

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
November 15, 2011
Unapproved minutes
6:30 PM

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Amentas, Chairman; Chris Makely, Vice Chairman; Gary Barach, Member; Mark Toth, Member; Denise Miller, Township Secretary; Jill Bukata, Township Manager and Treasurer; Chief Porter, Chief of Police and Vince Pompo, Solicitor. Member George Broadbent absent.

APPROVAL OF MINUTES:

October 25, 2011 minutes – Mr. Amentas made a motion to approve the October 25, 2011 minutes as presented. Mr. Makely abstained. Vote passed.

CITIZENS BY REQUEST:

Siti Crook of 2840 Strasburg Road asked Mr. Amentas the meaning of his “straw poll” comment that was in the Daily Local News. Mr. Makely interjected by stating that “citizens by request” is not a question and answer session. Mr. Pompo also interjected by informing the Board that since the last meeting he became aware of the “BAWA” Fellowship petition filed regarding the zoning appeal. On behalf of “BAWA” the court made a request to “quash” the appeal on the basis of issues concerning the “Sunshine Act.” Notwithstanding the fact that the petition was filed before the last Board meeting Mr. Pompo stated that he was not served until after the last meeting. Mr. Pompo stated that upon receipt, he responded by letter to the representing attorney and indicated for several legal reasons that the petition and the allegation under the “Sunshine Act” was legally incorrect and asked that it be withdrawn, or pursuant to the “Sunshine Act” he would request that the court award attorney fees for any legal expense expended by the Township in order to defend the appeal. Mr. Pompo also stated that he received a written response as to why the petition was not served to him and an oral response indicating that tomorrow they intended to either withdraw or file an amended petition. Mr. Pompo advised the Board not to discuss this matter in public because it still is in litigation. Mr. Makely stated “duly noted.” Mr. Amentas stated that he would like to answer Ms. Crook’s question and responded by stating that there was not an actual “vote” on this matter but recalled that the matter was brought to the Board in an executive session by Mr. Pompo as something that required action by the Board, who was opposing the appeal. When Mr. Pompo looked around the room all the Board Members said “yes” and that is what he meant by the term “straw poll.” Mr. Amentas asked Ms. Crook if she was affiliated with the “BAWA” Fellowship because she is asking questions like she is representing the public at large. Ms. Crook replied “Why would you ask me that?” Mr. Amentas replied “Because the Board represents the public at large and when he ran for Supervisor it was on controlling development and “BAWA” did not meet the lot requirement.”

Ms. Crook asked Mr. Amentas if his position on the Board had any effect with the past Board concerning his “run off” issue. Mr. Amentas replied that when he asked the Board for help he was a resident and the issue was corrected by the Developer before he became Supervisor.

TREASURER’S REPORT: Jill Bukata presented the financial report and payment authorizations.

Cash balances are as follows

General Fund	\$ 78,597.90
Liquid Fuels Fund	\$303,351.09
Capital Project Fund	\$428,362.41
Escrow Fund	\$209,717.97
West Chester Road Fund	\$192,049.55
Park and Recreation Fund	\$232,719.32

Payment authorizations for the period of October 26, 2011 through November 15, 2011

From the General Fund	\$ 92,710.97
From the Liquid Fuels Fund	\$ 49.36
Escrow Account	\$ 2,738.61
Park and Recreation Fund	\$ 1,037.04
Payroll Transfers	\$ 79,993.52

September 2011 Treasurer's report – Mrs. Bukata represented the September 2011 Treasurer's report. Mr. Amentas asked Mrs. Bukata if she made any changes to the report since the October meeting. Mrs. Bukata replied that she did not make any changes because she feels that the report is correct. Mr. Barach asked Mrs. Bukata if the differences in the report have been resolved. Mrs. Bukata replied that there are still differences of \$3,083.00 in expenses and \$5,300.00 in revenue. Mrs. Bukata informed the Board that she predicted a \$70,000.00 – \$80,000.00 cash deficit for the year. Mr. Barach stated that he will not approve the Treasurer's report until the differences are reconciled. After further Board discussion it was decided to table the approval until the December meeting.

October 2011 Treasurer's report – Mr. Barach asked Mrs. Bukata for the amount of un-reconciled differences. Mrs. Bukata replied that she explained \$7,000.00 of the \$11,000.00 revenue difference and \$19,000.00 of the \$25,000.00 expense and expenditures. Mr. Barach stated that he will not approve the report until the differences are resolved. Mr. Makely asked if there will be an audit performed when Mrs. Bukata leaves employment. Mr. Barach suggested expressing to the auditor that he concentrate on the last two months as part of the 2011 audit. Mrs. Bukata replied that she already spoke with the auditor and asked him to perform an "exit audit." Mr. Barach also asked Mrs. Bukata to make a list of reports that still need to be signed. Mrs. Bukata replied that she will still do some things for the township after she leaves, such as writing the Management Discussion and Analysis (MD & A) letter. Mr. Amentas asked if the presence of the discrepancies render the treasurer's report defective. Mr. Barach replied "perhaps it does." Mr. Pompo asked the Board if they could accept one of the balances as opposed to all of them. Mr. Makley asked Rosemary Moore if she would work extra time to figure out what the discrepancies are. Mrs. Moore replied that she works elsewhere on her off days from the township but she will work extra hours on the days she works for the township. Mr. Barach asked Mrs. Bukata if she has any extra time until Friday. Mrs. Bukata replied that she could stay until 6:00 PM on Thursday. Mr. Barach stated that he will offer explanation to the discrepancies at the next meeting. The Board tabled the approval of the October Treasurer's report until the December meeting.

November 2011 payment authorizations – Mr. Amentas made a motion to approve the November 2011 payment authorizations. Mr. Makely seconded. Mr. Amentas asked Mrs. Bukata what the Borough of Modena check is for. Mrs. Bukata replied that it is for the Modena Fire Company workers compensation insurance that the township is legally obligated to pay. Mr. Amentas stated that the township should look closely at other township's who receive service but are not contributing to workers compensation. Glenn Colyer asked about a \$40.00 invoice payable to Triple Fresh and \$120.00 check payable to the Borough of Parkesburg. Mrs. Bukata replied that the Triple Fresh invoice is for food that was bought in case residents had to take shelter at the township building during Hurricane Irene and the Borough of Parkesburg invoice is payment for borrowing their scale to weigh the truck that hit the covered bridge. Chief Porter stated that the truck driver and the company received approximately \$14,000.00 in fines. Vote: Unanimous.

Mr. Barach asked Mrs. Bukata if the list of delinquent trash invoices have been sent to Portnoff Law Associates "Portnoff". Mrs. Bukata replied that the township had to wait thirty days after the final due date of October 17, 2011 before sending them over. They will be sent on Friday November 18. Mr. Amentas asked if there are any adjustments to the budget on account of the trash invoices being sent to "Portnoff." Mrs. Bukata replied that she asked "Portnoff" their percentage of recovery for the 2010 invoices. "Portnoff" replied that they usually get 40% in the first year.

2012 Coatesville Library donation – President John LeVan, Director Denise Pulgino Stout, and Treasurer Jennifer Boreman from the Coatesville Library. Mr. LeVan informed the Board that East Fallowfield Township residents use the library more than any other township in the surrounding area. Mr. LeVan also stated that East Fallowfield has not made a donation to the Library in the past two years. Mrs. Bukata replied that with the deficits a donation for the library was never brought up. Mr. Amentas asked Mr. LeVan how much was donated in 2008 and 2009. Mr. LeVan replied "approximately \$7,200.00." The donation amount is based on the census and for 2012 the amount would be \$7,249.00.

2012 budget discussion – Mrs. Bukata explained that \$50,000.00 of personnel expense used to work on township roads was allocated to liquid fuels and \$1,800.00 was added for the township office and police office cleaning. The projected 2012 General Fund deficit is \$133,679.00 and \$207,000.00 for 2011. Mr. Amentas asked Mrs. Bukata if there was a snow storm before the end of the year could Liquid Fuel money be used. Mr. Bukata replied "yes." Mrs. Bukata also stated that she spoke with the Public Works Director on keeping accurate records for the Liquid Fuels report. Mr. Barach stated that the records have to be completed 100% or the whole report could be disallowed. Mrs. Bukata replied that the Board could decide that any road work completed after December 1, 2011 will be charged to Liquid Fuels or added to the budget to start January 1, 2012.

Mrs. Bukata informed the Board that a 2012 Dodge Charger for the police department will cost \$31,423.00 including all upgrading to outfit the car. Financed over three years the payment would be \$11,291.00 paying a total of \$33,873.00, financed over four years the annual payment would be \$8,741.00 paying a total of \$34,963. Mr. Amentas stated that the township should lease the car over four years but is concerned about the cost when the lease is completed. Chief Porter replied that the "turn in fee" is \$1.00. Mr. Amentas stated that there are other uncontrollable expense items that may be billed into the budget ultimately once the new Supervisors are sworn in.

