

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
January 23, 2018 Approved minutes
6:31 PM

Members Present

Steve Herzog, Chairman
Wilson Lambert, Vice Chairman
Carol Kulp, Member
Joe Heffern, Member
Kat DiRado, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

Mike Crotty

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

Chairman Steve Herzog called the meeting to order at 6:31 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 stated the Board of Supervisors held an executive session on January 23, 2018 before the meeting regarding legal issues.

C. APPROVAL OF MINUTES

1) January 2, 2018 Board of Supervisors Reorganizational Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the January 2, 2018 Board of Supervisors Reorganizational meeting minutes as presented. Carol Kulp seconded.

VOTE: 4-0 (Carol Kulp abstained.)

D. CITIZENS BY REQUEST

1) Alan Krause & Don Dettlinger – Center Point Tanks / Fuel Master.

No presentation.

2) Rick Rasmussen – 505 Mortonville Road.

Mr. Rasmussen reported that there has still been no resolution on his building permits for 505 Mortonville Road. He stated when he submitted his permit, he was given a letter that lists permit requirements, policies and procedures. Mr. Rasmussen discussed the permit requirements and read item number 5 on that requirement list "which states: "If the plans are signed and sealed by a design professional engineer/architect licensed by the Commonwealth of Pennsylvania, a review letter or a permit issued must be completed in 15 business days by the Code Officer. If the Code Officer fails to respond in 15 days, the plans are deemed approved." Mr. Rasmussen said he's inquired about this multiple times and quoted it to the Historical Commission multiple times. He never got a letter. He asked if the procedure is that his permit is deemed approved if he didn't get a letter within 15 days.

Mr. Crotty discussed the overlay that includes additional requirements in the Township Ordinances provisions that deal with historical structures. This provides different and additional requirements. By operation of the ordinance, you need to go before the Historical Commission, if you have a property identified as historical.

Mr. Rasmussen discussed the last Historical Commission meeting he attended. He stated the Historical Commission is holding up approval of his permit because he put the windows in. Mr. Rasmussen stated Rob McLarnon gave him permission to put both the windows and new roof in. Mr. Rasmussen reported three out of five Historical Commission members said to issue him a permit. He stated one member wanted to require him to tear it down. He said he isn't getting anywhere with the Historical Commission. No one in the Township is working with him. He said he'd still like to work with the Township, however, he has no choice but to hire a lawyer because his work has been stalled for months. He said the structure of the building is now damaged due to the halt to his work.

Solicitor Crotty stated that the Historical Commission provides recommendations to the Zoning Officer who then issues a decision based on the Historical Commission's recommendations. Mr. Rasmussen requested a copy of the document that overrides the permit policies and procedures letter that states he should get a letter within 15 days. Steve Herzog stated they are waiting for the Historical Commission to send a list of non-compliance items. Mr. Herzog and Solicitor Crotty explained that the Board can't make a decision in this instance. It is the Code Officer that issues a decision based on the recommendation of the Historical Commission. Mr. Herzog stated they will provide Mr. Rasmussen with a copy of that ordinance.

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1) Westwood & Modena Fire Department Update.

Chief John Sly from Westwood and Chief Frank Dowlin from Modena were present at the meeting. Chief Sly reported that Westwood's Yearly Report will be available shortly. Chief Sly also welcomed the two new board members.

- 2) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 3) December Westwood Fire Company EMS Report submitted for Board and resident review.
- 4) December Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) December Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 6) December Modena Fire Company EMS Report submitted for Board and resident review.
- 7) 2017 Yearly Report Modena Fire Company EMS Report submitted for Board and resident review.

F. TREASURER'S REPORT

1) December 31, 2017 Treasurer's Report

MOTION: Steve Herzog made a motion to approve the December 31, 2017 Treasurer's Report. Kat DiRado seconded.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of December 27, 2017 through January 23, 2018 in the total amount of \$182,934.63. Carol Kulp seconded.

VOTE: 5-0

3) ClearGov - Financial Transparency Center.

ClearGov is an online interface with more visual representation of the Township's budget and where money is going. Steve Herzog stated the free trial ends on January 31st. ClearGov submitted a revised proposal and the cost has gone from \$3,500 down to \$2,500.

MOTION: Steve Herzog made a motion to approve ClearGov for one year. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked how many Board members viewed the website. They all stated they had looked at ClearGov.
- b) Kat DiRado commented that she was looking at the older population demographics in the Township on ClearGov. She said the older population went up 1% and it is something to consider for future planning.
- c) Carol Kulp stated some of the numbers didn't match up to the budget for each department. Steve Herzog stated the differences are caused by accounts/header classification differences.
- d) Sharon Scott asked about the huge sum of money that came in for Park & Recreation years ago. Sharon Scott stated ClearGov doesn't show where that money went out. Steve Herzog stated there is \$200,000+ in the Park & Recreation Fund and it hasn't been used yet.
- e) Kat DiRado discussed an idea to generate revenue from the older population by developing/building an assisted living facility to retain the older population as East Fallowfield Township residents. A discussion ensued regarding generation of revenue.
- f) Steve Herzog said there is information to be gleaned from the website that could be helpful.
- g) Erwin Zeller asked how to access ClearGov. Steve Herzog stated ClearGov can be accessed from the Township website.

VOTE: 4-1 (Steve Herzog, Wilson Lambert, Kat DiRado, and Joe Heffern voted yea. Carol Kulp voted nae.

4) Resolution 2018-03 Township Auditor for the 2017 Fiscal Year.

MOTION: Steve Herzog made a motion to approve Resolution 2018-03 appointing Barbacane Thornton & Company as the East Fallowfield Township auditors, replacing the elected auditors for the fiscal year of 2017. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked if Barbacane Thornton was last year's auditor. Steve Herzog stated they are the same auditor as last year. She asked if the auditor issues a letter at the end of an audit. Steve Herzog stated yes. She asked if the letters are on file in the office and Steve Herzog stated they are on file.
- b) Erwin Zeller asked who the elected auditors are. Steve Herzog said Sharon Scott is the only elected auditor. Mr. Zeller asked if Mrs. Scott has agreed to be replaced by an auditing firm. Solicitor Crotty explained that under the Second Class Township Code, this is the Board's decision.
- c) Sharon Scott asked what the cost is. Solicitor Crotty stated the cost is \$11,500. Mrs. Scott asked if the cost should be included in the motion. Solicitor Crotty stated the motion approves the appointment pursuant to their letter dated September 22, 2017.
- d) Wilson Lambert asked why the Township still elects auditors if it isn't required by the State. Solicitor Crotty said that elected auditors have residual duties which are to audit the books of the district

justice, as well as set the pay rate for a board member that also works in the office. This position can't be eliminated.

VOTE: 5-0

5) Temporary Office Help Extension.

Steve Herzog reported that Pani Martin made this request to aid the office in finishing the filing of the 3,200 returned property folders from the scanning project, continued document retention and destruction per board resolution.

MOTION: Steve Herzog made a motion to authorize hiring of a temporary administrative assistant thru Ranstad at the rate of \$25 per hour to work up to 30 hours per week max through February 28, 2018. Carol Kulp seconded.

VOTE: 5-0

6) Disposition of Records.

MOTION: Steve Herzog made a motion to approve Resolution 2018-04 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual retention schedule. Carol Kulp seconded.

VOTE: 4-1 (Steve Herzog, Wilson Lambert, Kat DiRado, and Joe Heffern voted yea. Carol Kulp voted nae.)

7) Corporate Resolution for Fulton Bank – Updated Signers.

MOTION: Steve Herzog made a motion for the board to sign the updated Certified Copy of Corporate Resolutions re-resolving to have Fulton Bank as our designated depository as well as the board to sign the individual signature sheets to assign signers to all of the Township Bank accounts. Carol Kulp seconded.

VOTE: 5-0

G. LEGAL

1) Wright ASA Application/Hearing.

Solicitor Crotty stated that the Agricultural Security Area hearing for the Wright application was continued from last month so it could further be reviewed by the Township's Agricultural Security Committee. He reported additional information was presented. The applicant identified all the properties around the Wright's parcel are within the Township's Agricultural Security Area. The Township received a letter dated January 20, 2018 from the Township's Agricultural Security Committee which unanimously voted to recommend approval of the Wright application.

MOTION: Steve Herzog made a motion to approve the Wright ASA application for tax parcel 47-4-4.2. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a) Erwin Zeller asked where the property is located.
- b) Mr. Wright stated his property location which is an 8.8 acre lot surrounded by properties that are part of the Agricultural Security Area. Mr. Wright described the location of his property and the properties surrounding his property. Traveling on Route 372 from Westwood to Pomeroy is the Handy Farm on the right. Across the street is a 50 acre farm that is partially in Valley Township. His sister and brother-in-law own the land adjacent to his property. Mr. Wright said when they applied to the Chester County Conservation District, he found that his 8.8 acre property was not in the Agricultural Security Area. He stated they have been put on the second team. He discussed his future plans for the property. Mr. Wright said he was told by a dozen developers that the land would not qualify to be developed. It is wooded and sloped.

VOTE: 5-0

2) 2018 Bidding Thresholds.

Solicitor Crotty reported the bidding thresholds were updated the day after the Reorganization meeting and he always likes to publicly announce the bidding thresholds. The bidding thresholds are as follows:

- No quotes or bids: purchases and contracts below \$10,900 require no formal bidding.
- Phone quotes: purchases and contracts between \$10,900 and \$20,100 require three written/telephone quotes.
- Formal bidding: purchases and contracts over \$20,100 require formal bidding.

3) Historical Commission – Rehabilitation Guidelines.

Solicitor Crotty stated this discussion is a by-product of 505 Mortonville Road. He discussed a process to develop more precise requirements and procedures for the Historical Commission in the permit process. The Township might want to pursue developing written guidelines to help both the Historical Commission and residents that own historic resources. This would allow the Township to establish objective criteria on what types of fixtures, improvements, windows, and roofs are acceptable. Solicitor Crotty informed the Board if they wish to pursue this, he will obtain quotes. The Board was interesting in pursuing this by getting quotes.

4) Zoning Hearing Board Application – Weaver Sign Variance Request.

Solicitor Crotty announced Weaver Mulch has a sign variance application going before the Zoning Hearing Board hearing on Wednesday, October 24th at 6:00 pm. Weaver Mulch wants to put up a larger sign of up to 25 feet and 12 feet high. The specifications are not yet available. Solicitor Crotty recommended to the Board that they submit a letter to the Zoning Hearing Board requesting the Weaver hearing be held open for the Board to formally comment via letter on the proposal.

H. PLANNING COMMISSION

1) Planning Commission Report – Dennis Crook.

Dennis Crook reported a Planning Commission meeting was held on January 8, 2018. At this meeting, they discussed the ordinances they are currently working on which are shooting ranges, dumpsters and removing the daycare center out of the R-1 Zoning District. The Commission will also be looking further at rental properties. They will be starting the official map process on February 19, 2018.

I. POLICE DEPARTMENT

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

2) Approval of Municipal 4-Year Lease with Fulton Leasing Company for 2018 Chevy Tahoe.

MOTION: Steve Herzog made a motion to approve Resolution 2018-05 to approve the municipal 4-year lease agreement with Fulton Leasing Company for 2018 Chevy Tahoe at an annual payment of \$13,574.55 Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked who will be using the new vehicle. Steve Herzog said it will be used by the police.

VOTE: 5-0

J. PUBLIC WORKS DEPARTMENT

- 1) December Road Department Report submitted for Board and resident review.
- 2) Steve Herzog thanked Tag Gathercole and the Road Crew for their work during the recent snow storms.
- 3) Sycamore Tree on Mortonville Road.

Tag Gathercole discussed a huge sycamore tree on Mortonville Road that is a safety hazard. The tree is on the Township right-of-way on the white line. If the tree falls, it will tear out half the road. Tag Gathercole reported he obtained a quote from Madsen Tree Services of \$1,850 to have the tree taken down. Madsen Tree Services will take the tree down, clean everything up, and grind the root down below the blacktop.

MOTION: Steve Herzog made a motion to approve the contract with Madsen Tree Services for \$1,850 to remove the sycamore tree on Mortonville Road. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a) Tag Gathercole asked if the cost can come out of Liquid Fuels. Solicitor Crotty could not confirm and suggested he check with PennDOT.
- b) Erwin Zeller asked if Mr. Gathercole had obtained any other quotes. Mr. Gathercole stated no.
- c) Joe Heffern asked Mr. Gathercole how often the Township needs to engage tree services. Tag Gathercole stated this does not happen often. However once a tree is down in a road, it is a problem and they need to remove it.
- d) Kat DiRado asked how long it would take to obtain two more quotes. Steve Herzog stated it would delay the tree removal until February 9, 2018 at the earliest because the Board would have to vote.
- e) Siti Crook asked if the Board could motion to authorize Tag Gathercole to spend up to a certain amount and give him the discretion to choose the vendor.
- f) Mike Crotty stated typically auditors make sure that work is approved for a specific company rather than just cost.

VOTE: 3-2 (Steve Herzog, Wilson Lambert and Joe Heffern voted yea. Carol Kulp and Kat DiRado voted nae.)

- 4) Central Chester County Recycling Authority (CCCRA).

Tag Gathercole reported that this year may be the last year the CCCRA will be able apply for grants. The application deadline is April 7, 2018. They will discuss this grant at their meeting next week. Mr. Gathercole said they will probably apply for a grant for equipment. Tag Gathercole stated you can also apply on your own. He also stated any interested Board members can attend the meetings and get involved. Meetings are on the last Tuesday of the month at 1:30 pm. He also asked if Lisa Valaitis could get involved in attending meetings and helping with paperwork. The Board approved.

- 5) Plowing Areas in Township.

Tag Gathercole will provide a map designating who is plowing which roads at the next Board of Supervisors meeting.

- 6) List of Future Road Work.

Steve Herzog asked Tag Gathercole to put together a list of future road work. He said we should determine what road work is needed and get the job out to bid early in order to obtain more bids.

7) Route 82 Doe Run Road.

Wilson Lambert asked Mr. Gathercole if the Township is plowing on Route 82 down below Rokeby Road. Tag Gathercole stated we do plow that part of Route 82 and all the way out to Covered Bridge Road on Route 82. It is not a Township owned road but we do state contracted plowing. Mr. Lambert stated there have been a couple of complaints about a culvert with a hole in it. Tag Gathercole stated that is the State's responsibility and he has called PennDOT about that. Steve Herzog said the State pays the Township to plow the state roads.

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) No Report Submitted.

M. PUBLIC PARTICIPATION

- 1) Erwin Zeller asked about the recent advertisement for the Township Manager. Steve Herzog said the status is the advertisement is out there and we are taking applications until January 28th. Then they will meet and discuss the applicants. After discussion, the Board of Supervisors will be interviewing and there will be at least two rounds before a decision is made. There have been at least a dozen applications.
- 2) Sharon Scott asked if hiring a manager is a done deal. Mr. Herzog stated they have hired the Meyner Center to recruit a Township manager and put money into it. She stated only three current supervisors voted in favor of this. Sharon Scott asked what the salary will be. Steve Herzog said it has been advertised at a salary of \$90,000-\$110,000 annually. Mrs. Scott stated she is really against hiring a township manager because the position isn't necessary and it is too costly. She stated we have been surviving without a manager. Steve Herzog stated the Township isn't planning or thinking of the future. Sharon Scott also spoke about a discussion at a previous meeting regarding police presence at meetings. She asked what the Township's position would be on handling a person that participates in Township business, is appointed to a Township board, and has a record of violence, being fined, and taken before the courts. She would like to submit a complaint that this person is being appointed to service in a public position and putting people in harm's way. Solicitor Crotty stated from a legal point of view, unless someone has a Protection from Abuse (PFA) against a particular individual, it is not the Board's role to assess one individual's potential for violence at a public meeting. The Board appoints people to positions at their discretion. Steve Herzog stated there is not a written policy regarding qualifications for appointed positions that addresses this. Solicitor Crotty discussed the legalities of removing someone from an appointed position. Joe Heffern encouraged Mrs. Scott file a complaint with the police if she feels threatened.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 7:46 pm. Carol Kulp seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary