

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 27, 2018 Approved minutes
6:30 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 6:30 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 executive sessions on January 29th, February 19th and February 24th regarding personnel issues.

C. APPROVAL OF MINUTES

1) January 23, 2018 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the January 23, 2018 Board of Supervisors meeting minutes as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott requested additional information regarding executive sessions be reported in the meeting minutes. She said she specifically wanted to know the date of each executive session, who attended, if the Township Solicitor attended, the location, and beginning and end times for the sessions. She told the Board they are not being transparent if these details are not included in the meeting minutes. She requested the Board of Supervisors not approve these minutes without the additional details. Steve Herzog replied by saying that by law, they don't have to report that information in the minutes. By law they only have to report the dates of executive sessions, therefore, the minutes can be approved without this information. Steve Herzog stated it is up to the Board if they want to start reporting who attends. Historically, the Board has not reported this information. Kat DiRado said that there was a recent conversation on this topic in which Solicitor Crotty stated the Board does not legally have to report who is in attendance at executive sessions. Joe Heffern asked Mrs. Scott if she was concerned mostly about the legal bills. Mrs. Scott replied yes. There was a Board discussion about whether to start reporting additional information on executive sessions or to continue with the current reporting. Wilson Lambert informed Mrs. Scott that he was present at the executive sessions. Steve Herzog stated that Mr. Crotty was not in attendance at any of the executive sessions. The Board decided to continue with the existing reporting policy.
- b. Erwin Zeller asked if the content of executive sessions are supposed to be transparent as well. Solicitor Crotty stated no because the information discussed in executive sessions is privileged information.

- c. Sharon Scott stated that she wanted to know the attendance, specifically the lawyer's attendance. Mrs. Scott commented about Solicitor Crotty's attendance at the Weaver Mulch Zoning Hearing Board hearing. She said she was present at that meeting and Solicitor Crotty had stated he was speaking on behalf of the Board of Supervisors at that hearing. Solicitor Crotty stated that he said at that hearing that he represented the Township which is governed by the Board of Supervisors. Mrs. Scott asked when the Board of Supervisors met to instruct Mr. Crotty to do that. Steve Herzog stated the Board discussed this in executive session. Communications between the Board and Solicitor's office are confidential and privileged.

VOTE: 5-0

2) February 13, 2018 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the February 13, 2018 Board of Supervisors meeting minutes as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott reiterated her previous request for attendance and other additional information regarding executive sessions to be reported.

VOTE: 5-0

D. CITIZENS BY REQUEST

1) Michael Grabill – Boy Scout – Park Pavilion.

Michael Grabill said he represents Cub Scout Pack 219. Mr. Grabill reported they have reserved the park pavilion for April 28th with a rain date of April 29th for the Blue and Gold Banquet. Mr. Grabill said they normally cook out on a grill and are seeking permission to use a grill during this event at the park. For fire prevention, they will have fire extinguishers, buckets of water, and a fire marshal that may be attending.

MOTION: Steve Herzog made a motion for Boy Scout Pack 219 to use a grill at the park for their Blue and Gold Banquet on April 28th with a rain date of April 29th. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert asked what time the event is scheduled for. Mr. Grabill said their event starts at 4:00 pm and runs until dusk.

VOTE: 5-0

2) Doe Run Presbyterian Church 5K Walk/Run – Missy Holms.

There was no representative from Doe Run Presbyterian Church in attendance. Pani Martin said they wish to get permission to hold a 5K run/walk on Saturday, May 26th at 8:00 am. The event would be open to Doe Run Presbyterian Church members as well as members of the community. One of the options there are considering is to have the route within the park. Ms. Martin stated they were going to discuss a possible route outside of the park with the Police Department. Chief Porter said they have not contacted him yet. Steve Herzog asked Pani Martin to reach out to the church for more information. Solicitor Crotty said they will need waivers, liability insurance, and they will be required to have fire/police at every street intersection.

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) Westwood Fire Department Update – Chief John Sly apologized for not having a fire report for Westwood. They just switched to a new online fire reporting system and they are working out some kinks. We hope to have reports back up online by next month. Chief Sly summarized Westwood's EMS Report. He reported Westwood's fundraiser mailer went out and he thanked those that have responded and contributed. Chief Sly also read an East Fallowfield Township resident letter sent to Westwood thanking them for their service responding to an emergency call. Chief Sly also commented that he saw the letter to residents explaining the 2018 tax increase on the Township website and he stated it was very well written.

- 2) Fire/EMS Tax & Fuel Donations – Pani Martin asked what happens now that the Fire/EMS Tax is in place. What type of program will this look like moving forward? Steve Herzog said the Township will start receiving reports from Westwood and Modena showing where the money is spent and showing that the expenditures meet the requirements. Chief Sly asked the Board whether they'd prefer quarterly or annual reports. Solicitor Crotty suggested quarterly reports. There was a discussion about the allocations between fire companies. Chief Sly will send Pani Martin the quarterly dollar amounts. There was also a discussion about the gasoline being donated by the Township for the ambulances.
- 3) January Westwood Fire Company EMS Report submitted for Board and resident review.
- 4) January Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 5) January Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 6) January Modena Fire Company EMS Report submitted for Board and resident review.

F. TREASURER'S REPORT

- 1) January 31, 2018 Treasurer's Report.

MOTION: Steve Herzog made a motion to approve the January 31, 2018 Treasurer's Report. Carol Kulp seconded.

VOTE: 5-0

- 2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of January 10, 2018 through February 27, 2018 in the total amount of \$208,708.90 as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked how the billing is done for legal services. Solicitor Crotty said he bills by date, number of hours and the subject worked on. Sharon Scott asked if she could submit a Right-to-Know request to view the legal bills. Mike Crotty stated she could submit a Right-to-Know request, however the actual legal descriptions of services rendered on the bills is privileged and confidential. Therefore she would be given bills with the date, time and dollar amounts but the description of the work would be redacted by the Township Right-to-Know Officer. Steve Herzog pointed out the legal fee analysis section in the monthly financial report which shows a breakdown of legal fees for the year. Mrs. Scott asked if the Longview/Pelham Place on the current agenda is the development that is associated with a recent past motion that Solicitor Pompo is associated with. Solicitor Crotty stated that is correct. She discussed a recent county and state case involving the firm of Lamb McErlane. She reminded the Board that Lamb McErlane was a prior solicitor for East Fallowfield Township.

VOTE: 5-0

- 3) Resolution for Disposition of Records.

MOTION: Steve Herzog made a motion to approve Resolution 2018-07 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual Retention Schedule. Carol Kulp seconded.

VOTE: 5-0

4) Record Retention / Filing Project – Extension of Help.

Pani Martin stated the office has been working on the record retention and disposition of records project with temporary help from Randstad Staffing Agency. Pani Martin discussed the many staffing challenges and personnel problems that the Township office has recently faced with the Randstad Staffing Agency. One of the Randstad employees had a strong understanding of the project but unfortunately hurt her arm. We've had several other temps who did not have a strong enough understanding of the project. She asked the Board if they'd like the project put on hold until this person can return to work, try another temporary staff member from Randstad, or bring in a part-time snow plower/grass cutter to help with the project. Ms. Martin reported the resolution just approved involved the disposition of 16 boxes. She said the person going through the boxes in the future will require more knowledge to go through. Steve Herzog instructed Pani Martin to look into the cost of having a firm shred the documents. Steve Herzog also said he'd also be fine in waiting until the one Randstad employee can return to work.

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

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked why they have had several votes to extend the date with the same company. Steve Herzog said that there have been personnel problems with Randstad which has extended the work timeline. Mr. Herzog briefly summarized the staffing problems that have occurred. The project has been pushed off as a result. There is no deadline for this project so it can be pushed off until a person with the knowledge to do the job is available. Pani Martin stated we only had someone in the office for 30 hours in February when we were approved for 30 hours a week.

VOTE: 5-0

5) Corporate Resolution for Fulton Bank – Fire / EMS Account.

MOTION: Steve Herzog made a motion for the Board to sign the Certified Copy of Corporate Resolutions adding a Fire/EMS bank account at Fulton Bank, the Township's designated depository, and to sign the Commercial Account Agreement designated signers on the account. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Kat DiRado noted that her name was misspelled on Fulton Bank's Certified Copy of Corporate Resolutions.

VOTE: 5-0

6) Dissolving of Payroll Account.

Pani Martin reported that she consulted with the auditors and they have no problem with the Township dissolving the payroll account. Payroll will be paid out of the General Fund account going forward. There will still be three direct deposits from the payroll company, and four checks cut for pension, VALIC, and the Police Association. Solicitor Crotty noted he had no legal issues with this change.

7) 2018 COSTARS Salt Contract Pricing – Same Pricing as 2017 - \$60.65 per ton.

Solicitor Crotty asked if next year's salt contract had been approved yet. Pani Martin explained that this is typically run by the Board and then Tag Gathercole signs the contract. It has not been voted on in the past. Mike Crotty suggested the Board vote to memorialize it. Tag Gathercole can note the minimum to order. Tag Gathercole stated the salt contract deadline is March 15, 2018. The Board will vote to approve the contract at the March 13, 2018 meeting.

8) Portnoff – Writs of Execution.

Steve Herzog stated this action is for delinquent trash bills that have occurred over time.

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

VOTE: 5-0

9) Fundraiser Request for PTO's at East Fallowfield Elementary & South Brandywine Middle Schools.

Pani Martin reported a resident, who works with the PTO's for South Brandywine Middle School and East Fallowfield Elementary School, requested the Township post a fundraising application on our website and/or Facebook. Posting the fundraiser application online will allow the information about the fundraiser to reach more people in the community. A discussion ensued about concerns and whether or not to post it. The Board approved posting a link based on the request being for a governing body.

G. LEGAL

1) Wright Ag Security Area Application.

Solicitor Crotty reported the Wright Ag Security Area application was previously approved at the January 23, 2018 Board of Supervisor meeting. The second step is to memorialize the approval through resolution so it can be recorded with the County.

MOTION: Steve Herzog moved that the Board authorize signature of Resolution 2018-08, to memorialize the approval of the Wright Ag Security Area Application. Wilson Lambert seconded.

VOTE: 5-0

2) Historical Resource Guidelines: Discussion Only.

Solicitor Crotty reported that he reached out to Friends and Friends to get a proposal on putting together a historical resource guideline packet. Steve Herzog explained the Board is considering this service to provide a guideline for residents that own historical properties. In the past year, there have been some issues regarding historical property permits. Pani Martin asked if this would be included as part of the recodification process. Solicitor Crotty replied by saying it is a resource guidebook that is not mandatory and what is put into the ordinances would be mandatory.

3) Bawa Land Development Project: Discussion Only.

Solicitor Crotty reported that at the Planning Commission meeting earlier this month, the Planning Commission noted their recommendation for approval for two aspects of the Bawa plans: the waiver request they submitted, and preliminary plan itself. Solicitor Crotty reported that he met with Chris Della Penna and the applicant's engineer and their consultants to go through any other open remaining items in Chris Della Penna's review letter. He expects this will come before the Board at their March 27, 2018 meeting.

4) Ridgecrest Development Project: Discussion Only.

Solicitor Crotty discussed the Ridgecrest Development, which was fully and finally approved by the Board years ago. They were ready to have the plans recorded with the County when the bank foreclosed on the property. After a court battle, they finally reached a resolution. He expects in a month or two, Rouse Chamberlin will be coming before the Board to request that their plans be signed again.

5) Longview/Pelham Place: Discussion Only.

Solicitor Crotty stated Attorney Pompo represents Longview, which currently owns the development property. The development is incomplete. Most of the interior roads have been constructed. There are open lots of

grass where homes were intended to be built. A year ago, Longview came to request the Board consider a structure similar to the structure we had with Manchester Farms, in which the Township would draw down on the financial security for the remainder of improvements. Then the development group would use that money to construct the remainder of the financial improvements out of that money. Longview is not a developer, they hold properties. However, they now have a developer partner which is Tri-Corner Communities. They are looking forward to moving the project forward. Solicitor Crotty expects Longview to be coming to Chris Della Penna and Rob McLarnon to request building permits. They would like to discuss with the Township the possibility of that draw down agreement. Solicitor Crotty said the primary thing he will be looking for in this agreement is that there will be no cost to the Township.