Review trash fees and letter – Mrs. Bukata recommended keeping the 2012 trash invoice at \$305.00 with a \$30.50 discount making the total due if paid by January 17, 2012 \$274.50. Mrs. Bukata also stated that electronic payments do not reach the township the same day as it is requested. The bank sends the township a check so there needs to be at least a five day grace period for the township to receive payment. Mr. Amentas and Mr. Makely agreed to keep the trash fee at \$305.00. Mr. Barach asked Mrs. Bukata if the township is breaking even on the trash money after the bad debts are considered. Mrs. Bukata replied "yes."

2012 audit advertisement – Mr. Amentas made a motion to advertise the public notice for the 2012 audit as follows. Notice is hereby given that the Board of Supervisors of East Fallowfield Township intends by resolution to appoint a firm of certified and competent public accounts, Mingis, Gutowski and Company, LLP to replace the elected auditors for fiscal year 2012. Mr. Makely seconded. Vote: Unanimous.

PARK AND RECREATION:

October 2011 summary – The October 2011 summary was presented.

Re-Appointment of two Park and Recreation Commission members – Mr. Dan Johns requested that the Board approve the reappointment of Jeanne Berlin and Brian Carling for the term 2012 – 2016. Mr. Johns also stated that both vacancies were advertised with no response from the public. Mr. Amentas made a motion to reappoint Jeanne Berlin and Brian Carling as Park and Recreation Commission members for an additional five year term commencing in 2012 and ending in 2016. Mr. Makely seconded. Vote: Unanimous.

DCNR grant manager/grant administrator – Mr. Johns asked the Board to approve Chris Della Penna as the project manager/grant administrator for the DCNR grant for the bridge and trail system. Mr. Makely asked Mr. Johns if he knows if Mr. Della Penna is giving a set fee for this project. Mr. Johns replied "no." Mr. Makely asked if Mr. Johns has any objection if he called Mr. Della Penna. Mr. Johns replied "no." Ms. Jan Bowers said that they will need Mr. Della Penna for approximately eight hours in the first couple of months. Mr. Amentas suggested approving a certain amount of time and ask Mr. Della Penna how much time he expects to need and if he will give the township a "not to exceed" amount. Mr. Makely stated that Mr. Pompo said Mr. Della Penna's fees will come out of the Fee in Lieu of Fund. Mr. Makely made a motion to approve Chris Della Penna as the project manager/grant administrator for the DCNR grant for the bridge and trail system of the East Fallowfield Township Park. Not to initially exceed eight hours, with the fee coming out of the Park Fee in Lieu of Fund. Mr. Toth seconded. Vote: Unanimous.

Mr. Johns stated that the Park and Recreation Commission would like to put a brick in the Patriotic Memorial at the park in honor of Mrs. Bukata.

Mr. Johns requested time at the December 13 board workshop to present a preliminary draft of an ordinance for the park.

HISTORICAL COMMISSION:

No report submitted.

PLANNING COMMISSION:

No report submitted.

POLICE DEPARTMENT:

October 2011 police report – The October 2011 police report was presented.

Chief Porter informed the Board that the bridge on Frog Hollow Road that was damaged by a tractor trailer will be closed until PennDot completes their repairs. Both the driver and the company received citations. Mr. Amentas asked if the public had any questions for the police chief.

Steve Voit stated that the police phone number in the white pages says "police emergency." When calling that number last week it went right to voice mail. Chief Porter gave Mr. Voit the non emergency number of 610-383-7000.

Robert Graham asked Chief Porter the life span of a police car. Chief Porter replied "one year."

Ed Porter asked Chief Porter what method he is using that resulted in the increase of speeding tickets. Chief Porter replied that it depends on the availability of police officers to conduct "speed details."

Mr. Amentas dismissed Chief Porter from the Board meeting.

SOLICITOR'S REPORT:

Mr. Pompo informed the public that before tonight's meeting he met with the Board in an executive session regarding Hidden Valley Mobile Home Park's proposed release settlement agreement. This settlement agreement stems from an enforcement notice that was issued against the mobile home park property on March 31, 2010. The enforcement notice was originally appealed by the land owner of the park and has since been withdrawn. A plan to correct the violation by removal and grading was submitted and approved by the Chester County Conservation District. The terms of the settlement are to have the owner of the property implement the plan to the satisfaction of the township as well as pay a civil penalty of \$12,000.00 and reimburse the township engineering and legal expenses in the matter in the amount "not to exceed" \$6,000.00. This is also in addition to a \$4,000.00 escrow that was originally submitted to the township for those expenses. Mr. Pompo asked the Board to consider approval of the release and settlement agreement in this matter. Mr. Pompo also stated that Mr. Makely reclused himself from discussion on this matter. The memorandum will be attached with the approved minutes. Mr. Amentas made a motion to approve the settlement agreement between East Fallowfield Township and Mr. Harlan. The release draft version being the document "Pompo edit Garrison draft June 28, 2011." Mr. Barach seconded. Mr. Barach asked if the "not to exceed" \$6,000.00 will cover the legal costs. Mr. Pompo replied "yes" in addition to the \$4,000.00. Mr. Makely abstained. Vote: Passed.

LEGAL ISSUES:

Mr. Pompo informed the Board that Coatesville Area School District's Solicitor is working on the water/sewer letter and asked that it be deferred to the December meeting.

PUBLIC WORKS DEPARTMENT:

October 2011 road and vehicle report – The October 2011 road and vehicle report was presented.

October 2011 recycling report – The October 2011 recycling report was presented.

EMERGENCY SERVICES:

October 2011 Pomeroy service report – The October 2011 Pomeroy service report was presented.

UNFINISHED BUSINESS:

No unfinished business presented.

NEW BUSINESS:

SPCA contract – Mrs. Bukata presented the Board with a 2012 SPCA contract for \$3,705.00. Mr. Amentas made a motion to approve the 2012 SPCA contract attached to an October 17, 2011 letter. Mr. Toth seconded. Dennis Crook stated that he called the SPCA two years ago and they did not respond to his complaint. Mrs. Bukata replied that the township did not have a contract with them at that time. Mr. Crook also asked if the SPCA responds to continually barking dogs. Mrs. Bukata replied that she does not think they will. Vote: Unanimous.

PUBLIC PARTICIPATION:

Siti Crook of 2840 Strasburg Road asked if the Comprehensive Plan is in the 2012 budget. Mrs. Bukata replied that it is in the "controllable expenses" but not actually in the budget. Mr. Amentas stated that this will be discussed when the two new supervisors are in office. Ms. Crook asked if there are any repercussions in not doing a new comp plan. Mr. Amentas replied that you are constrained by what is included in the plan to a degree. Mr. Pompo stated that any change in zoning has to be consistent with the comp plan. Ms. Crook also asked if anyone was making sure that the zoning matched the comp plan. Mr. Makely replied that the last change was the Training Facility. Mr. Pompo stated that the Training Facility zoning did not change but the use was authorized.

Dennis Kozlowski of 1100 South Caln Road asked the Board if the township keeps records of road repairs done in the township. Mrs. Bukata replied that she asked the Public Works Director this question and is waiting for a response.

Jennifer Kerstetter of 195 Wilmington Road asked the Board the status of the ATV ordinance. Mr. Amentas replied that it will be on the December workshop agenda.

Joe Pomorski of 67 Narragansett Drive wished Mrs. Bukata luck at her new job.

Charles Kilgore of 1215 South Caln Road asked the Board if they or Mr. Della Penna have a resolution to the Fieldstone Development runoff problem. Mr. Amentas replied that Mr. Della Penna is meeting with Rouse Chamberlain and members of the Chester County Conservation District tomorrow.

Bob Grant of 115 Columbia Drive suggested that the township remove the township owned trash cans from the residents who have delinquent trash bills and have them buy the yellow bags. Mr. Amentas replied that York Waste owns the trash cans and he doesn't think it would be feasible to remove the trash cans. Mr. Amentas also stated that the township hired Portnoff Law Associates "Portnoff" to collect delinquent bills. "Portnoff" will send an initial letter to the residents along with a \$45.00 fee, paid by the resident, and then start the procedure toward a lien of the property if the bill is not paid.

Ed Porter of 795 S. Caln Road asked the Board if the trash company could collect the trash fees. Mrs. Bukata replied that York Waste quoted \$150,000.00 for the collection of trash invoices.

The Board thanked Mrs. Bukata for her services to the township.

ADJOURNMENT: Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 8:30 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary