

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 28, 2007**

**THE MEETING WAS CALLED TO ORDER AT 6:05 BY CHAIRMAN GARTH MONAGHAN
followed by Silent Meditation and Pledge of Allegiance.**

IN ATTENDANCE: Garth Monaghan, Chairman; Denny Howell, Vice Chairman; George Broadbent, Member; Mark K. Espie, Treasurer; Vince Pompo, Solicitor;
Chris Della Penna, Township Engineer (On behalf of the P&R Committee);
Denise Miller, Secretary.

APPROVAL OF MINUTES:

Motion to approve December 27, 2007 minutes: Denny Howell motions to approve December 27, 2007 minutes. George Broadbent 2nd. Vote: Unanimous.

Motion to approve January 2, 2007 Organizational minutes: Denny Howell motions to approve January 2, 2007 minutes. George Broadbent 2nd. Vote: Unanimous.

Motion to approve January 2, 2007 minutes: Denny Howell motions to approve January 2, 2007 minutes. George Broadbent 2nd. Vote: Unanimous.

CORRESPONDENCE:

Resolution 2007-02 regarding 30 Bypass: Chester County, DVRPC, PennDot, State and Federal Officials will be developing priorities this year for funding of transportation improvements in Chester County and throughout the Delaware Valley.

Surrounding Townships, Boroughs, etc. are getting together to do a Resolution to show PennDot their support in the 30 Bypass project.

Mr. Monaghan is in support of this project and asks that Mr. Broadbent and Mr. Howell also sign this Resolution.

Garth Monaghan motions to adopt Resolution 2007-02 and send forward as soon as possible. Denny Howell 2nd. Vote: Unanimous.

POLICE:

In 2006, there were 3,192 police incidents dispatched for East Fallowfield Township. During 2005, there were 3,038 incidents dispatched.

As of February 15, 2007, there were 368 incidents dispatched. Last year during the same period there were 335 incidents.

As population grows, incidents increase.

The monthly report will be available in the Township Office during regular hours.

Chief Mango asks the Board to move on the hiring of 3 PT police officers:

Mr. James Kalavik: Mr. Kalavik was previously employed as a police officer at West Chester University. Mr. Kalavik is also employed as a soccer coach at Bishop Shanahan High School.

Mrs. Shannon Miller: Ms. Miller is currently employed as a part-time police officer in the Borough of Parkesburg. She served in the US Army as a military police officer in Iraq during 2003.

Mr. Robert Story: Mr. Story is employed as a full-time police officer in the Borough of Parkesburg. He has also worked in Highland Township and Kennett Square Borough. He is a lifelong resident of Highland Township.

Chief Mango introduces Mr. Kalavik and Ms. Miller. Mr. Story is working and not able to attend.

Chief Mango requests the Board to hire all three officers as part-time at will police officers subject to the terms and conditions of the police contract and also subject to certification by the Commission.

Denny Howell motions as stated by Chief Mango. Garth Monaghan 2nd.
Discussion?

Resident, Sharon Scott suggests the Board table this motion, let the motion fail for lack of 2nd or motion to freeze all hiring of new employees.

Ms. Scott requests the Board have a work session (open to the public). Mrs. Scott will also be bringing the Board factual information next month.

Mr. Monaghan asks for anyone else to comment.

Resident, Mr. Ed Porter explains that S. Coatesville is meeting with Modena tomorrow night to discuss their police matters. Why doesn't the Board wait until after this meeting?

Mr. Monaghan states the Township has been contacted by the Borough of Modena requesting that E. Fallowfield Township provide police service to them.

A discussion was held where Chief Mango and Mr. Monaghan was present.
There is not a contract in front of the Township.

The 3 part time police officers are not being hired to cover Modena, they are being hired to cover scheduling for 24 hour police service and it is financially wiser to employ part time than full time officers.

The State Troopers will no longer handle the gap between 4 and 6 am.

Mrs. Scott further objects because why should the state police be paid for coverage and duplicate that payment by having our own police officers?

Mrs. Scott states she was at S. Coatesville's last meeting and they had no minutes for two months, no treasurer's, or know what they have so she doesn't want to take on the responsibility of mockery of government in South Coatesville and possibly Modena as well, "they got themselves into this difficulty, let them get them out". Mrs. Scott doesn't want the expense and the burden as a tax payer here, just because they can't run their Government efficiently and the way it should be.

Mr. Monaghan asks if Mrs. Scott is speaking about S. Coatesville.

Mrs. Scott's answer is; and possible Modena as well, I haven't attended their meetings.

Mr. Monaghan asks if her reference is to S. Coatesville.

Ms. Scott's answer is; Correct.

Mr. Monaghan asks our Treasure if the Township pays the State Police for any coverage.

Mr. Mango states it is pay through our taxes.

Resident, Mr. Buddy Rhoades asks if the Township has a certified DOT?

Mr. Mango states that the Police has access to them.

Mrs. Scott also comments on reference to a police officers car being parked in Modena with the motor running.

Mr. Mango states someone was using the bathroom and suggests to the Board to move ahead.

Resident Mr. Bob King would like to know how many hours the 3 part time officers will be working and will they cut down on overtime and suggests the Township get a Regional Police Force.

Chief Mango states he will sit down with Mr. King and go over the police schedule with him.

Chief Mango also states a survey was sent to Township Residents a few years ago and there was an overwhelming response for more police visibility.

Sharon Scott states that West Bradford gets \$3800.00 for rent from the State Police and then asks Mr. Broadbent about checking the police budget for 2006 where they were getting \$20,000 worth of fines for Township and State Police.

And currently it's the same amount.

Mr. Monaghan states there is a motion on the floor and it has been 2nd.
All in favor of this motion say I. Vote: Unanimous.

Modena police coverage: Chief Mango states their police are looking at giving Modena police services. Chief Mango states they travel through Modena anyway and they back up S. Coatesville and State Police for Modena and the problems in Modena are common in East Fallowfield and vice versa.

Chief Mango suggests to the Board to schedule a motion for the March meeting to accept and approve a contract with the Borough of Modena.

Motion to accept the resignation of Ofc. Curt Martinez: Mr. Martinez has recently been appointed as Police Chief of West Caln Township.

Mr. Monaghan moves to accept the resignation of Ofc. Martinez. Denny Howell 2nd.
Vote: Unanimous.

CITIZENS BY REQUEST:

Resident Ed Porter of 795 South Caln Road: Mr. Porter has requested a citizens' request to voice Constitutional concerns on the International Maintenance Code Ordinance with formal legal public notice.

Mr. Porter has all current Supervisor's Oath of Office required by Article 6 of the United States Constitution and the Pennsylvania State Constitution. "The Oath requires the Supervisor's support, obey and defend the Constitutions. The Oath of Office is a contract between the Supervisor's and the residents of the Township for public trust. You violate your Oath of Office by creating, sponsoring and voting for any law which is in any part Unconstitutional, even to vote to advertise. Your Oath to the Constitution demands your loyalty otherwise that is perjury. When you violate your Oath of Office you immediately void your Constitutionally authorized legal occupational office.

The International Property Maintenance Code tells you its Unconstitutional exception clause that is uncertain of its Constitutionality, otherwise it would not be there.

With that alone your Oath of Office should tell you not to proceed. If such code cannot tell you One hundred percent that its Constitutional then it should be considered Unconstitutional. I believe the International Property Maintenance Code will violate the 4th, 5th, 9th and 14th amendments of the United States Constitutional in Article 1 Section 1 2, 8 and 26 of the Pennsylvania Constitution. It will also violate a Civil Rights Act.

Board of Supervisor's, you have no other Oath to any other law or code but that to the Supreme law of the land, The Constitution, and to the master, the Constitution of the Commonwealth of Pennsylvania.

The Township is a vicious person, the Township is a Corporation, the Township is a Political Subdivision Corporation and has authority handed down by the General Assembly, but the Township is not allowed to conflict with the Constitution in a natural inherient and inalienable rights which are defending life, liberty and processing and protecting the property and reputation.

Our property rights are inseparable from our individual rights, our individual rights are protected in the procedures and due process of the Common Courts of Common law.

The Declaration of Independence makes it crystal clear that the Government, like East Fallowfield Township, has one purpose, to protect the inherent human rights of life, liberty and property.

Remaining in office after you violate your Oath of Office Constitution impersonation of Government Official. Voids all law you submit or sponsor, voids your vote, terminates your legal participation in Government and makes fraudulent your acceptance of pay.

As you know residents have had a chance to examine The International Property Maintenance Code for themself and you should represent their wishes in voting no in advertising the International Property Maintenance Code tonight.

Mr. Monaghan, I want to be documented in the Board of Supervisor's minutes.

Mr. Monaghan, I would like to point out that I believe your Oath of Office is incorrect and has cause or concern with the Supervisor decisions you have made up to this point. Your homemade Oath of Office conflicts with the Oath of Office required by the State Constitution, your Oath is missing words, solemnly swear, and it's also missing the words obey and defend the Constitution. But you do have the word support, though support, obey and defend have entirely different

definitions and meanings. The correct Oath of Office is required and that allows you to assume office and public trust. You did take your Oath of Office 5 weeks before you assumed office while someone was still office as a Supervisor. So that could be the reason the correct Oath of Office was not sworn in by you.”

Mr. Porter gives Mr. Broadbent his own Oath and Mr. Monaghan’s to compare.

Mr. Monaghan states the Oath he signed was the one given to him to sign and he will look into the situation.

Mr. Monaghan explains the Maintenance Code that was posted on the internet is not the Maintenance that the Board has been looking at.

Mr. Monaghan states this code would help with a couple of homes in the Township.

Some residents ask where they can get the Code book, Mr. Monaghan states he will have the address available of where to purchase it.

Buddy Rhodes of 2215 Strasburg Road: Mr. Rhodes disagrees with adopting the Maintenance Code and states everything has to go to Judge Gill and the Common Pleas.

Mr. Porter, states all pages says a person shall not occupy as owner or permit another person to occupy the premises if it does not comply with each chapter, if you violate any of these chapters, the codes is saying you are not permitted in your home.

Mr. Howell states they are here tonight to discuss the publishing of this document for approval in March. Mr. Howell objects strongly to this Code.

Harvey Willard of the Branford HOA: In adopting this code it makes neighbor against neighbor.

Mr. Broadbent states the code has some elements that may be good, but the overwhelming majority of the document really tears apart the Constitution, and tears apart the Pennsylvania State Constitution.

Mr. Broadbent feels the Township should look at their own Ordinances and put their energy into those.

Alan Mowery of 2830 Strasburg Road: Mr. Mowery works on lawn mowers and has circulated a petition with 55 signatures. Mr. Mowery needs clarification of this code.

Mr. Monaghan states the intent of bringing this document before the public tonight and not being discussed by the Supervisor’s until tonight. The intent of the Supervisors in considering and discussing this is not to adopt and hire more police to police homes. This meeting is just to discuss the code.

Earl Doan of 2845 Strasburg Road: Mr. Doan states the Board should of gotten together and looked the code book over.

Mr. Howell asks if Mr. Doan is saying the Board should of gotten together and discussed and come to a decision before ever mentioning it.

Bob King of 235 Misty Patch Road: Has the 2 houses in question broken any of the violations of the

codes in place now. Yes.
Why not fine them using those?

Sharon Scott of 325 Hephzibah Hill Road: Mrs. Scott reads a statement to Mr. Monaghan: 'Mr. Monaghan you might have committed a 2nd class Township violation of misbehavior of office with Weaver Mulch and their new building, you sir do not have the power as a single Supervisor to do anything. As a former 6 year Planning Commission Member you know the rules of the Pennsylvania Municipalities Planning Code. Weaver Mulch was before the Planning Commission for discussion and you by yourself told them to go ahead and build the building, the Planning Commission minutes document this.

For the Supervisor's to do that, you must meet in a public forum meeting and at least 2 Supervisors must vote for that, that meeting must also be advertised in the newspapers for the residents for the option of public comment, just like were doing tonight.

You further incriminate yourself of misbehavior of office by using House Representative Art Hershey's name and saying that he told you Weaver Mulch can go ahead and build.

Art Hershey has looked at the Planning Commission minutes from December 2006 and January 2007 and said he never told you that. He does not have the power and further said he does not appreciate his name being used dishonestly.

This possible misbehavior of office might be serious enough of Commonwealth Pleas to hear, in which they could remove you from office, however in view of the mounting evidence it has become visibility apparent that you are not serving the needs of the citizens of East Fallowfield, this International Property Maintenance Code being a second in addition to the Weaver Mulch matter and I have documented many other incidences of

Selective zoning that are forging ahead and not going through the proper channels or appearing to look like their going through the proper channels.

So again, it has become visibility apparent that you are not serving the needs of the citizens of East Fallowfield Township.

Your resignation would be readily accepted this evening."

Mr. Monaghan explains he never spoke to Art Hershey regarding this matter.

MilbyThornington of 2345 Strasburg Road: Mr. Thornington questions if tonight's meeting is for the advertisement of The Property Maintenance Code.

Mr. Monaghan states it is and a vote will be taken in a minute.

Mr. Ed Porter of 795 South Caln Road: Mr. Porter recommends a special meeting to get to the bottom of the Weaver Mulch matter.

Amy McKenna of 200 Frog Hollow Road: The "Ticket to Tomorrow" meeting at the Elementary School was a success.

Mrs. McKenna would like to request tonight that the commission put an ad hoc committee together of an open space committee with the intention of putting a open space referunum to be placed on the ballot.

Committee members will be Scott Wybranski, Amy McKenna, Paula Coyne, Anita Mattson, Ryan Ray,

Susan Holderman and Sally Green.

Mr. Monaghan suggests that the makeup of the committee would be more representative of all aspects of the community.

Ryan Ray invites residents to join the committee.

Mr. Monaghan motions to establish an ad hoc committee to be exclusive of all aspects of our Township to proceed with examining the possibly with moving with an open space referum. Denny Howell 2nd. Vote: Unanimous.

Amy McKenna thanks the Board for having the 20/20 meeting at East Fallowfield Elementary School and Thank You to Officer Mango for always doing an excellent job.

Ellen Kuehner of 2213 Strasburg Road: Ms. Kuchner asks the Board if there is any money to hire a part time grant writer and allocate money from the budget to do this?

Mr. Monaghan states he would have to speak with the other Supervisors about this.

Buddy Rhoades of 2215 Strasburg Road: Mr. Rhoades requests permission to use the Township Building for Political interviews.

Mr. Monaghan grants this request.

Mr. Rhoades believes a lot of residents did not get the invitation for the 20/20 meeting and this also was never approved by the Township at a meeting.

Mr. Rhoades also states the guardrail on Creek Road is hanging.

TREASURER'S REPORT: Mark Espie stated for the period ending January 31, 2007 we had available cash in the General fund of \$663,916.83, in our escrow account \$837,053.36 and State Liquid Fuels Fund \$109,698.42 and Capital Projects \$764,564.35. For the period ending January 31, 2007 the General fund had an operating surplus of \$263,317.81. At this time the Treasurer is requesting payment authorization from the General Fund of \$259,336.73, the escrow of \$10,067.00 and the Liquid Fuel fund of \$72,538.62. Bringing total payment authorizations \$341,942.35.

Mr. Monaghan moves to authorize our Treasurer to make payments as requested and approved. George Broadbent 2nd. Vote: Unanimous.

Sharon Scott would like to know if the bill for the Chester County Ticket for Tomorrow is in his report and would like Mark to let her know when it comes up. Mr. Espie states he does not believe it is.

SOLICITOR'S REPORT:

Motion to advertise for adoption of the International Property Maintenance Code – Ordinance 2007-03: Mr. Pompo asks if the Board authorizes him to advertise for the International Property Maintenance Code.

No motion has been made.

Motion to adopt Ordinance 2007-02 Comcast System and Service Ordinance:

This has been advertised for consideration by the Board. This is an Ordinance to amend the Township's Cable Service Ordinance in order to address the extension of the Franchise Agreement for Comcast. This has nothing to do with Verizon Service.

This is to extend the franchise agreement for the existing cable company in the Township.

This has been discussed and the renewal period is 10 years, shorter than the original cable franchise for Comcast. It is the maximum amount of revenue to the Township that the law allows, which is 5% of gross revenues from the franchisee, it specifically authorizes

Consumer oriented regulations that would enable the Township should there be any complaints raised by consumers against the cable provider to take certain action with respect to their franchise.

It also authorizes the Township to penalize the franchisee in the event that they would go on private property, where they have no right to be and install facilities.

The amount of time it took to negotiate with Comcast was directly related to addressing these specific issues for East Fallowfield Township.

Before the Board is an Ordinance to re-enact and amend the Cable TV Ordinance for East Fallowfield Township if this is acceptable to the Board.

Mr. Monaghan states Ordinance 2007-02 has been advertised and discussed. Mr. Monaghan motions to adopt Ordinance 2007-02. Denny Howell 2nd.

Sharon Scott asks if the 5% of gross revenue limited by law. Mr. Pompo states yes it is.

Mrs. Scott also asks why was there time spent on negotiations with the franchise contract?

Mr. Pompo states there is a section now where the cable company is now required by Ordinance to respect private property, which is not typically in these franchise agreements.

When you start to introduce new issues that they are not use to putting in franchise agreements, it takes some time.

Ms. Scott would like to know how much the Township paid Vince to set up this contract.

Mr. Broadbent states on page 14 Section 18. Miscellaneous. Item D says:

At minimum, a franchisee, shall serve all residential dwelling units within the township: in which there exists a minimum of 35 homes or businesses per linear mile into which service can otherwise be extended. This Ordinance is going to be the basis of negotiations with Verizon. Mr. Broadbent would like to see that this provision is not included in the Verizon agreement because there are some residents that don't have cable service because they are on a remote section of road and fall outside of this area.

Mr. Monaghan explains from talking with a Verizon Representative about this, he states this is an oversight. All roads in the Township will be able to get cable if they would like to.

If no further discussion, a vote is in order.

Mr. Monaghan moves to accept the revised franchise agreement as presented by Mr. Pompo. George Broadbent 2nd. Discussion? None. Vote: Unanimous.

EMERGENCY DEPARTMENT:

The January 2007 emergency department report is available in the township office during regular hours.

ROADS DEPARTMENT:

The December 2006 year to date totals and January 2007 report is available in the township office during regular business hours.

PARK & RECREATION COMMISSION:

Community Park Design: Simone Collins (SC) Architecture submitted preliminary design drawings during a meeting on January 9, 2007. Review of the preliminary plans were conducted by the P & R, Chris Della Penna, Don McDermott and Garth Monaghan. During the review and subsequent meeting with SC and their civil engineer, the P&R had concerns with the numerous storm water management facilities and the disturbance of natural park areas for their construction. It was determined that it would be appropriate to request waivers for two sections of the Township Subdivision and Land Development Ordinance (SLDO) that deal with storm water management. As a result, a waiver request letter was prepared and submitted to the Board of Supervisors and Chris Della Penna in February 21, 2007.

Mr. Massaro, of the Park and Recreation Commission, is requesting the Board to consider granting waivers from the SLDO Section 621.C.3a&b.

Section 621 Storm Water Management
C. Permanent Storm Water Management

3. In calculating runoff prior to development or change in use, the following assumptions shall apply:

- a. Woodland shall be used as the prior condition for those portions of the site having trees of greater than six (6) inch caliper DBH or where such trees existed within eighteen (18) months of application.
- b. Meadow shall be used for all other areas; including areas which are presently covered by impervious surfaces.

Mr. Della Penna the above Section specifically state that no matter what the existing condition of the site is, the Ordinance says you have to consider them to be woods or meadow for a predevelopment condition basis for designing your run-off control measures and the Park & Recreation Committee is asking for relief of that because the park property where the developing is occurring currently contains lawn, some gravel, concrete pad, for them to following the strict since of the Ordinance and consider them woods and meadows requires huge basins and excessive storm water control.

What is being asked for is, for permission to allow calculations based on what is actually out there now.

A few residents oppose the requested waiver made by the Park and Recreation Commission.

Mr. Massaro reiterates that the waiver is asking for a consideration of the existing conditions at the site to be used as the basis of the calculations in the storm water design, so that the park ends up not being a park full of basins, but is a park that is more appealing, more functional and in keeping with the national beauty of the park.

Mr. Broadbent asks Mr. Della Penna is he is in favor of the proposed modifications to the Stormwater Management Plan and would he endorse a developer if they asked for similar modifications.

Mr. Della Penna states developers have asked for the same modifications many times and responds by saying don't bother asking because Mr. Della Penna wouldn't recommend it for any

developer. As far as the park site Mr. Della Penna is in favor because he does not believe it would do any harm to the pond or to the site.

Chris Makely, from Parkside Deli, does not think by eliminating certain basins it will be eliminating future problems.

Mr. Massaro welcomes residents to come to the March 6th P&R meeting that go over the plans before any action is taken on this waiver and requests Mr. Della Penna be present at this meeting.

Mr. Monaghan would like to defer a motion until residents have a chance to go the P&R meeting and see the plans.

Trails at Brook Crossing: Status of PennDot form 950 RFO. Mr. Monaghan states permission to enter the site has been granted and J.B. Dilsheimer will speak with Maury Johnson and get back to the Township.

Request by Vollmer Associates for change order for Highway Occupancy Permit for the East entrance: During the January 9, 2007 meeting, a request was made for additional funding due to unforeseen changes in the HOP permit for the East entrance of the park.

Mr. Massaro will give the Township Office a copy of the change order tomorrow.

Friends of the Park: (Cheryle Hanson, Director)

Easter egg hunt on April 7th from 2-4 pm up to age 13.

3rd Annual Spring Park Day on May 26, 2007 from 9am-3pm.

Ray Keech Gravity Race, games, food, ponies, fishing tournament and more.

All money used is from sponsorship and donations and proceeds from earlier events.

Mr. Monaghan calls for a 5 minute recess.

After a recess, Mr. Monaghan calls for the meeting to reconvene.

HISTORIC COMMISSION:

There will be a meeting at East Bradford Township on April 4, 2007 for the Historic Preservation Issues from 1-4pm.

PLANNING COMMISSION:

Sidewalks: The Planning Commission would like the Board of Supervisors to consider making future subdivisions a minimum of five feet. Mr. Monaghan would like to discuss this further and not make a motion to support this request. Mr. Broadbent would also like to discuss this further with the Planning Commission.

Motion to accept Jim Weeks as a member of the Planning Commission: Mr. Monaghan motions to accept Jim Weeks as one of the vacancies. George Broadbent 2nd.

Vote: Unanimous.

The Planning Commission recommends to the Board that The Beagle Club be rezoned from MH to R1: Mr. Monaghan spoke with the Brandywine Conservancy and was advised not to do this at this time, Agricultural is also being considered.

The Planning Commission recommends the Township Park move forward as planned.

BUILDING OFFICIAL/ZONING/CODE ENFORCEMENT:

Township received \$23,363.25 for 17 permits issued. This report will be available in the Township Office during regular business hours.

Sharon Scott comments on a Zoning Hearing that took place and feels Don McDermott, Building Inspector, should reimburse them because they were wrongly sent to the Zoning Hearing Board.

NEW BUSINESS:

Motion to make payment release of \$720,252.99 for the Pelham Place recommended by Engineer Chris Della Penna's 1/15/07 letter: Garth Monaghan moves to make escrow release to Pelham Place per Mr. Della Penna's recommendation. George Broadbent 2nd. Discussion?

Resident Charles Kilgore of 1215 S. Caln Road: Mr. Kilgore states he is getting a lot of run-off from The Pelham Place development.

Mr. Della Penna states 15% of the total escrow amount is left in escrow for 18 months.

Vote: Unanimous.

CITIZEN PARTICIPATION:

Resident Ellen Kuehner would like to see more police patrolling car distance and speed, also the police force working with the State Police.

Chief Mango recommends to the Board about putting 2 traffic lights at the intersections of Buck Run and Strasburg and Doe Run and Strasburg.

A resident asks about sex offenders living in the Township.

Chief Mango states there is no notification on the police departments part, and children should be educated regarding this.

Mr. Broadbent comments on the IPMC, the Township should go through their Ordinances and have them re-codified.

Mr. Broadbent authorizes Denise to collect bids and see what the cost would be.
Garth Monaghan 2nd. Vote: Unanimous.

Mr. Porter wants to clarify that as long as George Broadbent and Garth Monaghan are in office the IPMC will not be brought up again. Mr. Monaghan states that is correct.

Resident of Stone Creek would like an update on the restricted space in Stone Creek.

Mr. Pompo since it was approved by a Conditional Use and by an approval of plan, recommends the Township if there is going to be a change it will have to go through a public process.

ADJOURNMENT:

Garth Monaghan motions to adjourn. George Broadbent 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller
Secretary