

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS
May 13, 2013
Approved special workshop minutes
6:30 PM

Call to order and pledge of allegiance.

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

South Brandywine Middle School sewer project – Park and Recreation Commission Member (“P&RC”), Jan Bowers stated that the “P&RC” feels that the pump line and pump station warrants revisiting to minimize the impact to the park and would like to see the line go up Route 82 instead of cutting through the park meadows. Township Planning Commission (“PC”) Members Garth Monaghan and Jim Durburow also voiced their concerns with going through the township park. Jim Durburow also asked the Board why it is beneficial to go through the park. Mr. Pompo replied that it would afford greater opportunity for future connection of future homes. The Board agreed to make a motion for the sewer route at the May 28, 2013 Board meeting.

Name two Supervisors to meet with the PA DEP regarding the township’s Act 537 Plan. Dates available: May 21st or 29th from 8:00 AM to 4:00 PM – Mr. Makely stated that he will attend the PA DEP meeting on April 29th.

Northwood Development final punch list for improvements – Mr. Makely made a motion to direct the township engineer, Chris Della Penna, to inspect all of the aforesaid improvements on West Chester Road Development’s Northwood’s Development final punch list improvements letter dated April 30, 2013 and file a report, in writing, with the township office, and promptly copy the same to West Chester Road Development, LP by certified or registered mail. Mr. Porter seconded. Mr. Porter asked Mr. Della Penna if the incomplete lots will affect his punch list. Mr. Della Penna replied that just the fact that the lots are not built on they will have to have the curb side, sidewalks, and any public improvements completed. Mr. Porter asked Mr. Della Penna “is this the normal process that you would do.” Mr. Della Penna replied that Mr. Moser said that he is going to build spec homes on two of the lots in the near future. Mr. Makely called for a vote. Mr. Makely and Mr. Pomorski voted yea. Mr. Amentas and Mr. Porter voted nae. Mr. Pompo strongly urged the Board to vote in favor of the inspection because the Board has fifteen days to take action according to the Municipal Planning Code. (“MPC”) Mr. Amentas stated that he has concerns with the word “final.” Mr. Porter changed his vote to yea. Vote passed. Mr. Della Penna stated that Mr. Moser made him aware that their National Pollutant Discharge Elimination System (NPDES) permit will expire in late September. Mr. Porter informed Mr. Della Penna that he would like him to note anything that will benefit the Board going forward on the punch list. Mr. Della Penna replied that he will make a point of this in his report.

Manchester Farms Phase II reallocated Financial Security – Mr. Pompo stated that after he met with Manchester Farms Attorney Ron Agulnick he drafted an amendment to the Financial Security Agreement that would have, as the major intent, to reallocate the amount of Financial Security in order to utilize some of the contingency funds to pay for the final road coat, outstanding improvements, and asked for an agreement, from the Developer, to do emergency base repair to certain segments of Cyprus Lane and Bridle Path Lane, and to do removal to some of the lots. Mr. Della Penna stated that he reviewed the cost estimates and all the repairs that need to be completed and came up with a new tabulation amount that is reflected on the reallocated breakdown. Mr. Della Penna also stated that Dewey Homes (“Dewey”) has completed temporary repairs and patched the roads. Erick Schrock, “Dewey” stated that Mr. Agulnick is close to approving the amended security agreement. The Board directed Mrs. Miller to add Financial Security Agreement to the May 28, 2013 Board meeting agenda.

Manchester Farms Phase II payment request #26 – Tabled until the May 28, 2013 Board meeting.

Brandywine Creek Greenway West Branch Addendum to the Concept Plan – Ms. Sheila Fleming presented a Brandywine Creek Greenway West Branch Addendum to the Concept Plan (“Greenway”) update and asked the Board if they have any questions or concerns on the draft “Greenway” resolution. Ms. Fleming also stated that she met with the Township Planning Commission where they identified hubs, nodes, and corridors, in the Greenway specific to East Fallowfield Township, and inserted them into a concept map. The Board had no questions or comments on the draft resolution. Mr. Porter invited Planning Commission Member Vince Lyons to the comp plan meetings.

“Hope Community of East Fallowfield” (“Hope Community”) sketch plan – Presented by Chairman Jim Sisk, Attorney Michael Gill of Brion, McGuire, Morris & Sommer LP, and Barry Stingel, RLA of Hillcrest Associates. Chairman Doctor Insalata was not present. Mr. Gill and Mr. Stingel presented the proposed “Hope Community of East Fallowfield” consisting of 72 acres and 420 affordable deed restricted units in the Office Industrial (“OI”) zoning district serviced by public water and sewer, ge

thermo heat and air, capable of supporting individual solar systems, and have a 3% above purchase price, plus improvements, resale value. Mr. Gill stated that this community is not low income housing, section 8, tenant occupied, and does not serve as a magnet for crime and deviant activity. Mr. Gill also stated that this community will give people the opportunity to live in the community where they work. Mr. Amentas asked Mr. Gill what his statement means. Mr. Gill replied that it means that someone can afford to live and work in the same community. Mr. Gill informed the Board that the west side of Route 82 would be Phase I and would be entirely stand alone project if Phase II would never come online and would be restricted to a resale of 3% over the cost of the home and the improvements made. Mr. Porter asked Mr. Pompo if he ever heard of the 3% resale restriction. Mr. Pompo replied that he hasn't heard of this happening in the Chester County area. Mr. Sisk stated that the concept came from a community in Boulder, Colorado and has also happened in Delaware County, Pennsylvania in a community built in the late 1960's. Mr. Sisk stated that these homes would apply to high school graduates, college students, or retirees. Mr. Sisk also stated that the residents of these homes would have jobs and it's important that no one gets the idea that this is Section 8. Mr. Porter asked Mr. Sisk how he will know if the buyers actually live in Chester County. Mr. Sisk replied that if you go through Brook Crossing or Branford Village and see the number of homes that are bank owned and are now rental homes that can be where you get section 8 moving into your community and starting a blighted situation. ("Hope Community") has to be owner occupied except maybe if there was an armed service person deployed overseas for an extended length time, they could possibly rent their home out to a family member. Mr. Amentas asked Mr. Sisk how he would regularly know this. Mr. Sisk replied that it would be deed restricted and the Home Owners Association ("HOA") would regulate it. Mr. Porter asked how the "HOA" would regulate it and some of the present township "HOA's" have trouble with much less restrictions. Mr. Sisk replied that he proposes that the "HOA" board members are paid from the solar panels that are proposed for the Pennsylvania American Water sewer plant in South Coatesville and the other towards the asphalt plant off of IMS Drive.

Mr. Gill stated that they would like to start inclusionary amendments to the zoning area and map to create a new R4 zoning district where acreage, density, resale, restrictions, public utility requirements, mixed housing types, open space, and common maintenance all are requirements for this particular type of use. Mr. Gill asked the Board if he could draft a zoning ordinance amendment and submit it to Mr. Pompo for review. Mr. Gill also stated that their timeline schedule is to draft and have ordinance amendments considered over the next eight weeks then in several weeks move to the township and county planning commission review and towards the end of the summer look at having a hearing on the ordinance amendments, and land development in autumn and winter of 2013 or early 2014. Mr. Porter asked Mr. Gill what would make someone want to invest and take care of their home if they are not getting increased equity. Mr. Gill replied that the percentage increase, over your basis for what you purchased your home for, is your deed restricted cap on resale that includes whatever equity investment made to improve the home. Mr. Porter stated that there would be a whole group of people other than college kids that would want to live in affordable homes. Mr. Sisk replied that the other people that would want to move into the community would be people that are downsizing that can't afford to move to Tel Hai, and once they pass away their family does not get anything from all the money they spent there. Mr. Amentas stated that in this case nobody knows what we are getting into, especially in the beginning and you cannot assume that the community will look a certain way. Mr. Gill replied that the same could be said about any development. Mr. Pomorski asked Mr. Gill about the comment at the bottom of the flyer page that says "Not affiliated with any religious organization." Mr. Sisk replied that this community is not affiliated with any religious organization. Mr. Gill replied "or could it be." Mr. Amentas asked Mr. Gill if they move forward with this process they will be looking to rezone the area. Mr. Makely stated that he doesn't think it would be a matter of rezoning but a matter of amending the zoning like the proposed training facility that took an existing ordinance and added the use of a training facility. Mr. Gill replied that they could do that and add it as a use in the "OI" district but they could certainly look at doing it both ways. Mr. Amentas asked if introducing a residential community into an inherently industrial community would be problematic. Mr. Sisk replied that ten years ago this property was zoned R1. Mr. Gill replied that there are significant buffering opportunities between this particular development and the closest heavy industrial uses. Mr. Porter asked Mr. Gill to forward the Board more technical information regarding the proposed new R4 zoning. Mr. Gill agreed.

"PC" Vice Chairman, John Schwab stated that the "PC" has concern that if they pull the "OI" zoning for this development they have to find it somewhere else in the township. Mr. Pompo replied that there is really no fair share analysis that applies to non residential zoning uses. Mr. Pompo stated that there are concepts that you can't be exclusionary and not allowing for certain types of commercial and non residential uses but to date there has never been an extension of fair share to non residential uses. Mr. Pompo also stated that the "MPC" says that your zoning amendments are to be generally consistent with your comprehensive plan (comp plan") and that you can amend your "comp plan" at the same time you change your zoning in order to assure that there that general consistency, it does not mandate that at the time you amend your zoning that the zoning be absolutely with your "comp plan." Mr. Pompo also stated that the "comp plan" should be examined before any proposal for a re-zoning moves forward and if the township wants to move forward you would have to also make adjusts to the "comp plan" as well.

Fee for working without a permit in East Fallowfield Township – Tabled until the May 28, 2013 BOS meeting.

Draft trash contract discussion – Tabled until the May 28, 2013 Board meeting

Formulation of the Comprehensive Plan Committee – Tabled until the May 28, 2013 Board meeting.

Update on alternative employee insurance – Mrs. Moore stated that she received multiple new insurance plans for the Board review. Mr. Porter stated that he is just trying to look for an affordable insurance plan for all employees and possibly one where employees could pick a higher plan if they want. Mr. Porter also stated that the police contract controls medical insurance for the police officers. Mrs. Moore asked the Board if they would like to hear presentations from the different insurances. The Board agreed to Monday's around 3:00 PM.

COG By-Laws – Mr. Porter stated that he has problems with using East Fallowfield resident tax money. Mr. Porter also stated that he has concerns, with Article 2 Section C "Withdrawal", where you have to give sixty days notice prior to the end of the fiscal year to withdraw from the membership, that the financial responsibility could be very costly, Article 4 H. where it says "may" elect to have its books, accounts and records audited, and the thought process behind this. Mr. Porter asked the Board to vote no before the township gets in serious financial obligations with this organization. Mr. Amentas stated that there is nothing in the by-laws that he feels is problematic. Mr. Pomorski made a motion to adopt the Western Chester County Council of Governments By-Laws as presented. Mr. Amentas seconded. Mr. Amentas and Mr. Pomorski voted yea. Mr. Porter and Mr. Makely voted nae. John Davis stated that he has concerns with the money aspect of the by laws. Buddy Rhoades stated that the township already is connected with the recycling center. Vote failed.

MidLantic Vending Corporation – Mr. Makely made a motion to approve the peddler license from MidLantic Vending Corp. to operate an Ice Cream Truck in the township of East Fallowfield from May 14, 2013 to May 14, 2014. Vote: Unanimous. A resident voiced his concern with the ice cream truck operating after 8:00 PM. The Board agreed to the operation until 8:00 PM.

Permission to move forward for a Saturday, October 5, 2013 Community Park Day – The Board approved Mrs. Miller's request to proceed with the October 5, 2013 Community Park Day

Mr. Porter stated that he has concern with posting the names of people who were arrested and the matter on which they were arrested on the police facebook, and leaving someone who was found "not guilty" should be amended if it's kept on. Chief Christopher Porter replied that this information is public. Supervisor Porter then stated that the township should not be posting other municipalities issues on facebook. Mr. Pomorski stated that this posting is the same as the posting in the Daily Local News.

Chief Porter informed the Board that the township recently had a peddler permit that was denied due to an recent arrest.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors workshop at 9:08 PM. Mr. Pomorski seconded.

Vote: Unanimous.

Respectfully Submitted,

Denise Miller
Township Secretary