

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
September 25, 2012  
Approved minutes  
6:34 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; Vince Pompo, Township Solicitor. Chris Della Penna, Township Engineer.

APPROVAL OF MINUTES:

August 28, 2012 BOS minutes – Mr. Amentas made a motion to approve the August 28, 2012 BOS minutes as presented. Mr. Pomorski seconded. Mr. Porter would like his question, to Mrs. Miller, where he asked her “who told you that other municipalities do not get their “concise financial statement” in the paper on time” added to the August 28, 2012 BOS minutes. Mr. Makely directed Mrs. Miller to verify Mr. Porters request and revise the minutes accordingly. Vote: Unanimous.

September 11, 2012 BOS workshop minutes – Mr. Makely made a motion to approve the September 11, 2012 BOS minutes as presented. Mr. Toth seconded. Vote: Unanimous. Mr. Makely directed Mrs. Miller to put just “Mr. Makely” as the member who adjourned the meeting.

National Drug Take Back Program – Officer Justin Fonock presented the DEA National Drug Take Back Program to be held in the township meeting room on Saturday, September 29, 2012 from 10:00 AM to 2:00 PM.

Engineer presentations: McCormick Taylor – Mr. Rob Pingar P.E. presented McCormick Taylor Engineers & Planners as a firm tough on construction and with the goal of representing municipalities. Mr. Pingar also stated that their business practice is not to work for developers. Mr. Makely asked Mr. Pingar if they bill for extra travel time. Mr. Pingar replied that he doesn't charge mileage for himself because he has a company car, but other engineers will charge the standard federal rate. Mr. Porter asked Mr. Pingar if more than one professional was at the site would the township get multiple charges. Mr. Pingar replied that the rate would be directed to the each professional person who performed the work. Mr. Makely asked about the charge for large format printing. Mr. Pingar replied that there will be a charge if the prints have to be sent out. Mr. Amentas asked Mr. Pingar how long he worked for Westtown Township. Mr. Pingar replied “since 2005.” D.L. Howell & Associates Inc. – Mr. Denny Howell presented D.L & Associates located in West Chester, Chester County, and stated that all of the design and inspection work will be performed by himself. Mr. Howell also stated that they do work for developers, but would not work for developers in East Fallowfield Township. Mr. Makely asked Mr. Howell if his firm has travel time. Mr. Howell replied “yes.” URS Corporation – Mr. Tony Severino presented URS Corporation as a one hundred member office staff, doing municipal work with twelve municipal clients in Chester County. Mr. Severino also stated that they do not charge a separate mileage fee. Mr. Amentas asked Mr. Severino if they have offices in Chester County. Mr. Severino replied “no.” They have offices in Philadelphia, Hunt Valley Maryland, and Fort Washington PA. Carroll Engineering Corporation – Mr Joel Ardman presented Carroll Engineering, located in Malvern, with a ninety person office, and 80% of their business being municipal. Ms. Mary Stover presented herself as the proposed contact engineer for this township. Mr. Amentas asked Mr. Ardman the difference between professional two or four etc. Mr. Ardman replied that Ms. Stover is a professional four (P4).It also depends of the project which level they would use. Pennoni Associates Inc. – Mr. Nathan Cline and Bill Bryant presented Pennoni Associates, located in West Chester, as being a full service company, in business for forty six years, with a ninety person staff. Mr. Cline stated that he will be the lead for this township and attend BOS meetings. Mr. Bryant stated that their firm does not charge for mileage or postage. Mr. Porter asked Mr. Cline if there are any other fees not shown in the proposal. Mr. Cline replied that they would inform the township of any other fee beforehand, such as if there is a large set of plans for a project. Mr. Porter asked Mr. Cline if he would solely handle the township or would a “team” be involved. Mr. Cline replied that they would have a team. LTL Consultants – Mr. John Weber presented LTL Consultants as a forty five member office, currently opening an office in West Chester that strictly does municipal work. Engineer 3 would be the lead municipal engineer for the township.

Mr. Makely stated that the engineer presentations will be further discussed at the October 9, 2012 workshop.

#### SOLICITOR REPORT:

Emergency Action Plan – Mr. Pompo informed the Board that he received a letter from the Department of Environmental Protection concerning the township's dam located in the East Fallowfield Township community park, regarding the emergency action plan. Mr. Pompo also stated that he received a follow up call from Bill Turner, of the Chester County Department of Emergency Services, and he offered the assistance of their office to complete the plan. This plan identified points downstream from the dam that could potentially be affected if there was a breach of the facility. Mr. Pompo also stated that he recalled Tony Sirna accepting the completion of the exercise. This can be done by a non professional, but the plans that show the downstream impacts have to be signed and sealed by a professional engineer. Mr. Toth said he would call Tony Sirna regarding this plan.

Cell tower registration – Mr. Pompo distributed a cell tower analysis, done by Mrs. Moore, concerning \$600.00 of actual costs incurred by the township. This analysis is based on eight hours of township administrative costs, three and a half of engineering review, and a quarter hour of solicitor review. Mr. Porter asked Mrs. Moore where she obtained her data for the analysis. Mrs. Moore replied that she took the staff time, engineer, and solicitor time and approximated the cost to be \$600.00. Mr. Amentas stated that he does not know where the \$2,500.00 registration fee originally came from. Mrs. Miller replied that when George Broadbent was a supervisor he recommended changing the annual cell tower registration fee from \$25.00 to \$2,500.00, and then give the money to the fire companies. Mr. Amentas asked if this is the first time someone has complained about the invoices. Mrs. Miller replied that they have been invoiced but have not paid, so she presented it to the Board. Mr. Porter asked Mrs. Miller if the companies have been paying the \$25.00 fee. Mrs. Miller replied "no, because she did not know about it." The Board agreed to invoice all cell tower companies \$25.00 for the previous two years.

#### LEGAL ISSUES:

Manchester Farms, Phase 2 payment request #26 – Mr. Porter asked Mr. Della Penna if he received a letter from Manchester Farms Home Owners Association ("HOA"). Mr. Della Penna replied "no." Mr. Porter stated that the letter is regarding issues they would like completed before dedication. Mr. Porter asked Mr. Della Penna if the basins became a problem what the cost would be to the township if they stepped in. Mr. Della Penna replied that the cost is probably built into the "HOA's" budget. Basin one is on private property and should be maintained by the homeowner. Basins two, three, four, and five are within open space and are therefore the "HOA's" responsibility. Mr. Amentas asked Mr. Della Penna why the release is from the "contingency fund." Mr. Della Penna replied that he discussed this with Eric Shrock and he said because it's for repair work. Mr. Amentas asked if the repair is required because of damage Dewey Homes did. Mr. Della Penna replied "correct." Mr. Makely asked Mr. Della Penna the status of the remaining work. Mr. Della Penna replied that the curbs and sidewalks are pretty much completed. Mr. Makely also asked Mr. Della Penna if \$293,018.48 will be enough to complete the development. Mr. Della Penna replied that there is plenty of money left, in his opinion. Mr. Makely called for a motion. No motion was made by the Board.

MuniBilling presentation – John Yergey presented the Board with a billing system to collect the township trash payments with multiple options. Mr. Makely asked Mrs. Moore the cost to do the current trash billing. Mrs. Moore replied that with a temporary employee and credit card fees it would be approximately \$24,000.00. Outsourcing the trash billing would enable the resident to pay electronically and the township would not incur any credit card fees anymore. Mr. Porter asked Mrs. Moore what type of service she recommends. Mrs. Moore replied "full service." Mr. Porter asked Mrs. Moore if the current trash contract stated that the township must collect the trash payments. Mrs. Moore replied that she will find out. Mrs. Moore asked Mr. Pompo the next step in this process. Mr. Pompo replied that this is considered a "professional service" and would be subject to the Board's discretion as to whether to get other vendors with the same service. Mr. Yergey stated that there will be no contract. Mrs. Moore also stated that she received other prices and they were higher. Mrs. Moore asked Mr. Yergey if they would send out post cards or a regular bill. Mr. Yergey replied that it would be up to the township. Mr. Pompo stated that he is nervous about sending notices out on a post card because of the fair business law. Mr. Yergey stated that this law has been going back and forth and a decision has not been made yet. Mr. Porter asked how the funds will be transferred to York Waste. Mr. Yergey replied that they can use a lock box. Mr. Makely made a motion to approve MuniBilling with outlined charges presented by Mrs. Moore, township treasurer. Mr. Amentas seconded. Sharon Scott asked the Board what fee they are approving. Buddy Rhoades stated that the Board should put a price in the motion. Mr. Makely amended his motion to accept professional services with MuniBilling for the services presented by Mrs. Moore, township treasurer, at a fee not to exceed \$13,000.00 based on a second quarter review period. Mr. Toth seconded. Vote: Unanimous.

Township Manager position – The Board reviewed the proposal from Local Government Management Services. Sharon Scott recommended that the Board advertise, interview, and hire their own manager. Mr. Porter asked the Board to further discuss this before making a motion. The Board tabled further discussion until the October 9, 2012 BOS workshop.

Burn permit ordinance – Mr. Makely made a motion to approve Ordinance 2012-04 amending Sections 7-301 & 7-302 of the East Fallowfield Township code of ordinance to establish minimum regulation applicable to open burning in East Fallowfield Township, solicitor draft of 8/7/12, and Exhibit A burning permit and regulations with a Tony Sirna draft of 8/7/12. Mr. Amentas seconded. Mr. Porter stated that Ordinance 2006-08 is the same ordinance. Mr. Pompo pointed out that #1 is different, and different information was added to the permit itself stating that residents have signed that they read the permit application. Mr. Amentas, Mr. Makely, Mr. Toth, and Mr. Pomorski voted yea. Mr. Porter voted nae. Vote passed.

Providence Hill – Mr. Della Penna stated that since the last meeting he met with Steve Gallo, Rouse Chamberlin (“Rouse”), and he presented Kevin Richardson with an “Acknowledgement Release Form” and he stated that Mr. Richardson still has concerns regarding his property. Mr. Della Penna also stated that he received a video from Mr. Richardson regarding the rain water. Karen Cassidy stated that she doesn’t think that “Rouse’s” fix will work. Mr. Richardson and Ms. Cassidy requested their property plot plans. Mr. Della Penna stated “since looking at Mr. Richardson’s video, maybe the Board should bring in another engineer to design a plan.” Mr. Amentas asked if this is a township problem. Mr. Pompo replied that this is a common stormwater problem. Mr. Pompo asked Mr. Della Penna if a waterwell came down a swale would it repair their problem. Mr. Della Penna replied that when this came up “Rouse” hired E.B. Walsh and Associates, and they designed a “fix” that he found adequate. Mr. Della Penna suggested that “Rouse” come to the meeting and present their “fix” to the Board.

Dennis Kozlowski asked the Board for an update on the Fieldstone Development flooding issue. Mr. Della Penna stated that the Conservation District is working to have the work done, and take care of the NPDES permit violation.

Mr. Pompo stated that he spoke with Fai Xue, Longview Investments (“Longview”), and she asked if the township was going to call the bond. Mr. Amentas asked if “Longview” is not going to do the work then the township would have to call the bond. Mr. Pompo asked the Board if they would like to consider calling the bond for the next meeting. Mr. Makely directed Mr. Pompo to have something for the next meeting.

#### CITIZENS BY REQUEST:

No citizens by request.

#### PARK AND RECREATION:

September 2012 report – Brian Carling presented the September 2012 Park and Recreation Commission report.

Mr. Carling stated that K&W Engineers proposed test pit/infiltration testing program for a proposed sewer across the park, and at this time they are not in a position to support infiltration testing at this time due to concerns’ about resource impacts, and find the project inconsistent with the Park Master Plan.

The Board excused Mr. Pompo from the meeting.

#### TREASURER’S REPORT:

August 31, 2012 treasurer’s report – Mrs. Moore presented the August 31, 2012 treasurer’s report as presented Mr. Toth seconded. Mrs. Moore stated that the earned income tax revenue is slowing down and trash payments are coming in since they were sent to Portnoff Collections. Mr. Makely made a motion to approve the August 31, 2012 treasurer’s report as presented. Mr. Toth seconded. Siti Crook asked if the township was reimbursed from Longview investments. Mrs. Moore replied “yes.” Ms. Crook also asked if Mrs. Bukata completed her required work for the audit. Mrs. Moore replied that she worked with Dave Barrett and finalized all the numbers for the 2010 audit, and he completed the draft financials except the MD&A. Sharon Scott asked who the collector of the earned income tax is and do they provide the township with a list of names of residents and what they paid. Mrs. Moore replied “Keystone Collections collects, and they only provide a list with account number and amount paid.” Mr. Makely directed Mrs. Moore to research if there is a list with names of payee’s that she could receive. Mrs. Scott also made other comments on the motion. Vote: Unanimous.

August 2012 payment authorizations – Mr. Makely made a motion to approve the August 2012 payment authorization as presented. Mr. Pomorski seconded. Mr. Amentas abstained. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Porter voted yea. Vote passed.

#### POLICE DEPARTMENT:

August 2012 police report – No presentation – See report

#### HISTORICAL COMMISSION:

July 11, 2012 meeting – No report – See memorandum

PLANNING COMMISSION:

July 2, 2012 approved minutes – No report – See minutes

August 6, 2012 approved minutes – No report – See minutes

PUBLIC WORKS DEPARTMENT:

August 2012 road and vehicle report – No presentation – See report.

August recycling report – No presentation – See report.

Crack Master 3405 – Mr. Makely made a motion to authorize the road department to spend \$1,776.00 for material to tar and chip the township roads. If more material is needed contact the supervisors for approval. Mr. Pomorski seconded. Sharon Scott asked what roads are being tarred and chipped. Mr. Porter replied that Tag will use what material he has to address the major cracks in the roads. Vote: Unanimous.

TR280 Crack Pro Heated Hose w/Air Compressor – Mr. Makely made a motion to authorize the rental of a TR280 Crack Pro Heated Hose w/Air Compressor at \$1,500.00 per week. Mr. Pomorski seconded. Vote: Unanimous.

Seal Master/Allentown Indemnification – Mr. Makely made a motion to authorize the Chairman to sign the SealMaster Indemnification form regarding the rental of the TR280 Crack pro Heated Hose w/Air Compressor. Mr. Pomorski seconded. Vote: Unanimous.

Township outside sign – Mr. Porter stated that previously there was a Boy Scout Troop interested in doing the township outside sign but he has not been able to get in touch with them. Boy Scout Troop #16 has approached him with their interest in doing the sign as their project and asked the Board for approval to move forward. The Board agreed to have Troop #16 come in and give a presentation.

Road department letter – Mr. Toth presented a resident letter thanking the road crew for a job well done.

UNFINISHED BUSINESS:

No unfinished business.

NEW BUSINESS:

No new business

PUBLIC PARTICIPATION:

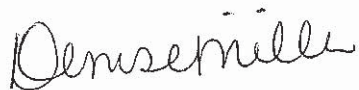
Buddy Rhoades of 2176 Strasburg Road made comments on hiring a township manager, escrow releases, dedication of township roads, the police contract, and picking up cardboard. Mr. Rhoades also commented on the Agricultural Security meeting being cancelled. Mr. Porter stated that there was someone on the agenda to be reappointed to the committee and did not show up. Mrs. Miller stated that one of the residents that did not show up is already on the committee, and the other one was for appointment. Mrs. Miller also stated that she has another resident who is applying for a vacant position, and trying to get a meeting scheduled in October, and asked Mr. Porter for his availability.

Sharon Scott stated that she disagrees with putting in the minutes that someone just made a comment about a topic. She also commented on the procedures that South Coatesville used for hiring a township manager. Mrs. Scott also recommended that the Board put an ad in the paper for a township manager, and commented on the Speakman Bridge on Frog Hollow Road.

Mr. Porter stated that a lot has changed since the last township manager was here, and feels that the office is operating very well, and it seems like a waste of money to hire a manager to just oversee the road department. Mr. Porter recommended further Board discussion before Dave Fiorenzas' company is hired. Mr. Makely replied that the Board already had a meeting and four members are in agreement to hire a manager, but they can have another meeting.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 9:12 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Denise Miller".

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 J., in my capacity as a Vice Chairman of  
(name) Amentas (public position held)

EAST FALLOWFIELD TOWNSHIP am abstaining from agenda item 7b  
(number,

\_\_\_\_\_ for the regular/special meeting of  
letter or other identifier of agenda item)

9/25/12 pertaining to payment authorizations, due to a conflict  
(date) (description of agenda item)

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

Solicitor contributes to Republican  
committee of Chester County, which  
contributes to my State Senate  
Company

(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: 9/25/12

  
(signature)