

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
December 26, 2017 Approved minutes  
4:31 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

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

Chairman Steve Herzog called the meeting to order at 4:31 PM.

2. 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 reported the Board of Supervisors held an executive session on December 4, 2017 regarding personnel issues.

C. APPROVAL OF MINUTES

1) December 12, 2017 Board of Supervisors Workshop Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the December 12, 2017 Board of Supervisors Workshop meeting minutes as presented. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked which board members attended the December 4<sup>th</sup> executive session. Mrs. Scott also stated she'd like this information reported all the time. Solicitor Crotty stated that this is not required under the Sunshine Act. Steve Herzog stated this has not historically been reported but duly noted.

VOTE: 3-0

D. CITIZENS BY REQUEST

1) Rick Rasmussen – 505 Mortonville Road.

Mr. Rasmussen presented a history of the work he has done on 505 Mortonville Road. He said he did repairs/work on the outside of the property that did not require permits. He went to his first Historical Commission meeting last January to describe his proposed work. He attended a second Historical Commission meeting during the winter to clarify his intentions which was to restore the property to its 1930's appearance. The Commission was on the same page as him. Then he did repairs and work to the outside of the building that did not require permits for such as windows and siding. He reported that he asked the Historical Commission for a letter of recommendation in July. The Historical Commission stated they didn't know what he meant. In August, Mr. Rasmussen was told he needed to stop all work, get a permit and an engineer stamped copy of his plans. He complied with all requests. Rob McLarnon stated he could not issue permits until he received a letter from the Historical Commission. Mr. Rasmussen wrote letters to the Historical Commission

and they said they didn't know what he was talking about. Mr. Rasmussen stated the Historical Commission issued a letter in September stating Mr. Rasmussen was going around the Committee. Mr. Rasmussen stated he had no intention of going around the Historical Commission. The Historical Commission did issue a letter dating December 8<sup>th</sup> stating they could not recommend approval of the permits for 505 Mortonville Road due to Mr. Rasmussen not going through the correct process. He stated the property is still sitting vacant with work not being done. He can't move forward with the project. Mr. Rasmussen stated he has not touched the place in four months and the building is wide open. There will soon be issues with the property being open and winter weather.

Steve Herzog stated the Board will review the history and correspondence. Then the board will discuss the case with Rob McLarnon and the Historical Commission to determine the situation and if there is a communication issue. Solicitor Crotty stated the Historical Commission's December 8<sup>th</sup> letter states there are aspects of Mr. Rasmussen's plans that are not in keeping with the historical integrity of the property. The Board will need to know what aspects of Mr. Rasmussen's plans the Historical Commission considers not in compliance.

2) Sharon Scott – Audit.

Sharon Scott addressed Mr. Herzog regarding comments he made to her at the previous Board of Supervisors meeting. She quoted the first amendment which is the "right to speak without censorship or restraint" by the government. Mr. Herzog apologized but stated slander is not acceptable. Solicitor Crotty stated the first amendment does allow one to speak what they wish however, there may consequences to something a person says. Solicitor Crotty stated if you say something slanderous about another person, action may be brought against you.

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

F. TREASURER'S REPORT

1) November 30, 2017 Treasurer's Report

MOTION: Steve Herzog made a motion to approve the December 26, 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 November 29, 2017 through December 26, 2017 in the total amount of \$216,119.34 as presented. Randy Doan seconded.

VOTE: 3-0

3) Disposition of Records.

MOTION: Steve Herzog made a motion to approve Resolution 2017-16 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual Retention Schedule. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott stated the term “accounting files” is rather broad. Pani Martin stated the specific records to be purged are listed in the resolution. Ms. Martin read the list of documents that were listed on the resolution for disposition. Mrs. Scott asked if those records had all been reviewed by the auditors. Ms. Martin stated the files have been reviewed in accordance with the PA Municipal Records Manual. Steve Herzog stated the records would have been reviewed by the independent auditors in the relevant year of the audit.

VOTE: 3-0

4) ClearGov – Financial Transparency Center: For Discussion.

Pani Martin stated she wanted to make the Board and residents aware that the ClearGov Financial Transparency Center is up on the website. She also wanted it brought up in the minutes to remind residents to use the Financial Transparency Center. Steve Herzog stated he likes it and it is a much more visual way to view the data.

G. 2018 BUDGET

MOTION: Steve Herzog moved that the Township approve the 2018 budget, as presented. Randy Doan seconded.

