

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 25, 2017 Approved minutes
6:30 PM

Members Present

Steve Herzog, Chairman
Ed Porter, Vice Chairman
Carol Kulp, Member
Randy Doan, Member
Wilson T. Lambert Jr., Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

John Mahoney

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

Chairman Steve Herzog called the meeting to order at 6:30 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) June 27, 2017 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the June 27, 2017 Board of Supervisors meeting minutes as presented. Randy Doan seconded.

VOTE: 3-0 (Ed Porter and Carol Kulp abstained.)

2) July 11, 2017 Board of Supervisors Workshop Meeting Minutes.

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

QUESTIONS AND COMMENTS:

- a. Ed Porter requested an additional sentence be added to Section H on the last page.

VOTE: 5-0 (Approved with change.)

C. WESTERN CHESTER COUNTY COUNCIL OF GOVERNMENT

1) Donna Siter – Western Chester County Council of Government.

Donna Siter explained that the Western Chester County Chamber of Commerce formed the Western Chester County Council of Government five years ago. East Fallowfield Township was a participant and signed the resolution to be part of it. Ms. Siter stated she hoped the Board would be active participants in the Council of Government (COG). Ms. Siter explained what the Western Chester County Council of Government does and what its mission and goals are. There are 12 members and the meetings are monthly. She stated municipalities form the Council of Government by joining together to work regionally. Each municipality works independently on any decisions made in the Council. Equipment sharing is one function of the COG. There is also a Regional Emergency Management Group that is getting off the ground which is being formed to handle regional emergencies. The COG's mission is to preserve farms and open space. Goals are to attract business to western Chester County, to organize NIMS training, and to expand presence on the website and Facebook. There was

a discussion about the bylaws and participating municipalities sharing equipment. Ms. Siter encouraged the Board to attend the next COG meeting.

D. MS4 PLAN ADVERTISEMENT

1) MS4 Plan Advertisement – David Biloan, Herbert MacCombie's Office.

David Biloan, from Herbert MacCombie's office, presented an update on the status of the MS4 Plan (Municipal Separate Storm Sewer System). Mr. Biloan stated the MS4 permits are due to DEP on September 16, 2017. He reported they are nearing completion of the plan and it will be available for public review and comment for 30 days as required. To meet that goal, the MS4 Plan needs to be advertised. The purpose of the MS4 Plan is to control and reduce pollution that goes into the streams. It has been done primarily through controlling development and implementation for stormwater management practices. Mr. Biloan discussed initiatives for clean water. The EPA established urbanized-areas where controls should be implemented. Identify where storm sewers are and where the outfalls go to the creeks to control run off. Impaired streams were designated by DEP and EPA as not meeting requirements for the clean stream initiative. East Fallowfield Township only has one small area that is identified as impaired which is located near Strasburg Hunt. Mr. Biloan discussed their program to look at outfalls in that area. He discussed the two sewer areas in Strasburg Hunt, the condition of those sewers, and how they are proposing to address the sediment load. He estimated the cost to be \$25,000 over five years. Mr. Biloan also discussed municipalities working together to clean up streams and commented that East Fallowfield Township could possibly work cooperatively with Valley Township to address the Sucker Run sediment. He requested the Board approve the advertisement of the MS4 Plan.

John Mahoney explained that David Biloan's request is for the Board to authorize the advertisement the intention of a subsequent hearing (meeting) on a MS4 Plan adoption. On August 22, 2017, there will be a hearing (meeting) at which the Board will be considering the MS4 Plan for adoption. After adoption, the various alternatives selected would have to be implemented. Reducing sediment load was discussed. Options include moving silt or trapping silt in designated areas such as in a rain garden.

MOTION: Steve Herzog moved that the Township authorize for advertisement a notice that the Township TMDL Pollution Reduction Plan is available for public comment, with the anticipation that it will be discussed by the Board at its August 22, 2017 meeting. Ed Porter seconded.

VOTE: 5-0

E. CITIZENS BY REQUEST

1) Paula Davis.

Paula Davis acknowledged having received a letter from the Codes Enforcement Officer. She thanked the Board Chairman for making himself available on a day off to discuss the difficulties she is having in maintaining two family properties due to on-going disputes on the subject with her brother. Ms. Davis further explained that the two parcels of land are owned by the Estate of her parents. She and her brother are the executors of the Estates, but cannot agree regarding many subjects, including how to comply with the requirement to mow the properties. Many details were explained, including the time limitations when the other Executor is permitted to be on the parcels, and his refusal to allow others to complete mowing that he has only partially completed in an unsatisfactory manner. Ms. Davis was informed that the township would have to arrange for the mowing to be completed by a qualified mowing service contractor, and the Township was obligated to recoup this expense by placing a lien on the two parcels. The Solicitor suggested that Ms. Davis discuss an appropriate remedy with the lawyer for the Estate or the Executors performing the estate administration, such as requiring an accounting pertaining to the expense incurred.

F. TREASURER'S REPORT

1) June 30, 2017 Treasurer's Report

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

QUESTIONS AND COMMENTS:

- a. Ed Porter asked Pani Martin how the finances are looking. Pani Martin stated the Township is doing well overall so far this year. She stated that over 50% of the budgeted income has come in and only 43% of expenses have gone out and we are halfway through the year.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of June 28, 2017 through July 25, 2017 in the total amount of \$152,522.03. Ed Porter seconded.

VOTE: 5-0

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

Pani Martin presented proposals for payroll companies. She spoke about PayTime which is her first choice. She stated this company has a lot of customizing options. Pani Martin briefly discussed the cost differential between PayTime and Paylocity (current payroll company). She thinks PayTime is half the cost. Ms. Martin also reported that Paylocity has been billing incorrectly and she is working on a retroactive reimbursement. Steve Herzog requested this topic be put on next month's agenda.

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

Pani Martin presented updated pricing from Muirfield Energy to the Board. She also reported she is working on a PECO kilowatt – usage analysis. She stated that the Township was recently using AP&G as an energy supplier. She discussed their promotion in which they start with a low rate and steadily increase it over the year. They indicated that the Township would receive a 25% savings back at the end of the year. In the tiny print, it stated the savings was 25% of one month's cost. Ms. Martin stated the Township has since switched back to PECO. The Board instructed Pani Martin to stay with PECO.

5) Verizon – 610-466-7208 Line Research/Resolution.

Pani Martin spoke about a Verizon telephone line that the Township has been getting billed for, however, no one has been able to locate the line. She stated she thought the line could be tied to the fuel tanks and she had been concerned to cancel the line. She finally got Verizon to determine it is not a line tied to a fuel tank. Ms. Martin reported she was able to get Verizon to cancel the telephone line and credit the Township \$800.

6) Selective Insurance – Salvage Bill of Sale.

A Motion was made to approve two salvage bills of sale, one for a 2005 New Holland Vehicle and the other for 2016 Side Flail Mower, in exchange for the insurance company, Selective Insurance, paying the sum of \$12,508.60 for the New Holland Model and \$20,756.38 for the Tiger Flail. The Motion was made, seconded and unanimously adopted. The Solicitor indicated that the documents provided by Selective that confirm this decision were in proper form for execution by the Chairman or Vice Chairman and transmittal by Township staff.

MOTION: Steve Herzog made a motion to approve the Salvage Bills of Sale for the 2005 New Holland tractor and 2016 Tiger side flail mower from Selective Insurance, the Township's insurance provider. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter stated that Pani Martin had previously mentioned that the Township was interested in keeping the 2016 Tiger side flail. He asked Pani Martin if that was feasible. Pani Martin stated the insurance company will have to have someone come out and assess the piece of equipment and this was feasible after assessment. She asked the Board if they wish to pursue this. Pani Martin stated the insurance company has deemed both pieces of equipment to be a complete lost. There was a discussion about potentially keeping the 2016 Tiger side flail and repairing it versus keeping it for spare parts.

VOTE: 5-0

7) Republic Service – Recycling Dumpster at Township.

Pani Martin reported that a resident had requested the Township have a recycling dumpster at the Township building for disposing of recycling overflow. She stated they looked into this request, and as a result the Township now has a recycling dumpster out in the parking lot. The Board requested Pani Martin have the dumpster locked after hours. There was a discussion about residents being able to obtain additional recycling totes. Ms. Martin stated that Republic Services is no longer providing extra recycling totes to residents. The Board requested Pani Martin review the contract.

8) Liquid Fuels Audit - 2016.

Pani Martin reported the Liquid Fuel audit starts next Monday, July 31st. She will update the Board on the status of the audit.

9) Editorial & Legal Analysis/Codification.

Pani Martin stated the Planning Commission submitted a letter of recommendation to the Board in favor of completing the editorial and legal analysis of the Township Code. Ms. Martin reported she met with General Code today. She stated after American Legal Publishing's presentation at the previous Board meeting, she concluded it might be time to recodify. Recodification is more cost effective for the Township.

10) Keystone Municipal Update.

Pani Martin stated Keystone Municipal is able to send out an inspector on Monday, Wednesday, and Friday if needed. This is included in the contract cost. The Board discussed how to address the system/procedure for arranging Monday, Wednesday and Friday inspections. Pani Martin will reach out to Keystone Municipal to determine if they need something formal from the Board to implement this new procedure.

11) New Business/Updates.

- a. Code Violation / Grass Mowing - Pani Martin asked the Board if she should have Stoltzfus mow the grass at 2215 Strasburg Road. Mr. Mahoney discussed the details of the violation. The Board
- b. First Budget Meeting – Pani Martin reminded the Board that the first budget meeting is Tuesday, August 8, 2017 at 5:30 pm.
- c. Governors Center for Local Government Services - Jamar Kelly – Local Government Policy Specialist for the Governors Center for Local Government Services – Jamar Kelly introduced himself to the Board of Supervisors and stated he received a Letter of Intent from East Fallowfield Township. He spoke about the services provided by the Governors Center for Local Government Services. They are a one stop shop for municipal governments and they offer help such as technical advice, negotiating contracts, and grant programs that encourage shared municipal services. Mr. Kelly stated he received a Letter of Intent to provide support to clean up East Fallowfield Township's chart of accounts in QuickBooks. Mr. Kelly reported he has met with Pani Martin for an initial consultation and will be sending out someone to provide technical support on cleaning up the chart of accounts. Jamar Kelly stated he will talk about grant programs at the next Board of Supervisors meeting.

G. LEGAL ISSUES

1) Floodplain Ordinance.

Jack Mahoney presented a brief synopsis of the floodplain ordinance and explained that the Board is considering this ordinance so that residents can buy federally subsidized flood insurance. He recommended the Board make a motion to advertise the hearing on the floodplain ordinance. The ordinance to be considered is an update to the Township's existing floodplain ordinance based on FEMA's new mapping/model. The ordinance needs to be in place to allow flood insurance to be available for residents.

MOTION: Steve Herzog move that the Township advertise the draft Floodplain Ordinance, for a hearing to be held on August 22, 2017 at 6:30 pm. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked where this will be advertised. Steve Herzog stated this will be advertised in the Daily Local newspaper.

VOTE: 5-0

2) Towerville Christian Church.

John Mahoney reported that Towerville Christian Church has submitted a request for waiver from the land development approval to install a canopy over an existing entrance and install a new ADA compliant bathroom. He stated Towerville Christian Church's request for a waiver has been recommended by the Planning Commission and reviewed by Siana Bellwoar. He stated the Township is not taking a risk by approving the waiver of the normal land development approval process. He recommended the Board motion to grant the waiver. Mr. Mahoney also stated the Code Officer will need to review the structure of the canopy and that the bathroom is ADA compliant.

MOTION: Steve Herzog moved that the Township grant the June 28, 2017, waiver request of Towerville Christian Church for the sole purpose of installing a canopy over its existing entrance and installation of a new, ADA compliant bathroom, subject to Towerville obtaining all requisite permits and outside agency approvals associated with the improvements. Ed Porter seconded.

VOTE: 5-0

3) 2017 Road Paving Project.

John Mahoney stated the Township Engineer received four bids, summarized the bids, and reviewed the bids for the 2017 road paving project. Long's Asphalt was the lowest bidder in the amount of \$161,379.65. Steve Herzog asked if the bidding was done through PennBid or MuniBid. Lisa Valaitis stated they used PennBid. Mr. Mahoney stated that the Township Engineer has recommended the job be awarded to Long's Asphalt as the lowest bidder.

MOTION: Steve Herzog moved that the Township award the bids for the 2017 paving project to Long's Asphalt, Inc. in the amount of \$161,379.65. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Pani Martin reported the bid amount came in \$45,000 less than what was estimated for the job. There was a discussion about what could be done with the \$45,000 in savings.
- b. Erwin Zeller asked what roads will be worked on. Steve Herzog stated the roads being worked on are Glenrose Road, Timacula Road, Molineux Road and Juniata Drive.

VOTE: 5-0

H. FIRE DEPARTMENTS

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

I. PLANNING COMMISSION

- 1) No Report.
- 2) Letter of Recommendation – Editorial and Legal Analysis of Township Ordinances submitted for Board review.
- 3) Letter of Recommendation – Floodplain Ordinance submitted for Board review.
- 4) Letter of Recommendation – Towerville Christian Church submitted for Board review.

J. POLICE DEPARTMENT

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

K. PUBLIC WORKS DEPARTMENT

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

L. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

M. HISTORICAL COMMISSION

- 1) July 19, 2017 Historical Commission meeting minutes submitted for Board and resident review.
- 2) People's Hall Letter to Senator Dinniman submitted for Board review.
- 3) 1110 Doe Run Road Letter to Rob McLarnon submitted for Board review.

N. NEW BUSINESS

- 1) Act 537.

There was a lengthy discussion about Act 537 and the previous night's public meeting. Steve Herzog stated the overall resident vote was no for public sewer. Steve Herzog stated the options are public sewer, an on-lot septic management plan, or establish a sewer authority. There was a discussion about creating a sewer authority. Doing nothing is an option. However, if the Township does nothing, then DEP will make the decision for the Township which will most likely be public sewer. Steve Herzog stated this is coming down from the State. There was a Board discussion about the options. The septic management plan is not solving the on-lot septic problems and will basically set up a monitoring system for the Township. Steve Herzog stated the DEP has final approval over the Township's Act 537 Plan. DEP can mandate public sewer in areas they deem necessary. There was a discussion about the Act 537 map that indicates different levels of septic problems. The data on the Act 537 map came from the Chester County Health Department. When septic systems are pumped or have maintenance done, the information is reported to the County. The Township does not receive

or monitor the data. Steve Herzog explained that certification or system failures have been reported and fixed. Regardless of whether or not those septic systems were fixed, an area with clustered system failures will be looked at by the DEP as having underlying septic issues. Steve Herzog also discussed the DEP addressing lots that are smaller than one acre. If those homes have septic failures, there are no other options because there is no room to install a new septic system. The Board also discussed the future possible problems for residents by not offering public sewer now. PA American Water may not always have the capacity to add homes to public sewer. There was also a discussion regarding PA American Water and residents' concerns over high monthly water and sewer bills. The Board asked the Township Solicitor to review the franchise agreement with PA American Water to see if there is anything in the contract to help reduce costs to residents. The Board requested David Porter to attend the August 8, 2017 Board of Supervisors Workshop to further discuss the Act 537 Plan.

O. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:54 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary