

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 22, 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

Mike Crotty

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. EXECUTIVE SESSIONS

Steve Herzog stated the Board of Supervisors held an executive session on August 22, 2017, before the Board of Supervisors meeting, regarding personnel issues.

C. APPROVAL OF MINUTES

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

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

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades stated he wanted to make sure all the meeting recordings are retained. There are some things that are said at meetings and are in the recordings but aren't included in the meeting minutes. Mr. Rhoades asked if the recordings are kept indefinitely. Pani Martin stated the recordings are kept indefinitely as of now. The Board would need to make a motion to dispose of them. Recordings of meetings are subject to Right to Know Law and residents can request copies of meeting recordings. Pani Martin stated the section of the July 25, 2017 meeting minutes regarding 2215 Strasburg Road was put together by Solicitor, John Mahoney, who attended the July 25, 2017 Board of Supervisors meeting. Mike Crotty confirmed this to be correct.
- b) Siti Crook stated years ago, the previous secretary made a request of the Board that meeting tapes be destroyed. She thinks the Board motioned to have the recordings destroyed after a set amount of time. Ms. Crook suggested looking through the old meeting minutes to find the action the Board took. Ed Porter stated the previous secretary had asked for a time frame for disposing of the tapes. Ed Porter stated the Solicitor at that time advised on the legal length of time required to retain the tapes.
- c) Ed Porter reported that the Township's right to know officer is not listed on the State's website. The State has an open records search for each municipality and East Fallowfield Township does not have a name listed.
- d) Ed Porter requested a change on page 4, Comments and Questions – change "Tag Gathercole" to "Township".

VOTE: 5-0 (Approved with change requested by Ed Porter.)

2) August 8, 2017 Board of Supervisors Workshop Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the August 8, 2017 Board of Supervisors Workshop meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Ed Porter requested a change on page 2, 3rd paragraph from the bottom in his discussion with David Porter. He requested a sentence be added regarding him questioning the validity of the County data that David Porter had presented at the August 8, 2017 Board of Supervisors Workshop.

VOTE: 4-0 (Approved with change requested by Ed Porter.) (Carol Kulp abstained.)

3) August 8, 2017 Board of Supervisors Budget Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the August 8, 2017 Board of Supervisors Budget meeting minutes as presented. Ed Porter seconded.

VOTE: 4-0 (Carol Kulp abstained.)

D. CITIZENS BY REQUEST

1) Michael Kurland – Brook Crossing – Road and Sewer Maintenance.

Michael Kurland, Brook Crossing HOA President, discussed the condition of Brook Crossing's roads. He stated the roads in Brook Crossing have not been paved in 15 years and the roads are in poor condition. He reported they are having problems with the condition of grates. They are crumbling and some have vines growing in them. Mr. Kurland said there are also two depressions. One is in the entrance to the development. The second one is in the back of the development on Hydrangea Way. He presented pictures of problem areas on the roads to the Board. Steve Herzog asked Mr. Kurland to forward all pictures to Tag Gathercole. Steve Herzog also reported the Township has been discussing doing crack and seal repairs.

2) Nelson Horst – 5K Charity.

Nelson Horst spoke about the upcoming Sprint to Swaziland Charity 5k Run. He presented the Board with his certificate of insurance and a document listing the Township as additional assured. He reported he spoke to Tag Gathercole and Chief Porter about the route. Mr. Crotty stated the waiver looks good.

MOTION: Steve Herzog moved that the Township approve the request by Sprint to Swaziland to host the Charity 5k Run event on Saturday, September 30, 2017, on the roads as listed on their submission, subject to the requirement that the Township be named as an additional insured on their insurance for the event, that they arrange for fire police to secure the affected traffic intersections within the Township during the event, and that they coordinate the timing of their event and the Bike the Brandywine event such that traffic road passage is maintained. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades asked if there was a list of roads involved.
- b) Nelson Horst discussed the route and he stated they will not be crossing Strasburg Road. They will be going under the bridge from Brandywine Outfitters and coming out on Mortonville Road, heading north and turning right on Sawmill Road. He also said that Mortonville Road will be closed for 60-90 minutes during the race between Sawmill Road and Strasburg Road.

VOTE: 5-0

MOTION: Steve Herzog moved that the Township approve the request by Brandy Conservancy to host the Bike the Brandywine Event on Saturday, September 30, 2017, on the roads as listed on their submission, subject to the requirement that the Township be named as an additional insured on their insurance for the event, that they arrange for fire police to secure the affected traffic intersections within the Township during

the event, and that they coordinate the timing of their event and the 5K Charity Run event such that traffic road passage is maintained. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades asked what roads in the Township are going to be involved in the event.
- b) Steve Herzog stated they are not biking on Strasburg Road this year. They are going on Mortonville Road from Modena Hand and making a left onto Misty Patch Road.
- c) Buddy Rhoades asked if the Township is putting up insurance as a third party.
- d) Mike Crotty said the Brandywine Conservancy is required to list the Township as additional insured on their insurance policy.

VOTE: 5-0

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) Westwood Fire Department Update – Battalion Chief John Sly, from Westwood Fire Department, reported there were 14 fire calls, 36 EMS calls and 50 total calls in July for East Fallowfield Township. Battalion Chief Sly thanked the Board of Supervisors for looking into the tax credits for volunteers. He reported that Westwood is in crisis at this point. He discussed a recent car accident on Strode Road for which there was a big problem getting volunteers to show up. Only one volunteer was available. He stated he does not want to have people calling 911 and having no one to show up on the scene. Chief Sly also discussed the difficulties of getting fire volunteers from other local municipalities to show up at the scene of an emergency. Chief Sly reported that Westwood Fire Company's costs are rising. He reported that the last fundraiser only generated \$46. He discussed how many paid employees other municipalities currently have. Chief Sly stated the lack of volunteers is a county-wide issue. Chief Sly will provide a cost of services formula for each call in the Township. Chief Sly stated Westwood is looking to hire more paid fire fighters. There was a discussion about the rapid increase in population in East Fallowfield Township. Chief Sly reported there was a 44% increase in the Township's population between the 2000 and 2010 census. Chief Sly also discussed the outdated equipment that both Westwood and Modena fire companies currently own. Mike Crotty discussed municipalities setting up money in a separate fund for the fire companies to call on when they need to purchase a capital purchase. Chief Sly also discussed a problem with ambulance bills not being paid. There was a discussion about both a need for municipalities to implement a fire tax and local municipalities that already have a fire tax. Chief Sly also addressed a problem with the low wages for firefighters.
- 2) July Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 3) July Westwood Fire Company EMS Report submitted for Board and resident review.
- 4) July Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) July Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 6) July Modena Fire Company EMS Report submitted for Board and resident review.

F. INTERSECTION OF WEST CHESTER ROAD & SOUTH CALN ROAD

- 1) Intersection of West Chester Road and South Caln Road – Traffic Plan Design (TPD) – Greg Richardson.

Greg Richardson, from Traffic Plan Design, discussed how the Township could move forward with improving the intersection of West Chester Road and South Caln Road. He stated the intersection was discussed at the August 8, 2017 Board of Supervisors Workshop and the Board had requested a cost estimate for intersection improvements. He presented redesign costs and work components for improvements for the intersection. The

two alternatives presented were and roadway re-profiling with stormwater improvements and stormwater improvements only. Mr. Richardson stated there was a previous study conducted in 2013. Considerable change has taken place since that study was done. He recommended a new land survey be completed. Pani Martin reported there is \$283,000 in the escrow fund for intersection improvements. Mike Crotty stated there will be an additional \$36,000 coming in but it is in litigation and will not be received soon. Mr. Richardson stated the 4-way stop sign has proven satisfactory in reducing crashes and there is no need for a traffic light. There was a discussion about the details of both alternatives.

MOTION: Steve Herzog made a motion to authorize TPD (Traffic Plan Design) to get quotes for a land survey for the West Chester Road and South Caln Road intersection per the August 22, 2017 letter from TPD (Traffic Plan Design). Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Buddy Rhoades commented that Chris Della Penna, the Township Engineer, does land surveys. He also commented that the Board should obtain quotes rather than Traffic Plan Design. Mr. Rhoades also discussed the stormwater problems and possible improvements at that intersection.
- b) Greg Richardson stated the Township needs a professional land survey done and a professional engineer to design the plan. He stated the Public Works Department could be capable of doing the actual work. Greg Richardson will ask Chris Della Penna if he does land surveys.

VOTE: 5-0

G. MS4 PERMITTING/TMDL PLAN

1) MS4 Permitting/TMDL Plan – Public Comment Period – David Biloon, Herbert MacCombie’s Office.

David Biloon, from Herbert MacCombie’s office, discussed the MS4 Plan his firm prepared for the Township to be submitted to DEP. Mr. Biloon stated the MS4 Plan was put out earlier this month for public review. The plan includes proposals for the Township to meet the State stormwater requirements. He said his main purpose for being at the meeting was to address resident comments and feedback.

QUESTIONS AND COMMENTS:

- a) Dennis Crook, Chairman of the Planning Commission, asked about the potential option of working with Valley Township that was referenced in the plan. He asked how the bio retention swales would work since they would be located in a residential area. David Biloon stated they would run along the road. Mr. Biloon stated the purpose of the MS4 is to manage stormwater. DEP is requiring Townships to be more proactive. Townships are required to implement measures to clean up impaired stream water. The program is structured in 5-year increments. DEP requires municipalities to come up with ways to get rid of ten percent of sediment and credits will be granted. The only impaired stream the Township needs to currently address is the Sucker Run which is in Strasburg Hunt. He discussed the plan options. There are two stormwater basins in the area that are on private property. One of the options is to work with Valley Township because they share the responsibility of the Sucker Run. Valley Township has a stream stabilization program and stream stabilization is highly effective. David Biloon reported he will present to Valley Township the option for them to work with East Fallowfield Township. Mr. Biloon said the DEP will review the Township’s proposed MS4 Plan. Mr. Biloon explained this program is an unfunded mandate from the State. The State can fine the Township if this isn’t implemented. He estimated the cost of this first phase to be under \$40,000. Mr. Biloon briefly discussed potential grants for the program. David Biloon explained that in the future, East Fallowfield will be required to find the source of pollutants that are in the West Brandywine.
- b) Ed Porter discussed a concern for East Fallowfield Township being downstream from industry. He stated there is a concern regarding the municipalities that have the industry in them that is impairing the stream in East Fallowfield Township. Hopefully things are done properly in the municipalities that do have the industry and East Fallowfield is not stuck with the cost of cleaning it up. Mr. Biloon stated that in the next phase that part of the task is to be able to justify where the pollutants are coming

from. If the Township can prove that the pollutants aren't coming from East Fallowfield Township, then DEP requirements will be satisfied.

- c) Buddy Rhoades commented on that the Luria Brothers property, which is near the Brandywine, is a hazmat site. Part of the property is in East Fallowfield and part is in Modena. He also stated that the dam broke as a result of the steel company that was on that location and polluted the Brandywine.
- d) Sharon Scott asked if this is the first time that MacCombie's office has analyzed East Fallowfield Township. She asked how many feet of Sucker Run is in East Fallowfield. She also asked where does it begin and where does it meet Valley Township. David Biloon stated the Sucker Run originates at the end of Windy Hill Road. Then it goes down Park Avenue into Valley Township. Mr. Biloon stated the Sucker Run is the only stream that has been identified by DEP as impaired by sediment in East Fallowfield Township. Mr. Biloon stated he has not measured it in feet. Mrs. Scott asked if the stream initiates in East Fallowfield. Sharon Scott requested the Township provide the report called the Integrated Water Quality Report from 2014. Mr. Biloon stated the link for the report is on the DEP website. Mr. Biloon briefly explained the MS4 Plan. Mrs. Scott stated she'd like to know DEP's determination. It is our responsibility to analyze the stream and calculate the amount of sediment coming from East Fallowfield Township. She asked if he did the calculation and if he was billing the Township for it. Mr. Biloon responded yes. Mr. Biloon explained that this is an unfunded mandate. DEP stated the municipalities have to clean up the streams and have to pay for it. She asked what sediment does. There was a discussion on sediment. Sharon Scott asked about the cost to the Township. Mr. Biloon stated the Township would have the cost information. Mr. Biloon also briefly reviewed the history of MS4. The Township is only responsible for controlling the amount of sediment that comes off of roads and developments. It is not responsible for what comes off undeveloped lands and farms.
- e) David Biloon stated the MS4 Plan will be submitted to DEP. They will review it and if they agree with the plan, it will be approved. At that point, the Township will move ahead with implementing some of the programs proposed in the plan.
- f) Erwin Zeller commented that there was a lot of overreach with the EPA during the last administration. Could there be a reversal/reduction of regulations in the future? Where does the sediment end up? Mr. Biloon stated that sediment gets trapped behind dams and accelerates creek erosion. Mr. Biloon explained how developments are handled by putting in stormwater basins to control land runoff and prevents more runoff and sediment in the streams. The sediment will eventually cause streams to widen and accelerates erosion. The sediment just moves down to the bays and rivers which causes bigger problems.
- g) Thomas Nash stated that sediment is basically silt. Mr. Biloon stated that is correct.
- h) Buddy Rhoades stated there is more washout in the Brandywine than the Sucker Run.

H. ACT 537

1) Act 537 Discussion – David Porter, Herbert MacCombie's Office.

David Porter, from Herbert MacCombie, discussed Act 537. He recapped the last Board of Supervisors meeting. They looked at on-lot sewage disposal in more detail as well as talked about implementing a sewage management program. He said the Board had asked him to look at the legal aspect of implementing a sewage management system. He stated he looked at similar municipalities that are implementing a sewage management plan and he researched the cost. Costs would primarily be administrative and enforcement. David Porter stated London Grove Township just implemented a sewage management plan. They are proposing to do the bare minimum that DEP requires. The Township is similar to East Fallowfield Township in both demographics and density. He also discussed Robeson Township in Berks County. They have a similar in population but less dense.

David Porter stated the Sewage Enforcement Officer for municipalities in Chester County is the County. He talked about the county pumping program. He stated in 2018, haulers will again be required to report to the County. He discussed the County software that is tracking licenses, wastewater haulers, and pumping data and reporting it to the relevant municipality. David Porter stated that the municipality can log in to this software and there is currently no cost to the municipality.

David Porter presented the Board with an alternative option – AMS Software – which is a tracking software. There are several different options available. David Porter presented a cost summary to the Board. The software would allow the Township to track the sewage inspections and reports for on-lot systems. The on-lot management module would be \$1,500 which would allow for the ability to track data, send out invoices and pumping requirement notices. The second option is to include trash billing for a cost of \$6,500. He also discussed a few other consulting options.

Ed Porter commented that this is a Segway and the initial conversation was that the Township has sewage problems in certain areas. Now the Township has moved away from this. He said just because a septic system is pumped every three years doesn't mean it is or isn't a good septic system. Ed Porter commented that the sewage management system does not address the problem of homes with septic problems or failed septic. David Porter suggested the Township require an initial inspection as part of a sewage management program.

Ed Porter asked David Porter why the Township doesn't just go back to DEP and say they don't see anything wrong with septic in the Township. The proof is not solid on there being a problem. David Porter said he is 99% certain that DEP will say that the Township does have to do something. Ed Porter said the sewage management program doesn't really solve anything. Ed Porter commented on the lack of reliability of the County data. There is no way to determine what data is a true septic malfunction. Ed Porter stated a sewage management program does not provide a solution to properties with septic failures in which property ownership can't be transferred. Ed Porter also stated that the Township could potentially lose the ability to have PA American Water put in sewer lines. Mike Crotty stated the risk of doing nothing is that DEP could mandate the Township needs to go with the public sewer option. Implementing a sewage management program will allow the Township to tell the DEP that we don't feel there is a problem. The data collected from a sewage management program could be used to prove that there is no septic problem. Wilson Lambert spoke in favor of a sewage management program. Mr. Wilson said a sewage management program is a solution for residents. It will buy the Township time. New development will be built and public sewer may come into the Township with the new development.

Sewage management program options were discussed. A sewage management program can require pumping only or it can require inspections along with regular pumping. David Porter suggested including a clause in the plan that states if the sewage management program uncovers septic problems, then the Township will implement the public sewer option. David Porter stated the premise of a sewage management plan is to ensure residents are maintaining their septic systems properly, to extend the life of septic systems, to educate residents on how to extend the life of their septic system, and to prevent issues from developing. David Porter commented that the Township could require an initial sewer inspection and subsequent inspections every 5-6 years rather than every 3 years. David Porter stated according to the DEP, East Fallowfield Township fits the bill for public sewer because of small lots, problem areas and soil limitations.

There was a discussion about notifying residents and what option was the best for the Township. The majority of the Board was in favor of going in the direction of a sewage management plan. David Porter will identify the problem areas. He will put together an Act 537 Plan with a sewage management plan with bare minimum pumping requirements and no inspection requirements. He will prepare the plan and send it to the Board for review. David Porter discussed the process of sending out the Act 537 Plan including where the plan needs to be sent. David Porter will have the plan drafted prior to the October Workshop for the Board to review.

I. TREASURER'S REPORT

1) July 31, 2017 Treasurer's Report

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

VOTE: 5-0

2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of July 26, 2017 through August 22, 2017 in the total amount of \$147,440.38. Randy Doan seconded.

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

3) Paylocity Credits.

Pani Martin reported to the Board that Paylocity issued total credits of \$1,214 to the Township.

4) Payroll/Time Keeping Company.

Pani Martin stated that Pay Time will definitely save the Township money. The cost will be \$200 per pay period. There will be additional fees for some services such as for cutting W-2's and quarterly reports. She said she could have payroll integrated into QuickBooks however it takes five minutes to input the entries. There is also a fee for this service option. There was a discussion about the difference in fees between Paylocity and PayTime.

MOTION: Steve Herzog motioned to approve PayTime as our new payroll provider. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked if time cards are submitted to the payroll company. Pani Martin stated the Township has a time clock and the employees punches are on a report that Pani Martin receives. Mrs. Scott also asked who processes the time cards. Pani Martin explained she handles the time cards and she explained the process. Ms. Martin explained that the time cards are integrated in to the payroll system to generate payments. Mrs. Scott asked if Pani Martin reviewed the time cards for accuracy. Ms. Martin stated she does.
- b) Buddy Rhoades asked about how the Police Department tracks work time. Pani Martin stated the Police Department has something different for tracking time and the office and the Public Works Department use a time clock. Mr. Rhoades commented on being alerted to a problem if you see everyone punched in at the same time.

VOTE: 5-0

5) Writs of Execution - Portnoff.

Pani Martin stated the Writs of Execution are for properties with delinquent trash bills.

MOTION: Steve Herzog made a motion to sign the Writs of Execution, as presented. Randy Doan seconded.

VOTE: 5-0

6) 2016 MMO – Late Penalty.

Pani Martin reported before she went on leave, she submitted a check for \$95,445 to PMRS. She reported the check did not make it to PMRS. She said she asked PMRS to waive the \$6,600 late penalty fee for being three months late. They have agreed to waive the late fee however the Auditor General could overrule this waiver.

7) Closing of Key Bank Accounts.

MOTION: Steve Herzog made a motion to have the chairman sign the letter to Carol Martini at Key Bank requesting the closing out of our eight bank accounts. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Ed Porter asked if everything has been transferred to the new bank. Pani Martin stated not yet. Ms. Martin summarized what is left in the closing process.
- b) Sharon Scott asked what bank the Township switched to. She asked why the Township switched banks. Steve Herzog replied that the Township switched to Fulton Bank because they had better rates and the ability to save the Township on banking fees. Pani Martin explained the cost savings of switching banks.
- c) Buddy Rhoades asked what the interest rate is. Pani Martin stated she did not recall the interest rate but it is higher than Key Bank.

VOTE: 5-0

- 8) Resolution No. 2017-10 – For Ford F-350.

MOTION: Steve Herzog motioned to approve Resolution No. 2017-10 regarding the Master Lease Agreement with Fulton Bank for the 2017 Ford F-350. Ed Porter seconded.

VOTE: 5-0

- 9) Promotion of Township Secretary.

