

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
January 22, 2013  
Approved minutes  
6:00 PM

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

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

APPROVAL OF MINUTES:

January 7, 2013 minutes – Mr. Makely made a motion to approve the January 7, 2013 reorganizational minutes as presented. Mr. Porter seconded. Vote: Unanimous.

January 8, 2013 elected auditors minutes – Mr. Makely made a motion to accept the January 8, 2013 elected auditors minutes as presented. Mr. Amentas seconded. Mr. Porter asked Bob King if Jim Sisk abstained from the vote to approve \$15.00 per hour for snow plow work since he is on the snow plow list. Mr. King replied that he and Sharon Scott voted for \$15.00 per hour for snow plow work. Vote: Unanimous.

South Brandywine School water/sewer line route – Mr. Makely stated that he interprets the Park and Recreation Commission (“P&RC”) letter, sent to the Board of Supervisors (“BOS”), as the “P&RC” stating that they were bypassed by the “BOS” regarding the planning of the South Brandywine sewer route. Mr. Makely asked Mr. MacCombie his opinion of the letter. Mr. MacCombie replied that he does not feel that the “P&RC” concerns with permanent damage are founded because it will be anticipated that there will be a directional drill under the wetland and stream. Mr. MacCombie also stated that the “P&RC” concerns about the tree removal, being in 20 to 25 feet swatch’s, is unfounded because Pennsylvania American Water Company (“PAWC”) is looking for a modest area to clear. Mr. Porter stated that he has walked through the park and there are a lot of poplar trees, sick trees, and downed trees but no rare trees. Mr. Porter also stated that he does have concern with the streams.

Mr. Amentas asked Mr. MacCombie his opinion on the “P&RC’s” point that the original line will serve approximately as many homes that are already inside the franchise area. Mr. MacCombie replied that in his opinion there are about fifteen or sixteen homes that can be served by gravity. Mr. MacCombie also stated that he was not aware that there was a change in the sewer route until last month’s meeting, and understands that the school is proposing to put in a gravity line up to the low point on Route 82 where that pump would have to be placed would service about sixteen homes by gravity, other areas could be served if you had a grinder pump, lower pressure sewer system, or a pump system. Mr. Amentas asked Mr. MacCombie if there is a reason to differentiate between a gravity line and another line. Mr. MacCombie replied that a gravity line, for a homeowner, is the most cost effective because you would not have to buy and maintain a grinder pump, but you do have to maintain your lateral.

Mr. Makely apologized to the “P&RC”, on behalf of the entire “BOS”, for the “BOS” not involving them in the sewer route process, and thanked them for all the hours and hard work past and present members volunteered in the park.

Brian Carling stated that the “P&RC” was never asked to be part of the team on this project and requested to be involved moving forward. Mr. Carling asked the “BOS” if they would consider escrowing the amount of money that the school district allocated for the sewage portion (which would run through the park and allow residents along Strasburg Road to connect) to the township because they are not sure how many homes will be served. Mr. Carling stated that they also have concerns where the proposed restroom will be located, having less impact to the wetlands, and they are concerned about no fence around the pump station.

Mr. Makely stated that Triple Fresh Market (“Triple Fresh”) has to pump two loads of sewer a week out of their holding tank so they would like public sewer. Mr. Makely also stated that Mr. Cushman of 340 Buck Run Road submitted a letter to the “BOS” stating that he is willing to contribute to a hookup for his property. Mr. MacCombie stated that the water line will go up to “Triple Fresh” and the sewer line will end at the crest of the hill in front of the school. Mr. Makely asked Mr. MacCombie if it can be moved further. Mr. MacCombie replied “To move it forward it will require that low pressure sewer be put in, they will go as far as they can up Route 82 with gravity but there is a high spot in the road way that would require the low pressure sewer or

another pump station." Mr. Makely asked Mr. MacCombie what will determine the cost to expand the line down when they reach that point. Mr. MacCombie replied that \$87,000.00 to extend the sewer line to "Triple Fresh." Mr. Porter asked Mr. Kurowski if he is in agreement. Mr. Kurowski clarified that they are taking the line to the end of their property, not to "Triple Fresh." Mr. MacCombie stated that the school district is taking the sewer to the center of the high spot and they are required to that point, and "PAWC" can buy their bonafide fees and tariff to go the rest of the way up. They also wrote a letter to the township with regards to if the school district did their portion they can bring it up at no cost to the township or the residents. Mike Petro, representing "Triple Fresh", stated that "Triple Fresh" pays \$2,000.00 per month to get their sewage pumped. Mr. Petro also asked what road is the "crest" on, and if they could participate in the \$87,000.00 to continue up to "Triple Fresh." Mr. MacCombie replied that with the water itself, "PAWC" said that with the project in conjunction with the school district, they would be able to bring the water line up to "Triple Fresh" and serve all the residents involved at no cost and the school district is taking the sewage line up to gravity, the center of their property. Mr. MacCombie told Mr. Petro that if the township was inclined and Mr. Cushman was willing to share the cost with "Triple Fresh" they could possibly get sewage up to your facility. Mr. Petro stated that they would do that because they would get their money back in a few years.

Mr. Porter asked Mr. MacCombie if there is a plan to build a bridge over the stream. Mr. MacCombie replied that it would ruin why you do directional drilling. Mr. Porter asked how the "BOS" can get confirmation that directional drilling will take place. Mr. MacCombie replied that the "BOS" tells him that is what they want, and he tells "PAWC."

Mr. Makely asked Mr. Pompo if they need a motion to authorize directional drilling. Mr. Pompo replied that maybe the best thing to do is not authorize the directional drilling but to authorize the engineer to work with the appropriate people. Mr. Toth asked Mr. Pompo if the "BOS" needs to reaffirm the route. Mr. Pompo replied that there is the letter, the route, and a dollar amount, so the "BOS" has to work within those.

Mr. Makely made a motion to allow the "P&RC" access to Jamie MacCombie to come up with the least disruptive and intrusive route possible. Mr. Toth seconded. Mr. Kurowski stated that now that they know they are going with the "Green Line", they will work with the "P&RC" and the school district to make the route less disruptive. Jan Bowers asked Mr. MacCombie to clarify if "PAWC" is going to pay for restrooms in the park. Mr. MacCombie stated that after talking with Jim Kelly and Gerry DeBalko of "PAWC" they agreed to participate in bathroom facilities at no cost to the township. Mr. MacCombie also said that there is no contract stating this and if he misspoke, he will let her know. Sharon Scott stated that she would like to see a drawing and know the impact to Dennis Run. Mr. Toth stated that there has been a map at all the public meetings regarding this. Mr. Kurowski also pointed out the map that was in the meeting room to Mrs. Scott. Buddy Rhoades stated that direct boring will not affect the park. Mr. Porter asked if there are wetlands on both sides of the streams. Mr. Carling replied that there are two branches of Dennis Run and their associated wetlands that will be crossed by the "Green Route." Wes Maughan asked the "BOS" why things are not in writing. Mr. Pompo replied that there is a letter from last year and a follow up letter in January, and the "Green Line" was also adopted by the "BOS". Mr. Makely also stated that this will all be in writing. Mr. MacCombie stated that all the agreements with Coatesville Area School District are in writing and approved by the members of the school board. The other aspect is something that "PAWC" had committed to. Mr. Porter asked Mr. Makely to restate his motion. Mr. Makely restated his motion to make Mr. MacCombie accessible to the "P&RC" to layout the "Green Line" with the least harmful impact available. Mr. Toth seconded. Vote: Unanimous.

#### CITIZENS BY REQUEST:

Benton Thurmond – Mr. Thurmond was not present.

SOLICITOR REPORT: No report given.

#### LEGAL ISSUES:

Public Safety Areas Resolution 2013-03 – Mr. Toth presented Resolution 2013-03 the annual resolution designating the primary responding fire companies as Westwood and Modena fire companies. Mr. Toth also stated that Pomeroy Fire Company has joined the regional fire consolidation group. Mr. Toth made a motion to approve Resolution 2013-03 outlining the methods and agencies chose to fulfill the public safety needs of East Fallowfield Township for the efficient administration of the emergency communication system of the Chester County Department of Emergency Services. Mr. Makely seconded. Mr. Amentas asked if there is a contract with Pomeroy fire company. Mr. Sirna replied that the township has not had fire company contracts for the last few years. Wes Maughan asked if there is a benefit in not having a contract. Mr. Sirna replied that there will be no impact to the township residents because the Mutual Aide Agreement is still in place. Mr. Sirna also stated that the money will also be split between two fire companies instead of three. Buddy Rhoades asked the "BOS" if the boundary lines changed. Mr. Sirna replied that there is a very small change in the realignment. Vote: Unanimous.

Resolution 2013-04 appointing Alfred L. Wright, P.E. as a member of the Zoning Hearing Board – The Board tabled this resolution until the February 26, 2013 "BOS" meeting so they can meet Mr. Wright.

Resolution 2013-05 appointing Wes Maughan as an alternate member of the Zoning Hearing Board ("ZHB") – Mr. Porter asked Mr. Maughan if he was interviewed by the "ZHB". Mr. Maughan replied "yes." Mr. Makely asked why and who put this motion on the agenda, and why is Mr. Maughan on as an alternate member. Mrs. Miller replied that she put it on the agenda because Mr. Maughan submitted his resume to the township office, was interviewed by the "ZHB", and a resolution approved by the "BOS" was the final step in the appointment process. Mrs. Miller also stated that the "ZHB" members recommended Mr. Maughan as an alternate member. Mr. Makely informed Mr. Maughan that if he is on the "ZHB" he cannot be on any other committee/commission or employed by the township. Mr. Maughan withdrew his resume.

#### TREASURER'S REPORT:

December 31, 2012 treasurer's report – Mrs. Moore presented the December 31, 2012 treasurer's report. Mr. Makely made a motion to approve the December 31, 2012 treasurer's report as presented. Mr. Toth seconded. Mr. Amentas asked Mrs. Moore if this report indicates the General Fund with a \$200,000.00 surplus. Mrs. Moore replied that at this point in time, before any audit adjustments which may be made, the surplus is \$147,746.00. Mrs. Moore stated that other adjustments may be made. Mr. Makely, Mr. Toth, Mr. Amentas, and Mr. Pomorski voted yea. Mr. Porter voted nae because he did not get the treasurer's report in a timely manner for review and did not have the payment authorizations. Mr. Porter asked Mrs. Moore to have the financial report sent to the "BOS" by the Friday before the meeting. Mrs. Moore replied that typically it is completed a couple days before the meeting, but this month was different because this is the most difficult month of the year because there are a lot of quarter-end reports. Mrs. Moore also stated that she will have the financial report to the "BOS" the Friday before the meeting. Vote passed.

December 2012 payment authorizations – Mr. Makely made a motion to approve the December 2012 payment authorizations as presented. Mr. Pomorski seconded. Bob King asked the "BOS" if the master card payments are broken down by account. Mrs. Moore replied that they are broken down by different items and it is also available in the township office for resident review. Mr. Makely, Mr. Toth, Mr. Amentas, and Mr. Pomorski voted yea. Mr. Porter voted nae because he did not have the payment authorizations in his folder. Vote passed.

West Chester Road and South Caln Road intersection – Mr. Amentas stated that he would like to find out if there is anything limiting them to put the work out to bid, and if there is, remove that impediment so the township can spend the money and get the work done. Mr. Pompo stated that there may be some additional engineer services and more legal work because the agreement says what it says, and you would have to reach an addendum with "Dewey." Mr. Porter asked if there is a dilemma with a private property being needed. Mr. Amentas replied that the "BOS" are not in a position to look at that because there is a potential issue with Dewey Homes ("Dewey") doing the work or not. Mr. Amentas stated that the scope of work has changed now because the lights are not going in, and if "Dewey" wants to come to some sort of agreement whereby once the scope of work is defined and it is priced somehow, they will do that work. Mr. Porter stated that "Dewey" may want some room on the escrow release that the "BOS" took a stance on, in order for them to agree to move forward with the intersection. Mr. Porter also stated that Moser Builders does not contribute their escrow money until the last building lot is sold. Mr. Porter asked Mr. Pompo how the agreement is stated with "Dewey." Mr. Pompo replied that generally the agreement is structured based on a conceptual plan for improving the intersection. The plan was based on an estimated number of dwelling units that would be constructed in proximity to the intersection. There has been somewhat of a change due to the nature of the economy as to the timing of those additional units, and in fact a couple of developers have not been heard of for a couple of years. Mr. Pompo also stated that under the agreement prior to the building permit for the last lot, in Northwood's Development, Moser was supposed to install a flashing yellow signal light, and once the fund that was anticipated was funded, the work was to be done by "Dewey." Mr. Makely stated that at a public meeting "Dewey" said they are not responsible to do the work. Mr. Pompo stated that the "BOS" cannot do anything unilateral because the township is dealing with developer funds, and the "BOS" has to work with the agreement and see if an agreement to change the agreement with the involved parties can be reached. The strategy should be such if we can't do it amicably that we have other means to do it in a way it serves the township's interests. Mr. Amentas stated that the "BOS" needs to identify areas in the agreement the "BOS" thinks are ambiguous at best, and get the developers position on those. The "BOS" agreed to have Mr. Pompo develop a plan to move forward. Mr. Makely excused Mr. Pompo and himself from the meeting at 7:30 PM, and turned it over to Mr. Toth.

Mr. Porter asked Mr. Pompo if there is any format with recording negotiations for any department so the "BOS" has documentation. Mr. Pompo replied that you could get either himself or other participants, or a secretary to generate notes in a memorandum that reflect what was discussed, and has done that himself in past meetings with "Dewey" and "Moser." Mr. Pompo also stated that he will have someone pull out those records if the "BOS" wishes, and a meeting can be recorded if everyone there knows about it.

Mr. Pompo left the January 22, 2013 meeting at 7:34 PM.

Mr. Porter asked Mrs. Miller to find out if Harkins Farm changed developers.

**POLICE DEPARTMENT:**

December 2012 police report – Chief Porter stated that there were one hundred and seventy nine incidents and nine citations in December. Ed Porter asked Chief Porter how he schedules part time police officers. Chief Porter replied that it is based on availability not to exceed seventy hours within a two week period. Mr. Porter also asked Chief Porter how he determines overtime with officers. Chief Porter replied it goes by seniority, or if he has to have something investigated.

**PARK AND RECREATION:**

January 2013 report – Michael McClintock, Chairman, stated that the bridge and trail project is expected to cost \$275,000.00 with \$137,000.00 awarded from the Department of Conservation and Natural Resources.

Resolution 2013–06 – Mr. McClintock asked the “BOS” to sign the Chester County Grant for the improvement or acquisition of municipal recreation land in order to acquire \$71,000.00 and \$29,988.00 matched by the township. Mr. McClintock stated that there will be an estimated cost of \$35,000.00 in engineering fees paid out of the park and recreation fund totaling \$65,000.00. Mr. McClintock asked the “BOS” if they would hear their land presentation at the February 1, 2013 workshop. The “BOS” agreed. Mr. Toth made a motion approving Resolution 2013–06 for the improvement or acquisition of municipal recreation land under the development grants category. East Fallowfield Township will also have available \$29,988.00, its required match to complete this project. Mr. Pomorski seconded. Mr. Porter stated that he would be more comfortable if the land was also presented with the grant. Mr. Carling replied that the land piece of the grant is a separate piece of the grant that will rank them better in the grant process. Sharon Scott asked the “BOS” to take out the word “acquisition.” Jan Bowers suggested amending the motion stating “approved contingent upon resolving the land preservation question.” Ms. Bowers also stated that this is for township owned property. Mr. Makely, Mr. Toth, Mr. Amentas, and Mr. Pomorski voted yea. Mr. Porter voted nae. Vote passed.

**HISTORICAL COMMISSION:**

December 12, 2012 minutes – No presentation – See report

Appointment procedure – Joe McCormick, Chairman, stated that the Historical Commission (“HC”) would like to know if there is a new appointment procedure, because a new member was appointed and they were not involved. Mr. Porter stated that he made the motion because an applicant presented a resume to the “BOS” at the January reorganization meeting and was the only applicant, so the “BOS” appointed him. If there were multiple applicants, it would have been referred to the “HC” for review. Mr. Porter also stated that all committees had a representative at the reorganizational meeting except the “HC.”

**PLANNING COMMISSION:**

November 5, 2012 minutes – No presentation – See report

**PUBLIC WORKS DEPARTMENT:**

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

December 2012 and 2012 annual recycling report – No presentation – See report.

**UNFINISHED BUSINESS:**

No business presented

**NEW BUSINESS:**

Mr. Porter stated that he received a letter from Senator Dinniman’s office stating that there are elections this year, and suggested the township put two new supervisors’ positions coming up as well as an auditor position vacancies up on the township website directing residents to Chester County Voters Services if they are interested. Mr. Toth stated that he can put this on face book.

Mrs. Moore stated that the road crew did a terrific job on the township outside sign. Mr. Porter thanked the scouts also.

**PUBLIC PARTICIPATION:**

Buddy Rhoades commented on the cobble stones crumbling in Northwood’s Development. Mr. Rhoades also commented on the lack of a traffic light on South Bailey and West Chester Road. Mr. Rhoades also commented on the committee appointment procedure.

Bob King asked the "BOS" for an update on the comprehensive plan. Mr. Toth replied that the comprehensive plan contract will be approved at the next meeting. Mr. Toth also stated that \$19,000.00 was allocated for 2013 and 2014. Mr. King suggested increasing the township match.

Glen Colyer asked the "BOS" if the township paid for the whole Wilmington Road project. Mr. Toth replied that the township paid up to the township line and Valley paid for their part of the road.

Brian Carling stated that points are given on how much townships contribute to a grant, so a higher comp plan contribution would possibly help.

Buddy Rhoades suggested that residents be informed on township grants and should be able to speak at workshops if discussed.

Mr. Porter asked the "BOS" to set a police contract meeting with at least four supervisors in attendance. The Board agreed to 6:00 PM on Monday, January 18, 2013.

ADJOURNMENT: Mr. Toth made a motion to adjourn the Board of Supervisors meeting at 8:05 PM. Mr. Amentas seconded.  
Vote: Unanimous.

Respectfully Submitted,

Denise Miller,  
Township Secretary