

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
May 22, 2012  
Unapproved minutes  
6:37 PM

Mr. Amentas called the Board of Supervisor's meeting to order with a moment of silent meditation and the pledge of allegiance.

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

EXECUTIVE SESSION: Mr. Amentas announced that there were executive sessions on April 9, 2012 at 5:30 PM and May 22, 2012 at 5:45 PM regarding personnel issues.

APPROVAL OF MINUTES:

April 9, 2012 workshop minutes – Mr. Amentas made a motion to approve the April 9, 2012 workshop minutes as presented. Mr. Toth seconded. Mr. Makely abstained. Vote passed.

April 17, 2012 BOS minutes – Mr. Amentas made a motion to approve the April 17, 2012 BOS minutes as presented. Mr. Toth seconded. Mr. Pomorski stated that he did not second the Zoning Hearing Board appointment, he opposed it. Mr. Pomorski also stated that the vote was three to one. Mr. Porter would like Jonathan Penders, Rouse Chamberlin, agreement to his comments regarding "getting more bids" added. Mr. Makely instructed Mrs. Miller to confirm the requested changes with the tape before making any changes. Mr. Amentas amended his motion to approve the April 17, 2012 minutes as presented with two corrections; one on page two, fourth full paragraph, to add that Jonathan Penders, Court Appointed Receiver, agreed with Mr. Porter's comments, and reflect on page three, that Mr. Toth made the motion for the Zoning Hearing Board appointment. Mr. Makely seconded it, and Mr. Pomorski voted against it. Mr. Porter seconded. Vote: Unanimous.

Presentation from Dave Fiorenza of Local Government Management Services, LLC – Mr. Fiorenza presented a full report on township issues and suggestions for the township, such as recommending the hiring of a township manager, with long term vision and goals, and enacting a township tax, if the Board so wishes. Mr. Fiorenza also stated that he is concerned with the budget long-term. Mr. Fiorenza also offered his services, to the Board, for any future work that may needed. Mr. Amentas stated that public comment will be heard at the June 26 meeting, and copies will be available in the township office.

SOLICITOR REPORT: Mr. Pompo presented the Board with an agreement that follows the last two months discussions, between the township and the Bawa Fellowship ("Bawa"). Mr. Pompo also stated that he made it very clear, in paragraph two, that the plan has not been reviewed by the township, any of the township's professional consultants, including the engineer, land planner, solicitor, the East Fallowfield Township planning commission, for compliance with the area, and both regulations of the zoning ordinance or any other applicable ordinances. Mr. Amentas would like "The Township agrees to act in good faith with "Bawa" in reviewing the conditional use and land development approvals" omitted from the agreement, because it presumes that the township needs it in writing to act in good faith. The Board agreed to have it omitted. Mr. Amentas made a motion to approve the draft settlement agreement between the Board of Supervisors and the Bawa Fellowship with a draft date of May 2, 2012 and a revision date of May 8, 2012, with the sole change being paragraph five stricken from the agreement. Mr. Makely seconded. Vote: Unanimous. Mr. Pompo stated that he will leave the signature pages with the secretary for signature and attach them to the amended agreement.

Mr. Makely asked Mr. Pompo if there are any current litigation matters with the township. Mr. Pompo replied "to the best of my knowledge, no."

LEGAL ISSUES:

55 Carlin Drive "At-Grade Bed" sewer system and "Installation and Maintenance Agreement for Individual On-Lot Disposal System." Mr. Pompo explained that the purpose of the "At-Grade Bed" agreement is for the Health Department to have a record created that identifies that the township knows they can require an "Operation and Maintenance Agreement" ("O&M Agreement") for this type of on-lot system by either checking yes or no. Mr. Pompo also stated that the "O&M Agreement" is only required for those systems that the County determined to require some additional oversight. Mr. Amentas asked if the county provides any oversight. Mr. Pompo replied that the County investigates the soil to see what is permissible, then they will issue the permit, and if there is a problem with the permit they have the responsibility of enforcement. Mr. Makely asked Mr. Pompo if there is a time

frame on the repair and or operation. Mr. Pompo replied that the agreement is intended for as long as the system is being utilized at the property. Mr. Pompo also stated that the agreement contemplates the system construction, initial start up period, certain inspections during the first year, and ongoing inspections going forward. The Board has concerns with signing the "O&M Agreement" but will sign the "Critical Maintenance Notice" checking the box "no." Mr. Amentas made a motion for the appropriate township official to complete and sign the "Critical Maintenance Notice" of the Chester County Health Department as it pertains to 55 Carlin Drive. Mr. Toth seconded. Buddy Rhoades advised the Board not to get involved with septic systems, and made other comments. Dennis Crook advised the Board not to get involved with septic systems as well, and made other comments. Brian Carling advised the Board not to get involved with septic systems. Timothy Frank, zoning officer and code director of another township, advised the Board not to get involved with septic systems, and made other comments. Siti Crook commented on the "Critical Maintenance Agreement." Mr. Porter and Mr. Pomorski voted nae. Mr. Makely, Mr. Amentas and Mr. Toth voted yea. Vote passed.

Potential sale of 17 and 19 Newlinville Road – Mr. Pompo informed the Board that if the property is worth more than \$1,500.00 you have to either have a "sealed bid" or an auction. Mr. Makely stated that the property was given to the township because there was nothing you could do with it. Mr. Pompo told Mrs. Miller to give Tracy Keller, of his office, the information on the properties and she will get the deed and tax information for you. The Board would like to discuss this matter further at the June 12 workshop.

Timothy Frank an Independent Consultant representing a prospective buyer for Ralph and Edna Prang's property located at 370 Doe Run Road – Mr. Frank, zoning officer and director of code enforcement of another township, informed the Board that he is here representing Mr. Helm, equity owner, to obtain a "salvage yard" permit. Mr. Frank also clarified that the address is 380 Doe Run Road. Mr. Pompo informed Mr. Frank that he has to submit something to the Board for what he wants. Mr. Frank replied "use and occupancy." Mr. Pompo answered "if that is what you want." Mr. Pompo told Mr. Frank that he doesn't want him leaving the meeting believing that the Board or the township has given him anything that he can rely upon, based upon what your client may or may not intend to do in the future with the property, even if what they may intend to do or not to do is exactly what is being done today. Mr. Amentas stated to Mr. Frank "if you're asking if the Board or any member of the Board has had any discussion to preclude him to something that he is legally allowed to do, the answer is no." Mr. Pompo told Mr. Frank that the Board is not giving him, in any way, direction as what he can or cannot do. Mr. Frank also informed the Board that he received several letters and a phone call regarding "land development." Mr. Amentas stated that he would like to see those letters.

Mount Carmel Road bid – Mr. Porter questioned the figures. Mrs. Miller stated that she went over the figures with Tag, Public Works Director, and he said the figures are correct and last month figures were inadvertently switched. Mr. Pompo stated that the Scott Farm Development cannot get their sewer capacity until the Board adopts the 537 Act. Mr. Pompo also stated that they may have to pave the utility roads. Mr. Porter stated that there is a liability issue because the road is caving in, in two spots. Mr. Porter also suggested placement of cones in the area. Mr. Amentas made a motion to authorize the public works director to work with Mr. Della Penna in putting together two bid packages for the overlaying of Mount Carmel Road and Mortonville Road. Mr. Makely seconded. Buddy Rhoades suggested also milling the roads as well as made other comments. Vote: Unanimous.

("CRM") CRM Energy Group, LLC. – Utility Auditing and Analysis Agreement– Mr. Pomorski introduced Brandon Harris, President and Owner of "CRM", to present the Utility Auditing and Analysis Agreement and Deregulation Agreement. Mr. Harris stated that the Utility Auditing and Analysis consists of "CRM" analyzing the rates, tariffs, discounts, riders and total charges of your utility bills, and the client would pay "CRM" 50% of any refund or credit resulting from that analysis. The Deregulation Agreement consists of "CRM" contacting licensed electric suppliers, on the townships behalf, and presenting the necessary information to obtain customized price quotes based on the energy requirements. "CRM" will also continue to monitor the deregulated energy marketplace for any additional opportunities. Mr. Harris also explained that in the first phase auction all the major companies will bid on the account, and in the second phase the top three prices will come back and they will get a chance to bid again. "CRM" will then present the township with the lowest bid. Also, all services are free. Mr. Porter pointed out that it was stated previously that "CRM" works for the utility companies. Mr. Harris replied that they get paid by the utilities but they do not work for them, they represent the client. Mr. Porter stated that he had Mrs. Moore pull the township and police energy bills for part winter, part summer, and for off season, and the township is already saving money using "Liberty Power Holdings" found by researching "PA Power Switch." Mr. Porter also informed the Board that the police station is under "residential" billing for their utilities. Mr. Pomorski made a motion to authorize CRM Energy Group, LLC to analyze the rates, tariffs, discounts, riders, and total charges that apply to our utility billings for the police and township offices, and submit recommendations for possible savings, credits or refunds for the police and township offices. Mr. Makely seconded. Mr. Amentas asked Mr. Pomorski to withdraw his motion and amend it to make a recommendation to just authorize the Board to sign the Utility Auditing and Analysis Agreement. Mr. Pomorski replied "ok". Mr. Amentas made a motion to authorize the Board of Supervisors to enter into an agreement with CRM Energy Group LLC. in the form provided to the Board called the Utility Auditing and Analysis Agreement. Mr. Makely seconded. Mr. Porter asked Mr. Amentas if he is concerned with the contract. Mr. Amentas replied "no, because I do not see anything to lose." Mr. Porter stated that he is concerned with locking into a contract. Mr. Amentas explained that his interpretation

of this agreement is that "CRM" is going to conduct an analysis and offer recommendations. The township would be responsible to pay them, to the extent that if money is saved, as of result of implementing their recommendations, and if the township chooses not to implement any of the recommendations, the township owes nothing. If the township chooses to go in another direction, after six months, the township also owes nothing. Buddy Rhoades stated that Dave Fiorenza should have reviewed the contracts, as well as made other comments regarding the motion. Mr. Amentas agreed that Mr. Fiorenza should look at the contracts. Mr. Amentas called for a vote. Mr. Makely, Mr. Porter, Mr. Toth, and Mr. Amentas voted nae. Mr. Pomorski voted yea. Vote failed. The Board tabled further discussion until the June 26 meeting.

("CRM") Energy Group, LLC. – Deregulation Agreement – No motion was made.

Discussion of the township cell tower – Mr. Toth suggested putting the township tower lease out to bid. Mrs. Moore stated that "PSATS" said that if your annual revenue exceeds \$18,500.00 you are required to put it out to bid. Mr. Toth asked Mrs. Moore how much does the township receive annually for the tower. Mrs. Moore replied "approximately \$25,000.00 to \$30,000.00." Mr. Pompo stated that the lease that the Board is looking at is an extension for six successive five year terms. Mr. Toth asked Mr. Pompo if you can terminate between the six years. Mr. Pompo replied that he would find out and get back to him. The Board agreed to pursue this matter further.

CITIZENS by REQUEST:

Buddy Rhoades spoke about Liquid Fuel money not collected by the township, approximately seven miles of road that he believes was not sent to PennDOT, the repair of the bridge damaged during a storm, the uncompleted audit, the speed limit sign on Strasburg Road that is facing the wrong way, and asked how much income does the township get from the state police.

Mr. Porter asked Chief Porter if the state police fee is for townships without a police department, or do you have to pay the fee regardless. Chief Porter replied that the fee applies if you don't have a full time police department.

Mr. Porter asked Mrs. Miller the status of the Providence Hill dedication. Mrs. Miller replied that Tag, Public Works Director, obtained a new "Liquid Fuels list" and Providence Hill roads are included.

Mr. Porter asked Mr. Pompo the status of "Baron Crest." Mr. Pompo replied that he does not recall if it is dedicated yet. Mrs. Miller stated that it has not been dedicated yet and the road department is plowing the roads for safety reasons. Mr. Pompo stated that if you can't get someone to actually execute a "dedication", you could draft a resolution that is recorded with the Clerk of Courts.

ATV Ordinance – Mr. Amentas made a motion to advertise an ordinance amending the code of ordinance of the Township of East Fallowfield, Chester County Pennsylvania, setting forth the definition and regulations for the registration and operation of recreational vehicles and dirt bikes within East Fallowfield Township, and providing penalties for violation. September 14, 2011 version 7 solicitor revision, final secretary revision May 9, 2012 with the change under Section 10-402 "Operation and Use" setback requirement changed to fifty (50) feet from any adjoining or adjacent property line and one-hundred (100) feet from an offsite residential dwelling. Mr. Toth seconded. Jennifer Kerstetter suggested changing the definition of operation to "any manner" and add power wheels under recreational vehicles. John Davis stated that they are asking for a decent set back and commented on the noise and dust, as well as other comments. Mr. Amentas asked the rest of the Board if there are any versions that they would vote on, and if the answer is no then this ordinance is done. Mr. Pomorski replied "based on the setbacks, no." Mr. Porter replied no, but he understands both sides. Mr. Makely previously stated "I am totally against it." Mr. Amentas called for a vote. Mr. Toth and Mr. Amentas voted "yea." Mr. Pomorski, Mr. Makely, and Mr. Porter opposed. Vote failed. Mr. Amentas made a motion to pass the prior mentioned ordinance motion with the setback requirement omitted, Section 10-402, and the time limitations being 7 PM to 9 AM. Mr. Toth seconded. Jennifer Kerstetter commented on the motion. Buddy Rhoades commented on the setback, dust, and acreage regarding the ATV ordinance. Mr. Amentas called for a vote. Mr. Amentas and Mr. Toth voted "yea." Mr. Makely, Mr. Pomorski, and Mr. Porter nae. Vote failed. Mr. Amentas made a motion to pass the previously discussed ordinance, Secretary last revised May 9, 2012, with Section 10-402 Section C omitted with "time limitations: set a 7 PM - 9 AM. Mr. Toth seconded. Mr. Amentas and Mr. Toth voted yea. Mr. Pomorski, Mr. Porter, and Mr. Makely voted nea. Vote failed.

The Board excused Mr. Pompo from the meeting.

TREASURER'S REPORT:

April 30, 2012 Treasurer's report – Mrs. Moore presented the April 30, 2012 Treasurer's report, as well as reported that Mrs. Bukata has still to complete the audit report. Mr. Amentas made a motion to approve the April 30, 2012 Treasurer's report as presented. Mr. Toth seconded. Siti Crook asked the Board if the "Longview" invoice from Vince Pompo been received.

Mrs. Moore replied "no." Buddy Rhoades asked if "Fieldstone" was billed for the bridge and township road work. Mr. Porter asked Mrs. Moore if the township gets paid for the "scrap" items they pickup up. Mrs. Moore replied "yes." Mr. Makely abstained. Vote passed.

April 2012 payment authorizations – Mr. Toth made a motion to approve the April 2012 payment authorizations as presented. Mr. Pomorski seconded. Mr. Toth asked about the \$5.00 checks. Mrs. Moore explained they are for residents who overpaid on their trash bills. Mr. Amentas abstained. Vote passed.

Mr. Porter presented the Board with a personal \$350.00 check to pay for the PSATS Convention Conference and class that he signed up for, but did not attend.

**POLICE DEPARTMENT:**

April 2012 police report – The April 2012 police report was presented by Chief Porter.

Buddy Rhoades asked Chief Porter if a "speed check" was performed on Misty Patch Road and South Caln Road, stated that the speed sign is not working, and asked if the speed check machine was replaced and what was the cost of it. Chief Porter replied that it was replaced by insurance and the cost was approximately \$1,800.00. Mr. Amentas asked Chief Porter if the action history and other circumstances surrounding the above mentioned intersection warrant a reduction of speed. Chief Porter replied that he would have to pull his records. Chief Porter also stated that you have to follow the "eighty fifth percentile" from the state. Buddy Rhoades also commented on the Old Wilmington Road "speed humps."

John Davis asked Chief Porter "how do you handle "noise" calls". Chief Porter replied that there is not much he can do regarding TV, radio's etc. Mr. Amentas asked Chief Porter what he would do if someone called about their neighbor's music being too loud. Chief Porter replied that it would fall under the "noise" ordinance from 10 PM to 7AM or asking the occupant to turn the music down.

The Board excused Chief Porter from the meeting.

**PARK AND RECREATION:**

Mr. Carling presented the May 2012 report.

"Hats off to our Heroes." – Mr. Amentas made a motion to approve the "Hats off to our Heroes" Memorial Day celebration on May 28. Mr. Makely seconded. Vote: Unanimous.

**HISTORICAL COMMISSION:**

No reports were submitted.

Mr. Porter stated that Paula Coyne has passed away and expressed his thanks for all her services to the township. Joe Pomorski informed the audience that Mrs. Coyne's memorial service is on June 9.

Mr. Amentas excused himself for a brief moment.

**PLANNING COMMISSION:**

No reports were submitted.

**PUBLIC WORKS DEPARTMENT:**

April 2012 road and vehicle report – No presentation – see report.

April 2012 recycling report – No presentation – See report

Central Chester County Recycling Authority \$2,000.00 – Mr. Toth made a motion to lend the Chester County Recycling Authority \$2,000.00 to pave the entrance route and composting pad located at 2240 Upper Gap Road, to be paid out of the General Fund and reimbursed in approximately three months. Mr. Makely seconded. Buddy Rhoades spoke on the motion. Vote: Unanimous

Brush Cutter and 2000 Crown Victoria – Mr. Makely made a motion to send the Alamo Brush Cutter out to bid with a starting bid of \$6,000.00 and the 2000 Ford Crown Victoria out to bid with a starting bid at \$300.00. Mr. Toth seconded. Mr. Porter asked where the starting bids came from. Mrs. Miller replied that she asked Chief Porter and Tag for starting numbers. Buddy Rhoades

asked what the original price for the brush cutter was. Mrs. Moore replied that she will find out. Mr. Porter stated that \$6,000.00 is high. Vote: Unanimous.

Weeds Incorporated – Mr. Makely made a motion to approve the contract quote, Q-P2-899, for Weeds Incorporated to perform non-selective and brush and broadleaf services on the township road right-of-way at a cost of \$3,995.00 to be paid out of the Liquid Fuels Fund. Mr. Toth seconded. Mr. Porter asked if all township roads are sprayed. Mr. Makely replied “the township roads that are interfering with the right-of-way.” John Davis asked about the resident flowers that are close to the road way. Mr. Toth replied that they try not to touch them. Vote: Unanimous.

**EMERGENCY SERVICES:**

Westwood’s 1<sup>st</sup> Quarter Fire Chief and EMS reports– No presentation – See report.

**UNFINISHED BUSINESS:**

Update regarding outside sign – Mr. Porter stated that two more boy scouts have come forward to do the sign for their “Eagle Scout Project”, but they have to do the project from start to finish by themselves and not with another troop. Mr. Porter also suggested putting something on the website for residents to submit a “new emblem” for the sign.

**NEW BUSINESS:**

No new business submitted.

**PUBLIC PARTICIPATION:**

Buddy Rhoades of 2176 Strasburg Road asked the Board why the road crew is mowing part of the Brook Crossing Development, by the police station. Mr. Makely replied that it was part of the dedication. Mr. Makely directed Mrs. Miller to put this question on the agenda for Mr. Pompo to answer.

Dennis Crook of 2840 Strasburg Road stated that there are no silt fences or ground cover over the dirt in the Fieldstone Development. Mrs. Miller stated that Mr. Della Penna has recently submitted a report on the Fieldstone Development.

Buddy Rhoades of 2176 Strasburg Road stated that a silt fence is required for all Developments.

Dennis Kozlowski of 1100 South Caln Road asked the Board if Mr. Della Penna sent them a report on the Fieldstone Development since the last meeting.

Mr. Porter stated that he and Tag went out to look at Lot 5 in Northwoods and questioned the building site.

Mr. Makely directed Mrs. Miller to ask Mr. Della Penna to attend the June 26 BOS meeting to answer resident questions.

**ADJOURNMENT:** Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 9:42 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Township Secretary