MOTION: Steve Herzog made a motion to promote Lisa Valaitis from part-time to full-time Township Secretary effective 8/23/17 at the rate of \$19.23. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Erwin Zeller asked what Lisa Valaitis's position is currently. Steve Herzog stated she is currently a part-time secretary.
- b) Buddy Rhoades asked how many hours per week are considered part-time. Steve Herzog stated working 30-35 hours per week is considered part-time. Does she get benefits as a part-timer? Steve Herzog said no. As a full-timer, she would have the option of taking benefits. Buddy Rhoades asked what the status is of the third office staff employee. Steve Herzog stated she is also part-time. Pani Martin stated she typically works 20-25 hours per week. Mr. asked if the pay rate changed. Pani Martin stated she put a rate change in of 10%. She said she came up with the rate by researching other local municipality's wages. Buddy Rhoades asked for the benefits package for a full-time employee. Ed Porter stated the employee handbook would have vacation and sick days. Pani Martin discussed the costs of workers compensation, life insurance and health benefits costs through both the police union and the public works union.
- c) Ed Porter asked Pani Martin why this was put on the agenda last minute. He said it was understandable that she put it on the agenda as a department head. Ms. Martin stated it was based on her workload. She did not know there was a specific time requirement for adding items to the agenda. He spoke about a requirement to the residents to have agenda items on the agenda ahead of time and not adding last minute items that residents don't see prior to the meeting. She said she has been requesting an executive session to discuss office needs for several months. The need for more office manpower is now. Ed Porter asked about the status of the DCED chart of accounts. Pani Martin stated she is waiting for the DCED. Pani Martin spoke about the difficulty and challenges of converting a chart of accounts. Ed Porter asked why this was added to the agenda today as opposed to earlier which would have given the Board more time to have an executive session to discuss. Ed Porter stated because the executive session held before the meeting was called very last minute, he was not able to attend. Pani Martin discussed the office staffing needs and the need for more office hours. There was a discussion about what is best for the Township at large. Ed Porter stated the Board needs to discuss the specific needs for the Township and then the Board can address those needs. Ms. Martin encouraged the Board to have an executive session for furtherer discussion.

- d) Wilson Lambert discussed the need for the office to handle additional tasks in the future such as septic management. The township manager was discussed as well.
- e) Buddy Rhoades spoke about a past study done that stated East Fallowfield Township needs a township manager. He suggested increasing the hours of the other part-time employee. Mr. Rhoades also stated that the Board should have time for an executive session and this should be discussed in an executive session. The Board should talk to Ms. Valaitis about what benefits she wants.
- f) Steve Herzog stated he was willing to rescind the motion if the Board could schedule an executive session that all five members can attend. He said the Board needs to discuss more issues that they need answers to.

The Board agreed to table the discussion and scheduled an executive session meeting for August 23, 2017. Steve Herzog rescinded the motion and asked that it be put back on the next meeting agenda.

10) New Business/Updates.

- a) Park Day – Pani Martin reported that David’s Drive is this year’s Park Day Presenting Sponsor. David’s Drive, which is a non-profit, focuses on helping the homeless and hospitalized veterans.

J. LEGAL ISSUES

1) Floodplain Ordinance.

Mike Crotty stated Board consideration of the floodplain ordinance tonight has been advertised. Mr. Crotty stated the draft ordinance was approved by the FEMA Floodplain Coordinator. Mr. Crotty stated that this ordinance needs to be approved by the Board of Supervisors in order for residents to continue having flood insurance.

MOTION: Steve Herzog moved that the Township approve the draft Floodplain Ordinance No. 2017-04 in the form as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked what the legal costs were and what changed in this new floodplain ordinance. Mike Crotty stated very little legally. A lot is driven by the model ordinance provided by the FEMA Floodplain Coordinator. Mr. Crotty stated he modified it to have minimal impact on residents and he had a model ordinance from which he took the language. The main change is an update to the FIRMS (Flood Insurance Rate Maps).
- b) Buddy Rhoades asked who oversees the ordinance. Mike Crotty stated the zoning officer would oversee it.
- c) Dennis Crook reported the Planning Commission reviewed the ordinance. He discussed the section that would require people to need permits for floodplain areas. Most items disallowed under the ordinance makes more sense. There will be a need for implementation of a floodplain administrator which would commonly go to the zoning officer or permit department.
- d) Mike Crotty stated the Township will need to designate someone – either the zoning officer or hire someone additional to provide this service.
- e) Buddy Rhoades discussed the Mortonville Road area and a property in that floodplain area which has structures. Mr. Rhoades stated that property is in violation for having structures in a floodplain area. Mr. Rhoades stated no one enforces it. He said if ordinances are not enforced, it is just paper.
- f) Dennis Crook stated that there is a section in the ordinance regarding existing structures in an identified floodplain. The ordinance increased the floodplain height for additions and alterations.

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

2) 2215 Strasburg Road.

Solicitor Crotty noted that, per the Township Treasurer, an outstanding balance remains for the work done by the Township at 2215 Strasburg Road. The Township could pursue a lien against the property to recover the amounts. Half of the outstanding balance was timely paid by one of the partial owners, Clarence Rhoades. Clarence Rhoades commented on the issue, noting among other things, that the Township should not seek to collect the amounts from him as he paid his proportional amount. Solicitor Crotty noted that a lien, generally, is imposed against a property if it were to be pursued by the Township, and it would not be for the Township to determine the relative rights and responsibilities of multiple or joint owners for the balance. Ultimately, it was noted that the Township staff would continue to pursue payment of the outstanding balance by further follow up with Paula Davis.

3) Preliminary Land Development Application – Bawa M. Fellowship.

Solicitor Crotty reported that the Township received a preliminary land development application from Bawa M. Fellowship. The clock starts August 22, 2017 (today) for the 90-day deadline. The plans should be distributed to the Township Engineer, Township Solicitor and Planning Commission for review.

K. PLANNING COMMISSION

1) Vision Partnership Program (VPP) – Grant Commitment Letter for Official Map.

Dennis Crook announced John Nielsen, who is in charge of the Township Official Map, could not make it to the Board meeting. Mr. Crook stated the fall VPP Grant money is in place. The VPP Grant would cover 70% and the Township would be responsible for 30%. If the grant was won, the Township would receive \$3,500 in grant money to cover the \$5,000 cost of the official map. Applications are due August 30th. The Planning Commission is recommending Ray Ott to complete the Official Map. However, no one needs to be chosen tonight to do the map. Ray Ott is familiar with the Township and worked on the Comprehensive Plan. Ray Ott also had a “not to exceed” clause in his bid proposal. Dennis Crook requested the chairman’s signature on the commitment letter. Solicitor Crotty stated the motion did not commit the Township to using a specific consultant.

MOTION: Steve Herzog made a motion for the chairman of the board to sign a commitment letter with the Vision Partnership Program for a grant to do the Official Map for East Fallowfield Township. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Ed Porter asked if the Township is committed to anyone if the Township does not get the grant. Mike Crotty stated if the Township gets the grant and chooses to go forward, then the Township would have to complete the map.

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

2) Planning Commission Report – Dennis Crook.

Dennis Crook summarized the topics discussed at the previous Planning Commission meeting. He reported the Commission addressed the MS4 Permit and floodplain ordinance. The Planning Commission recommended the alternative in the MS4 Plan of working with Valley Township.

He also said the Planning Commission discussed some ordinance errors and issues that need to be reviewed which included the following:

- Section 27-1606 – Rob McLarnon found an error in the title that stated “R-2” but should be “R-1”.
- Section 27-502-2g – shooting range in R-1 zoning district.
- Section 27-1714 – no limitations.
- Section 27-502-4e – daycare center in R-1 zoning district.
- Section 27-1711

- Section 27-1703d – farm buildings.

L. POLICE DEPARTMENT

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

M. PUBLIC WORKS DEPARTMENT

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

N. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

O. HISTORICAL COMMISSION

- 1) No Report.
- 2) Historical Commission Update.

Buddy Rhoades discussed Historical Commission letters that were sent to the Board and zoning officer. Mr. Rhoades discussed some properties that have violations. Mr. Rhoades also discussed school house properties in the Township. He discussed the lack of enforcement by the zoning officer. He said the Board of Supervisors should receive all correspondence from committees and commissions.

P. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 11:29 pm. Ed Porter seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary