review history done by Tony Sirna and Jim Reagan. Mr. Padula discussed the Emergency Services review comments and stated all their comments have been addressed. He said the Emergency Services would be satisfied with the Plan. The Board and Mike Crotty requested something in writing from Jim Reagan. Mark Padula will get a written review statement from Jim Reagan.

Steve Herzog asked if there are any issues left unaddressed. Mike Crotty stated the Township was waiting for the questionnaires from the Chester County Health Department and Chester County Planning Commission that need to be included in the Sewage Facilities Planning Module to be submitted to the DEP for approval. These have all been received this afternoon.

Mike Crotty stated the next steps, upon Board approval tonight, are for the Hollands to submit their Land Development Agreement, Financial Security Agreement with Financial Securities Work-Out from the Engineers office, and a Stormwater Management Agreement.

Mark Padula discussed the timeline of the Holland application prior approvals. He stated that all of Chris Della Penna's review comments have either been addressed or will be addressed during the final plan phase. Mark Padula stated the Holland's will be submitting building permits with the Township in the next few days if approved tonight.

MOTION - ON LOT SEPTIC MANAGEMENT AGREEMENT: Steve Herzog moved that the Township authorize the Chair to execute the On-Lot Septic Management Agreement for the Holland project in the form as submitted by the Township Solicitor. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades asked what Mark Padula's role is. Randy Doan stated that Mr. Padula is the applicant's engineer who designed the Holland's plan. Mr. Rhoades stated he'd like to see the review reports from the Township Engineer and Emergency Services Management.
- b. Siti Crook asked if the applicant is submitting an Act 537 Plan. Mike Crotty stated that is what is being approved in Motion #3. Ms. Crook also asked how the process works if the applicant gets building permits, starts building, and subsequently does not get DEP approval. Mike Crotty stated the applicant takes the risk by starting the building and the work will have to cease if DEP approval is not received.
- c. Connie McLaughlin asked where the property is located. Mark Padula stated the property is located at 1525 South Bailey Road.

VOTE: 3-0

MOTION - AMENDED PLANS: Steve Herzog moved that the Township approve the amended land development plans for the Holland project, subject to the conditions of approval imposed for the initial land development approval and subject to the condition that Applicant obtain all outside agency approvals and subject to written receipt from Jim Reagan or Tony Sirna regarding approval of these changes. Randy Doan seconded.

VOTE: 3-0

MOTION - SEWAGE FACILITIES PLANNING MODULE: Steve Herzog motioned that the Township approve Resolution 2017-09, authorizing the submission of the Holland Sewage Facilities Planning Module to DEP. Randy Doan seconded.

VOTE: 3-0

2) Manchester Farms - Dedication.

Mike Crotty stated at last month's meeting, Ed Porter had raised a question about a portion of the dedication that references Misty Patch Road. Mike Crotty reported Eric Shrock had provided the answer which is that it is an easement or right-of-way for part of the stormwater management facilities that are installed for the development. Mike Crotty stated that Ed Porter has indicated this satisfied his question.

MOTION: Steve Herzog moved that the Township approve Resolution No. 2017-04, accepting for dedication as Township roads Cyprus Lane, Little Squire Drive, Bridle Path Lane as well as the additional right-of-way for Misty Patch Road and South Caln Road and dedication of other easement areas, 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. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked what the financial security is. Mike Crotty explained the history of Manchester Farms and the developer going bankrupt. The Township essentially took over the development and the financial security as part of the process. The money was released over time for services. There is a portion of the money left over upon completion of work. The Township will hold the remaining funds in a separate escrow account upon delivery of the funds to the Township.
- b. Pani Martin asked where the money would be held. Mike Crotty stated a separate escrow account. Funds will be coming to the Township.
- c. Buddy Rhoades commented that some of the roads in the motion are part of the South Caln Road and West Chester Road intersection improvements. Buddy Rhoades asked how much money is in that escrow account. Pani Martin stated there is \$282,000 in the escrow account.
- d. Erwin Zeller asked where the original funds came from. Mike Crotty stated when a developer submits plans for approval, they are required to put up money (financial security). The money came from the original developer.

VOTE: 3-0

3) Floodplain Ordinance.

Mike Crotty stated the proposed floodplain ordinance draft can be forwarded to the Planning Commission for consideration. He said the motion to advertise the proposed ordinance can be deferred until next month. Steve Herzog stated he'd like to see the proposed ordinance and have the planning Commission review the proposed ordinance before motioning to advertise.

4) Towerville Christian Church – Discussion Only.

Mike Crotty reported Towerville Christian Church will be submitting an application requesting a waiver from the land development process. This application will go before the Planning Commission. Lisa Valaitis reported the application has not yet been submitted to the Township.

5) Zoning Appeal – Buck Run Road – Discussion Only.

Mike Crotty reported there has been an appeal of a Zoning Officer's Violation Notice filed with the Township. He explained that there are trailers stored on the property. However, there is no home on the property so the trailers can't be considered an accessory use. The trailers would therefore be considered the primary use of the property which is not allowed in that Zoning District. The Zoning Hearing Board is setting the hearing for Wednesday, July 26th at 6:00 pm. Mike Crotty asked the Board if they want him to appear at the Zoning Hearing Board hearing in representation of the Zoning Officer, Rob McLarnon. There was a discussion about having Rob McLarnon represented by the Township Solicitor.

MOTION: Steve Herzog moved that the Township approve the Solicitor working with the Zoning Officer regarding a zoning appeal meeting scheduled for July 26, 2017 at 6:00 pm in the Township building. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades stated that property is agricultural. He commented on the equipment. He said he has a problem with the other Township violations such as the property with the tires. Mr. Rhoades also commented on the property on Mortonville Road that is under renovation. He stated work is being done

that wasn't granted by the Historical Commission. He said the Historical Commission can't enforce anything without the arm of the Board and the Zoning Officer. Steve Herzog requested the Historical Commission forward letters sent to the property owner and Zoning Officer. Steve Herzog commented on the importance of a paper trail.

- b. Dennis Crook stated this type of situation has recently come up with other properties. He suggested looking into a permit fee for the allowance of a temporary structure such as a shed or barn to be added to the Township Ordinances.
- c. Sharon Scott asked what the address is for the property. Lisa Valaitis stated the address is 925 Buck Run Road.

VOTE: 3-0

H. PLANNING COMMISSION

1) Planning Commission Report.

Dennis Crook reported they didn't have quorum at the June Planning Commission meeting. However they did have a presentation on the proposed floodplain ordinance and reviewed the specifics on the ordinance. They did not do a formal recommendation due to lack of quorum to vote on it. He said the Planning Commission recommends keeping the floodplain ordinance and stormwater ordinances separate. Some Planning Commission members attended the Commercial Landscapes3 Planning Series. He will give a more detailed report on this later. This will help with the Office-Industrial and Multi-Use Zoning Districts in the Township. Mr. Crook also stated there may be a meeting date change for the July 3rd Planning Commission meeting due to the July 4th holiday.

I. PUBLIC WORKS DEPARTMENT

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

J. PARK & RECREATION COMMITTEE

1) No Report. Committee has five vacancies.

K. HISTORICAL COMMISSION

1) No Report.

2) Historical Commission Update.

Connie McLaughlin reported that Joe McCormick (Historical Commission Chairman) sent a certified letter to the owner of the school house in the Township. The Board requested copies of the letter. There was a discussion about how the Zoning Officer handles complaints and how his time is billed when he handles a complaint. Steve Herzog requested a representative from Keystone Municipal to speak to the Board about their contract with the Township at a budget meeting. Rental properties were discussed as a form of potential revenue for the Township. Connie McLaughlin also reported the Historical Commission Facebook page is up. She requested resources for the page.

L. NEW BUSINESS

1) Budget Meeting Schedule.

Steve Herzog discussed needing to schedule the first budget meeting soon. Pani Martin reported she will provide a proposed budget meeting schedule at the next Board of Supervisor Workshop.

M. PUBLIC PARTICIPATION

- 1) Sharon Scott asked questions about the previous Board of Supervisors Workshop regarding an Act 537 presentation given by David Porter who is from Herbert MacCombie's office.
- 2) Buddy Rhoades asked when the fire hydrants on West Chester Road were last tested. He said it is the Township's responsibility to have the hydrants tested. The Board will check with Jim Reagan on this.

N. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:02 pm. Randy Doan seconded. VOTE: 3-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary