

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
November 27, 2018 Approved minutes
6:33 p.m.

Members Present

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

Township Staff Present

Scott Swichar, Township Manager
Pani Martin, Township Treasurer
Lisa Valaitis, Township Secretary

Township Solicitor

Mike Crotty

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

Chairman Steve Herzog called the meeting to order at 6:33 p.m.

2) DISCUSSION

A. APPROVAL OF MINUTES

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

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

QUESTIONS AND COMMENTS:

- a. Township Resident Erwin Zeller asked if the meeting minutes are available to residents on the website before meetings. Township Secretary Lisa Valaitis stated the meeting minutes are not posted on the website until they are approved by the Board of Supervisors. Township Solicitor Crotty said that under the Right to Know Law, meeting minutes are not considered a public record until they are approved by the Board of Supervisors.

VOTE: 4-0 (Supervisor Kulp abstained.)

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

MOTION: Supervisor Wilson Lambert made a motion to approve the November 13, 2018 Board of Supervisors meeting minutes as presented. Supervisor Joe Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Erwin Zeller stated he is aware that the Township is applying for a grant for Mortonville Road repairs. He asked the Board of Supervisors if they have considered where the Township will obtain the grant required matching funds of \$300,000. Chairman Herzog stated there are other possible grant options to obtain the matching funds. The Township has three years to complete the work so there is time to find additional means of raising the matching funds.

VOTE: 4-0 (Chairman Herzog abstained.)

B. CITIZENS BY REQUEST

1) Township Resident Paula Davis – 2215 Strasburg Road.

Township resident Paula Davis discussed the East Fallowfield Township Police Department and her Protection from Abuse (PFA) Order. Mrs. Davis requested to meet with a Board of Supervisor member and Police Chief Chris Porter to discuss further. The Board of Supervisors approved setting up a meeting.

C. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1) Westwood Fire Company Update.

Westwood Fire Chief John Sly reported that the Westwood Fire Company's emergency calls last week in East Fallowfield Township were a cardiac arrest, a suicide, and two fatal car accidents. Chief Sly commended the East Fallowfield Township Police Department for their assistance on these emergency calls. Chief Sly thanked the Board of Supervisors for their continued support. He questioned why the Fire and EMS Tax was lower and overall Township Real Estate Tax was higher in the 2019 Budget. Township Treasurer Pani Martin said that the income balances out the expenses. Chief Sly reported that Westwood is planning to purchase an ambulance early next year and that purchase will be a capital expenditure.

2) October Westwood Fire Company Fire Chief's Report submitted for Board and resident review.

3) October Westwood Fire Company EMS Report submitted for Board and resident review.

4) October Modena Fire Company Fire Chief's Report submitted for Board and resident review.

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

D. TREASURER'S REPORT

1) October 31, 2018 Treasurer's Report.

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

VOTE: 5-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of October 24, 2018 through November 27, 2018 in the total amount of \$631,954.80 as presented. Supervisor Kulp seconded.

VOTE: 5-0

3) Short-Term Disability/Long-Term Disability & Life Insurance/AD&D Insurance - Discussion.

Township Treasurer Martin stated she is still waiting for an insurance quote. Therefore, this discussion was tabled until the next Board of Supervisors meeting.

E. MANAGER'S REPORT

1) SPCA Contract 2019 – 2021.

MOTION: Chairman Herzog moved that the Township authorize the execution of the 2019 – 2021 SPCA Contract, for a period of 3 years. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog asked if the SPCA reduced the contract period from five years to three years. Township Manager Scott Swichar confirmed that the SPCA reduced the contract period from five years to three years. The SPCA did not remove the 3% annual fee increase. Township Manager Swichar reported he sent the SPCA a letter indicating the Township wanted the 3% increase removed from the contract, however the SPCA refused to negotiate on this term.
- b. Supervisor DiRado asked if there are any other providers that can perform the same service as the SPCA. Township Manager Swichar stated the Township would have to hire an animal control person. Solicitor Crotty stated that other service providers will not come out after hours and animals are not allowed in police cars.
- c. Township Treasurer Martin asked if the Township is permitted to push the cost onto the resident that requested the service. Solicitor Crotty stated he has never seen that done. It would be difficult to track down who was responsible for an animal being processed. Township Treasurer Martin also asked why the Township is responsible for this service. Solicitor Crotty stated The Second Class Township Code requires townships to be responsible for animal control.

VOTE: 5-0

2) West Chester Road and South Bailey Road - Update.

Township Manager Swichar recapped the Supervisors' request at the previous Board of Supervisors meeting to have a "not a four-way stop" sign added to the intersection of West Chester Road and South Bailey Road. Township Manager Swichar reported that he spoke to PennDOT about this request and they indicated this is not the proper sign. Per PennDOT, the proper sign would be "cross traffic does not stop". Township Manager Swichar stated these signs have been ordered. When the Township receives these signs, they will be installed on the stop signs at this intersection.

3) Employee Job Descriptions/Employee Handbook – Update.

Township Manager Swichar reported that he is working on the Township Employee Handbook. He will be meeting with each employee to discuss their job descriptions. He said that Eric Brown, from Siana Bellwoar, put together the job descriptions. If he decides to make revisions, he will submit the proposed changes to the Board of Supervisors.

F. LEGAL

1) 2019 Independent Auditor Appointment, 2019 Reorganizational Meeting and Elected Auditors Meeting.

Solicitor Crotty discussed the municipal procedural tasks that need to be completed at the beginning and end of each year. He reported the 2019 Reorganizational meeting will be on January 7, 2019 and the Elected Auditors meeting will be on January 8, 2019. If the Board intends to hire an independent auditing firm to conduct the official annual Township audit, the Board of Supervisors must advertise intent. In order to keep advertising costs down, these three notices are published in one advertisement.

MOTION: Chairman Herzog moved that the Township authorize the advertisement of the intent to appoint Barbacane Thornton as its Auditor, to be considered at the Board meeting on January 7, 2019, as well as to advertise the organization meeting of the Board of Supervisors for 6:00 p.m. on January 7, 2019, and notice of the elected Township Auditor's meeting on January 8, 2019 at 6:00 p.m. Supervisor Katja DiRado seconded.

VOTE: 5-0

2) Ridgecrest – Escrow Release Request No. 3 Submission – Information Only.

Solicitor Crotty reported the Township received escrow release request number 3 from Rouse Chamberlin for the Ridgecrest Development. Solicitor Crotty briefly explained the escrow release process.

3) Billboards and Electronic Signs Ordinance – Discussion.

Solicitor Crotty reported that he attended the last East Fallowfield Township Planning Commission meeting. At that meeting, they drafted a revision to the Zoning Ordinance addressing billboards and electronic signs. Solicitor Crotty summarized the billboards and electronic signs ordinance draft. Solicitor Crotty explained that under Pennsylvania law, municipalities are required to address every use. If the Township does not address billboards, it is considered exclusionary and there is a risk that the Township could be required to allow a billboard in an undesirable part of the Township. By regulating billboards, the Township Code is not exclusionary. Solicitor Crotty stated that billboards are relegated to the Multi-Use Zoning District in the amended ordinance. The second part of the ordinance addresses electronic signs and permits them in the Multi-Use Zoning District by condition and the Public Facilities Zoning District by right. Solicitor Crotty stated the draft ordinance is available for public viewing.

4) SALDO – Longview/Fieldstone – Professional Consultant Review Fee Escrow.

Solicitor Crotty reported Longview, the old developer of Fieldstone Village, is shifting the development to a new owner. One of the last steps in this transition is to release the escrow money that the old developer put up. Township Treasurer Martin stated the exact remaining escrow balance is \$80,324.76. Solicitor Crotty stated there was originally a question about whether these funds were developer escrow or money that was intended for something else such as the West Chester Road and South Caln Road Intersection Improvement Escrow Account. Solicitor Crotty stated the Township determined that the original developer submitted separate traffic impact fee funds.

MOTION: Chairman Herzog moved that the Township approve the release of the cash escrow for the consultant review fees submitted by Longview for the Fieldstone Development, pursuant to the submission of the consultant inspection fee escrow submitted by Tri-Corner Communities. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Supervisor DiRado asked Planning Commission Chairman Crook if Fieldstone Village is the subdivision that he is reviewing to determine whether the conditions are being met. Planning Commission Chairman Crook stated that is correct. Solicitor Crotty explained that conditions set forth in a conditional use decision are included on the approved and recorded development plans. The developer must adhere to those conditions. Solicitor Crotty explained that when the Board of Supervisors issues a conditional use decision, there are different parts. One part of a conditional use decision is the Findings of Fact Discussion, which are the facts the Board of Supervisors found during discussion. Solicitor Crotty stated the second part of a conditional use decision is the Decision and Order Section which often contains conditions/restrictions. This is the part that is recorded on the approved and recorded plan.

VOTE: 5-0

G. PLANNING COMMISSION

1) Planning Commission Report.

Planning Commission Chairman Crook presented an update on the business discussed at the November 19 Planning Commission meeting. He reported that Susan Elks, from the Chester County Planning Commission, and Solicitor Crotty were both in attendance. At the meeting, they discussed the additional help the Chester County Planning Commission offers to municipalities. The Chester County Planning Commission will provide consultation on editorial and legal analysis of municipal zoning ordinances. Planning Commission Chairman

Crook reported that the Planning Commission completed the Billboard and Electronic Sign Ordinance they have been working on for the past few months. They also reviewed and discussed definitions in the Township Code, Institutional Group Home, Group Home, and Family. Planning Commission Chairman Crook stated the Planning Commission is still working on the dumpster ordinance. He also reported that there is another Community Conversation Breakfast Event on affordable housing in Chester County. Anyone that attended the first Community Conversation breakfast may attend additional Community Conversation breakfasts for no charge through the end of the year. Planning Commission Chairman Crook reported that the Planning Commission is still researching the conditions of three older developments that are not complete and trying to verify that these developments are complying with the conditions listed on their final recorded plans. He discussed the benefits of the Township files recently being digitized and commended the office for digitizing the office files.

H. POLICE DEPARTMENT

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

I. PUBLIC WORKS DEPARTMENT

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

J. HISTORICAL COMMISSION

- 1) 2305 Strasburg Road Building Permit Application Letter to Rob McLarnon submitted for Board review.

K. OLD BUSINESS

- 1) Economic Planning Committee.

Supervisor DiRado stated she spoke at the previous Board of Supervisors meeting about the concept of creating an Economic Planning Committee to address a possible Coatesville Area School District tax increase by keeping the municipal tax from increasing. This new committee could be created as either a subcommittee to the Planning Commission or a separate stand-alone economic committee. She said that committee members would work with the County and attend the Coatesville Area School District School Board meetings. Solicitor Crotty stated that this committee should be created by resolution to establish what the committee is and what it does. This committee would be advisory only and specific set parameters would need to be established. Solicitor Crotty discussed the Early Intervention Program through DCED. He said this program may offer grant funding that this committee could explore. Other services the Early Intervention Program offers are multi-year budgeting and infrastructure improvements. Solicitor Crotty will provide a sample resolution. Planning Commission Chairman Crook reported that he will be meeting with Susan Elks of the Chester County Planning Commission to discuss revitalization of the Newlinville area within the Township. Supervisor DiRado stated an economic planning committee could work on this.

L. PUBLIC PARTICIPATION

- 1) Planning Commission Chairman Crook stated he will be meeting with Susan Elks of the Chester County Planning Commission, to discuss potential revitalization of the Newlinville area in East Fallowfield Township. Supervisor DiRado stated an Economic Planning Committee could work on this.
- 2) Township Resident Erwin Zeller asked about the subsidy to fire department of \$100,000 on page 7 in the October Financial Report. Township Treasurer Martin stated the fire companies provide quarterly financial reports to the Township.
- 3) Supervisor DiRado asked Solicitor Crotty if the Township's independent auditor could conduct an audit of the fire companies. Solicitor Crotty stated the Township could have Barbacane Thornton do an audit and review the Fire and EMS Audit Reports. The Fire and EMS Departments' financial records are also audited by an independent auditor.
- 4) Township Resident Erwin Zeller commended the Board of Supervisors for their patience at tonight's meeting.

M. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 8:09 p.m. Supervisor Lambert seconded.

VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary