

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
December 2, 2017 Approved minutes
10:00 AM

Members Present

Steve Herzog, Chairman
Ed Porter, Vice Chairman
Carol Kulp, Member
Randy Doan, Member
Wilson Lambert, Member

Township Staff Present

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 10:00 AM.

2. DISCUSSION

A. RULES OF CONDUCT

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

B. APPROVAL OF MINUTES

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

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

VOTE: 3-0 (Steve Herzog and Randy Doan abstained.)

2) September 12, 2017 Board of Supervisors Budget Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the September 12, 2017 Board of Supervisors Budget meeting minutes as presented. Ed Porter seconded.

VOTE: 3-0 (Steve Herzog and Randy Doan abstained.)

3) October 24, 2017 Board of Supervisors Budget Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the October 24, 2017 Board of Supervisors Budget meeting minutes as presented. Carol Kulp seconded.

VOTE: 4-0 (Wilson Lambert abstained.)

4) October 24, 2017 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the October 24, 2017 Board of Supervisors meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert asked if the manager discussion took place during the October meeting. Steve Herzog stated that discussion took place during the November meeting.
- b. Buddy Rhoades asked who was absent at the meetings just approved. Steve Herzog reported that Randy Doan and himself were absent from both September meetings. Wilson Lambert was absent from the October meetings. Steve Herzog stated the attendance for each meeting is listed at the top of

the meeting minutes. Mr. Rhoades also asked how much the financial cost was for having two scheduled meetings without a quorum. He stated the office personnel as well as the Township Solicitor were present for those meetings that did not have quorum. Solicitor Crotty stated he struck his time for attending on Tuesday so there was no cost from his office. Therefore the only cost would be the cost of advertising the current meeting. Mr. Rhoades asked the Treasurer to find out the cost. Mr. Rhoades also talked about the Goosetown Road property owned by the Township. He said that property could not be sold and the Township was going to make that land into a park. Mr. Rhoades stated that property was given to the Township with restrictions. Solicitor Crotty stated the property was dedicated to the Township. There are no restrictions of record or conservation easements. Solicitor Crotty also reported he found no record of restricted covenant or conservation easement with the County.

VOTE: 4-0 (Wilson Lambert abstained.)

C. PRESENTATIONS

1) Ronald P. Scott – 1% Fire Tax.

Ronald P. Scott stated he is 100 % in favor of a 1 mill real estate tax dedicated to the fire departments that service East Fallowfield Township. However, he has concerns regarding how that money will be distributed. He said he didn't think it was fair to have the money split 50% between Westwood and Modena because Modena covers a bigger portion of the Township. He discussed the history of the fire departments and how the territory of coverage was formed. Modena covers a larger area and a higher density of residents. He therefore feels that Modena should receive more than 50%. Steve Herzog reported that the split between the fire departments was determined and agreed upon by Westwood and Modena. Ronald P. Scott stated that if the fire departments agreed to the split than he supported it. Pani Martin asked if the Board has had Modena Fire Department come before the Board recently because that was not what she understood upon talking to Modena. Steve Herzog stated they were told that the fire departments agreed upon a 50% split however they could certainly follow up with Modena. Other Board members confirmed they have not heard from Modena. Ronald P. Scott reiterated that Modena has always received a higher percentage of funding due to larger territory and more calls.

Ed Porter asked Ronald P. Scott what fire department he is with. Ronald P. Scott stated he has been with Westwood since 1960. Mr. Porter asked Ronald P. Scott if he was with Westwood during the problems with Westwood such as the theft and an article about the chief that is negotiating. Mr. Scott stated he was present. Ed Porter asked how likely the tax funding will be appropriately managed given the past problems they have had. Mr. Scott stated that is the question. Ronald Scott stated a fire company is required by ordinance to present an annual audit to the Township. Mr. Scott stated Modena and Westwood have not done this in the past. The Township has the right to request how the fire departments will spend the money. Ronald P. Scott also said he did not wish to discuss the past problems because they have been handled. Ed Porter stated he feels the Township should have a check in place regarding purchasing of equipment.

Mr. Scott stated he is requesting a meeting with the new Board and the emergency management coordinators, Tony Sirna and Jim Reagan. He discussed being part of a committee with the emergency management coordinators, and Board members, and others participants to discuss the needs of the Township and how to address it. Steve Herzog stated this is something the Board could look into. Mr. Scott discussed the decline of volunteers and the need to pay enough to get fire fighters. Mr. Scott also suggested offering pensions to part-time fire fighters and paying them to attend meetings and training courses.

2) Dawn Crawford – Brook Crossing – Undisclosed Spring under Development.

Dawn Crawford, who lives in the Brook Crossing Development, discussed a problem with the Brook Crossing Development and the developer Dilsheimer Homes. Ms. Crawford stated she lives on Emerson Way in Brook Crossing and she found out in the past year that her house is sinking. Ms. Crawford stated she has done a lot of due diligence by viewing Township records related to her property and the developer. She also contacted the water company to make sure the sewers are okay, and the Board about the work being done on Route 82. Ms. Crawford said the builder did not disclose nor get permits for work to divert water from a spring that several homes in the development were built on.

Ms. Crawford stated her whole house jolted down 3 ½ inches. Her house is now temporarily secured. When she had the work done to secure the foundation of her house there was constant running water underneath her house. She has found shady disclosures made to the Township that showed the builder tried to divert further issues by building later homes from the ground up instead of digging down for the foundations. Dawn Crawford said changes were made to her original property and no permit paperwork was with the Township.

Dawn Crawford asked the Board what the inspector's requirements are for a builder coming in to build a new development. Mike Crotty stated that would be stipulated in the Township Code. Typically the inspector and engineer would look at the construction based on the Code. She stated there are no documents with the Township to indicate the Township was looking at the construction of this development. She discussed pictures of her property when it was under construction that showed flooding. The building inspector did not do their job and the builder didn't get required permits and didn't disclose information. Dawn Crawford discussed the permitting and inspection process with the current work she had done to secure her foundation. There was a discussion between Randy Doan and Dawn Crawford about the permit and inspection process for the foundation. Mr. Doan stated until the hole is dug and the footers are done, the inspector would not be called. An inspector is called when a builder wants the inspection. The builder won't call for inspection when the foundation is full of water. The builder would call for inspection the day before they pour the concrete when the water is dried out. The inspector would most likely never know there was water. Ms. Crawford asked what it means if the foundation is different from what was approved. Randy Doan stated you are at the mercy of the builder to a certain extent. Ed Porter asked Ms. Crawford if she had hired a private home inspector. She said she did and they approved everything. She said she has been told there was a pond on her property that was fed by a spring. She stated it is her impression that the Township knew about the spring and let a builder dump on the land and build houses that are now falling.

Ms. Crawford asked what the Township would do about this. The Board said that Chris Della Penna will need to pull his records for review. Wilson Lambert discussed the importance of reviewing Chris Della Penna's files to get the true picture. Solicitor Crotty stated the Township would not go in on private property to do construction. As inspectors, the Township is not a guarantor and does not offer warranty. The biggest thing the Township could do to help Ms. Crawford is to help her get information by having Chris Della Penna pull his records for Brook Crossing. Pani Martin will contact Chris Della Penna.

Dawn Crawford discussed sink-hole insurance. Her foundation is not 100% stabled. Everything has shifted down. The windows aren't straight. The siding is buckled. The cost to fix it is higher than the value of the house. Ms. Crawford discussed how fast she watched a crack spread and a window shift. Her daughter sleeps above this.

3) Sharon Scott – Audit.

Sharon Scott stated she objects to the possible pending increase in real estate tax and she objected to the original real estate tax being instated. She said any person who is a fiduciary with respect to a plan who breaches any of the responsibilities, obligations, or duties imposed upon by position shall be personally liable to make good to such plan. Person shall be subject to remedial relief by removal. She stated she feels this Board has breached our public trust and that there has been intentional neglect of fiduciary duties. As a responsible resident of East Fallowfield Township for over 50 years, an active volunteer, and an elected official in both the school district and Township, she has witnessed the fact that both the county as well as our municipal governments have become centralized and controlled by a totalitarian government operation of the economic development council. The agenda of this Board as well as all other townships and boroughs is the agenda of the Economic Development Council.

Steve Herzog stated that the Economic Development Council does not advise the East Fallowfield Township Board on anything. Mr. Herzog stated no one tells him what to do. Mr. Herzog addressed Mrs. Scott by stating that if she is going to accuse the Board of not doing their job, he will speak to that matter. He asked her to stop accusing the Board of being bought and paid for. Steve Herzog told her she will be asked to leave a meeting next time she accuses anyone on the Board of being bought and paid for. We are essentially volunteers serving our community.

D. 2018 BUDGET.

Steve Herzog reported that Pani Martin, Township Treasurer, has prepared a budget package with four options in order to create a balanced budget. Steve Herzog presented an overview of the different budgets. Budget Option A includes a fire tax included in it with some other changes. Budget Options B & C are no fire tax, with different millage rates and subsidy to fire companies. Budget Option D slashes as much as possible to minimize the millage rate. Mr. Herzog stated the end goal is to agree on a budget that can be advertised. Ed Porter asked Pani Martin if the four budgets were her suggestions. Ms. Martin stated that without guidance, these budgets were what she could create for the Board.

There was a Board discussion about the options for giving money to the fire companies. Options are to implement a fire tax, or implement an additional regular tax and increase funds going to the fire companies. Mr. Herzog stated when a municipality imposes a fire tax, there are rules/restrictions regarding what the funds can be used for. Solicitor Crotty stated with a fire tax, only 50% of the collected money can be used for salaries, benefits, and compensation of fire fighters. There was a discussion about the allocation between Westwood Fire Company and Modena Fire Company. Ed Porter stated they haven't heard from Modena Fire Company on what their needs are and Mr. Scott stated earlier that Modena provides the most service in East Fallowfield Township. How do we put in a fire tax or increase subsidy without having heard from Modena Fire Company on what their financial needs are? There was a discussion about delaying the fire tax one year to gather more information and data and hear from Modena regarding their needs. Wilson Lambert spoke in favor of Budget Option B. He also spoke in favor of Mr. Scott's suggestion to implement a committee to address the fire/EMS needs. Steve Herzog stated that the fire company's audits are coming up. If the audit finds the fire companies have older equipment, homeowners' insurance will increase.

Ed Porter asked Ronald P. Scott if Westwood Fire Company restored an old fire truck for parades. Ronald P. Scott stated that Westwood restored a truck for the Coatesville Christmas Parade at a cost of \$100,000 which was paid for from bingo funds. The truck is not in service and is strictly for parades. No taxpayers' money went into the restoration of that truck. Ed Porter asked if that was an appropriate spending of the bingo money. Mr. Scott stated they had the money to do it. Mr. Porter asked if Westwood Fire Company has a process in place to ensure money is spent appropriately for public safety. Mr. Scott stated for the record that he was against using money to refurbish the fire truck. Ronald P. Scott stated fire companies can no longer survive on fundraiser money. Mr. Scott stated he is in favor of the one mill fire tax because the fire tax specifies what the money can be used for. The Budget Option A would be a total of 3.25 mills including a 1 mill fire and EMS tax. He stated he would also be okay with Budget Option B because the funds would still be provided to the fire departments.

There was a discussion between Steve Herzog and Chief Sly regarding the split of funds between Westwood and Modena fire companies. Steve Herzog addressed a previous comment made that Modena services more of East Fallowfield than Westwood and that it was speculated that Modena might not be happy with a fifty-fifty split. However, the Board has not heard directly from Modena on this issue. Chief Sly stated he has spoken to Modena and they did agree to a fifty-fifty split. Chief Sly explained the various reasoning behind a fifty – fifty split between Westwood and Modena. The major decision factor is that Westwood has specific vehicles and equipment that Modena does not have. Chief Sly said however, the exact split between Modena and Westwood could be decided after implementing a fire tax. Chief Sly stated the funding he is seeking for Westwood and Modena is \$100,000 for capital projects escrow (capital replacement funds for new vehicles), \$50,000 to each EMS and \$60,000 to fire with a total increase of funds from East Fallowfield of \$232,000. Remaining funds would go to the fire marshal salary, hydrants, insurance and any other fire related expenses already being paid for by the Township. There was a discussion about a fire tax possibly tax deductible. Chief Sly stated there was a recent EMS call in the Township and their vehicle wouldn't start because it is 22 years old. Ed Porter asked Chief Sly what the likelihood will be of the fire departments coming back to townships in a few years asking for more money. Chief Sly stated he spent a lot of time on his calculations and feels that this should suffice for at least a few years.

Steve Herzog discussed the cost coverage allocations being fairly shared between other local townships that share a fire department. Valley Township is covering a higher amount because Westwood takes more calls in Valley Township. Modena is primarily being covered financially by East Fallowfield Township. Various local municipalities' contributions to fire and EMS were discussed. Chief Sly summarized what contributions Valley Township and Sadsbury Township are providing. There was also a discussion about what funds Modena Fire Company is receiving from which municipalities.

Ed Porter stated the Board isn't hearing any reason not to implement a fire tax. It has been identified that there is a problem. The problem will continue if the Board doesn't do something and the problems will impact resident safety. If the Township provides a cash subsidy, that money isn't being assigned to specific expenses. Chief Sly stated the fire departments are required to provide documentation back to the Township on what the tax money has been spent on.

Steve Herzog presented a summary of the reasons in favor of implementing a fire tax. Volunteer numbers have been declining and is a county-wide problem. The tax should provide coverage for a few years. The fire tax will help build up a capital fund for vehicles. The vehicles are old. The Township doesn't want to keep raising the millage every year. The accountability of the fund usage is a plus. Implementing a fire tax is being proactive rather than reactive in addressing fire department needs. The total proposed tax is 1 mill. Fire tax was proposed at 0.75 mill and EMS was proposed at 0.25 mill.

There was a discussion regarding senior citizens not being able to afford additional taxes.

QUESTIONS AND COMMENTS:

- a. Kat DiRado stated she supports Budget Option A and feels that Budget Option B is putting a band aid on the situation. Ms. DiRado stated it would be a tragedy if something disastrous happened because the Township didn't approve a fire tax. Ms. DiRado stated there should be accountability.
- b. Joe Heffern also felt now is the time to implement a fire tax. He stated he likes the idea of a dedicated tax because residents will know what the money is being used for. Mr. Heffern stated it is critical to build up a capital fund for at least a few years.
- c. Sharon Scott asked what the current millage is. Steve Herzog stated it is currently 1.25 mills. Mrs. Scott asked what the millage is in each of the budget options. Mr. Herzog stated Budget A has 3.25 mills in it but Pani Martin stated earlier she could get it down to 3.00 mills. Budget B has 2.5 mills, Budget C has 2.25 mills, and Budget D has 1.80 mills with cutting services. Mrs. Scott asked if all four budget options have a specific fire tax. Steve Herzog stated only Budget A has a fire tax in it. Mr. Herzog stated Budget A has a 1.00 mill fire tax and an additional 0.75 mills to the Township. She asked what the benefit is for a specific fire tax. Mr. Herzog stated there is accountability on what the fire and EMS departments do with the money. There are also restrictions on what the money can be used for. Mrs. Scott stated she is not in favor of the fire tax, however it is evident more funds need to be given to the fire companies. She stated she'd favor a general millage increase to give more funds to the fire company. She asked if an additional 1 mill would be sufficient to build a capital improvement fund. Mr. Herzog stated it could, however the fire companies would be getting less. Ed Porter stated the money would not be assigned to the fire department. A future board could reassign the money to something else in a future budget. Mrs. Scott asked why East Fallowfield has a fire marshal. Steve Herzog stated they are local. Tony Sirna and Jim Reagan also do the emergency management coordinator duties for the Township. They are not just fire marshals. As the fire companies transition to paid employees, these positions could change. Pani Martin stated their salary only costs the Township \$700 a year. Mrs. Scott stated the Board should have investigated the \$300,000 drop in earned income. Steve Herzog stated they are looking into it. There was a discussion about investigating earned income.
- d. Kat DiRado asked if the earned income is electronically deposited into the Township account. Pani Martin stated the earned income is electronically deposited. Pani Martin discussed the details provided to her for earned income. She stated it does not list specific payers' names and dollar amounts. Mike Crotty suggested starting with the Chester County Tax Collection Committee.
- e. Steve Herzog stated that if Budget A is approved, there will be a separate line item for fire tax and EMS tax. Mike Crotty added that the Board will need to pass a resolution stipulating the tax breakdown. There was a lengthy discussion about earned income, why it could have decreased, and how to investigate it. The Board also talked about what the Township has done in the past to bring

more income into the Township. Steve Herzog stated the Township can't rely solely on earned income for revenue.

- f. Ronald P. Scott discussed earned income details that were provided to past supervisors. He also spoke in detail about how past supervisors calculated the tax rate and justified the millage.
- g. Erwin Zeller asked about the millage in Budget A. Steve Herzog stated Budget A has a total Township millage of 2.00 which is a 0.75 mill increase. The fire and EMS tax will be 1.00 mill. The total millage will be 3.00. Mr. Zeller spoke about the small probability of many house fires. He discussed the need to look at the other end of a tax increase by looking at how the increase in taxes impact the residents because this Township will be very expensive to live in. Steve Herzog stated the Township went many years with no real estate tax and didn't look to the future. This is why the Township is in this position today.
- h. Randy Doan asked some questions about Budget Option A. Mr. Doan asked why the Township Secretary's salary went up 35%. Pani Martin stated this is for the assumption of full-time. He asked about the police chief salary going up 2%. Mr. Doan also asked about the office manager salary increasing by 3% but the Public Works Department staff only have a 2.5% raise. Ms. Martin stated the raises should be 3% for all employees. Ms. Martin will double check the salary figures.

At 2:56 pm, Ed Porter left the meeting. Mr. Porter stated he will be leaving town on December 20th and won't be able to make it to the meeting at which they vote on the final budget. Ronald P. Scott asked Ed Porter how he would have voted. Ed Porter stated he would be in favor of the fire tax however it would not be fair for him to vote to advertise a budget he won't be able to vote on for approval.

- i. Erwin Zeller thanked Ed Porter for his years of service on the East Fallowfield Township Board of Supervisors.
- j. Sharon Scott stated the police chief is not under the contract so his raise is up the Board. She also added a police chief is not needed. Mr. Herzog and Solicitor Crotty stated someone is needed to be in charge. The police chief does the scheduling. Mrs. Scott suggested the police secretary do the scheduling.

MOTION: Steve Herzog made a motion to advertise the 2018 budget as the Option A which will have an EMS tax of 0.25 mill, a fire tax of 0.75 mill and an increase of the general millage from 1.25 mills to 2.00 mills, totaling 3.00 mills which the Board intends on adopting at its meeting on December 26, 2017 at 4:30 pm. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Wilson Lambert commented that he had told Chief Sly he was in favor of a fire tax but didn't think it would happen this fast. He explained that he talked about Budget Option B to give people more time.
- b. Sharon Scott asked if the December 26th meeting is the regular board meeting. Steve Herzog stated the December 26th meeting is a special meeting to vote on the budget. The regular Board meeting is on December 19th.

VOTE: 4-0

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

- 5) October Modena Fire Company EMS Report submitted for Board and resident review.

F. TREASURER'S REPORT

1) October 31, 2017 Treasurer's Report

MOTION: Steve Herzog made a motion to approve the October 31, 2017 Treasurer's Report. Carol Kulp seconded.

VOTE: 4-0

2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of October 25, 2017 through November 28, 2017 in the total amount of \$166,166.65 as presented. Carol Kulp seconded.

VOTE: 4-0

3) Scantek Contract / OCR Discussion.

Pani Martin explained that Scantek offers an option to have the ability to add an OCR scanning component which allows the records to have more searchable options. As it stands, the files can only be searched by tax parcel id.

MOTION: Steve Herzog made a motion to approve adding in the OCR scanning component to the Scantek project not to exceed \$960. Carol Kulp seconded.

VOTE: 4-0

Steve Herzog stated the Board previously approved this contract and they just need to approve a Board member to sign the contract.

MOTION: Steve Herzog made a motion to approve a Board member signing the Scantek Document Conversion Proposal. Carol Kulp seconded.

VOTE: 4-0

4) Disposition of Records.

Pani Martin reported they went through six storage boxes in the attic. The oldest records are from 2002 and the most recent are from 2009. Solicitor Crotty stated the original resolution adopted the PHMC from 1996 and that document has been updated with a most recent update was done in 2008. The first resolution is to bring our resolutions up to date to the most recent manual date.

MOTION: Steve Herzog made a motion to approve Resolution 2017-11 adopting the Municipal Records Manual procedure and schedules for disposing of records. Carol Kulp seconded.

COMMENTS AND QUESTIONS:

- a. Sharon Scott stated she would like all records pertaining to builders' escrow and the fee-in-lieu-of should be retained.

VOTE: 4-0

MOTION: Steve Herzog made a motion to approve Resolution 2017-12 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual Retention Schedule. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott stated her previous comment applies to this motion too.
- b. Pani Martin stated the only files that would be relevant would be engineering and legal. She could pull and retain any records that pertain to Lamb McErlane and Chris Della Penna. Steve Herzog stated he'd like those records retained.

VOTE: 4-0

5) Calendar of Events – Discussion.

Pani Martin stated when the Township had Lamb McErlane as the Township Solicitor, the meetings on the second Tuesdays were workshop meetings with no decisions or motions made. She stated the Township has shifted to making decisions at both meetings. Ms. Martin stated she wanted to clarify this further by changing the Calendar of Events to reflect this by indicating the Board has two meetings per month. Solicitor Crotty explained that the Sunshine Act /Open Meetings Act does not make a distinction between board meetings and workshops. Solicitor Crotty approved the calendar.

COMMENTS AND QUESTIONS:

- a. Sharon Scott asked for confirmation that decisions are being made at workshop meetings. She also asked if Solicitor Crotty now attends the workshops. Solicitor Crotty stated he only attends the meetings he is requested to attend. Solicitor Crotty stated the Township has been under budget for legal for two years.
- b. Randy Doan stated that he's timed the last three meetings and the longest meeting should have been only 47 minutes. Meetings have been three, four and five hours long due to extra talk.
- c. Erwin Zeller stated that he felt all decisions should be made at the monthly meetings and not at workshops. He felt workshops are a good idea to discuss and work out issues.
- d. Pani Martin stated they have made an effort to only vote on issues absolutely necessary at workshops until they made this change clear to the residents.
- e. Steve Herzog stated there were only a few instances in which something was voted on at a workshop meeting.

6) ClearGov Update.

Pani Martin announced a link is set up on the website to view ClearGov. She stated the purpose of ClearGov is to provide a more a visual display of where Township money is going. You can compare East Fallowfield to other municipalities.

7) Temp Office Help Extension.

Steve Herzog stated this is just to extend the temporary office help until the administrative assistant returns from leave.

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

VOTE: 4-0

8) New Business.

a. Lien Balances Under \$1,000.

Pani Martin reported Portnoff had sent the Township a letter asking if the Township would like them to lien properties with a balance owed of under \$1,000. As of now, they typically don't do that. Under direction of the Board and court costs to us, we may have them file a lien. Steve Herzog stated they could review this at the next meeting.

G. PLANNING COMMISSION

1) Planning Commission Update.

Dennis Crook presented an update on the Planning Commission. He reported they had one meeting and finished up the Master Planner course series on zoning administration. He also reported that two Planning Commission members' terms are up at year end. John Schwab and John Nielsen would like to do another term which would be from 2018 to 2021. Solicitor Crotty advised Dennis Crook to put motions to reappoint these members on the Reorganizational meeting agenda.

Mr. Crook reported the zoning administration course brought to the Commission's attention some issues they'd like to look into. Non-conforming use is one issue that needs to be addressed by registering properties that fall under this category. The Township Ordinance has a clause that states duties of the zoning officer and one duty is that the zoning officer shall keep a list of non-conforming properties. The Township does not currently keep a list. The Planning Commission would like this duty to be fulfilled. Pani Martin stated that she spoke to the zoning officer about this and she explained the non-conforming use function in the Township Ordinance. Solicitor Crotty explained the common practices of addressing non-conforming uses and said it is nearly impossible to maintain a list of properties with non-conforming uses. Mr. Crook stated they'd also like to maintain a list of non-conforming buildings and lots.

Mr. Crook also discussed a need to address upcoming issues such as medical marijuana, adult entertainment and driverless cars. Wilson Lambert asked who appoints the Zoning Hearing Board Solicitor. Mr. Lambert reported in the zoning administration course, they learned that the Zoning Hearing Board should select the zoning solicitor. He stated this takes the politics out of this process and can save money. The Board of Supervisors has final say on a solicitor appointment. Mr. Lambert requested the Zoning Hearing Board be notified that they can change solicitor. Pani Martin will inform the Zoning Hearing Board.

Mr. Crook asked about the MPC extension on the Bronson application. Solicitor Crotty explained that the MPC review period is 90-days. He explained the process and presented an update on the Bronson application. There was a last-minute request to shift the driveway location which will create a potential site distance. This will need to be reviewed by Chris Della Penna and Traffic Plan Design.

Mr. Crook addressed evacuation procedures. He reported evacuation procedures are in place at the schools and the police station. Evacuation procedures need to be implemented for the Township building.

H. LEGAL

1) Holland Day Care Center.

Solicitor Crotty reported the Township already gave final approval. Now they are in position to have the Township approve the release of the plans to the County.

MOTION: Steve Herzog moved that, pursuant to the recommendation of the Township Engineer, the Township approve the release of the Holland Day Care Center Plans for recording. Carol Kulp seconded.

VOTE: 4-0

2) Year-End Notice Requirements.

MOTION: Steve Herzog moved that the Board authorize the advertisement of: the 2018 Organization Meeting for January 2, 2018, at 6:00 p.m.; 2) the notice of the Township's intent to appoint Barbacane Thornton as the independent auditor for fiscal year 2017; and 3) notice of the elected Township auditor's meeting on January 3, 2018, at 6:00 p.m. Carol Kulp seconded.

VOTE: 4-0

3) Bronson Application.

MOTION: I move that the Township approve the MPC extension request for the Bronson application, extending the review period until December 22, 2017. Wilson Lambert seconded.

VOTE: 4-0

4) West Chester/Couth Caln Road Survey.

MOTION: Steve Herzog moved that the Township engage McCarthy Engineering for the purpose of conducting the road survey for the intersection of West Chester and South Caln Roads, in the amount of \$9,095, pursuant to the recommendation of the Township Traffic Engineer. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked who the Township Traffic Engineer is. Steve Herzog replied that Traffic Planning & Design is the Township Traffic Engineer. Mrs. Scott asked what the purpose is for the survey. Mr. Herzog explained this is to redo the plans done years ago to improve the intersection since the four-way stop was installed at that intersection. Mrs. Scott asked if this is paid for out of the General Fund. Steve Herzog stated the costs will come out of the West Chester Road and South Caln Road Escrow Fund. Pani Martin reported the fund has a balance of \$283,000. Mrs. Scott asked what developers contributed to the escrow fund. Solicitor Crotty stated the developers that put the money in that escrow fund were Moser and Rouse Chamberlin and Dewey was going to do the work. Mrs. Scott asked if this fund balance is reported in the financials. Ms. Martin confirmed it is. Steve Herzog discussed details of the past plans as well as future possible improvements to be done at the intersection.

Carol Kulp asked the Solicitor if she needed to abstain due to her residence being on that street. Solicitor Crotty stated that she did not need to abstain.

VOTE: 4-0

5) Act 42 – Category 4 Casino Opt Out: For Discussion Purposes.

Mike Crotty stated the PA legislature passed Act 42 which allows category 4 mini-casinos. This act will allow additional casino licenses to be issued in Pennsylvania. A municipality can opt out from having one of these casinos in it. The Township would need to opt out by December 31, 2017. The Township is permitted to opt back in at any time. Mr. Doan asked if a casino would generate revenue for the Township. Solicitor Crotty stated it would generate revenue.

Steve Herzog requested the motion be put on the next Board of Supervisors meeting agenda.

6) Police CBA 2017-2018 – Board Approval.

Mike Crotty explained this is just to authorize board signature on the Police CBA.

MOTION: I make a motion to approve the 2017-2018 Police CBA as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked what is being approved. Steve Herzog stated the Board is approving what the Township has been operating on for the year. Steve Herzog explained that the police had one minor question about pay rates. They dropped the question and it is being maintained as is in the current CBA.

VOTE: 4-0

I. POLICE DEPARTMENT

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

J. PUBLIC WORKS DEPARTMENT

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

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) 118 Brandywine Creek Road letter to Rob McLarnon submitted for Board review.

M. PUBLIC PARTICIPATION

- 1) Chief John Sly commented that he was unsure that the 0.25 EMS tax covers the funding in the budget. The tax split between EMS and fire might need to be addressed. There was a discussion about whether or not funds for fire could be used for EMS as well as the details of the required funding. There was a discussion about how to handle this issue in the budget. No motion is needed.
- 2) Sharon Scott would like the concise financial statements – current and prior years - from the appointed auditors on the Township website. Pani Martin will ask Lisa Valaitis to add these statements to the website. Mrs. Scott also suggested the police reports and fire reports be included on the website under public safety. Ms. Martin stated they are hoping to improve the website.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 1:56 pm. Carol Kulp seconded. VOTE: 4-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary