

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 24, 2014 Approved minutes
6:30 PM

Members Present

Joe Pomorski, Chairman
Steve Herzog, Vice Chairman
Charles Kilgore, Member
Mark Toth, Member
Ed Porter, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Rosemary Moore, Township Treasurer

Township Solicitor

Bob McClintock

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

Chairman Joe Pomorski called the meeting to order at 6:30 pm. Steve Herzog seconded.

2. Discussion

A. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the May 13, 2014 Board of Supervisors Workshop minutes as presented. Steve Herzog seconded.

VOTE PASSED 4-0. Mark Toth abstained.

B. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the May 27, 2014 Board of Supervisors minutes as presented. Steve Herzog seconded.

VOTE PASSED 4-0. Mark Toth abstained.

C. FIRE COMMITTEE DISCUSSION

DISCUSSION: Battalion Chief and President from Westwood Fire Company John Sly discussed the fact that fire and ambulance emergency calls have been increasing in their municipalities. The Westwood Fire Company and Modena Fire Company are getting together with their local municipalities and forming a long-range strategic plan committee. The purpose of the committee is to put together a long range plan for the fire companies that reflects the growth of local municipalities. Battalion Chief and President Sly requested that East Fallowfield participate in this program. The committee will be comprised of one representative from each fire company that services the Township, two township supervisors and Battalion Chief and President Sly. They will meet monthly and present findings back to the entire Board and residents. Ed Porter brought up a concern about making sure all the local municipalities are equally contributing financially to the fire companies. The goal is to have townships contribute equally.

ACTION: Steve Herzog and Mark Toth volunteered to be on the long-range strategic plan committee. Ed Porter will be the alternate.

D. PUBLIC WORKS

- 1) The May 2014 Road Department Monthly Report was submitted for Board and resident review.

2) Mortonville Road – Draft Boring Logs from Earth Engineering Incorporated presented for Board review.

DISCUSSION: No action can be decided because the report is a draft and there were no recommendations or costs in this report. Charles Kilgore reported that Frog Hollow Road has similar problems/damage as Mortonville Road. This road will probably need to have an evaluation done as well.

E. CITIZENS BY REQUEST

1) Charlie Carter –

Charlie Carter reported he had reviewed copies of the Escrow Agreement and the original Subdivision Agreement for Manchester Farms. He read in the Escrow Agreement that the escrow contingency portion is not supposed to be given to a developer until the development is finished, dedicated and maintenance bonding is in place. Mr. Carter stated that he feels the Board has taken appropriate action by not releasing the escrow contingency money to Dewey.

Charlie Carter suggested several courses of action to pursue with Dewey:

- a. The Township request money from the escrow accounts if certain criteria is met.
- b. The Township put Dewey on notice that they will be in default of their agreement if they continue to refuse to communicate with the Township. Bob McClintock recommended that if the Township puts Dewey on notice that the Board needs to be prepared to follow through with legal action. This further hinders any negotiations.
- c. Get base road repairs done before winter to prevent further damage. The roads won't last through the upcoming winter.
- d. Send a letter to Dewey stating the current condition of the roads.

ACTION: Tag Gathercole will calculate cost estimate of road work in Manchester Farms. The estimated cost will be compared to the remaining escrow balance. The Board will continue to reach out to Dewey. Bob McClintock will send a letter to Dewey stating the current road conditions in Manchester Farms.

F. SOLICITOR REPORT – Nothing to report.

G. LEGAL ISSUES

1) Act 167 Model Stormwater Ordinance –

DISCUSSION: Bob McClintock reported that the DEP sent a letter to municipalities in Chester County granting an extension until July 1, 2014 for townships to adopt Act 167 Stormwater Ordinance. The DEP will take action against municipalities that have not adopted Act 167 Stormwater Ordinance by July 1, 2014. However, the DEP will accept a letter from townships stating that they are considering adoption of Act 167. Ed Porter voiced a concern about how the Township will be able to afford implementing the stormwater management system. Bob McClintock explained that a township's costs will depend on how much enforcement that township does. A township can opt to investigate complaints as needed. There are municipalities that have incurred no costs since adoption of Act 167 six months ago. This method will cause more fluctuation in yearly costs. There are also municipalities that have spent thousands of staff hours documenting stormwater facilities and tracking facilities. This approach gives townships more stable costs in future years because problems will be smaller and less expensive to fix.

ACTION: The Board will invite Jan Bowers, of Chester County Water Resources Authority, to attend the July 22, 2014 Board of Supervisors meeting to provide more information on Act 167 Model Stormwater Ordinance. The Board will put Act 167 Model Stormwater Ordinance on the August agenda for discussion on advertising for adoption.

2) Collective Bargaining with the newly certified Public Works Union –

DISCUSSION: The counsel firm for the newly certified Public Works Union would like to start bargaining for an initial collective bargaining agreement in July. Bob McClintock advised the Board to obtain special

counsel to represent the Township. There was a discussion about the best method of finding counsel. Bob McClintock recommended the Township obtain legal counsel representation before starting negotiations.

ACTION: The Board will select legal counsel in July and start collective bargaining in August. Bob McClintock will send a letter to the newly certified Public Works Union.

H. UNFINISHED BUSINESS

1) Rouse/Chamberlin, Ltd. – Ridgecrest Project Approvals –

Jonathon Penders spoke to the Board about the Ridgecrest Project. Ted Moser is the current owner of the property. They are seeking approval of five changes to the preliminary final amended proposed plan that Ted Moser had worked on with the Board in 2011/2012.

Rouse/Chamberlin is seeking Board approval on the following changes:

- a. Relocation of Tot Lot and replacement of gazebo with a picnic table and benches. They propose changing the location of the Tot Lot to a more accessible location between lots 19 and 20.
- b. Deferral of walking trail. The Harkins project is not moving forward at this time so Rouse/Chamberlin would prefer not to construct the connecting trail and have a trail going nowhere. There will be a commitment by the Homeowner's Association or builder to construct the trail when or if there is something to connect the trail to.
- c. Architectural/house line changes.
- d. 24 month extension to the preliminary final amended plan.
- e. Move the two existing farm houses from Phase 2 to Phase 1. Rouse/Chamberlin will not be purchasing these two homes. Moser will be retaining them and would like to sell them.

MOTION: Joe Pomorski made a motion for the Township to accept the submission of the Amended Subdivision and Land Development Plan for Ridgecrest for the Township's review and approvals of which the amendments shall include the following: 1) relocation of the Tot Lot closer to the parking area located between lots 19 and 20 and a substitute picnic table and bench in place of the gazebo as shown on the plan 2) the construction of public walking trail will not be required to be constructed by the developer subject to the placement of funds equal to the cost of construction of the public walking trail to be approved by the Township Engineer under an escrow agreement as approved by the Township in notification of potential buyers of each lot of future installation of the public walking trail in a form acceptable to the Township 3) removing from Phase 2 Lots 71 and 72 which includes the existing dwellings to Phase 1.

Buddy Rhoades, East Fallowfield resident, made a suggestion that the Ridgecrest Project plans go before the Planning Commission for review before the Board votes on the proposed plan changes. Dennis Crook, Chairman of the Planning Commission, stated that the proposed changes are extensive enough that it should be reviewed by the Planning Commission. Ed Porter and Ted Moser discussed how many EDU's have been approved for the development.

Joe Pomorski withdrew the motion. Rouse/Chamberlin will appear before the Planning Commission at their next meeting on July 7, 2014. The Planning Commission will review the proposed plan changes.

Jen Newman, East Fallowfield resident, inquired about whether she would be required to tie into public sewer lines when Ridgecrest is built. Bob McClintock said he believes a sewer line needs to be 150 feet from the dwelling for a resident to be required to tie into a public sewer line.

2) Dennis Crook asked for Bob McClintock to give a status update on the following:

- a. Scott Farm – Bob McClintock reported that the lot with a dwelling on it was conveyed out without the plan being recorded. They never reserved the easement for the sewer line through that property. Therefore, they may need to come back before the Board to relocate the sewer line if they can't work something out with the current owner of that dwelling.
- b. Bawa Muhaiyaddeen – Bob McClintock stated that the ball is in their court. They still need to go through the approval process.

J. TREASURER'S REPORT

- 1) May 31, 2014 Treasurer's report – Rosemary Moore presented the Board with the May 31, 2014 Treasurer's report.

MOTION: Joe Pomorski made a motion to approve the May 31, 2014 Treasurer's report as presented. Steve Herzog seconded.

Steve Herzog asked questions about road opening permits, cable TV franchises, special police services, and trash service charges. Ed Porter asked about the audit status and the police retroactive pay raises. Rosemary Moore answered to the Boards satisfaction.

VOTE PASSED: 5-0

- 2) May 2014 payment authorizations

MOTION: Joe Pomorski made a motion to approve the May 2014 payment authorizations as presented. Steve Herzog seconded.

VOTE PASSED: 5-0

K. POLICE REPORT

May 2014 Police report submitted for Board and resident review.

L. PARK AND RECREATION COMMISSION

No report submitted.

M. HISTORICAL COMMISSION

The May 7, 2014 Historical Commission meeting minutes submitted for Board and resident review.

N. PLANNING COMMISSION

Dennis Crook presented an update on the Planning Commission. He reported that the last Planning Commission had in attendance a representative from the Chester County Health Department, the Zoning and Building Officer, Township Engineer, and a representative of the township sewer engineer. They got feedback on the flow chart. They also discussed a concern about older neighborhoods having high nitrates. Additionally, Dennis brought up an issue with Section 1300 in our Ordinance that will require further follow up.

O. NEW BUSINESS

A temporary employee was hired from Ranstad at \$19.57 per hour to help the office beginning on June 12, 2014.

MOTION: Joe Pomorski made a motion to hire a temporary administrative assistant at \$19.57 per hour retroactive beginning on June 12, 2014.

The temporary employee will be working approximately four hours a day. This is for a short-term time period.

VOTE PASSED: 5-0

P. PUBLIC PARTICIPATION

- 1) Buddy Rhoades – Mr. Rhoades suggested sending the Township Engineer, rather than Public Works Director, to evaluate the road conditions in Manchester Farms and estimate road repair costs. Mr. Rhoades also suggested the Board to look into what other townships have done in regard to Act 167.
- 2) Charles Kilgore - Mr. Kilgore gave an update on the last Chester County Recycling Authority meeting. They got their grant but it hasn't been issued yet. The grant is for a leaf blower and a truck. The cost of the truck and leaf blower is higher than the grant money. Price negotiations will be done.
- 3) Steve Herzog – Mr. Herzog asked when the Township will be having the first budget meeting. A date will be finalized at the July 8, 2014 Board of Supervisors Workshop meeting.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 9:15 pm. Steve Herzog seconded.

Respectfully Submitted,

Lisa Valaitis,
Township Secretary