

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 23, 2013
Approved minutes
6:30 PM

Call to order, silent meditation, and pledge of allegiance.

IN ATTENDANCE: Chris Makely, Chairman; Mark Toth, Vice Chairman; Chris Amentas, Member; Ed Porter, Member; Joe Pomorski, Member; Denise Miller, Township Secretary; Rosemary Moore, Township Treasurer; Vince Pompo, Township Solicitor.

APPROVAL OF MINUTES:

June 25, 2013 BOS minutes – Mr. Amentas made a motion to approve the June 25, 2013 BOS minutes as presented. Mr. Pomorski seconded. Mr. Makely and Mr. Toth abstained. Vote passed.

CITIZENS BY REQUEST:

Brian Czapracki of 10 Somerset asked the Board to inspect the runoff problem eroding his property.

Donald Mosley of 212 John Stevens Drive asked the Board to apply the \$30.50 trash discount back to his account, because he paid his bill on time but it was not posted before the deadline date. Mr. Makely directed Mrs. Moore to apply the \$30.50 trash discount to Mr. Mosley's trash account.

SOLICITOR REPORT:

Act 167 – Mr. Pompo informed the Board that the township will have to adopt the Act 167 stormwater ordinance by January 1, 2014. The Board approved Mr. Pompo and Mr. MacCombie working together to present to the Board, at the next meeting, an outline on how to proceed with the construction of this ordinance, as well as the cost. Mr. Porter asked Mr. Pompo if Act 167 applies to only new construction. Mr. Pompo replied that it applies to new construction, including alterations and additions to existing structures.

Hope Community of East Fallowfield – Mr. Pompo asked the Board for direction, on how they would like him to proceed, in directing applicant Jim Sisk's council, Michael Gill, in their request for information on how to proceed, with the township, in addressing their plan and a zoning change. Mr. Makely asked Mr. Pompo if the applicant agreed to pay for his time. Mr. Pompo replied that Mr. Gill stated that the applicant will underwrite any cost to the township. The Board directed Mr. Pompo to reply to Mr. Gill that he has to file an application for a zoning amendment, and follow the normal procedure.

Police negotiation – Mr. Pompo informed the Board that the two arbitrators are attempting to schedule, with a neutral arbitrator, arbitration for September or October. Mr. Pompo also stated that there is an opportunity, for the Board and the police association, to continue to resolve and negotiate issues. Mr. Porter asked Mr. Pompo if the township should have filled the police arbitrators request for a great deal of financial information, and should a right to know request have been required before doing so. Mr. Pompo replied that he wasn't personally involved in the request, but feels confident that the information given would not have been given if it was not public record. Mr. Pompo also stated that it makes sense to be cooperative in working with the police association.

LEGAL ISSUES:

Finalization of the South Brandywine Middle School sewer route – Mr. Pompo presented the Board with revised maps, from Mr. MacCombie, showing the location of the pump station. Mr. Porter asked Mr. Pompo if each alternative is designated as a franchise area. Mr. Pompo replied "when the Board approved Alternative #1 they authorized sending a letter to the Public Utility Commission ("PUC") indicating that the Board essentially would agree to enlarge a franchise area for Pennsylvania American Water Company ("PAWC") that would include the area of the School District property, on the south side of Strasburg Road". Mr. Pompo also stated that he is not aware of what has happened with the "PUC" at this point and time, but has expectations that those proceedings have moved forth, and there is a franchise area that includes the School District property. Mark Kurowski, K&W Engineers, stated that they have not received confirmation from "PAWC" that it has been approved, but a year and a half has gone by. Mr. Makely stated that he believes it was approved. Mr. Porter asked Mr. Pompo if residents will be required to connect to the pipeline. Mr. Pompo replied that they would not be forced to connect into a facility that is owned by "PAWC", but if the line was built by the township, they would be required to connect.

Mr. Pompo also stated that Chester County still needs to approve either alternative. Mr. Makely stated that he is in favor of Alternative #1, what the Board previously approved, and asked the other Board Members if they want to make a motion to change it. Mr. Pomorski made a motion for the Board of Supervisors to adopt alternative area #2, for the finalization of the South Brandywine Middle School sewer route. Mr. Porter seconded. Buddy Rhoades commented on the routes. Mr. Makely voted for Alternative #1. Mr. Porter, Mr. Pomorski, Mr. Amentas, and Mr. Toth voted for Alternative #2. Vote passed.

Alternative #1: Beginning at the intersection of Doe Run Road and Strasburg Road the gravity sewer main would extend easterly along Strasburg Road approximately 1,400 feet. The main would then extend in a northeasterly direction through the park approximately 1,200 feet to a conceptual pump station. From the pump station a force main would extend approximately 1,000 feet to a conceptual connection with the existing sanitary sewer manhole within an easement in close proximity to Sarah's Way in the Branford Village Development. Alternative #2: Beginning at the intersection of Doe Run Road and Strasburg Road the gravity sewer main would extend in a northeasterly and northerly direction through the park approximately 1,250 feet to a conceptual pump station. From the pump station a force main would extend approximately 700 feet to a conceptual connection with the existing sanitary sewer within Crossing Boulevard of the Brook Crossing Development.

Ted Moser, Northwoods Development – Mr. Moser asked the Board to clarify what other issues may be brought up after he finishes his punch list. Mr. Amentas stated that he does not have any specific problems but has concerns that there are three homes left to be built, and something could come up. Mr. Moser replied that the Board will have access to their maintenance bond. Mr. Moser stated that he still has the responsibility for the flashing yellow light, road work and the other money owed. Mr. Moser also stated that their bank agreed to release the money, once they know he is getting dedication. Mr. Makely asked Mr. Della Penna if there are any major items left. Mr. Della Penna replied that the biggest item is the condition of the roads. Mr. Amentas stated that he would like to make it clear that if anything happens between now and when the township accepts dedication, Mr. Moser is responsible notwithstanding the fact that the township engineer might have signed off on the final punch list. Mr. Moser replied “there is a bond and he is responsible.” Mr. Porter asked Mr. Pompo if the township could give Mr. Moser an agreement to sign as far as the funds being turned over. Mr. Pompo replied that he is hearing Mr. Moser say that even though the last permit is not issued, he would agree to release the funds for the flashing yellow light. Mr. Moser replied “that’s correct.” Mr. Porter asked Mr. Pompo if Mr. Moser is also responsible for the cost of the West Chester and South Caln Road intersection work. Mr. Pompo replied that Mr. Moser is responsible for the flashing yellow light, \$13,500.00 which represents \$500.00 per unit, total amount of \$89,500.00. Mr. Moser replied “that’s correct.” Mr. Pompo also stated that the requirement to physically install the flashing yellow light is the responsibility of the Dewey Organization. Mr. Porter asked Mr. Pompo if the flashing yellow light is not installed, can those funds be used for the intersection project. Mr. Pompo stated that his previous recommendation, to the Board, was that there was an agreement reached between the last two developers, Mr. Moser for this project and the Ridgcrest project as well as Dewey Homes that the township can essentially change the plan relative to the intersection and utilize those funds for other improvements. Mr. Moser stated that he will work with the township on this.

Providence Hill stop sign ordinance – Mr. Pompo presented the Board with a proposed stop sign ordinance for advertisement. Mr. Pompo stated that Chief Porter went out and inspected the proposed locations of the requested stop signs, and found that there were stop signs not included in the current ordinance, therefore Ordinance 2013-01 has the proposed stop sign locations as well as current ones with the exception, recommended by Chief Porter, of Bellevue Drive and Watch Hill Road when you come off of Misty Patch Road. Mr. Pompo also stated that Chief Porter did not recommend putting a stop sign at Portsmouth Lane and Cottage Lane because there would be too many signs too close together. Mr. Toth stated that Chief Porter stated, to him, that the proposed ordinance is accurate with the addition of a stop sign northwest on Bellevue Drive. Mr. Toth made a motion to advertise Ordinance 2013-01, amending Chapter 15, Part 2, §15-213 of the Township of East Fallowfield Code of Ordinances by establishing stop intersection for the Providence Hill Development Road System with the addition of the Bellevue Drive intersection. Buddy Rhoades asked if these roads are dedicated. Mr. Porter replied that these are additional stop signs being installed, and the roads have been dedicated. Vote: Unanimous.

On-Lot Sewage Management Agreement for James G. and Donna Petro – Mr. Pompo stated that at the last meeting the Board wanted to know why this agreement was necessary. Mr. Pompo stated that Patricia Lynch, from the Chester County Health Department, said it is considered a “community system” under the Department of Environmental Protection regulations, because it involves two separate lots, and the Chester County Health Department requires this agreement before they will issue a permit. Mr. Porter asked what “community system” means. Mr. Makely replied that it means that it’s a shared system. Mr. Makely made a motion to approve the Model On-Lot Sewage Management Agreement for James G. and Donna Petro for 708 Buck Run Road, parcel #47-7-56.1. Mr. Porter asked Mr. Pompo if he reviewed the agreement. Mr. Pompo replied that he did review it. Vote: Unanimous.

Nikolaus & Hohenadel LLP, Attorneys at Law representing TC ASSETS, LLC – Mr. Pompo stated that he reviewed other Municipality fees and forwarded his findings to the Board, via email. Mr. Makely asked Mr. Pompo if it is a “precedent” since TC Assets already paid the \$600.00 annual fee. Mr. Pompo replied that from a legal perspective you can view this as a tax that you can go to the County and ask for an adjustment. Mr. Grab stated that his client is looking for an initial fee of \$100.00 followed by a \$50.00 annual fee. Mr. Grab also stated that his client said that they will contest anything other than \$100.00. Mr. Pompo recommended, to the Board, to reduce the annual fee from \$600.00. Mr. Porter asked Mrs. Moore if the other tower company has contested the \$600.00 fee. Mrs. Moore replied “no.” Mr. Amentas made a motion to accept the annual registration fee for telecommunication towers at \$300.00 annually. Mr. Porter asked Mrs. Miller if she found out any information of other Municipalities registration fees. Mrs. Miller replied that she only received a couple of responses and they did not have one. Mr. Makely directed this issue be revisited at the August 13, 2013 workshop agenda.

Trash Contract bid award – Mrs. Moore recommended awarding the bid to Allied Waste (“Allied”) as the trash hauler for a five year period, option B. Mrs. Moore also stated that if the billing costs are incorporated into the \$203.16 bid, it would make the annual cost \$210.00 for each residence in the township. Mr. Toth made a motion to approve the trash contract from Allied Waste Services, Brandywine Division, for the period of November 1, 2013 through December 31, 2018 with an annual fee of \$210.00. Mr. Makely seconded. After Board discussion Mr. Toth withdrew his motion. Mr. Toth restated his motion to approve the trash contract from Allied Waste Services, Brandywine Division, for the period of November 1, 2013 through December 31, 2018. Mr. Pompo stated to put “option B” into the motion. Mr. Toth withdrew his motion. Mr. Toth restated his motion to approve the trash contract from Allied Waste Services, Brandywine Division, for the period of November 1, 2013 through December 31, 2018 for option B, a five year contract. Mr. Makely seconded. Buddy Rhoades asked the Board if the township is being reimbursed for the road crew picking up missed trash and recycling. Mr. Rhoades also commented on South Coatesville and East Fallowfield sharing certain homes for trash and recycling pickup. Mr. Porter asked Mrs. Moore what exactly the road department is picking up. Mrs. Moore replied that the road crew picks up “scrap metal” items for free, and TV’s at a cost of \$25.00. Mr. Porter stated that he is concerned with the cost to the township. Mr. Makely asked Mrs. Miller to have Tag at the next workshop meeting to answer these questions. Vote: Unanimous.

Portnoff Law Associates – Sheriff Sale properties – Mr. Pompo presented the Board with a list of resident properties who have delinquent trash bills, and are now at the point of Sheriff Sale. Mr. Makely made a motion to sign the July 10, 2013 list of delinquent trash accounts, giving Portnoff Law Associates, LTD (“Portnoff”) the authority to move forward with the filing of Writs of Execution (“Writ”) on those properties. Mr. Toth seconded. Buddy Rhoades commented on fifteen residents who do not have trash cans. Mr. Makely asked Mrs. Moore if residents are aware of the Writs of Execution. Mrs. Moore replied that “Portnoff” has sent them many letters. Mr. Porter asked Mr. Pompo the process of a Sheriff Sale. Mr. Pompo replied that a “Writ” has to be filed and legally served to the resident, there is also a time frame after service where they can file an “Affidavit of Defense” document that challenges the legality of the lien. They can also pay up until the sale. Mr. Pompo also stated that “Portnoff” does not charge any of their costs to the township, so the only way they can recuperate their costs is to take the process all the way through. Mr. Porter voted nae. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Vote passed.

TREASURER’S REPORT:

April 30, 2013 treasurer’s report – Mrs. Moore stated that the April 30, 2013 Treasurer’s report has not been approved yet because the issue of Mr. Toth working in the office has not been resolved, and Mr. Toth’s time and wages have to retroactively get approved by the Board. Mr. Amentas asked Mrs. Moore if you have to do this. Mrs. Moore replied that she contacted PSATS and confirmed that it has to be done. Mr. Makely made a motion to retroactively appoint Mr. Toth as a representative to work in the township office from October 2012 to the current time, with wages set by the appointed auditors at their yearly meeting. Mr. Toth seconded. Mr. Amentas asked Mr. Toth how his role was different from what a township administrative assistant would do. Mr. Toth replied that he worked in conjunction with the office manager, such as the audit and trash contract. Mr. Amentas asked Mrs. Moore if she asked Mr. Toth the same thing that she would ask an administrative assistant. Mrs. Moore replied yes, such as answering the phone and filing. Mr. Amentas also asked Mrs. Moore if she asked Mr. Toth to do anything more that she would ask a part time administrative assistant to do. Mrs. Moore replied that if she had a question on the bid process, she asked Mr. Toth. Mrs. Moore also stated that it was mostly administrative office type work. Buddy Rhoades made several comments on the motion. Mr. Amentas asked Mrs. Moore for Mr. Toth’s hours worked. Mrs. Moore replied that Mr. Toth swiped in and out of the employee payroll system. Mr. Amentas recommended making a motion to ratify Mr. Toth as a part time administrative assistant for his hours, and a certain rate. Mr. Makely withdrew his motion and directed Mrs. Moore to put this on the August 13, 2013 workshop agenda to be resolved.

Mr. Porter stated that a resident informed him that a tree service was working for the township without insurance. Mr. Makely replied that they are required to have insurance, and directed Mrs. Miller to have them stop work if they do not have insurance.

The Board excused Mr. Pompo from the July 23, 2013 Board meeting.

June 30, 2013 Treasurer's report – Mr. Makely made a motion to approve the June 30, 2013 Treasurer's report as presented Mr. Amentas seconded. Mr. Toth abstained. Vote passed.

June 2013 payment authorizations – Mr. Makely made a motion to approve the June 2013 payment authorizations as presented. Mr. Amentas seconded. Vote: Unanimous.

PUBLIC WORKS DEPARTMENT:

Mr. Porter asked Mrs. Moore about the termination of an employee named Larry who has been seen in the township truck. Mrs. Moore replied that Larry is a community service worker that is no longer working for the township or has been driving township trucks. Mr. Porter also asked about liability for community service workers. Mr. Makely replied that they are covered under the township policy. Mr. Makely also stated that being in the community service program you are randomly urine and drug tested. Mr. Makely would like Tag at the next workshop meeting to answer questions regarding community service.

June 2013 road and vehicle report – No presentation – See report.

June 2013 recycling report – No presentation – See report

POLICE DEPARTMENT:

June 2013 police report – No presentation – See report

PARK AND RECREATION:

May 7, 2013 minutes – No presentation – See report

June 4, 2013 minutes – No presentation – See report

HISTORICAL COMMISSION:

Member Buddy Rhoades stated that he was the only Historical Commission Member that attended the South Coatesville Training Facility meeting.

PLANNING COMMISSION:

April 1, 2013 minutes – No presentation – See report

May 6, 2013 minutes – No presentation – See report

May 20, 2013 workshop minutes – No presentation – See reports.

Mr. Makely asked the public if they had any questions on the Planning Commission vacancy to fulfill the 2011-2014 term.

Mr. Makely asked the public if they had any questions on the Public Utility Commission "water rate increase" hearing on Thursday, August 8, 2013 at 1:30 PM, in the township building, or the Senator Dinniman "question and answer" session at 12:30 PM.

UNFINISHED BUSINESS:

No unfinished business reported

NEW BUSINESS:

Mr. Porter announced the death of residents Mr. Rhoades Sr. and former Supervisor, for nine years, Lionel Beck.

PUBLIC PARTICIPATION:

Buddy Rhoades asked the Board if the township is getting a grant for Act 167. Mr. Toth replied "no."

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 8:40 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller, Township Secretary