VOTE: 3-0

H. 2018 TAX RESOLUTION

MOTION: Steve Herzog moved that the Township approve Resolution No. 2017-13, establishing the Township property tax rates for 2018 as follows: 2.00 mills general millage; 0.44 mills emergency services millage; and 0.56 mills fire tax millage. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Chief John Sly asked for clarification that the phrase “emergency services millage” is emergency medical services. Solicitor Crotty explained that The Second Class Township Code defines it as emergency services technically but looking at the resolution itself, it does specify it further.
- b. Sharon Scott asked what the millage was prior to this resolution. Steve Herzog stated it was 1.25 for the general millage and nothing for emergency services and fire. Steve Herzog stated the Township has increased millage from 1.25 mills to a total of 3.00 mills.

VOTE: 3-0

I. LEGAL

1) Casino Opt Out Resolution: For Discussion.

Steve Herzog explained if the Township wants to opt out of allowing mini casinos in the Township, it needs to be done now. If the Township doesn't opt out by year end, we can't opt out later. However, the Township can opt back in at a later time if desired.

MOTION: Steve Herzog moved that the Township approve Resolution No. 2017-15, opting out of the allowance of Category 4 mini casinos. Randy Doan seconded.

VOTE: 3-0

2) Bronson Subdivision and Land Development Application.

Solicitor Crotty gave an update from this afternoon. The Township received Chris Della Penna's new/updated review letter recommending approval of the application with a few minor corrections. The Bronson have obtained a Planning Commission recommendation as well as Chris Della Penna's recommendation. Recently, the Bronsons were looking to relocate the driveway. The traffic engineer reviewed the plan with a revised driveway location and stated there was a site distance issue. As a result, the Bronsons have opted to move the driveway back to its original location. The Bronsons have added a detached garage noted in Chris Della Penna's letter. This is for future use and being shown in the plan for stormwater management purposes.

MOTION: Steve Herzog moved that the Township approve Resolution No. 2017-14, authorizing the submission to DEP of the Sewage Facilities Planning Module for the Bronson project. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked for the specific address. Solicitor Crotty informed Mrs. Scott that the address is 1365 South Bailey Road. Mrs. Scott asked if it is a commercial facility. Mike Crotty stated it is residential and the original plan for this property was for a 21-lot subdivision and the Bronsons have reduced it to two lots.

VOTE: 3-0

MOTION: Steve Herzog moved that the Township approve the preliminary/final plan application for the Bronson subdivision, subject to the conditions and form of written decision presented by the Township Solicitor. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what type of sewage is required for a two-lot subdivision. Solicitor Crotty stated it will be on-lot septic. The Sewage Facilities Planning Module is needed because the 21-lot subdivision included public sewer so the DEP had the property listed as public sewer. The Sewage Facilities Planning Module reverts the property back to on-lot septic.
- b. Sarah Bronson asked if there is something they need to sign tonight. Solicitor Crotty explained the process to the Bronsons.

VOTE: 3-0

3) Wright Ag Security Application Hearing.

Solicitor Crotty reported the hearing for the Wright Agricultural Security application was scheduled for December 19, 2017. The Township Agricultural Security Committee reviewed the application and did not recommend approval. The County Ag Board responded by saying the applicant mostly complies with the criteria and provided additional information that may indicate the application warrants another review. Pani Martin stated the applicant owns additional properties adjacent to the property on the application that will be combined to form a larger easement.

MOTION: Steve Herzog moved that the Township grant the continuance request for the Ag Security Application of John and Frances Wright, to be further considered by the Board at a hearing on January 23, 2018, at 6:30 pm. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked if there was a hearing. Solicitor Crotty stated there has not been a hearing and he explained the requirements from this point on. Mrs. Scott objected to the application being

expensed to the taxpayers of the Township. Solicitor Crotty stated the alternative would be to deny the application, after which the applicant can appeal the Township's decision. This could bring more legal expenses to the Township.

- b. Ronald P. Scott stated the Township was scheduled to hold a meeting on December 19<sup>th</sup> and that meeting was cancelled. The Wright's application was on the December 19<sup>th</sup> agenda. He said if the Board of Supervisors cancelled the December 19<sup>th</sup> meeting, then the Wrights were not at fault for the hearing not occurring on December 19<sup>th</sup>. Steve Herzog stated there were also issues with the Wright application that would have postponed it anyway. The East Fallowfield Township Agricultural Security Committee and the County did not recommend this application for approval according to the information provided by the applicant.

VOTE: 3-0

4) Historical Commission and Property Rehab: For Discussion Only.

Solicitor Crotty discussed the current historical policies. The way the zoning ordinances are set up, the historical commission makes recommendations and gives that recommendation to the zoning officer. This is one instance that the Historical Commission is not issuing an advisory opinion. They are issuing a recommendation. A resident can't appeal these decisions to the board and the board can't override that decision. Solicitor Crotty asked the Board to consider whether the Township wants to continue having this process in place. Steve Herzog stated there has been some disconnect with historical property rehabs over the years and it does warrant taking a look. Pani Martin asked how properties are designated as historical and end up on the historical list. Solicitor Crotty briefly explained that process. Wilson Lambert discussed the Historical Commission being a planning agency. Mr. Wilson stated he would like to have the Planning Commission involved in this discussion.

J. PLANNING COMMISSION

1) Vision Partnership Program Grant Contract – Official Map.

MOTION: Steve Herzog made a motion to approve the Board members to sign five copies of the Vision Partnership Program Grant Contract for the official map to be submitted to Chester County. Randy Doan seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what the official map will designate/identify. What is the official map? What is the cost to the Township? What is the reimbursement? She also asked if there is a contract in writing that can be read by residents. Steve Herzog stated yes, there is a contract. Steve Herzog stated the cost will be \$1,900 to the Township with \$3,500 rewarded by the County for a total cost of \$5,400. Mrs. Scott asked if this is tied in to the County's Landscapes. Steve Herzog stated it is not tied into Landscapes. She asked who will be paid to do this work. Steve Herzog stated Ray Ott will be doing the work. Solicitor Crotty stated this is a by-product of the Comprehensive Plan. Sharon Scott asked what the time period is. Solicitor Crotty stated 2018 unless an extension is requested. She asked if there is a prior township official map. Steve Herzog stated there is no prior official map.

VOTE: 3-0

2) Planning Commission Report – Dennis Crook.

Dennis Crook reported at the last Planning Commission meeting, they went through both the Wright's agricultural security application and the Bronson subdivision and land development application. They determined they didn't have all the necessary information regarding the Wright application. The property did not meet the 10 acre minimum requirement or the \$2,500 minimum annual gross income requirement. The

Planning Commission did not recommend approval of the Wright application pending further information. Mr. Crook also stated the Planning Commission has been reviewing various zoning ordinances which includes non-conforming uses, firing ranges, and dumpsters. Their goal is to address these ordinances in the upcoming year and also look at additional ordinances. The Commission would also like to address blighted properties and incomplete developments.

K. POLICE DEPARTMENT

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

L. PUBLIC WORKS DEPARTMENT

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

M. PARK & RECREATION COMMITTEE

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

N. HISTORICAL COMMISSION

- 1) 505 Mortonville Road letter to Rob McLarnon submitted for Board review.

O. NEW BUSINESS

- 1) Earned Income Tax Update.

Steve Herzog stated they looked into the \$400,000 drop in earned income that was discussed at the previous Board of Supervisors meeting. The drop of almost \$400,000 was due to the passing away of a resident that was contributing \$330,000 in earned income to the Township. Sharon Scott addressed her concern that the current board does not research cost cutting options as opposed to implementing a tax. She commented that the police costs are high. The Board could have held off on hiring the additional full-time police officer. Mrs. Scott stated she did understand the Board addressing the fire companies' financial needs however.

P. PUBLIC PARTICIPATION

- 1) Kat DiRado thanked the board for looking into the drop in earned income. Ms. DiRado asked if the Township would be owed anything from an inheritance. Randy Doan stated earned income is only paid on job income. Mr. Doan suggested getting a list of the top ten incomes that come from Keystone Collections Group.
- 2) Chief John Sly discussed the recent tax increase to raise funds for the fire companies. Chief Sly thanked the Board and Ms. Martin for their work on the budget. Chief Sly stated the residents will see where their tax money is going with a fire tax being implemented.
- 3) Chief Frank Dowlin thanked the Board for approving a fire tax. He stated that he and Chief Sly communicated throughout the process and the Modena Fire Company is on board with the Westwood Fire Company. He will have a Modena representative at board meetings moving forward.
- 4) Sharon Scott asked why the Board hasn't looked at the earned income list of earnings in the past. Mrs. Scott stated any income shortfall should be researched.
- 5) Dennis Crook stated he hopes that in 2018, we try to shorten the board meetings. Mr. Crook said he'd like to see the time limit be enforced for speakers because there have been meetings that were four to five hours long due to a few people speaking. Longer meetings cost more money to the Township.

- 6) Ronald P. Scott stated he agrees with Sharon Scott that the Board should report who attended the executive sessions. Two supervisors are missing tonight. Reporting attendance at executive sessions would allow the residents to know that there was a quorum present at executive sessions. Mr. Scott also warned the Board to be careful of the Chester County Planning Commission. He discussed some history involving the Brook Crossing Development, the Chester County Planning Commission, and a hearing at the East Fallowfield Elementary School.
- 7) Steve Herzog thanked Randy Doan for his service on the Board of Supervisors of East Fallowfield Township.

### 3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 5:35 pm. Randy Doan seconded. VOTE: 3-0

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary