

EAST FALLOWFIELD TOWNSHIP
March 13, 2012 Approved workshop minutes
6:30 PM

CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

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

1. Chester County Recycling Authority compost site – Mr. Makely read the report prepared by Mr. Gathercole, Public Works Director, stating that the Chester County Recycling Authority's compost site is operated by an East Fallowfield Township road department employee twice a year, is open the second Saturday of the month, no overtime is paid, and the site is available to all East Fallowfield Township residents. Mr. Makely asked Mrs. Moore to have Mr. Gathercole provide the Board with 2012 grant information.
2. Approval of the 2013 salt contract – Mr. Makely presented the Board with the 2013 COSTARS salt contract. The Board would like clarification on how much salt the township has to buy and how much is in the salt shed. Mr. Porter asked if the outside cameras point toward the salt shed. Mrs. Miller replied that she does not believe they do.
3. Rouse/Longview LP – Fei Xue, representing Longview, stated that she is working with Mr. Pompo on completing a draft to address most if not all of the concerns that the township may have. Once completed it will be distributed to the Board.
4. Fieldstone Development garage change discussion – Fei Xue stated that Mr. Pompo recommended getting all of the current homeowners, in the Fieldstone Development, to "sign off" giving their approval to the garage orientation. The Board tabled further discussion until the March 27 meeting.

Mr. Amentas asked Ms. Xue if it is still their requirement for the township to not take any action on the bond. Ms. Xue replied that it is still a condition in order for them to proceed with the purchase of the property. Ms. Xue stated that they would update the property in its current condition and address any violations within a certain time frame. Mr. Makely stated that the Board has never said that they would let "Longview" move forward. Mr. Amentas stated that he wants to see the development completed but doesn't know if this exposes the township to some kind of liability. Ms. Xue asked the Board if the township is willing to do the agreement. Mr. Amentas stated that the Board will be guided by what is in the best interest of the public and the community. If that is having "Longview" get involved and move forward then the Board would agree that is the thing to do. The Board stated that they will be making a decision in March. Ms. Xue asked the board if they should still come up with a draft agreement for the board to review. Mr. Makely replied "yes." Jonathan Penders, receiver, stated that he would like to understand what else would play into the health, safety, and welfare determination before they have their discussion with Mr. Pompo. Mr. Makely replied that the Board is in the same position as they were last month. Ms. Xue stated that they gave Mr. Pompo some feedback to his draft agreement letter and Mr. Della Penna has reviewed their escrow. Mr. Makely directed Mrs. Miller to ask Mr. Della Penna to attend the March 27 meeting. Mr. Della Penna stated that his records show 1.6 million dollars left in escrow. "Bulldog Construction" provided "Longview" with a proposal of \$723,000.00 and \$475,000.00 excluded from the proposal. The total job would be 1.2 million dollars. Mr. Amentas asked Ms. Xue the time frame for the township to call the bond. Ms. Xue replied that they like to propose five years, which is the deal they have with Travelers. Mr. Amentas is concerned if any of the residents came to the township and say that they want work finished now that the township would have to tell them that they entered into this agreement. Mr. Penders stated that if the Board is considering a bond action then it should be done now. Mr. Amentas stated that his opinion is that it is not a good idea to call the bond right now. Mr. Della Penna asked Ms. Xue if they will have someone on call to fix maintenance problems. Ms. Xue replied that they will have

someone on call for routine maintenance issues. Mr. Della Penna also asked Ms Xue about the "mail service and "school bus service." Mrs. Xue replied that they do not get involved with those services.

5. MPC list of current developments and current escrows and when they were established – Mr. Della Penna presented the Board with a list of escrows and establishment dates of current developments. Mr. Amentas asked Mr. Della Penna the status of Dewey ("Dewey") Homes and the HOA issues. Mr. Della Penna replied that he received a letter requesting a "final punch list" on both phases, because they want final dedication this year and "Dewey's" point of view was that the individual home owner lots are not public improvements. Mr. Amentas stated that two years ago "Dewey" was told that the township would not give dedication until those issues were resolved. Mr. Porter asked Mr. Della Penna if the escrows of the developments on his list should be increased. Mr. Della Penna replied that he didn't evaluate them in that regard but the "punch list" items that he came up with such as road problems, curbs, and sidewalk are not escrow matters. If the road breaks down, it comes out of the developer's pocket. Mr. Della Penna stated that "Dewey" asked him for landscaping approval in Phase I, the one that draws escrow money, and his response was that he already paid for landscaping. Mr. Porter stated that he would like to know the figure for the West Chester/South Caln intersection project. Mr. Makely stated that at the next board meeting the Board will ask Mr. Pompo to get contracting estimates for that project.
6. Municipal management of on-lot sewage disposal facilities draft ordinance/septage management data system – Mr. Makely asked "what is the enforcement for this ordinance." Mr. Toth replied that the township has to hire their own inspector or you can report directly to the County. The Board tabled a "vote" for advertisement until the March 27 meeting.
7. ATV ordinance – Mr. Pomorski stated that he would like to observe the "riding of the bikes" before he makes a decision. Mr. Makely stated that the Board has to make sure they separate a "private" situation from the passing of this ordinance. Mr. Amentas stated that, as a Board, this ordinance should only be considered if it is a significant enough public concern. Mr. Amentas also stated that he would also like to observe the "riding of the ATV's." Mr. Toth stated that "something" should be on the books but a 250 foot setback is significant. Mr. Porter stated that he understands both sides in this matter and hopes that both parties can come to an agreement. The Board tabled further discussion until the April 24 meeting. Mr. Amentas stated that they should take out the vague language such as dust and speed.
8. Solicitor resumes – Mr. Makely presented Lamb McErlane's hourly rate of \$190.00 reduced from \$195.00 per hour and Parke, Barnes, Spangler, Oste & Wood's at \$160.00 per hour. Mr. Makely directed Mrs. Miller to put a motion to appoint Parke, Barnes, Spangler, Oste & Wood on the March agenda. Mr. Amentas reclused himself because he is running for State Senate and he is getting some logistical support from the Republican Party and "Lamb McErlane" is a "contributor." (Conflict of Interest Memorandum attached).

Mr. Porter stated that the "sewer consultant" resumes are in his packets but not on the agenda. Mrs. Miller replied that they are in there in case the Board decided to talk about them. Mr. Porter also stated that the resume for F.X. Browne, Inc. does not include an hourly rate. Mr. Porter asked Mrs. Miller if "Buckley Brion" reduced their fee to \$150.00 per hour. Mrs. Miller replied that they rescinded the \$150.00 per hour and proposed \$180.00 per hour. The Board directed Mrs. Miller to make sure that there is no error in the proposal. Mr. Makely directed Mrs. Miller to put "a vote" for the Zoning Hearing Board on the March 27 agenda.
9. Rob McLarnon's safety report – Mr. Toth stated that the Board should make a universal motion to include the heat in the bathrooms, the exit signs, and Mr. McLarnon's report. The Board should also consider the work for the police station moving to the township building. Mr. Porter stated that he asked Chief Porter to give some thought to the police station moving to the township building. Mr. Amentas stated that the township needs to have the meeting room for their meetings and there is probably more work involved in moving the police station over than the Board thinks. The Board also talked about using East Fallowfield Elementary School in the future.

10. Comprehensive Plan – Mr. Toth suggested contacting other townships to do a “joint” comp plan.
11. Act 537 update – Mark Toth stated that Act 537 has to be updated.
12. Police department fundraiser – Mr. Amentas stated that he would like to have a fund raiser to raise money for a new police station or to move the police station to the township building. Mr. Makely volunteered to help with the fundraiser.
13. Fire coverage discussion – Mr. Toth recommended to discontinue with the “fire consolidation” and not spend any more money towards it. The Board moved the “vote” to the March 27 meeting.
14. Noise/pollution issues – Mr. Pomorski stated that a resident came to him and complained about the noise that comes from the Coatesville Scrap Yard and ArcelorMittal and claims that the noise is in violation of the township’s “noise ordinance.” Mr. Pomorski also stated that Chief Porter said that “noise” for manufacturing plants is governed by the state. Mr. Pomorski asked the Board how they move forward with this kind of complaint since both places are not in the township. Mr. Makely stated that the township sent ArcelorMittal letters and got the response that “there is nothing the township can do.” Mr. Makely suggested asking Mr. Pompo for his opinion on how to move forward with the complaint. Mr. Amentas stated that the township zoning official and police department do not have any jurisdiction because both facilities are not in our township.
Mr. Amentas also stated that the activities at both facilities pre-date anything that is enacted on the township books.
15. Employee handbook timeline – Mrs. Moore presented a quote from “Paychex” to complete the “employee handbook” as well as other services.
16. Public safety tax – Mr. Amentas stated that East Caln Township has a “public safety tax” that is only applied to businesses and would like to get Mr. Pompo’s opinion on East Fallowfield enacting this kind of tax.

Mr. Porter informed the Board that former supervisor, Denny Howell has passed away.

Mr. Makely made a motion to adjourn at 8:20 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully submitted,



Denise Miller
Township Secretary

EAST FALLOWFIELD TOWNSHIP

MEMORANDUM FOR DISCLOSING A CONFLICT OF INTEREST IN ACCORD WITH SECTION 1103(j) OF THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS ACT, 65 PA.C.S. § 1103 (j) (FILE WITH PERSON RESPONSIBLE FOR RECORDING THE MINUTES OF THE MEETING)

Pursuant to Section 1103(j) of the Public Official and Employee Ethics Act

("Ethics Act"), 65 Pa.C.S. § 1103 (j), this written memorandum will serve to disclose

that I, Christopher, in my capacity as a Supervisor of
(name) Amertec (public position held)

EAST FALLOWFIELD TOWNSHIP am abstaining from agenda item 8 A+b
(number)

_____ for the regular/special meeting of
(letter or other identifier of agenda item)

3/13/12 pertaining to Solicitor Resumes, due to a conflict
(date) (description of agenda item)

of interest under the Ethics Act. The nature of my interest is as follows:

I am running for State Senate and receiving support
from the Republican Committee of Chester County.
Lamb McErlane, which employs our solicitor, is a
contributor to RCCC.

(provide a description of the nature of the interest, for example, "my son I applying for the job," or "my employer is bidding on this project")

Date: 4/9/12

Ch. Co.
(signature)