

December 29, 2016

The year-end meeting of the West Fallowfield Township Board of Supervisors was held on December 29, 2016 in the township meeting room. Chairman Hutchison called the meeting to order at 6:30 PM. Anne Hutchison, Jeffrey Young, Duane Hershey, Secretary Wheeler, Robin McCormick, Jim Harvey, John Pogue, Phillips Thompson, Carl Smoker, Kathy Shepherd-Smith and her husband were in attendance. Time was given to review the agenda that was available to all in attendance and was also posted in the meeting room. Chairman Hutchison asked for comments on the agenda. There were no comments on the agenda items.

Chairman Hutchison announced an Executive Session will be held following action on the bills to discuss personnel.

Following the review of the revised 2017 General Fund Budget, Anne Hutchison made the motion to adopt the 2017 General Fund Budget in the amount of \$937,514. The motion was seconded by Jeffrey Young and passed.

Following the review of the 2017 State Fund Budget, Anne Hutchison made the motion to adopt the 2017 State Fund Budget in the amount of \$279,817. The motion was seconded by Duane Hershey and passed.

The Board of Supervisors will meet on Tuesday, January 3, 2017 at 6:30 PM to reorganize for 2017 and to conduct any other business brought before the Board.

The Board of Auditors will meet on Wednesday, January 4, 2017 at 2:00 PM to reorganize for 2017 and to conduct any regular business brought before the Board.

The Planning Commission will meet on Tuesday, January 10, 2017 at 7:00 PM to reorganize for 2017 and to conduct any regular business brought before the Board.

Written confirmation of the Zoning Hearing Board Decision was received from Neil Land for the application of Benjamin Lapp. Mr. Lapp was granted a special exception pursuant to West Fallowfield Township Zoning Ordinance Section 303(B)(5) to permit the construction and operation of a garage for the storage of commercial vehicles associated with his construction business on the property located at 941 Steelville Road. The grant of special exception is subject to, and conditioned upon the following conditions: 1) The garage shall not be higher than one (1) story in height. 2) There shall be no storage of commercial equipment, trucks or vehicles outside of the garage structure (this does not apply to the temporary, day time parking of employees of your construction business on work days). 3) This grant of special exception relief shall only be effective while you (Benjamin K. Lapp) reside, full time, on this property. This grant of special exception shall expire and terminate immediately, upon this condition not being met; and 4) The garage shall only be used by you (Benjamin K. Lapp) in conjunction with the storage of vehicles associated with the construction business owned by you, and the garage structure shall not be leased, rented, or used, in any manner, by any other individual, company or business.

Written confirmation of the Zoning Hearing Board Decision was received from Neil Land for the application of Benjamin Fisher. Mr. Fisher was granted a special exception to permit the construction and operation of a one-room school house on the property located at 3406 Highpoint Road. The grant of special exception is subject to, and conditional upon, the following conditions: 1) The proposed school house building shall be used only as a school house and for educational purposes only; and 2) Mr. Fisher must comply with all applicable laws, ordinances, regulations and statues relative to the construction and operation of the school house, including but not limited to securing land development approval from the township, if applicable (as determined by the township).

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Anne Hutchison made the motion to enter into the Escrow Agreement at a sum of \$1,000 for property owned by Jimmy R. Montgomery and Linda L. Montgomery located at 3086 Limestone Road, Cochranville for the maintenance of the holding tank and to sign the agreement. The motion was seconded by Duane Hershey and passed.

Anne Hutchison made the motion to accept for review the Glenville Farms Subdivision Plan. The motion was seconded by Jeffrey Young and passed.

Anne Hutchison made the motion to accept for review the Action Manufacturing Company Zoning Hearing Board Application. The motion was seconded by Jeffrey Young and passed.

Annie Hutchison made the motion to **not** approve the change of use application submitted by David Beiler for the sale of chicken BBQ on the property located at 334 Lantz Road. The West Fallowfield Township Ordinance does not allow for the additional use on the property and the sale of chicken BBQ is not an allowable use in the rural residential zone. The motion was seconded by Jeffrey Young and passed.

Jim Harvey shared his concerns with the safety of the Amish children who will attend the school to be constructed on the Benjamin Fisher property. Mr. Harvey is concerned about the children walking to/from school and the speeding traffic on Highpoint Road. Mr. Harvey said there are no longer 40 MPH speed signs posted on Highpoint Road, there were at one point, but they have disappeared over time. Mr. Harvey asked if the speed signs could be reinstalled. Jeffrey Young said that township will research the ordinances and see what if any speeds were posted on Highpoint Road. A traffic study could be requested of Chief Wilmont in the event there are is no ordinance for a speed limit on Highpoint Road. If there is a documented speed limit, the signs will be ordered and reinstalled. Roadmaster Thompson stated there was the same safety issue with the Amish children on Umble Road. The children started wearing safety vests and were educated on safe walking. Anne Hutchison suggested the secretary send a letter to Mr. Fisher suggesting the children wear safety vests and be given direction on safely walking along the roadside to keep the children safe.

Kathy Shepherd-Smith and her husband voiced their concerns regarding the water that lays on their property located on Steelville Road. Mr. Smith stated that several attempts by the township to dig a trench to help the water drain has not improved the situation. Mr. & Mrs. Smith approached the Board to show them photos they have of the area. Mr. Smith said the water does not drain, the trench fills up and becomes a breeding ground for mosquitos in the summer, and freezes in the winter causing dangerous driving conditions. Mr. and Mrs. Smith both said the trench is ugly and it costs them time and money to repair their property after the trench is dug. Jeff Young stated the trench that was recently dug is not a cure-all, but an attempt to clear the water from the roadway. The ground was still frozen from the recent drop in temperatures and they were not able to dig deep enough to the make the trench fully functional. The township will need to contact our engineer to determine the best course of action to fix the situation. Mr. and Mrs. Smith said they understand there is a road right of way, however they do not want the township to go onto their property past the right-of-way. Jeffrey Young said that the township will do what can be done on the road and right-of-way, the rest then would be on them, the property owners. Jeffrey Young assured the Smith's the issue will be addressed in the coming year and in the meantime, as soon as the ground thaws enough, the Roadmaster will dig the trench deeper to allow the water to flow from the road. Duane Hershey thanked the Smith's for bringing the matter to the attention of the board.

The Smith's left the meeting at 6:52 PM.

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Anne Hutchison made the motion to accept the Daniel J. Black AG Security application to place 31.95 acres located at 53 Walter Road, Atglen, into the AG Security Area. The motion was seconded by Duane Hershey and passed.

Anne Hutchison made the motion to grant the following waiver requests to David and Rita Kauffman for the Kauffman Subdivision:

§402.02(i): Location of Existing Lot line Markers

§403.04(m): Proposed lot markers and monuments

§602.10: Proposed right of way.

The motion was seconded by Jeffrey Young and passed.

Anne Hutchison made the motion to conditionally approve the David and Rita Kauffman subdivision plan subject to the receipt of the necessary letter from the Chester County Health Department and the receipt of approved financial security, understanding that further action is necessary from this Board before final approval is secured. The motion was seconded by Jeffrey Young and passed.

John Pogue left the meeting at 6:56 PM.

Anne Hutchison made the motion to release escrow funds provided by King Family Farm in the amount of \$163,333.46 following the completion of inspections and the recommendation of the Township Engineer with the remaining \$51,251.85 remaining in the performance guarantee escrow. The motion was seconded by Duane Hershey and passed.

Secretary Wheeler was asked to have William Brown put the storm windows in the gym.

Anne Hutchison made the motion to accept the resignation letter of Solicitor Sebastian as the West Fallowfield Township solicitor and to accept her very kind offer to work temporarily until the position has been filled. The motion was seconded by Duane Hershey and passed. The Board of Supervisors would like to thank Solicitor Sebastian for her many years of service to West Fallowfield Township.

Jim Harvey asked if the speed study would still be done for Highpoint Road. Jeffrey Young said the speed study will be done.

The following correspondence was read:

- The November report was received from Cochranville Fire Company. There were 30 calls; 4 were in West Fallowfield Township.
- Sales flyers and information of services offered were received from several businesses.
- Proof of Publication was received from 21<sup>st</sup> Century Media for the Budget Meeting held on November 30, 2016.
- Various training information was received.
- The SCCEMS Medic 94 Calendar Year 2015 Annual Report was received.
- An Earth Disturbance Inspection Report was received from DEP for the King Family Farms, LLC Poultry Operation. No violations were observed.
- Proof of Publication was received from 21<sup>st</sup> Century Media for the acceptance of the State Fund and General Fund 2017 Budgets, the December 29<sup>th</sup> year-end meeting of the Board of Supervisors, and the January 3, 2017 Reorganization meeting of the Board of Supervisors.
- The 2017 SCCEMS Medic 94 Operations Budget was received.
- A holiday Card was received from Brutscher, Foley, Milliner & Land, LLP.
- Information was received on the 95<sup>th</sup> Annual PSATS' Conference & Trade Show being held on April 23- 26, 2017 in Hershey, PA.

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- An invitation was received from the PA Dept. of Agriculture to attend the 101<sup>st</sup> PA Farm Show and join Gov. Tom Wolf for Public Officials Day on Wed., Jan. 11, 2017.
- The 4<sup>th</sup> Qtr. 2016 Quarterly Monitoring Report for Lubrano's Automotive was received from Brownfield Science & Technology.

Anne Hutchison asked for comments from the floor. Roadmaster Thompson stated that the ground was frozen on the day he trenched the area by the Smith's, and he was not able to get down deep enough. Jeffrey Young told Roadmaster Thompson to stay off the Smith's property, but to try to cut the trench deeper in the next day or so to have the water run off the road.

John Pogue re-entered the meeting and provided to the Secretary a letter granting the Board of Supervisors an extension in the allotted time for review of the Kauffman Subdivision. Secretary Wheeler told Mr. Pogue that the Board meets again on January 3, 2016 to reorganize and the item will be on the agenda for that meeting.

Mr. Pogue left the meeting at 7:06 PM.

Anne Hutchison made the motion to approve payment of the bills as presented. The motion was seconded by Jeffrey Young and passed.

The Board went into Executive Session at 7:07 PM.

Anne Hutchison re-opened the meeting at 8:12 PM.

As there was no further business, the meeting was adjourned at 8:12 PM.

Respectfully Submitted,

Gina M. Wheeler, Township Secretary