

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 24, 2012
Approved minutes
6:30 PM

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

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

APPROVAL OF MINUTES:

June 26, 2012 workshop minutes – Mr. Toth made a motion to approve the June 26, 2012 BOS minutes as presented. Mr. Porter seconded. Vote: Unanimous.

July 10, 2012 workshop minutes – Mr. Toth made a motion to approve the July 26, 2012 workshop minutes as presented. Mr. Pomorski seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

Emma Beck – Not present

Buddy Rhoades – Mr. Rhoades spoke about Frog Hollow Road, the 7/23 covered bridge meeting, Baron Crest, and other township matters. Mr. Rhoades also made the comment that Jeff Seder is the one that is holding the bridge process up.

LEGAL ISSUES:

Kevin Broadhurst Senior Director of Public Affairs for Comcast – Mr. Porter asked Mr. Broadhurst what is involved in the township acquiring an “access channel.” Mr. Broadhurst replied that you would have to get a return line installed and build a fiber line to the township building, purchase video equipment etc. Mr. Broadhurst stated that you could also go with “web casting” which is posting video online. Mr. Pomorski asked Mr. Broadhurst the cost of this. Mr. Broadhurst replied that it depends on how much the township wanted to do. Mr. Porter asked about the \$5,000.00 that is in the contract. Mr. Broadhurst replied that if the township went with the “channel”, Comcast would reimburse the township \$5,000.00. Mr. Porter also asked if there is any way to evaluate the cost of getting a return line to the township if they signed an extended franchise agreement. Mr. Broadhurst replied “yes.” The Board agreed to also contact Verizon and see what they have. Mr. Toth made a motion to permit Comcast to conduct a technical survey. Mr. Pomorski seconded. Bob King commented about Coatesville’s cable channel. Vote: Unanimous.

PennDot Agility Agreement – Bob Kennedy, of PennDot, presented the Board with an Agility Agreement for PennDot and East Fallowfield Township to share services. This agreement would allow the township to get reimbursed in services by PennDot for work they did for PennDot. Mr. Toth made a motion to approve Resolution 2012-09 authorizing the Board of Supervisors to sign the Agility Agreement between East Fallowfield Township and the Commonwealth of Pennsylvania Department Transportation. Mr. Porter seconded. Buddy Rhoades agreed with motion. Vote: Unanimous.

Intergovernmental Cooperation Agreement (“COG”) Ordinance 2012-01 – Mr. Pomorski presented the Board with a “COG” agreement where the township would pay \$250.00, to be held in an account, for any legal issues. Also, any agreements between municipalities are not bound by this particular agreement. Siti Crook commented on the costs. Mr. Pompo stated that if this is not approved tonight the advertisement is good for another sixty days, so it would not have to be re advertised. Mr. Porter stated that he is concerned with private businesses organizing these meetings. The Board agreed to table adoption until the August 28, 2012 BOS meeting.

Manchester Farm Phase #1 payment request #28 – Mr. Pompo informed the Board that Mr. Della Penna has signed off on this request regarding landscaping. There is also a letter with a new request from Mr. Ken Dewey that has not been signed off by Mr. Della Penna. This release is to pay the township legal and inspection expenses for \$7,196.35. Mr. Porter presented Mr. Pompo with Manchester’s latest Department of Environmental Protection Earth Disturbance report, and asked who is responsible for the basin and the condition that they are in. Mr. Porter also suggested having a policy where Chris Della Penna, a Home Owner Association representative, and the Builder attend meetings when there is a payment request. Mr. Toth asked Mr. Pompo if the Board could table this until next meeting. Mr. Pompo replied that the Board has forty five days from the June 26, 2012 request to make a decision, or the request is deemed approved. Mr. Toth motioned to advertise a “special meeting” on Wednesday, August 1, 2012 at 6:30 PM at the township building. The Board agreed to have a “special meeting” on Wednesday,

August 1, 2012 and requested the attendance of a home owners representative, Chris Della Penna, a representative from the builder, and affected residents. Mr. Pomorski seconded. Buddy Rhoades spoke about the attendance of Supervisors at the meetings. Mr. Porter replied that he is not voting on this request because he would like Mr. Della Penna at the meeting. Vote: Unanimous.

Weeds and noxious growth ordinance amendment – Mr. Toth made a motion to advertise an ordinance amending Section 10-204, Chapter 10, Part 2 of the Code of Ordinances, weeds and noxious growth. Solicitor draft 7/10/12. Mr. Pomorski seconded. Sharon Scott commented on the definition of weeds and the former Strunk farm. Mr. Pompo stated that this proposed ordinance does not make any changes to any of the substance of the provisions in the existing ordinance as to what are vegetation or a weed and their height. It amends the enforcement section to allow the township to include costs other than the mowing service, such as administration. Buddy Rhoades stated that the township should not be mowing vacant lots in the township. Mr. Porter stated that he is disturbed that a resident's property was discussed regarding how it was too wet to mow, and that day he received a citation. Mrs. Miller stated that Rob McLarnon, code official, works on complaints and he received a complaint, prior to this discussion, about this particular property regarding mowing. Mr. Toth asked Mr. Pompo if the code official is responsible to patrol for violations. Mr. Pompo replied "that it is up to the Board." Buddy Rhoades asked the Board who authorizes the road department to mow the foreclosure houses. Mrs. Miller replied "that is what the ordinance states." Bob King asked if you submit a right-to-know request can you get the complainant's name. Mr. Pompo replied "no, because there is an exception in the statute regarding names of complainants, so the name would be redacted from the complaint." Mr. Porter stated that he would like to further discuss enforcement of this ordinance. Charles Kilgore stated that the township put rock sixty feet around his property and rain washed them onto his property so he cannot mow. Mr. Toth called for a vote. Mr. Toth and Mr. Pomorski voted yea and Mr. Porter voted nae. Vote failed. The Board agreed to move this motion and the discussion of the weeds ordinance to the August 1, 2012 special meeting.

2013-2016 Regional household hazardous waste collection program commitment form – Mr. Porter asked Mrs. Moore the cost of this program. Mrs. Moore replied that \$1,000.00 was budgeted in expense and \$1,500.00 in revenue. Mr. Toth made a motion authorizing the Board to sign the 2013-2016 regional household hazardous waste collection program commitment form. Mr. Pomorski seconded. Buddy Rhoades commented on the motion. Sharon Scott commented on the motion. Vote: Unanimous.

380 Doe Run Road junk yard application – Mr. Pompo presented the Board with a "junk yard" application submitted to the township on July 13, 2012 by Lester R. Helm for the premises of 380 Doe Run Road within the O-I district which allows a "junk yard" use by Conditional Use, and sets certain standards for that. Mr. Pompo asked Mr. Tim Frank, representing Mr. Helm, what is the exception to "keeping or retaining upon the licensed premises, for a period of 48 hours after purchase or receipt thereof, all junk received or purchased and not to disturb the same until after 48 hours have elapsed." Mr. Frank replied "it is not pertinent to the actual salvage and junk bed." "Also, the applicant is willing to adhere to the conditions, but they are very gray, and there is concern how they will be enforced." Mr. Pompo also stated that he asked Rob McLarnon, code official and zoning officer, if there is an operating junk yard at this location, and he said no. Mr. Porter asked if Mr. Prange or Mr. Helm is the owner. Mr. Frank replied that Mr. Helm is the current equity owner, but if the soil test comes back unfavorable then Mr. Helm could walk away from the agreement. Mr. Frank also stated that fees have been paid to the State and they recognize that this property is an existing junk yard and salvage yard. Mr. Porter asked Mr. Frank if they are looking to operate a "salvage yard." Mr. Frank replied "yes, but not on a small nature; larger pieces." Mr. Porter also asked what the hours of operation would be, and if this would be a public place. Mr. Frank replied "normal operating hours within the code and it would be contract and general public." Mr. Toth asked Mr. Frank what the vehicle volume would be. Mr. Frank replied that he will get back to the Board with that answer. Mr. Pompo recommended to the Board that they should not issue the license until the zoning is resolved, and have the zoning officer make his determination regarding the application. Mr. Pomorski disclosed that his ex-wife's family is "Prange." Mr. Pompo stated that the agreement is with the court appointed administration of the estate of Edna Prange. Therefore the question would be if you have any interest. Mr. Pomorski replied that he does not, but his daughter may. Mr. Pompo asked Mr. Frank to have Mr. Helm write a letter restating that he has the authority to act on his behalf regarding this permit application.

17 & 19 Newlinville Road – move forward with the Redevelopment Authority – The Board directed Mrs. Miller to contact Tom Whiteman, County Solicitor, and see what the township's next step is to sell these properties.

Township engineer advertisement – Mr. Toth made a motion to advertise for a Township Engineer for East Fallowfield Township. Mr. Porter seconded. Buddy Rhoades commented on the motion. Sharon Scott asked about the current engineer. Bob King commented on the motion. Karen Cassidy spoke about her lot not being constructed per her plot plan. Kevin Richardson agreed with the motion. Vote: Unanimous. The Board directed Mrs. Miller to advertise for a "sealed bid" to be received within thirty days. Jan Bowers suggested contacting the Chester County Association of Engineers.

Ortiga stormwater management agreement – Mr. Toth made a motion authorizing the Board to sign the Stormwater Management Facilities Maintenance Agreement between Stephen W. and Angela D. Ortiga and East Fallowfield Township. Mr. Porter seconded. Mr. Porter asked if this was a standard form. Mr. Pompo replied “correct.” Mr. Pompo asked Mrs. Miller if Mr. Della Penna has approved this agreement. Mrs. Miller replied “yes.” Vote: Unanimous.

PARK AND RECREATION:

June 2012 summary report – The June 2012 Park and Recreation report was presented.

P&R ordinance adoption – Mr. Toth made a motion to approve Ordinance 2012-02 amending and restating Chapter 16, Part 1 of the code of ordinance, Park rules and regulations. Ed Porter asked Mr. Carling if the rules are currently in effect. Mr. Carling replied “yes.” Sharon Scott asked if horses are allowed in the park and what are the hours. Ms. Jan Bowers replied that horses are not forbidden in the park, and the hours are dawn to dusk. Ed Porter asked Mrs. Bowers who enforces the ordinance. Ms. Bowers replied “whomever the Board directs to.” Mr. Porter stated that he is not in favor of the “permitting” because when you permit one person to have a certain area in the township, then you are not permitting the balance of the residents to go and enjoy as well. Mr. Porter asked Chief Porter if he is leaving a major crime to go to the park for a dispute. Chief Porter replied “we order calls in priority.” Mr. Toth called for a vote. Mr. Toth and Mr. Pomorski voted yea. Mr. Porter voted nae. Vote failed.

Park and Recreation permit fees – The Board agreed to move this to the August 28, 2012 meeting agenda.

Terry Moore – Mr. Moore stated that he was here to request the pavilion fee waived, but since the permit fees were not adopted and his date to use the pavilion is before August 28, he does not need to ask anymore.

Mrs. Miller asked the Board if the office is still to take pavilion reservations. Mr. Toth replied “yes.”

TREASURER’S REPORT:

June 30, 2012 treasurer's report – Mr. Toth made a motion to approve the June 31, 2012 Treasurer’s report as presented. Mr. Pomorski seconded. Mr. Porter asked Mrs. Moore if there was an audit performed after Mrs. Bukata left. Mrs. Moore replied yes, the work for the 2010 audit has been completed. Mrs. Moore stated that McGladrey and Pullen performed an audit for 2009, Mingis, Gutowski and Company for 2010 and they will also perform the 2011 audit. Mrs. Moore explained that Mrs. Bukata, former township manager/treasurer, forwarded her information from the 2009 audit that was incomplete. Mrs. Moore further explained the difficulty in tying the numbers in. Sharon Scott commented on the motion. Buddy Rhoades commented on the motion. Vote: Unanimous.

June payment authorization – Mr. Toth motioned to approve the June 2012 payment authorizations as presented. Mr. Pomorski seconded. Sharon Scott commented on the motion. Vote: Unanimous.

POLICE DEPARTMENT:

June 2012 police report – No presentation – see report.

Municibid – 1999 Crown Victoria – Mr. Toth made a motion to accept the bid of \$945.00 from Jeffrey Gibson for the 1999 Crown Victoria. Mr. Pomorski seconded. Buddy Rhoades commented on the motion. Mr. Pomorski asked Chief Porter if he knows Mr. Gibson. Chief Porter replied “no.” Vote: Unanimous.

Municibid – Alamo wing mower – Chief Porter stated that the bid did not make the reserve of \$6,000.00 and came in at \$5,000.00. Buddy Rhoades commented on the motion. Mr. Toth made a motion to accept the bid of \$5,000.00 from Brian Hicks for the Alamo wing mower. Mr. Pomorski seconded. Vote: Unanimous.

Buddy Rhoades asked where the bicycles that the township bought for \$3,000.00 are. Chief Porter replied that the township only bought one bike, one was donated to the township by the City of Coatesville, and both together were under \$1,000.00. Mr. Toth asked the total number of bikes. Chief Porter replied “there are two bikes and one park bike.” Mr. Rhoades asked if the bikes are used. Chief Porter replied that he doesn’t have enough employees working to use them.

Mr. Porter stated that he saw graffiti on West Chester Road, and roads are being marked up by individuals who are not the road department.

Mr. Pomorski thanked the police department for their hard work on the homicide on Newlinville Road.

HISTORICAL COMMISSION:

June 13, 2012 minutes – The June 13, 2012 Historical Commission minutes were presented.

PLANNING COMMISSION:

June 4, 2012 minutes – The June 4, 2012 Planning Commission minutes were presented.

PUBLIC WORKS DEPARTMENT:

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

June recycling report – No presentation – see report.

UNFINISHED BUSINESS:

Old information on the website – Mrs. Miller asked the Board if she can start deleting the old informational data from the website. The Board agreed to allow Mrs. Miller to use her discretion and delete old informational data off of the website.

NEW BUSINESS:

The township office is now accepting resumes for a “farmer” for the term of 2012-2016 and “resident” for 2012-2013 for the Agricultural Security Area Committee meeting.

PUBLIC PARTICIPATION:

Buddy Rhoades of 2176 Strasburg Road stated that you have to appoint new open record officers because Pete Mango and Arlene Miles are the current ones. Mrs. Miller stated that currently she is the township appointed right-to-know officer and Nancy Baker is the police right-to-know officer. Also, you do not have to reappoint the same officers every year, only when they change. Mr. Rhoades also asked to change the speed limit on South Caln Road and Misty Patch Road. Mr. Toth replied that he will personally look into it.

Sharon Scott of 325 Hephzibah Hill Road asked the Board to call the County and get the Speakman Bridge completed. Mrs. Scott also stated that Mrs. Bukata was a township treasurer at another municipality while she was treasurer in East Fallowfield Township. She also asked if Mrs. Bukata was paid yet. Mr. Toth replied “not for the excess work she did.” Mrs. Scott requested payment for a township issued check dated 12/24/97 in the amount of \$291.00 that she never cashed. Mr. Toth stated that the Board will look into it.

Kelly Midkiff of 309 Providence Hill Road asked the Board if they received a plan from Rouse Chamberlin yet. Mr. Pomorski replied that he will call Dave England and Steve Gallo for the status. Ed Porter stated that the Board really needs to talk about how to handle this issue because there is not a “quick fix.”

Kevin Richardson of 315 Providence Hill Road presented the Board with an independent survey done on his property and stated that water is bubbling straight up from the right-of-way at the end of his driveway. He believes that there is clearly water under the foundation. Mr. Porter stated that given the hill, there it is like a waterfall going into Mr. Richardson’s bilco doors. Mr. Richardson said when he spoke with the landscaper about the possibility of burying the down spouts, he said “I can bury your down spouts but I want to wait until it’s good, and then tie that line all the way to the sewer line. Don’t say anything because it will require township approval.”

Karen Cassidy of 311 Providence Hill Road stated that it will cost her an extra \$1,700.00 to excavate her yard to put in a pool. Ms. Cassidy also talked about her property elevation. The Board agreed to talk about the Providence Hill Development water issue at the August 1, 2012 special meeting and asked Mrs. Miller to contact Chris Della Penna, Vince Pompo, residents, Rouse Chamberlin representatives, and the Home Owners Association representative to ask them to attend the meeting.

Siti Crook of 2840 Strasburg Road spoke about her 2004 zoning matter, and the fact that Mr. Pompo only took Mr. Broadbent’s ok to appeal the decision, instead of two Supervisors.

Buddy Rhoades of 2176 Strasburg Road stated that “Prange’s” was used as a junk yard within the last two years. Mr. Rhoades also stated that the covered bridge is state owned.

ADJOURNMENT: Mr. Toth made a motion to adjourn the Board of Supervisors meeting at 9:50 PM. Mr. seconded.

Vote: Unanimous.

Respectfully Submitted, Denise Miller, Township Secretary