- 6) February 5, 2018 Planning Commission Meeting – Solicitor Crotty reported they had a productive discussion at the previous Planning Commission meeting about the different ordinance amendments the Committee is considering. The Planning Commission recommended a zoning ordinance amendment for daycare centers and daycare homes. Additional ordinance amendments will be finalized at the next Planning Commission meeting. All ordinance amendments will be presented to the Board together to save advertising costs.

H. PLANNING COMMISSION

1) Planning Commission Report.

- a. Ordinance Amendments - Dennis Crook informed the Board they are working on four additional ordinance amendments:
 - Blighted properties.
 - Firing Ranges.
 - Dumpster versus Pods Ordinance.
 - Rental Properties and rental registration ordinance.
- b. Official Map – Dennis Crook presented an update on the official map project. The task force just had its first meeting on February 19, 2018. The next meeting will be held on March 19, 2018 at 6:30 pm.

I. POLICE DEPARTMENT

- 1) January Police Department Report submitted for Board and resident review.
- 2) MVR (Mobile Video Recorder) System.

Steve Herzog asked Chief Porter if this is through COSTARS. Chief Porter stated it is through COSTARS.

MOTION: Steve Herzog made a motion to approve the purchase of the Watch Guard Mobile Video Recorder System for \$18,900. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked if the cost was for one vehicle or multiple vehicles. Chief Porter replied that it is for two cars and all the equipment for the station. Most of the cost is for the server. The cost will be minimal for future cars.
- b. Erwin Zeller asked if this purchase is in the budget. Chief Porter said yes this is in the budget. Mr. Zeller also asked if other municipalities of comparable size have the same type of equipment. Chief Porter and Mr. Herzog replied yes.
- c. Kat DiRado asked if software updates were included in the cost. Chief Porter replied yes. She also asked if there is insurance coverage with it. Chief Porter stated there is a warranty on it. All other issues would be covered under general liability insurance.
- d. Carol Kulp asked Chief Porter if he had seen the “Safer Officers and Safer Citizens Act” which was about funding for arming officers with video cameras. Chief Porter said they could look at that if it comes out.

- e. Erwin Zeller asked if the equipment is compatible with what we have now and future equipment. Chief Porter stated yes.
- f. Dennis Crook asked if the system could hook into body cameras. Chief Porter said yes and the company also sells body cameras. Mr. Crook said there are legal issues with body cameras and entrance and the PA Wire Tapping Act. Solicitor Crotty stated there has been recent legislation specifically allowing for body cameras not to be a violation of the Wire Tap Act.

VOTE: 5-0

Additional Questions:

- a. Erwin Zeller asked questions about the monthly police report. He stated he has noticed there are no categories on the report that have a zero. Chief Porter explained that the report only shows categories that have at least one incident. The system does not include incidents with zero on the reports. Mr. Zeller said he thinks some of the numbers on the police reports are not valid. Steve Herzog said the report is based off what the officers put in the system.

J. PUBLIC WORKS DEPARTMENT

- 1) January Road Department Report submitted for Board and resident review.
- 2) 2018 Road Improvement Assessment.

Tag Gathercole reported that all roads are included in Liquid Fuels. The total Township mileage is 66.67. Tag Gathercole reported he checked all the roads in the Township and assessed their condition. This winter was rough on the roads because it was cold. Tag Gathercole said that West Chester Road is in poor condition as well as Newlinville Road. We need to tar and chip side roads. Steve Herzog said the earlier we get a road paving job out for bid, the more bids we will get. Mr. Gathercole distributed a map to the Board that shows which roads each staff member plows when it snows. Thomas Nash asked Tag Gathercole some questions about work needed on Lyons Lane. Tag Gathercole reported that PennDOT is planning to blacktop Strasburg Road from Route 372/Valley Road down to Route 82/Doe Run Road and Route 82/Doe Run Road south to the Township line.

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) December 6, 2017 Historical Commission meeting minutes submitted for Board and resident review.
- 2) January 10, 2018 Historical Commission meeting minutes submitted for Board and resident review.
- 3) Historical Commission letter to Rob McLarnon regarding 265 Buck Run Road.
- 4) Historical Commission letter to Rob McLarnon regarding 118 Brandywine Creek Road.
- 5) Historical Commission letter to Rob McLarnon regarding 38 Rokeby Road.

M. NEW BUSINESS

- 1) Attendance at Meetings through Skype.

Kat DiRado stated she'd like to discuss making it possible for Supervisors to attend meetings through Skype, phone or video, when they can't be present in person. Solicitor Crotty stated this is done through resolution. He will have a resolution put together for the Board to consider at the next meeting.


N. PUBLIC PARTICIPATION

- 1) Joseph Mammarella stated he lives on the corner of South Caln Road and West Chester Road. He discussed a water runoff problem in which the gully has gotten so bad that is washing the end of his driveway out. Mr. Mammarella stated his yard is washing out as well. Steve Herzog reported that the Township is in the process of correcting the water runoff problems at that intersection. The Township's traffic engineer will soon start surveying the intersection in preparation for intersection improvements. One reason for the improvements is to address the runoff problems.
- 2) Chief Frank Dowlin asked if the construction trailer on the property at the corner of South Caln Road is related to the intersection improvements. Steve Herzog stated the trailer is related to the Ridgecrest Development.
- 3) Sharon Scott stated the historical resource guide is not a necessary expense. She would not like the Township to move forward with this project. She said this document would not be law. We already have ordinances for historical properties. Solicitor Crotty explained that the historical resource guide would allow residents that own historical properties to avoid the cost of hiring a professional consultant. The guide would also help the Historical Commission. Mrs. Scott also discussed Solicitor Crotty's legal bill for the Longview/Pelham Place for \$400. She asked if he was done with that work. Solicitor Crotty stated those fees are all reimbursable by the developer. Solicitor Crotty also stated he probably has more work to do on that job and will need to review the subdivision and land development application agreement. Mrs. Scott also discussed the Weaver's Mulch Zoning Hearing Board hearing. At the request of the Board, Solicitor Crotty attended the hearing. Sharon Scott said the Board instructed Solicitor Crotty to make it work. Solicitor Crotty said her statement was incorrect. Mr. Crotty explained that the Township's position was that if the Zoning Hearing Board were to approve the electronic sign, then a certain number of conditions would be appropriate. Solicitor Crotty spelled those conditions out. Sharon Scott stated the Zoning Hearing Board Solicitor and the Zoning Hearing Board members held a private meeting and upon their return to the hearing, they voted. Sharon Scott stated the majority of those in attendance were against the variance. She stated that no matter what the conditions are, the electronic sign does not meet the Township's ordinance. Steve Herzog stated that the Zoning Hearing Board requested that Solicitor Crotty attend the Weaver's hearing. The Board agreed to send Solicitor Crotty. The Board did not talk to the Zoning Hearing Board or tell them how to vote. This is completely the Zoning Hearing Board's decision. Solicitor Crotty stated anyone who does not agree with the decision, and was granted party status, can appeal the decision.
- 4) Ralph Buonomo discussed the poor condition of 2035 West Chester Road, which is next door to his home. Mr. Buonomo stated the Township has raised taxes and his property value is dropping due to the terrible condition of the property next to his property. No one lives in that house, the doors and windows are open, and there are rats in there. Solicitor Crotty stated the Planning Commission is working on a blighted property ordinance to address this problem. Mr. Buonomo said he has talked to the Township office and he was told nothing more can be done. Wilson Lambert stated the Township is trying to address blighted properties and is working on getting a loose property maintenance code so the Township can enforce blighted properties such as 2035 West Chester Road.
- 5) Erwin Zeller stated the Township is working on Code that will address this blighted property as well as others in the Township.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:06 pm. Carol Kulp seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary