

April 18, 2018

The monthly meeting of the West Fallowfield Township Board of Supervisors was held on April 18, 2018 in the Township Meeting Room. Vice-Chairman Deffenderfer called the meeting to order at 6:32 PM. Anne Deffenderfer, Richard Sprenkle, Solicitor Crotty, Secretary Wheeler, Chief Wilmont, Robin McCormick, Roadmaster Thompson, Carl Smoker, Jerome Liss and his son in-law Paul, Peggy Johnson, Charlotte Sprenkle and Steve Dempsey were in attendance. Duane Hershey was not in attendance.

Time was given to review the agenda that was available to all in attendance and was also posted in the meeting room. Anne Deffenderfer announced an Executive Session was held prior to the meeting to discuss legal matters. Anne Deffenderfer asked for comments on the agenda items. Charlotte Sprenkle introduced herself as Chairman of the Zoning Hearing Board and announced she was in attendance of the meeting in the event there were any questions regarding the Zoning Hearing Board Decision in the Stephen Hancock Zoning Hearing Board Hearing Decision. The Planning Commission had a comment on the application in which they questioned if this is a true hardship since the lot has not been built on at this time and a house design can fit the West Fallowfield Township requirements.

After reviewing the minutes, Anne Deffenderfer made the motion to approve the minutes of the March 28, 2018 meeting of the Board of Supervisors as presented by the secretary. The motion was seconded by Richard Sprenkle and passed.

Anne Deffenderfer made the motion to accept the granted ninety (90) day extension in the allotted time for review of the Amos Beiler Land Development Plan. The granted extension extends the allotted time for review from May 14, 2018 to August 12, 2018. The motion was seconded by Richard Sprenkle and passed.

Anne Deffenderfer made the motion to accept the granted ninety (90) day extension in the allotted time for review of the Benjamin Kauffman Plan and Planning Module. The granted extension extends the allotted time for review from May 14, 2018 to August 12, 2018. The motion was seconded by Richard Sprenkle and passed.

Anne Deffenderfer made the motion to adopt Resolution #18-04, Resolution for Plan Revision for New Land Development for the David S. Lapp Planning Module. The motion was seconded by Richard Sprenkle and passed.

Secretary Wheeler reported she spoke with Lynn at Lenni Electric regarding the installation of a light to illuminate the parking lot entrance. Lenni Electric will send a representative out to look over the sight and see where they can tie into the electric. They will provide a recommendation and cost estimate. Secretary Wheeler stated she should have the recommendation(s) and estimated costs for the May meeting.

The Final Written Decision of the Zoning Hearing Board for the Stephen Hancock Zoning Hearing Board Hearing was received and read as follows: By a vote of 2-1 the Zoning Hearing Board Members entered the following decision:

The Zoning Hearing Board GRANTED the request for a variance from West Fallowfield Township Ordinance section 304(c) to permit the construction of a single family dwelling (i.e. which was testified would be your home) on the property at a location where the dwelling extends no more than six (6) feet into both side yard setback areas, consistent with the testimony, evidence and documentation that was provided to the Zoning Hearing Board at the hearings.

The above zoning relief is granted subject to the following conditions:

1) That the applicant shall comply with all Township ordinances, rules and regulations, including but not limited to Zoning Ordinance, subdivision and land development ordinance and the building code, in constructing this dwelling;

April 18, 2018

2) Applicant shall comply with all other government rules and regulations and obtain all required approvals and permits associated with the construction of this dwelling.

Since the Zoning Hearing Board granted you the aforementioned variance, and such variance was your primary request, the Zoning Hearing Board did not make any ruling upon your alternate request for a variance of six (6) feet into the side yard setback area, to permit construction of this dwelling at a location closer to the front of the lot (i.e. closer to Highpoint Road).

Charlotte Sprenkle stated the decision was made based on the irregular lot size that would require an additional six (6) feet on each side. The Board thanked Mrs. Sprenkle for attending the meeting and the clarification of the decision.

Charlotte Sprenkle left the meeting.

Solicitor Crotty stated that Landhope Realty is in the final planning stages. PADOT denied the proposed deceleration lane that was agreed upon at the last Board meeting. PADOT has provided an alternative solution. The Board reviewed the latest revised plans for the entrance/exits onto Route 41. The township engineer has reviewed the proposed change in the approach to the southern entrance on Route 41 and recommends it is a satisfactory solution. Both Anne and Dick agree it is a satisfactory resolution to enter the site. Solicitor Crotty will submit a letter to PennDOT in favor of the proposed drawings for the entrances/exits of the Landhope Realty project.

Solicitor Crotty updated the Board on the progress on the Jerome Liss project. Jerome Liss has obtained his building permit for his project and his Stormwater Management Plan is being completed for submission to the township engineer. Mr. Liss did provide financial security in the amount of \$1,000 for his Stormwater Management Plan.

Secretary Wheeler reported that Capital Growth Buchalter for Cochranville DG, LLC has requested the release of their bond in the amount of \$306,526.90. Secretary Wheeler contacted Ragan Engineering Associates, Inc. in regards to the request. Ron Ragan recommended to the Board to deny the request for the release of the bond as they are still not in compliance with the Land Development Plan and Stormwater Management Plan. Richard Sprenkle made the motion to deny the request of Capital Growth Buchalter for Cochranville DG, LLC as recommended by Ragan Engineering Associates, Inc. and to have Ragan Engineering Associates send a letter to Cochranville DG, LLC regarding the non-compliance. The motion was seconded by Anne Deffenderfer and passed.

Chief Wilmont gave the regular monthly report. Chief Wilmont has submitted a Body Camera Policy to Solicitor Crotty for his review. Corporal Hughes attended an Internal Service Training Course.

Roadmaster Thompson reported it was a quieter month. There were two small snow events. They have been replacing signs and prepping the machinery for mowing. Dick Sprenkle thanked the Roadmaster for the work completed on Bryson Road, the dirt section, it looks good and is such an improvement.

Tax Collector McCormick reported the 2018 taxes have been mailed and she is starting to collect money on the taxes.

Anne Deffenderfer noted the Zoning Officer submitted the monthly report for March 2018. There were no zoning permits issued, no complaints and one (1) sign permit was issued.

Anne Deffenderfer made the motion to approve the Keystone Valley Fire Company Request for Cochranville Fire Company Fire Police assist for traffic control for the Parkesburg Memorial Day Parade to be held on May 20, 2018 and the upcoming Halloween Parade to be held in October and the Christmas Parade to be held in December if the Cochranville Fire Company is willing and able to assist. The motion was seconded by Richard Sprenkle and passed.

April 18, 2018

Secretary Wheeler read the Bryson Road over Knights Run Bridge Inspection report prepared by Pickering, Corts & Summerson, Inc. for PennDOT. Roadmaster Thompson was provided a copy of the inspection report and will look at the bridge to assess what he can repair.

Richard Sprenkle stated he spoke with the crew working on the Ross Fording Road Bridge and the repairs are scheduled to be completed in approximately two weeks.

A Letter of Support request was received for Jacob Esh for a grant from Pennvest for improvements to the property Mr. Esh owns on Umble Road. Anne Hutchison made the motion to approve sending a letter of support to Chester County Conservation District to include with the grant application to Pennvest for Mr. Esh subject to the proposed improvements meeting all permitting, zoning and other area and bulk requirements set forth in the Zoning Ordinance. The motion was seconded by Richard Sprenkle and passed.

A letter was received from Peggy Johnson requesting the Board of Supervisors to reassess the Street Light Assessment she is required to pay for a street light at the Church parking lot. Anne Deffenderfer stated that property owners in the village district are required to pay the street light assessment. No action was taken.

Peggy Johnson submitted a Change of Use Permit Application to the Zoning Officer requesting to cut hair in her home. Per the West Fallowfield Township Zoning Ordinance of 1997 as Amended, Article 1302.E.6, the Board of Supervisors must approve the occupation as acceptable. Ms. Johnson stated she has off street parking and will only be servicing one client at a time, therefore parking will not be an issue. Anne Hutchison made the motion to approve the home occupation of hair dressing for Peggy Johnson. The motion was seconded by Richard Sprenkle and passed.

The following correspondence was read:

- A Proxy for Annual Meeting of Shareholders was received from PLGIT.
- Information was received on the Annual Great America Clean Up of PA event.
- The monthly report was received from Cochranville Fire Company. In the month of March there were 23 calls; 9 were in West Fallowfield Township.
- A letter was received from Kegel Kelin Almy & Lord, LLP on behalf of the Octorara Area School District an original and 1 copy of a Praecepte to Intervene and Entry of Appearance in the Glenville Real Estate Holding LLC v. Chester County Board of Assessment Appeals case.
- A time stamped copy of Attorney Brichta's Entry of Appearance/Answer on behalf of the Chester County Board of Assessment was received from Buckly Brion McGuire & Morris, LLP.
- A donation request was received from Cochranville Fire Company.
- Statements of Financial Interests were received from Solicitor Sebastian and ARRO Consulting, Inc.
- Proof of Publication was received from 21st Century Media for the meeting held on March 28, 2018 following the cancelled meeting of March 21, 2018 and the Municipal Annual Audit and Financial Report.
- The 2018 Proposed Resolutions and Nominations Report was received from PSATS.
- A list of two businesses that are not recycling all the items that could be recycled was received from Chester County Solid Waste Authority.
- Sales flyers and information of services offered were received from several businesses.
- Various training information was received.
- The Moving Forward Newsletter was received.
- PSATS Township Legal Defense Partnership Newsletter was received.

April 18, 2018

- The Spring 2018 Octorara Watershed Association Newsletter was received.
- The Oxford Senior Center newsletter was received.

Anne Deffenderfer asked for comments from the floor. Steve Dempsey asked if there was a counter on the website to see how many people are on the website. There is no counter on the website for the public to see. Steve suggested there be better publicizing of the website. Perhaps in the way of a banner over the pavilion. Steve also commented on Peggy Johnson's request to reassess the street light assessment that she pays. Steve said the Board should maybe re-examine the street light assessment.

Steve Dempsey questioned swearing in an alternate supervisor to cover when one supervisor is unable to attend now that meetings are one time per month, it can hold up a project if there is a split vote and only two supervisors at the meeting. Solicitor Crotty stated the Second Class Township Code does not allow for alternate supervisors for the Board of Supervisors. The Board of Supervisors is either three (3) member or five (5) member. Solicitor Crotty explained how a split vote is handled when only two Supervisors are in attendance of a meeting. The item is tabled until the next meeting, or a special meeting is advertised and held to take action on the item. Solicitor Crotty stated that the Borough Code recently approved a supervisor to call in and using a speaker phone to cast a vote. The Second Class Township Code was not given the same provision.

Steve Dempsey initiated a conversation on Gerrymandering. Discussion ensued on the topic.

After reviewing the invoices, Anne Deffenderfer made the motion to approve payment of the bills as presented. The motion was seconded by Richard Sprenkle and passed.

As there was no further business, the meeting was adjourned at 7:37 PM.

Respectfully Submitted,

Gina M. Wheeler, Township Secretary

A. Duane Hershey, Chairman

Anne E. Deffenderfer, Vice-Chairman

Richard G. Sprenkle, Jr., Member