

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 24, 2018 Approved minutes
6:32 PM

Members Present

Steve Herzog, Chairman
Wilson Lambert, Vice Chairman
Joe Heffern, Member
Carol Kulp, Member
Katja 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 6:32 PM.

2. DISCUSSION

A. RULES OF CONDUCT

Chairman Herzog stated the Rules of Conduct are posted in the back of the room.

B. APPROVAL OF MINUTES

1) March 27, 2018 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the March 27, 2018 Board of Supervisors meeting minutes as presented. Supervisor Carol Kulp seconded.

VOTE: 4-0 (Supervisor Kulp abstained)

2) April 10, 2018 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the April 10, 2018 Board of Supervisors meeting minutes as presented. Supervisor Kulp seconded.

VOTE: 5-0

C. PRESENTATIONS

1) Barbacane Thornton – Steven Kutsuflakis – 2017 Audit Review.

Mr. Steven Kutsuflakis, from Barbacane Thornton, presented a synopsis of the 2017 audit. As part of the audit, the Township issued an Annual Audit and Financial Report which is submitted to DCED. Barbacane Thornton gave a modified opinion on the DCED Report. The accounting system is the cash basis of accounting. Revenue is recorded when received and expenses are recorded as paid out. They looked at internal controls for the purpose of planning their audit approach. They did not note any problematic internal controls. Segregation of duties could be improved but that is difficult with a small office. End of year cash balances were as follows: General Fund - \$951,000 and Liquid Fuels Fund - \$70,000. All funds ended the year with surplus balances. There were some adjusting journal entries that were required due to the DCED report filing requirement. Mr. Kutsuflakis stated they recommend moving the chart of accounts to be in line with the DCED's chart of accounts.

D. CITIZENS BY REQUEST

1) Tim Peters – Fire Department Response Times.

Township resident Tim Peters, was not present at the meeting. Chairman Herzog stated there was a concern raised by township resident Peters at the last Board of Supervisors meeting regarding Westwood handling calls differently than Modena and that Westwood is not using the GPS system that Modena uses. Chief Mike McWilliams, from Westwood Fire Company, spoke about the call systems used by Westwood and Modena. He stated the County uses a dispatch code system called AVL which is a GPS system. This is an optional system and not required. Modena Fire Company uses this system for dispatch and Westwood Fire Company does not. The AVL (GPS) system uses mapping and calls are dispatched according to vehicle locations. Westwood has elected to continue using the box system. Chief McWilliams stated there have been no issues with response times in East Fallowfield Township or any other municipalities that Westwood services. Supervisor Joe Heffern stated that township resident Peters came to him first and told him that there was a recent fire call in East Fallowfield Township for which the Coatesville Fire Company was the closest to the scene but was not called. Chief McWilliams stated this call was a house fire and the units dispatched to the house fire were Westwood, Modena, and the other companies called had a tanker and a rictine. There was no ladder required on the initial call and no ladder was needed. As a result, Coatesville Fire Company was not called to the scene because their vehicle was a ladder truck. Supervisor Heffern asked if there is an advantage to using the AVL / GPS system. Chief McWilliams stated there is no advantage to using the AVL (GPS) system. Chief McWilliams stated that Westwood uses the fire box system. In those boxes, there is a type code. Whatever vehicle requirements are specified in that box is what is called to a fire. The average response time for Westwood Fire Company is 7 minutes and 48 seconds.

Supervisor Katja DiRado asked if Westwood's box system is more subjective and Modena's GPS system is more electronic. Chief McWilliams said both the AVL (GPS) system and the box system decides which fire companies get called. No one decided not to call Coatesville City. Chief McWilliams said that the ladder truck wasn't listed on the call as a need so even with the AVL (GPS) system, Coatesville City would not have been called. Chief McWilliams stated the big picture is that the appropriate units, based on Westwood's decisions, were at the recent house fire. The fire was put out, the house was saved, and no one was injured.

Todd Bryant, President and Assistant Chief of Modena Fire Company stated that Modena runs the AVL system because they feel that is the best system because it is bringing the closest fire companies to the calls. Modena and Westwood work together. Neither fire company has the man power to work alone. Volunteerism is a big wide-spread problem. We work together for the community.

Township resident, Dennis Crook asked the fire chiefs if they check the hydrants to ensure they are functioning. The fire chiefs said they are not permitted to test the hydrants. PA American Water Company tests the hydrants once a year. Township resident Crook said that the south part of the Township does not have hydrants. He asked if the tankers provide enough water for fires in this part of the Township. Both fire chiefs said yes and explained how they get the needed amount of water to the scene of a fire by utilizing the various tankers in the area.

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1) Westwood & Modena Fire Department Update.

Chief John Sly, from Westwood Fire Company, reported he sent Westwood's first quarter allocation report to Township Treasurer Pani Martin. Chief Sly presented further clarification on the pros and cons of the AVL and box cards methods. The AVL method is used for ambulance calls by both Modena and Westwood.

2) March Modena Fire Company Fire Chief's Report submitted for Board and resident review.

3) March Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

4) March Modena Fire Company EMS Report submitted for Board and resident review.

F. TREASURER'S REPORT

1) March 31, 2018 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the March 31, 2018 Treasurer's Report. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Sharon Scott noted there were no copies of the Treasurer's Report available for the public. Township Treasurer Martin provided township resident Mrs. Scott with a copy of the Treasurer's Report.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of March 21, 2018 through April 24, 2018 in the total amount of \$202,604.12. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Sharon Scott noted there were no copies of the Payment Authorizations available for the public. Township Treasurer Martin provided township resident Mrs. Scott with a copy of the Payment Authorizations.

VOTE: 5-0

3) Resolution for Disposition of Records.

MOTION: Chairman Herzog made a motion to approve Resolution 2018-11 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual Retention Schedule. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Stephen Bauer asked which of the six people at the Board of Supervisors table does not vote. Solicitor Crotty stated he is the Township Solicitor and does not vote.

VOTE: 5-0

4) Temporary Office Help Extension – Record Retention/Filing Project.

Township Treasurer Martin presented a brief update on the status of the record retention and filing project that the temporary office help is working on.

MOTION: Chairman Herzog made a motion to authorize hiring of a temporary administrative assistant through Randstad at the rate of \$23 per hour to work up to 30 hours per week max through April 25, 2018. Supervisor Kulp seconded.

VOTE: 5-0

5) Writs of Execution.

Chairman Herzog stated the Writs of Execution are for delinquent trash bills. The Township gets a list from the collection agency once or twice a year. The Writs of Execution puts a lien against a property.

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

QUESTIONS AND COMMENTS:

- a. Township resident Erwin Zeller asked if properties on the list still get their trash picked up. Chairman Herzog stated they do still get their trash picked up.

VOTE: 5-0

G. LEGAL

1) 104 Huntington Circle Enforcement Action - Discussion.

Solicitor Crotty noted that the Code Enforcement Officer has issued notices of violation related to vehicles being stored on 104 Huntington Circle. Solicitor Crotty stated the Code Enforcement Officer has requested his assistance to continue with the process of issuing citations and pursuing violations with the District Justice's office. Solicitor Crotty noted that he first issued a violation notice last year for 104 Huntington Circle. He also issued a violation notice on March 28, 2018 along with instructions on how to correct the violations. Solicitor Crotty said it is his understanding that there has been no feedback from the property owner. Township resident Thomas Foster, a neighbor, stated there are 17 vehicles on the property and some are leaking. The resident residing at 104 Huntington Circle dumps soil in the woods. Township resident Mr. Foster said the Code Enforcement Officer told him the owner had 30 days to correct the code violations or be fined \$1,000. Township resident Mr. Foster stated that the Code Enforcement Officer has said this will be resolved by July and this is unacceptable. Chairman Herzog stated this has now come to the Board's attention and they will work with the Code Enforcement Officer to proceed through the process and resolve. Solicitor Crotty explained the legal process for a Township Code Violation citation. The citation needs to be filed correctly with the District Justice Office. The Board had no objection to Solicitor Crotty working with the Code Enforcement Officer on filing a citation for 104 Huntington Circle.

2) Tractor (TL90 DT) Bid Award.

Public Works Foreman Tag Gathercole reported there were no bids received on the TL90 DT tractor. The used tractor he was interested in purchasing has been sold. Solicitor Crotty discussed options. He stated an option would be to advertise the tractor bid again. If no bids are received after a second round advertising for bids, then they can privately contract to purchase a used tractor. The other option is to purchase a new tractor. Public Works Foreman Gathercole will make calls to determine what is available for purchase and they will revisit doing a second round of advertising. Public Works Foreman Gathercole also said he could rent a tractor for the summer if needed.

3) Upset Tax Sales – 3 Jane Street and Hephzibah Hill Road.

Solicitor Crotty reported the County has received a bid on both 3 Jane Street and the Hephzibah Hill Road property. The County is asking for Township acknowledgment and consent to a repository sale of the properties. Solicitor Crotty reported Township Treasurer Martin found there were liens on 3 Jane Street. Township Treasurer Martin said that Portnoff encourages municipalities to consent to a repository sale to get new owners into the Township. Solicitor Crotty explained the upset sale and repository sale process. Solicitor Crotty stated the property on Hephzibah Hill Road is an empty lot and therefore has no mailing address. The tax parcel number is 47-5-69 and it is a 1.2-acre unimproved lot.

MOTION: Chairman Herzog made a motion to execute the notice for repository sale for 3 Jane Street and the Hephzibah Hill Road property. Chairman Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Sharon Scott asked for the property address for the Hephzibah Hill Road property. Solicitor Crotty said the property does not have an address. It is an unimproved lot and the tax parcel number is 47-5-69. Township Treasurer Martin stated it is the property on the giant hill on the border of Modena. Township resident Mrs. Scott asked who the bidder was. Solicitor Crotty stated the prospective buyer is Rock Bottom Properties LLC.
- b. Township resident Erwin Zeller asked how this relates to a Sheriff's Sale. Solicitor Crotty stated the Sheriff Sale is the umbrella over upset sales and repository sales. A repository sale is the end of the line and the property has gone through the process first where the minimum bid is set at the total amount of liens. A repository sale occurs after a year has gone by, there were no bids on a property, and the minimum bid is removed.

VOTE: 5-0

4) Ordinance Amendments.

- a. ZO Adt – Day Care Centers and Day Care Homes
- b. ZO Adt – Shooting Ranges
- c. Blighted Property Ordinance

Solicitor Crotty said the Township will still need to have the Chester County Planning Commission review the proposed ordinances. Solicitor Crotty spoke about what needs to be done next with the three ordinance amendments that the Planning Commission is recommending to the Board for approval. The Board of Supervisors decided to send the ordinances to the Chester County Planning Commission for review and advertise the ordinances after the County review comments are received.

H. PLANNING COMMISSION

1) Planning Commission Report.

Planning Commission Chairman Dennis Crook presented a summary of the April Planning Commission meeting and the official map meeting. He presented information on the official map meeting discussions regarding trail systems and properties the Township would like to obtain in the future. One future need they would like to address on the official map is future sewer needs in the Township. Planning Commission Chairman Crook reported on his discussion with Dave Porter at Herbert MacCombie's office. He discussed putting future potential sewer pump station locations on the official map to designate these areas and reserve the land for future needs. Planning Commission Chairman Crook reported that the Planning Commission is still working on a rental property ordinance amendment which will address zoning and code enforcement and revenue for the Township.

2) Approval of Master Planner Course – Subdivision and Land Development Course Series.

MOTION: Chairman Herzog made a motion to approve the Planning Commission to spend up to \$2,500 to host the Master Planner Course: Subdivision and Land Development. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Steve Herzog asked what dates the classes are scheduled for. Planning Commission Chairman Crook stated May 23rd, May 30th and June 6th. Chairman Herzog also asked if the training class is being held at the Township building. Township Treasurer Martin stated the course is being held at the Training Center.

- b. Township resident Erwin Zeller asked what the cost breakdown is. Township Treasurer Martin reported the breakdown of the potential costs which are as follows: the cost of the course is \$1,650 and the cost of the training center is \$400. She stated she overbudgeted for food and the actual total cost will be lower than \$2,500.
- c. Township resident Sharon Scott objected to the Township being charged to utilize the training center. She stated we should not be charged for use of a public building. Chairman Herzog said the training center has a fee schedule. Planning Commission Chairman Crook said part of the charge is to pay someone to open up the building in the evening.
- d. Township resident Stephen Bauer asked if an East Fallowfield resident can attend the courses free of charge. Township Treasurer Martin informed township resident Mr. Bauer that there is a \$100 fee for residents and they need to register through the Township. The Township covers the cost of Township elected officials, staff and commissioners.

VOTE: 5-0

I. POLICE DEPARTMENT

- 1) March Police Department Report submitted for Board and resident review.
- 2) Hiring of Part-Time Police Officer Timothy Kemmerle.

MOTION: Chairman Herzog made a motion to hire Timothy Kemmerle to the position of part-time police officer at the rate of \$15.00 an hour per the CBA. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Sharon Scott asked if this is going to increase the number of police officers on staff. Steve Herzog stated yes however the budget will not change. These officers will be filling in the schedule as needed.
- b. Erwin Zeller stated Kennet Square has eight full time officers and two part-time officers. Steve Herzog said this is in the budget and the part-time police officers cover the full-timer officers' schedule. The East Fallowfield Township Police Department has seven full-time officers.

VOTE: 5-0

- 3) Hiring of Part-Time Police Officer Duncan Smith.

MOTION: Chairman Herzog made a motion to hire Duncan Smith to the position of part-time police officer at the rate of \$15.00 an hour per the CBA. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township resident Erwin Zeller asked what CBA stands for. Chairman Herzog stated it states for Collective Bargaining Agreement which is the police union contract.

VOTE: 4-0 (Supervisor Lambert abstained)

J. PUBLIC WORKS DEPARTMENT

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

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) April 4, 2018 Historical Commission meeting minutes submitted for Board and resident review.

M. New BUSINESS

- 1) Township Manager.

Chairman Herzog announced the new Township Manager, Scott Swichar, will be starting on Monday, April 30th.

N. PUBLIC PARTICIPATION

- 1) Township resident Erwin Zeller asked if the police contract negotiations are in the works. Chairman Herzog said negotiations have not started yet but will be happening this year. Township resident Mr. Zeller asked what union the police officers are a member of. Chairman Herzog said their union is their own Township Police Association.
- 2) Township resident Sharon Scott commented on the official map that Planning Commission Crook discussed earlier in the meeting. She asked if the public will be able to review drafts of these maps. Solicitor Crotty stated that there will be a 30-day review period before the official map is approved. Chairman Herzog said that the official map is being worked on during the Planning Commission meetings, which are public meetings, and she is welcome to attend. Township resident Mrs. Scott also asked about Barbacane Thornton's audit comments regarding the Township's chart of accounts not being consistent with the DCED chart of accounts. Township Treasurer Martin presented a brief update on the status of the chart of account conversion. Township resident Mrs. Scott stated that the Township is taxing and spending. Township resident Mrs. Scott asked about the status of the Weeds, Inc. contract that had been tabled at a few prior meetings. Chairman Herzog stated the Weeds, Inc. contract was approved by the Board at a prior meeting. Township Treasurer Mrs. Scott asked if the Township Manager, with a salary of \$100,000, was approved. Chairman Herzog stated hiring the Township Manager was approved.
- 3) Planning Commission Chairman Crook asked if the Township has a list of all properties that East Fallowfield Township owns. Township Treasurer Martin stated she will send that list to the Planning Commission.

3. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:58 pm. Supervisor Kulp seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary