

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
November 22, 2016 Approved minutes  
6:30 PM

**Members Present**

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

**Township Staff Present**

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 6:30 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 November 1<sup>st</sup>, November 8<sup>th</sup> and November 14<sup>th</sup> regarding personnel issues.

C. APPROVAL OF MINUTES

1) October 11, 2016 Board of Supervisors Workshop meeting minutes.

MOTION: Steve Herzog made a motion to approve the October 11, 2016 Board of Supervisors Workshop meeting minutes as presented. Ed Porter seconded.

VOTE: 4-0

2) October 25, 2016 budget meeting minutes.

MOTION: Steve Herzog made a motion to approve the October 25, 2016 budget meeting minutes as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades asked why the budget meetings aren't being held at South Brandywine Middle School like last year. Steve Herzog stated last year's meetings were held at the school due to the large volume of residents in attendance. Mr. Rhoades stated holding budget meetings at the middle school would bring more people to the meetings.

VOTE: 4-0

3) November 7, 2016 Board of Supervisors budget meeting minutes.

MOTION: Steve Herzog made a motion to approve the November 7, 2016 Board of Supervisors budget minutes as presented. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter requested two changes on page 2.
- b. Erwin Zeller asked if the item in the minutes stating a full-time officer salary and wages of \$51,000 was removed from the base salary meant there was a reduction. Steve Herzog stated yes because they used

to have eight full-timer officers and now have seven. Mr. Zeller asked if the police budget was reduced by \$80,000. Steve Herzog stated that is correct. Mr. Zeller asked if the contract was rewarded. Steve Herzog stated the public works union contract was completed and the police contract is still under negotiations.

- c. Thomas Nash asked about who initiated the police contract negotiations. Steve Herzog stated the Board had a discussion about this and then he reached out to the police to set up dates for discussion. Mr. Nash asked if negotiating is mandatory. Steve Herzog stated the Township has to renegotiate the contract, otherwise it will go straight to arbitration.
- d. Buddy Rhoades asked who is represents the Board in police negotiations. Steve Herzog stated that right now the discussions are between the board and the police officers. Once they reach a tentative agreement, it will go through lawyer review on each side. The Board is using Eric Brown, with Siana Bellwoar. Mr. Rhoades asked if all five board members are part of the negotiations. Mr. Herzog stated all five Board members were present at the last meeting but only two board members attended the first meeting. Mr. Rhoades stated this is the biggest part of the Township budget. Mr. Rhoades suggested the Board review the type of crime in the Township. He also spoke about State Police coverage in other local municipalities and boroughs.
- e. Sharon Scott asked if these are the formal budget figures - 2017 budget. Does it call for a tax increase? Steve Herzog said the budget does not call for a tax increase. Mrs. Scott spoke about West Bradford Township having no police expense and no real estate tax. She said she is concerned about the huge police expense East Fallowfield Township has. She said she has noticed a collapse of the neighboring boroughs and municipalities. Mrs. Scott stated she is concerned with the Township finances and spoke in favor of having an audit conducted after each treasurer resigns.
- f. Mike Crotty commented that the Township does have an annual audit conducted by an independent audit firm.
- g. Erwin Zeller asked if using State Police is an option for East Fallowfield Township. He said the Township needs to provide cost effective service. The police budget is 42% of the Township budget. Steve Herzog responded by saying that at this point, that has not been discussed.
- h. Thomas Nash asked if anyone brought up the notion of hiring the Coatesville Police Department instead of having our own police department cover the Township. Steve Herzog commented that this is not being looked at at this time.
- i. Ed Porter stated once the Board, or some of its members, responds back to the police stating they want to negotiate a contract, we are now bound to negotiate a contract. We are past the point of being able to seek out other police departments other than state troopers. Mr. Porter stated the Township had state coverage from 2-6 am in the past.

VOTE: 4-0 (passed with changes)

#### D. ACT 537

##### 1) Act 537 Review / Update – Dave Porter – Herbert MacCombie’s Office.

Dave Porter, from Herbert MacCombie’s office, presented an overview of Act 537. Mr. Porter explained that Act 537 planning is a state requirement that states it is the municipality’s responsibility to provide for adequate sewage disposal for all residents within the municipality. Dave Porter presented a timeline of the history of Act 537. We met with DEP to develop a new plan of study for the Township. The plan was approved and we started gathering information. We could take components of prior plan and rework to meet the municipality current needs. Dave Porter stated they put the brakes on the Act 537 Plan because of the Comprehensive Plan. We made sure to have consistencies between Act 537 and Comprehensive Plan. Dave Porter discussed the needs 2010 identification survey process in which 1,900 residents completed questionnaires which asked questions about their on-lot sewage systems and wells. Dave Porter discussed the Act 537 Plan survey results which classified on-lot sewage functionality into four categories of functionality. He stated they are analyzing the survey results data to identify the problem areas in the Township. Dave Porter discussed the following problematic areas: Jane Street / Newlinville Road, Stroud Ave, Marty’s Pub area in the far-east side of East Fallowfield Township, and Mink Hollow Road and Hephzibah Hill Road. Dave Porter also discussed two areas of concern identified by the Planning Commission. Do we extend public sewer to address septic failures? If public sewer is not an option in a certain area, other alternatives are explored. Dave Porter discussed implementing a sewage management system as part of the Act 537 Plan.

There was a discussion about the sewage in the area of the Township south of Strasburg Road. There was a discussion about the Chester County Health Department pumping program. The Township will have to address problem areas and either extend public sewer or implement septic management. There was a discussion about a sample ordinance that would need to be drafted.

Steve Herzog asked about the timeline and what the next steps are. Dave Porter said he'd anticipate having a plan for the Board to act on in spring 2017. Dave Porter discussed the process and the timeline. Ed Porter asked Dave Porter if he could identify where south of Strasburg Road PA American Water is able to provide public services. Dave Porter stated he could discuss this with PA American Water but they will support the Township on whatever areas we want public services. There was a discussion on reaching out to areas with problematic septic and survey those residents to determine if they are interested in public sewer. The Ridgecrest Development's septic system was discussed.

Dave Porter reported that PA American Water has a monthly meeting for all its tributary municipalities. The meetings are the second Thursday of the month at 9:30 am at Sadsbury Township.

#### E. CITIZENS BY REQUEST

##### 1) Buddy Rhoades – Township Business.

Buddy Rhoades asked what the status is of the employee handbook. Steve Herzog stated they waited on the Public Works Department to finalize their union contract before doing the employee handbook. The Board wanted to incorporate changes resulting from the union contract. Mr. Herzog stated the handbook is now before the Board for review. Mr. Crotty stated the cost of doing the employee handbook was quoted at \$1,500. Mr. Rhoades asked what the total cost was for the Master Planner Course. He asked if those in attendance that weren't part of East Fallowfield staff or commissions paid for their attendance. Mr. Herzog stated they will look into it. Mr. Rhoades also asked who paid for the food. Mr. Rhoades asked if the Act 537 costs are included in the 2017 budget. Steve Herzog stated the Act 537 is part of the 2017 budget. Mr. Rhoades stated we need a township manager because the Township is missing out on grant opportunities. He discussed specific grants rewarded to other municipalities. Mr. Rhoades discussed fire hydrants and the township's responsibility to have those tested for proper water pressure. Mr. Rhoades asked the Board what the cost of the Red Clay membership is.

#### F. TOWNSHIP ENGINEER

##### 1) Township Engineer Update – Chris Della Penna.

Steve Herzog asked Chris Della Penna to provide updates on Manchester Farms and any other open projects.

Manchester Farms Development: Chris Della Penna presented an update on the status of Manchester Farms. He reported the roads have been paved, sidewalks and curbs have been repaired, and the basins have been converted. Everything has been completed except for some final touches on the as-built plans that are still outstanding. He stated there is \$20,000+ left in the escrow budget for landscaping. Mr. Della Penna asked the Board if they should put trees/landscaping around the perimeter and rears of lots. Ed Porter suggested reaching out to the Manchester Farms HOA for direction on what residents want done with the remaining money. Chris Della Penna stated the agreement was that the roads, sidewalks, basins and infrastructure would be done before landscaping. There was a discussion about the functionality and condition of one of the basins. There was also a brief discussion about the other Manchester Farm's basins. Wilson Lambert asked if the basins fall under the MS4 program. Chris Della Penna stated yes, they do fall under the MS4 program. Chris Della Penna said the Manchester Farms HOA is responsible for the upkeep of these basins.

Eric Schrock, from Iron Oak, presented a background on the history of Manchester Farms. Mr. Schrock said the remaining funds in the escrow account will be taken over by the Township when the development is complete and the roads are dedicated. Mr. Schrock stated he didn't recommend making changes to the basin. Mr. Schrock will be meeting with Jim Roland, the Manchester Farms HOA President, regarding maintenance of the basins. Mr. Schrock recommended the Township close the job out, the Board accept dedication, and put the remaining money aside for the MS4 program. They followed up with landscaping in the spring and several

rounds of punch list activities over the summer. Mike Crotty agreed that the money should be put aside for future MS4 rather than putting it towards landscaping. Ed Porter stated he would like the money to not be comingled with MS4 funds and to be set aside specifically to be used for repairs for Manchester Farms. They discussed what was in place to ensure the basins are kept up. Chris Della Penna stated when the development was approved, there was an open space management plan recorded as part of the HOA documents. There was a discussion about basin one.

Eric Schrock discussed a current escrow release request. The draw request is for \$28,000. Mr. Schrock reported they will definitely come in under budget after all work is done. There are snow plowing bills still outstanding from last March. Mr. Schrock discussed putting the remaining money into a maintenance bond. Mr. Schrock will set up a final meeting with the Manchester Farms HOA. Mr. Schrock recommended dedication be done at the next Board meeting.

#### G. 2016 Budget

##### 1) Transfer to Capital Projects and Reserve for General Fund.

MOTION: Steve Herzog made a motion to transfer from the General Fund to the Capital Projects Fund a) \$35,000 budgeted for Capital Projects b) \$42,900 budgeted for General Fund Reserve and c) \$30,000 budgeted for the document scanning project to be used in the future – for a total of \$107,900. Ed Porter seconded.

##### QUESTIONS AND COMMENTS:

- a. Sharon Scott asked about the portion of the transfer for document scanning. Steve Herzog stated that the document scanning was a project budgeted for but not done this year. The transfer of funds is to put that money aside in the Capital Projects Fund. Steve Herzog explained that the Capital Projects Fund is the Township's rainy day fund. Mrs. Scott asked why the transfer is broken down into three parts. Steve Herzog stated that is to show what the unused money was budgeted for.

VOTE: 4-0

#### H. LEGAL ISSUES

##### 1) Bawa M. Fellowship Conditional Use Hearing – Informational Only. Continued Hearing Scheduled for November 30, 2016 at 6:00 pm

Mike Crotty stated there will be a continued hearing for the Bawa M. Fellowship Conditional Use Hearing scheduled for November 30, 2016 at 6:00 pm.

##### 2) Assistant Treasurer / Office Manager.

Mike Crotty stated the proposed motion is to authorize the Randstad Temp Agency to fill the position of Assistant Treasurer and provide a qualified person to meet our needs while the Township Treasurer is on leave of absence.

MOTION: Steve Herzog moved that the Township approve and ratify agreement to use Randstad Temp Agency to fill the position of Assistant Township Treasurer / Office Manager, effective November 17, 2016, subject to compliance with the applicable bonding requirements.

Ed Porter requested "Office Manager" be removed from the motion. Steve Herzog rescinded the motion.

MOTION: Steve Herzog moved that the Township approve and ratify agreement to use Randstad Temp Agency to fill the position of Assistant Township Treasurer, effective November 17, 2016, subject to compliance with the applicable bonding requirements. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott stated she'd like to see the cost stated in the motion. She asked what the cost will be and how many hours per week the Assistant Treasurer will work. Steve Herzog stated the pay rate is \$35.00 per hour and the position will be for 25-35 hours per week to keep the position part-time.

VOTE: 4-0

3) Treasurer Maternity Leave.

MOTION: Steve Herzog moved that the Township approve the unpaid leave of absence of Frangipani Martin for a period of ninety (90) days commencing on November 15, 2016 for personal reasons. Carol Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter asked Mike Crotty if this would need to be revisited in 90 days. Mike Crotty stated yes to the extent that Ms. Martin would want any additional leave time.

VOTE: 4-0

4) Township Office Hours.

MOTION: Steve Herzog moved that the Township modify the Township office hours, effective November 16, 2016 to be: 9:00 am to 3:00 pm. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades commented that the office should be open until 5:00 pm to allow for residents who work to be able to come to the Township office. Mr. Rhoades spoke about the need to do performance reviews.
- b. Ed Porter discussed the issues and reasons for the change in office hours. Ed Porter spoke about methods of making permit forms more available to residents. Ed Porter said he feels the two current employees are very competent and able to handle the office.
- c. Steve Herzog stated the intent is for the change of office hours to be temporary.
- d. Sharon Scott stated the Township office hours should be 9:00 am to 5:00 pm. She also stated the escrow accounts are an issue and the escrow balances are not reported in the financial report. There was a discussion about developer escrow and the Manchester Farms escrow.

VOTE: 4-0

5) 2017 Organizational Meeting.

Mike Crotty stated we need to advertise the two organizational meetings – the Board of Supervisors meeting and the Elected Auditor meeting. Mike Crotty stated he needs the Board to authorize the advertisement of these meetings.

MOTION: Steve Herzog moved that the Township advertise the date and time of its organization meeting for the Board of Supervisors for Tuesday, January 3, 2017 at 6:30 pm. Ed Porter seconded.

VOTE: 4-0

MOTION: Steve Herzog moved that the Township advertise the date and time of its organization meeting for the Elected Township Board of Auditors for Wednesday, January 4, 2017 at 6:30 pm. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a. Ed Porter asked if there were any Elected Auditors other than Sharon Scott. Lisa Valaitis stated Mrs. Scott is currently the only Elected Auditor. There are two vacancies.

VOTE: 4-0

6) Township Official Map.

Mike Crotty stated the Board has received several proposals for the township official map for consideration. The Board requested additional time to review the proposals.

7) Triple Fresh – Request for Land Development Waiver.

Mike Crotty stated Triple Fresh is intending to put in three new coolers at the rear of their store in the loading dock area. They are required to get special exception approval from the Zoning Hearing Board. They do not need conditional use approval. They have requested a waiver from the land development process. The coolers are going to be placed on existing impervious area. No additional stormwater management or parking would be needed. No action is needed at this time. The Board will motion on this at the December 20, 2016 Board of Supervisor meeting.

8) Holland Land Development – MPC Extension Received - Through January 6, 2017.

Mike Crotty stated they have submitted a MPC Extension which will push the review period to January 6, 2017. There is no Board action required at this time.

9) Mortonville Road – Update.

Mike Crotty discussed a recent meeting between Tag Gathercole and Greg Richardson, of Traffic Plan Design (TPD). Opening Mortonville Road one-way will require Mr. Richardson to prepare a plan and an ordinance would need to be approved to reopen the road. The Board will ultimately need to approve an engineering plan.

Tag Gathercole spoke about his meeting with Greg Richardson. Tag Gathercole stated that Greg Richardson recommended guard rails or Jersey barriers be put on Mortonville Road before opening one lane. Mr. Richardson will prepare a plan and send it to Board. The plan will include a map with recommended locations for signs and barriers/guard rails. There was a discussion about a road with similar conditions in Newlin Township that has been reopened one-way.

10) Longview Development.

Buddy Rhoades discussed the Longview Development sitting incomplete for six years. Mr. Rhoades asked about the status of Longview Development. The Board authorized Mike Crotty to look into the status.

I. PLANNING COMMISSION

- 1) No Report.

J. POLICE DEPARTMENT

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

K. PUBLIC WORKS DEPARTMENT

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

L. FIRE DEPARTMENTS

- 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 Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) October Modena Fire Company EMS Report submitted for Board and resident review.
- 5) Westwood Fire Company Updates - Chief John Sly.
  - a. Brush Fire Warnings – Chief John Sly, from Westwood Fire Company, reported there has been two significant brush fires in the area recently due to the high winds and dry conditions. He reminded residents to be careful.
  - b. Annual Fire Company Fund Drive – Chief John Sly thanked the Board for their continued support in the Township's 2017 proposed budget. He also reported that Westwood Fire Company's annual fund drive was down by \$15,000 in 2016. There was a discussion about posting fire company information on the Township website.
  - c. Agenda Placement – Chief John Sly requested placement at the top of the agenda for future meetings.

M. PARK & RECREATION COMMITTEE

- 1) No Report. There are five vacant positions.

N. HISTORICAL COMMISSION

- 1) Request Letter for approval of Historical Commission Facebook page.

The Board approved the Historical Commission's request for a Facebook page.

- 2) Historical Commission Update.

Mr. Rhoades talked about the deterioration of a school house near Weaver's Mulch in the Township. Mr. Rhoades also commented that the Zoning Officer needs to follow up on issues. He spoke about the need to address abandoned houses in the Township. He stated it is the Township's responsibility to ensure the fire hydrants are functioning properly. He commented on the tires on Route 82. Steve Herzog stated he is working with the Zoning Officer to get the tire issue resolved. Mr. Rhoades talked about needing a township manager because the Township is losing grant opportunities.

O. TREASURER'S REPORT

- 1) The October 31, 2016 Treasurer's Report submitted for Board and resident review.

Steve Herzog stated there is no report submitted. The Township Treasurer is on leave of absence. A special meeting will be advertised and held on November 30, 2016 at 5:45 pm to approve the October payment authorizations.

MOTION: Steve Herzog made a motion to advertise a special meeting on November 30, 2016 starting at 5:45 pm to approve payment authorizations for October. Carol Kulp seconded.

VOTE: 4-0

- 2) October 2016 Payment Authorizations.

No report submitted.

3) Writs of Execution.

Steve Herzog stated these are regarding delinquent trash payments. A treasurer is not needed to approve these.

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

QUESTIONS AND COMMENTS:

- a. Buddy Rhoades asked what happened to some other properties that trash bills are delinquent on. Steve Herzog stated he'd have to look into this.
- b. Erwin Zeller asked what the next step is after the Board signs the Writs of Execution. Mike Crotty explained that the Township collection agency, Portnoff, will file the Writs of Execution with the court and force the properties to sheriff sale. Or they may come to a payment agreement.

VOTE: 4-0

P. NEW BUSINESS

1) Township Cameras.

Ed Porter stated the Board has decided to move forward and purchase a camera to video-tape meetings and post the videos online. Ed Porter asked Mike Crotty if the Board needs to do a special vote to authorize the purchase. Mike Crotty stated you would approve it as part of normal purchases. Steve Herzog stated the money is in the budget. Ed Porter will research camera models and costs.

2) Nextdoor App.

Ed Porter discussed the Nextdoor app which is a community based app used in Swarthmore and Media. It can be used for community notifications such as a lost dog, advertising piano lessons, or community events.

Q. PUBLIC PARTICIPATION

- 1) Sharon Scott addressed the discussion on the Nextdoor app and stated that she won't function on social media to talk to her neighbors. She asked if there is a typed form of the park survey that Park & Recreation Committee was conducting. Lisa Valaitis will look into getting a paper copy of the survey. Mrs. Scott stated she'd like to see the park stay passive.
- 2) Buddy Rhoades discussed a box of missing records for the Historical Commission. He stated there may be Historical Commission records in the loft above the garage. He commented that the Historical Commission Chairman should be allowed access to the records in the loft. Ed Porter asked if any other commission members go up in the loft. Lisa Valaitis and Tag Gathercole stated no commission members have been in the loft. He talked about the importance of the Zoning Officer enforcing the historical sites in the Township.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 9:24 pm. Ed Porter seconded. VOTE: 4-0

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary