

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
November 28, 2007
APPROVED**

MR. BROADBENT CALLS THE MEETING TO ORDER AT 6:02 BY followed by Silent Meditation and Pledge of Allegiance.

IN ATTENDANCE: Denny Howell, Vice Chairman; George Broadbent, Member; Mark Espie, Treasurer; Vince Pompo, Solicitor; Denise Miller, Secretary.

Mr. Broadbent explains Mr. Monaghan is absent tonight because of surgery and he is doing well.

Public Hearing on the Open Space Design Option (OSOD): Mr. Pompo enters Board Exhibits into the record. Mr. Thomas J. Comitta, a planner from West Chester, explains that the Board is considering adopting the OSOD and takes questions from the audience. Bob King 235 Misty Patch asks if this plan is for future developments and if there are provisions to put a fence around holding ponds? Mr. Comitta states if an application came in tomorrow it would not be affected and a separate Ordinance would have to be recommended to the Board to require fences around holding ponds. Mr. Broadbent states this can be addressed with the Planning Commission. Deborah Rush, Planning Commission Chairman, states they are working on new ways of dealing with future drainage issues and existing issues would have to be handled separately by the Board. Mr. King states Manchester Farm and Providence Hill basins still hold water. Mr. Broadbent states Home Owners Associations are working with the builders on some of the developments. Mr. King will be back in 6 months to see if the basin problems in Manchester and Providence Hill are corrected. Dennis Crook 2840 Strasburg Road asks how are the new proposed buildings checked against the old sections of the Ordinance to see if there is anything conflicting or inconsistent. Mr. Comitta states they started with the repealed Ordinance and added all the new ideas and took out any old inconsistencies or weaknesses and then sent it on to the County for a formal review. Mr. Pompo states, for the record, that he was very careful to check that there were not provisions in this article of the Zoning Ordinance that would be inconsistent with other articles as well as usage of words, definitions and so forth. Sharon Scott 325 Hephzibah Hill Road asks who was the Solicitor that reviewed the previous Ordinance and when was it adopted. Mr. Pompo does not recall who the Solicitor was and it was adopted approx. 10 years ago and repealed approx. 2003. Mrs. Scott asks Mr. Comitta who was the 7-8 work sessions with? Mr. Comitta; The Planning Commission mostly and mostly in 2006. Mr. Comitta or Mr. Pompo; If there was a Conditional Use action 9-10 years ago, would they have to comply with this new Ordinance? Mr. Pompo states he doesn't believe the BAWA Property is within the area subject to this. Sharon Scott; how did you select what areas are going to have to comply with the new land use. Mr. Comitta; Section 508.4 of the State Planning Code says whenever a Preliminary plan has been duly filed no change to any Ordinance can take place that could adversely affect the applicant. Edward Porter 795 S. Caln Road; What is

the yellow sector on the E. Fallowfield Map? Mr. Comitta states developments are already there. Bob King asks if there is a place in the Twp. where mobile homes (MH) can be built. Mr. Broadbent sates no. Mr. Pompo states emphatically the Beagle Club is still zoned MH. Chris Makely is it harder to develop in the green area as opposed to the yellow area? Mr. Comitta states it's just because they didn't apply the Open Space Option to that area. Sharon Scott's full comments and remarks can be viewed in their entirety in Mr. Handy's transcript. Mr. Pompo calls for anymore comments. After no more comments Mr. Pompo closes the public comment session of the public hearing. Mr. Pompo informs the Board that this Ordinance has been advertised for enactment. Mr. Broadbent moves to approve Ordinance 2007-07 the amendment to the Zoning Ordinance. Discussion? Denny Howell 2nd. Vote: Unanimous. Mr. Pompo closes the public hearing at 8pm.

Stenographic notes of testimony of the public hearing were taken by Bill Handy, Official Court Reporter, and the official transcribed transcript of the public hearing will be on record at the Township Office during regular business hours when completed.

November 28, 2007 Board of Supervisor Meeting 8:00 pm

APPROVAL OF MINUTES: George Broadbent moves to approve the October 30, 2007 minutes with a few spelling changes. Denny Howell 2nd. Comments? Chris Makely objects to the overall minutes and their inaccuracy. Vote: Unanimous.

George Broadbent motions to approve the October 30, 2007 minutes for the Proposed Training Facility. Denny Howell 2nd. Comments? Sharon Scott objects to the approval of the Proposed Training Facility minutes and would like to make sure the transcript is kept as a permanent record. Bob King asks if the transcript will be attached to the minutes? George Broadbent amends the motion to attach Mr. Handy's transcript to the Official meeting minutes for the October 30, 2007. Mr. Pompo states if this would be a normal practice it will make the minute book very large. Denny Howell 2nd. Vote: Unanimous.

CORRESPONDENCE:

Coatesville Link support letter: George Broadbent motions to sign the letter of support for the Coatesville Link Bus. Denny Howell 2nd. Comments? Vote: Unanimous.

Township Manager Search Committee: Mr. Broadbent would like to move to form a Township Manager Search Committee with the submitted list of 14 volunteers for the purpose of soliciting candidate resumes, interviewing, and come up with a short list or no list. (Options: 1-FT, 2-FT,3-nothing at all) George Broadbent moves to form the Search Committee for the Township Manager.

Discussion? Sharon Scott prefers to take no option and would like the 14 people names read. George Broadbent states he is not saying he is eliminating any one of the options and reads the names. This list is available at the Twp. Office. Chris Makely states Durand and Anita O'Meara said they sent 2 separate letters

. Denise Miller states she is putting requested names on the list. Peter Massaro asks is there a limit to the Committee and which point will the Supervisors step in? Mr. Broadbent suggests a voting body of 5-7 people and once the Committee completes the interviews a short list will be submitted to the Board of Supervisors to continue the process. Chris Makely recommends to not form any Committee until the budget is balanced, (\$110,000.00 deficit this year and \$300,000.00 projected deficit for next year), and would like to know the progress now from the last budget meeting. Mr. Broadbent states they are working on cutting the budgets for all of the departments and have already cut capital equipment and the already approved police car and he would like to hear from Twp. Manager Candidates their ideas on how to raise revenue or how costs can be cut. Mr. Makely asks Mr. Espie what is the current deficit as of today. Mr. Espie states it is \$131,000.00. Mr. Makely would like to know if the Supervisors had a executive meeting to authorize cuts in temp./part time help? Mr. Broadbent states the Supervisors have not gotten together but have asked Mr. Espie to talk with dept. heads. Mr. Espie states the 2 temp. road workers are finished at the end of the week. Mr. Broadbent also states Chief Mango is reworking the Dec. schedule to reduce the number of hours. Mr. Makely asks what the estimated deficit will be for the remainder of the year. Mr. Espie states he doesn't think it will be less than \$130,000.00. Sharon Scott asks if the outfit that collects for earned income tax been compliant in sending in their money and who audits them and do we get a report? Mr. Espie states they have been compliant with the required 30 days and they have a CPA to audit them and a report is sent to the Twp. Mrs. Scott agrees with Mr. Makely comments in reference to the plan to hire or not hire a Twp. Manager. Ed Porter asks Mr. Broadbent what is his thoughts on option 2 with the 5 Supervisors with workings with Modena with somebody that has been working with them for awhile? Mr. Broadbent likes option 2. Sharon Scott requests an update on the previous Secretary/Grant writer position. Mr. Howell states the Grant writer part was taken out because the Twp. needed a Secretary. Bob King will guidelines be set forth and letters be sent to the 14 people on the Twp. Manger Search Committee list and will the 3 options be in it for review? Mr. Broadbent states that there will be guidelines and will not be opposed to any suggestions from any Committee. Dennis Crook Recommends hiring a Twp. Manager and confine the meeting to certain topics and establish a time limit. Mr. Makely asks Mr. Howell if it would be fair since he leaving office in Jan. and Mr. Monaghan is absent to be involved in the search committee vote? Mr. Howell states he should not be included in the decision. Mr. Broadbent calls for a vote. Denny Howell nae. George Broadbent yea. Motion fails.

TREASURER'S REPORT: Mark Espie stated for the period ending October 31, 2007 we had liquid assets in the General fund of \$261,612.53, with additional assets in our escrow account of \$845,525.83 and State Liquid Fuels Fund \$180,620.26 and Capital Projects \$799,261.96. Bringing total liquid assets to \$2,087,020.58. At this time the Treasurer is requesting payment authorizations from the General Fund of \$146,717.85, the escrow of \$18,011.96 and the State Liquid Fuels fund of \$86.76. Bringing total payment authorizations to \$164,816.57. For the period ended October 31, 2007 the General Fund had a deficit of \$131,038.12.

George Broadbent moves to accept the Treasurers' report through November 28, 2007. Denny Howell 2nd. Discussion? Mr. Broadbent clarifies some large items in the report with Mr. Espie.

Chief Mango states the payments for police car repair from a crash have been reimbursed and in some past years the Twp. ended in a surplus that was transferred to the Capital Projects (\$800,000.00) which can be drawn from. Sharon Scott not for taxes and employees should pay a reasonable amount for their insurance and if there is ever a committee she would volunteer. Chris Makely clarification on the inv. for Kelly Damon for cleaning services. Mr. Espie states the two \$350.00 payments was an Inv. mistakenly paid twice. Mr. Broadbent states the projected revenues for this year are about 65% of what was thought to be. Vote: Unanimous.

SOLICITOR'S REPORT: Vince Pompo

Motion to adopt Ordinance 2007-08 – The East Fallowfield Township Local Services Tax Ordinance: Formally known as the Emergency Service Tax and changed by the PA Legislator. Mr. Broadbent asks if the Twp. does not enact this would the money go to the State? Mr. Pompo states that is not correct, the School District has the authority to enact a max. of \$10 and the Township a max. of \$52 if it is not enacted it won't happen. Mr. Broadbent asks Mr. Espie how much does this tax bring in? Mr. Espie states about \$4,000 a year. This Ordinance can be view on the Township Website. George Broadbent moves to adopt Ordinance 2007-08. Denny Howell 2nd. Discussion?

Ed Porter asks what is the increase for this year and states some residents are unaware of this tax. Mr. Pompo states it will remain the same. Sharon Scott who collects for East Fallowfield? Mr. Espie answers Central Tax. Vote: Unanimous.

Motion to approve the Consulting Service Agreement: A Consulting Service Agreement for those who wish to work for the Township. This Agreement is available on the Twp. website. George Broadbent motions to adopt as the official Consulting Service Agreement. Denny Howell 2nd. Comments? Vote: Unanimous.

POLICE DEPARTMENT: Chief Mango

Chief Mango reports that the fines fortitures are up 126% from budgeted \$20,000 to \$25,000 so far this year, public safety SRO up \$5,000 and a reduction of about 150 hours for December Police and the OT for the police for the March report for Dec. is because \$5,000 in OT was for Dreamworks Production. The police October report and citation report were available on the back table. Milby Thornington asks if the reports include ambulances. Chief Mango answers yes. Sharon Scott was there a contract from Dreamworks and objects to providing them a service without coming to the Board of Supervisors. Chief Mango states a contract is not required and they also have an obligation to public safety. Dennis Kozlowski objects to cutting the police in any way.

Motion to approve the Police Contract Cooperation Agreement for Modena Patrol: Chief Mango comments that there have been no incidents for Modena in the last 4 days. This is the first amendment to the Police agreement that provides for a 2 year program commencing Jan. 2008 for \$2000 and 2009 for \$2400, there will also be a 30 day minimum notice for either party to terminate the agreement. Since the existing agreement

flows into next year “this supersedes the first agreement” was added. George Broadbent motions to accept the First Amendment to the Police Cooperation Agreement with the amount of \$2000 a month for 2008 and \$2400 a month for 2009. Denny Howell 2nd. Discussion? Chris Makely states he made a proposal to charge Modena \$60,000 a year- \$6.97 a hour (not to cut police) also Dream Works, a private company, was charged \$35-\$40 a hour for police patrol, it would not be fair to pass this motion or fair to tax payers and asks Mr. Howell to abstain from voting. Chief Mango states when Municipalities are contracted out they dedicate an officer to them but Modena doesn’t get a dedicated officer, also the blotter has all calls to Modena logged. Ed Porter states the blotter doesn’t assign a price to the calls and asks Mr. Howell to abstain from voting. Chief Mango gives a brief report of 5 days of Modena incidents. Milby Thornington asks why the police budget raised 8% and then 8% next year. Chief Mango states the officers have an association/union, the law prohibits him be being part of, that sits down with the officers and nego. a contract and brings comparison of surrounding Municipalities and their benefits/salary levels to the Supervisor’s and they make a decision on a contract, if they can’t come to an agreement it goes to arbitration. Bob King would like to see EFT work with Mona, from Modena, more. Sharon Scott 2007-2009 police salaries? Mr. Espie responds Class A \$24.07/hr. Corporal \$24.82/hr. others are on the contract.

HISTORIC COMMISSION: None at this time.

PARK & RECREATION COMMISSION: Peter Massaro

It was decided that the trail around the pond will be surfaced with Fibar material. The C.C. Conservation District permit has been rec’d by the Twp.

The P&R requests approval of \$38,240.00 to George Ely Associates (GEA), Inc. before the end of Jan. 08 in order to save 5-8% on playground equipment (phase 1&2 equip.) to be stored possibly in the park with possible installation spring of 08 and be stored possibly in the park in a rental storage trailer at \$130 a month with delivery of trailer \$150.

George Broadbent moves to approve the purchase of the tot lot equip. for \$38,240.00 upon receipt of the invoice. Denny Howell 2nd. Sharon Scott would like to have the motion say who it is payable to and what fund it’s coming from. Mr. Broadbent amends his motion to approve GEA from Carlisle, PA through fee in lieu of funds \$38,240.00. Denny Howell 2nd. Discussion? Vote: Unanimous. Sharon Scott extra charge for installation and who will do it? Mr. Massaro states this will be in the construction & bid documents for the park.

George Broadbent motions to procure a storage trailer of approx. \$130/month with a delivery fee of \$150 for approx. 6 months to be paid out of the fee in lieu of fund. Denny Howell 2nd. Discussion? Vote: Unanimous.

Payment requests to Simone Collins (SC): Invoices #7583 \$5827.15, #7597 \$1,176.92, #7600 \$263.55. George Broadbent motions to pay Inv. #7583 payable to SC. Denny Howell 2nd. Discussion? Vote: Unanimous.

George Broadbent motions to approve Inv. # 7597 for park design services for \$1,176.92 payable to SC out of the fee in lieu of fund. Denny Howell 2nd. Discussion? Vote: Unanimous.

George Broadbent motions to pay invoice # 7600 for park design services for \$263.55 payable to SC from the fee in lieu of fund. Denny Howell 2nd. Discussion? Vote: Unanimous.

George Broadbent moves to authorize the P&RC to procure and erect a plaque at the site of the Kyle Martin Eagle Scout Project with a monetary limit of \$250.00 for such plaque. Denny Howell 2nd. Discussion? Vote: Unanimous.

The grantee from the County and the State have a procedure for reimbursement to the Twp. for expenses paid in the design and construction of the park. It is an enormous undertaking so Mr. Massaro volunteered to help Mrs. Miller but a Twp. Manager would go a long way in gathering back those funds for the Twp. \$474,000.00 in grant money to be reimbursed.

FRIENDS OF THE PARK: No report at this time.

EMERGENCY DEPARTMENT:

The Modena October Fire report and the November Emergency Services log was available on the back table and are available in the Twp. office during regular business hours.

ROADS DEPARTMENT:

The October road report and vehicle service record was available on the back table and is available in the Twp. office during regular business hours.

UNFINISHED BUSINESS:

Motion to authorize the advertisement of the Addendum to EFT 2008 Collection and Disposal of Garbage, Trash, and Recycling contract: Mr. Pompo presents the Board with 2 addendums. An addendum for the contractor, York Waste, may not commence collection prior to 5 am on the collection days with the exception of when the collection date falls on a holiday and an amendment to the noise Ordinance having to do with loading/unloading and not be subject to the prohibition to the noise Ordinance.

George Broadbent moves to accept the addendum to the contract and send to the contractor for signature. Denny Howell 2nd. Discussion? Glen Coyer feels there should be no addendum just for a few residents complaining and the safety of the contractor employees and safety of residents on Twp. roads should be considered. Conrad DeAbreu comments on his submitted recommendation letter that received no response. Chris Makely states this Twp. gets a good rate for their trash and surrounding Municipalities are over \$300. Vote: George Broadbent Nae. Denny Howell Nae. Motion fails.

George Broadbent motions to advertise an Ordinance that would exclude the Trash Collector from being subject to the Noise Ordinance while performing their duties. Denny Howell 2nd. Discussion? Vote: Unanimous.

Motion to adopt Resolution 2007-11 – Emergency Operations Plan: George Broadbent moves to adopt Resolution 2007-11 the Emergency Operations Plan. Denny Howell 2nd. Discussion? Sharon Scott who prepared it and is it for public view? Mr. Broadbent states in coordination with Federal Government, Township's have to have an Emergency Operating Plan that is not available to the public and prepared by Tony Sirna. Vote: Unanimous

Chris Makely states in order for Chris Della Penna, Township Engineer, to write a letter on behalf of the Twp., to Mr. Callahan, regarding Baron Crest's basin drainage problem he needs the Boards authorization. George Broadbent motions to authorize Mr. Della Penna to draft a letter regarding the drainage problems at Baron Crest. Denny Howell 2nd. Discussion? Conrad DeAbreu concerns about releasing their escrow monies. Vote: Unanimous.

NEW BUSINESS:

Motion to approve the Sewer Module for the Abrahams Property – Resolution 2007-08: George Broadbent moves to accept the Abrahams Property sewer module, Resolution 2007-08. Denny Howell states he cannot vote because his son was the engineer. No vote taken.

Motion to approve an extension for the Preliminary Land Development Plan for the C-ville Area School District from 11/12/07 until 2/12/08: George Broadbent moves to approve the extension for the Preliminary Land Development Plan for the C-ville School District. Denny Howell 2nd. Discussion? Sharon Scott comments the motion should say S. Brandywine School and requests motions have everything be specifically identified. Mr. Broadbent calls for a vote on the S. Brandywine Middle School. Vote: Unanimous.

Motion to approve the 2008 SPCA contract for \$4,039.00 plus \$20.00 per unclaimed stray: George Broadbent motions to approve the 2008 contract for \$4,039.00 plus \$20.00 per unclaimed stray. Denny Howell 2nd. Discussion? Vote: Unanimous.

Motion to approve Hunters Ridge, Phase 2 escrow release for \$10,629.20 leaving a balance of \$607,138.19: George Broadbent motions to approve Hunters Ridge Phase 2 escrow release for \$10,629.20 leaving a balance of \$607,138.19 and review by Chris Della Penna. Denny Howell 2nd. Discussion? Vote: Unanimous.

Motion to approve the Providence Hill, Phase A escrow release #15 for \$59,022.50 leaving a balance of \$613,419.82 previously reviewed by Chris Della Penna: George Broadbent motions to approve Providence Hill, Phase A escrow release #15 for \$59,022.50 leaving a balance of \$613,419.82 previously reviewed by Chris Della Penna. Denny Howell 2nd. Vote: Unanimous.

Motion to approve the Providence Hill, Phase B escrow release #8 for \$19,182.88 leaving a balance of \$121,222.48 previously reviewed by Chris Della Penna: George Broadbent motions to approve the providence Hill, Phase B escrow release #8 for \$19,182.88 leaving a balance of \$121,222.48 and reviewed by Chris Della Penna. Denny Howell 2nd. Discussion? Vote: Unanimous.

Motion to approve Providence Hill, Phase C escrow release #5 for \$100,850.00 leaving a balance of \$446,278.91: George Broadbent motions to approve the Providence Hill, Phase C escrow release #5 for \$100,850.00 leaving a balance of \$446,678.91 reviewed by Chris Della Penna. Denny Howell 2nd. Discussion? Bob King asks if the Board can recommend to Providence Hill to pay money or install fences around their holding ponds. Mr. Broadbent states in the last correspondence stated they are working with the HOA Association. Mr. King also asks about Manchester Farms. Vote: Unanimous.

CITIZENS BY REQUEST:

Chris Makely comments on the election and his supporters wanting 5 Supervisors, no Twp. Manager and no taxes and also that in Mr. Broadbent's campaign he was against taxes.

Dennis Crook feels the things said about his family and that were in the mail are on the level of hate crimes and states his Community is about peace.

Milby Thornington comments on the stated comment about Modena having a drug problem and the Township coming together.

Siti Crook states during her campaign she never participated directly in anything Chris did against her during the election.

Mr. Broadbent gives a statement on how the Township residents need to work together and have meetings with less conflict.

Chris Makely states he stands behind anything he put out during the election.

ADJOURNMENT:

George Broadbent motions to adjourn at 10:38 pm. Denny Howell 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller
Secretary