

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
May 28, 2013  
Approved minutes  
6:30 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.

APPROVAL OF MINUTES:

April 23, 2013 BOS minutes – Mr. Makely made a motion to approve the April 23, 2013 BOS minutes as presented. Mr. Toth seconded. Mr. Porter would like 2012 changed to 2006 where it states “Mr. Porter asked Mr. MacCombie why the response to the PADEP was not handled in 2012.” Mr. Porter would also like U&O’s changed to C&O’s under “Manchester Farms Financial Security Agreement.” Mr. Toth abstained. Vote passed.

May 13, 2013 special workshop meeting – Mr. Makely made a motion to approve the May 13, 2013 special workshop meeting minutes as presented. Mr. Toth seconded. Mr. Porter would like Mr. Porter changed to Chief Porter where it states “Mr. Porter informed the township recently received a peddler permit that was denied”. Mr. Amentas abstained. Vote passed.

CITIZENS BY REQUEST:

Steven Voigt; Trash discount – Mr. Voigt asked the Board to reinstate his trash discount because he wrote his check on December 20, 2012, and it was not settled until February 19, 2013. Mrs. Moore stated that the lock box company will now be scanning the checks, remittance stubs and the envelopes of trash payments, for accurate record keeping of when the payment was received and posted. The Board directed Mrs. Moore to adjust Mr. Voigt’s trash account by \$40.50.

Park and Recreation Commission presentation – Vice Chairman Brian Carling presented former member Peter Massaro with a gift for his years of dedicated service.

John McKenna; Frog Hollow Road speed reduction – Mr. McKenna spoke for several residents on Frog Hollow Road, and asked the Board to consider reducing the speed limit on Frog Hollow Road. The Board directed Chief Porter to see what an outside traffic study would cost the township. Chief Porter replied that it could cost approximately \$5,000.00 to \$10,000.00. Mr. Amentas asked Chief Porter the threshold to determine if a reduction is warranted. Chief Porter replied that it goes by the 85<sup>th</sup> percentile, with five miles over or five miles under. Mr. Porter asked Mr. McKenna if the problems increased with the bridge closed versus open. Mr. McKenna replied that it has not, but their road has become the shortcut for cars.

Jeff Itell; Frog Hollow Road speed reduction – Not present

Laurie Knecht; sewer project – Ms. Knecht asked the Board to consider putting the South Brandywine Middle School sewer line down Doe Run Road to help the current residents and their property values.

SOLICITOR REPORT: No report given

LEGAL ISSUES:

Mr. Pompo informed the Board that Attorney Ron Agulnick, representing Dewey Homes (“Dewey”) asked to have the Manchester Farms Phase II Reallocated Financial Security and Manchester Farms Phase II payment request #26 motion tabled until further notice. Mr. Pompo stated that Mr. Agulnick thinks they are pretty much in agreement, regarding the Phase II issues, based on the most recent draft of the Amendment to the Financial Security Agreement. Mr. Pompo also stated that Mr. Agulnick believes there needs to be some work done with his client, Mr. Della Penna, and himself, regarding Phase I issues, before he is ready to approach the Board. Mr. Porter asked Mr. Pompo if Mr. Agulnick has problems with the present agreement. Mr. Pompo replied that they are pretty much in agreement with the issues concerning the work that was done, the work that needs to be done, a time frame for getting this work done so as to lead to completion, and the offer of dedication for those roads. However there are outstanding punch list issues with Phase I and the issue on how to handle the dedication of those roads. Mr. Pompo stated that the time is now to get conclusion on how to handle the road agreement with “Dewey” and Moser. Mr. Pompo also stated that he added this to the draft agreement as an additional condition to closing out the “Dewey” project. Mr. Amentas asked Mr. Pompo what the actual cost to perform the repairs that the Board and residents think need to be done. Mr. Della Penna replied that Exhibit 2 of his letter is the breakdown of what needs to be done. Mr. Della Penna also stated the part of the reallocation was to create specific line items, so when the work is completed they can put in a withdrawal

for that money. Mr. Porter asked Mr. Della Penna if "Dewey" is submitting the line items or does he analyze a number that he feels is comfortable for the township, with some padding. Mr. Della Penna stated that he walked the site, marked all the repair areas that need to be done, and "Dewey's engineer prepared a cost estimate, controlled by the MPC, which he reviewed to make sure they were acceptable. Mr. Amentas asked "for the repair and the completion of the whole project?" Mr. Della Penna replied that the completion includes the paving, landscaping, curbing, and basins. Mr. Amentas stated that he is concerned if "Dewey" is creatively finding a way to get that cushion that they want to pay off their subcontractors that have not been paid, by building this into a number that is artificially inflated. Mr. Pompo replied that the only amount that would actually be released is \$33,835.00. Mr. Pompo also stated that the numbers and the specificity for what is being proposed, as all of the remaining, are detailed in Exhibit 2, of Mr. Della Penna's letter, by quantity and unit price. Mr. Della Penna stated that \$293,000.00 is to complete everything. Mr. Amentas asked if the temporary repair work should be added into the release of the \$33,835.00. Mr. Pompo replied that it is part of the agreement, and until it is signed they agree to the new schedule, a time cert, and the completion of the development work, they will not get the release of that money.

Nikolaus & Hohenadel LLP, Attorneys at Law representing TC ASSETS, LLC; Cell tower fee – Attorney Michael Grab, representing SPA, PCIA, and the PWA, objected to the \$600.00 annual tower fee and the township analysis. Mr. Grab stated that the annual fee went from \$25.00 to \$2500.00, and then \$600.00, and that is still an exorbitant amount to pay. The Board agreed to further discuss this matter at the June 11, 2013 workshop.

Draft trash contract – The Board agreed to put the trash bid out with the following changes; three, four, and five year contract, provide each resident with a trash toter, continue to pick up the township dumpster at their cost, provide trash billing services versus no trash billing service, recycling every other week, resident option to add the cost of a recycling toter, and a senior discount. Mrs. Moore stated that if the hauler takes on the billing responsibility and a resident does not pay for the service, the hauler may not pick up their trash. Mr. Porter replied that the township has things in place to hopefully prevent that. Mrs. Moore asked the Board if there has to be a pre bid meeting for the trash contract. Mr. Pompo replied that you should have one after the bid advertisement is in the paper for any contractor questions, and if the applicants feel that there is something that is unclear the township would clarify and issue an addendum to the bid documents, and all the contractors that submitted bids would have to comply. The Board agreed to have a motion to advertise the trash contract at the June 25 Board meeting, have a pre bid meeting at the July 9 workshop meeting, open the bids on July 22 at noon, and award the bids at the July 23 6:30 PM Board meeting.

Formulation of the Comprehensive Plan Committee – Mr. Toth asked Mrs. Miller what Ray Ott said the makeup of the committee should be. Mrs. Miller replied that it should be the Planning Commission Members, a member from each committee, and a Board Member. Mrs. Miller stated that she asked the Park and Recreation Commission and the Historical Commission to put this on their next agenda to name a representative to the comprehensive plan committee. Mrs. Miller also stated that she contacted the Agricultural Security Committee Members and asked for a representative for that committee. Mr. Toth stated that he will be the Board member to attend these meetings. Mr. Porter stated that he will attend these meetings as a resident, so there are no conflicts with the number of supervisor's attending. Mr. Pompo stated that these meetings are advertised meetings subject to the Sunshine Act.

Mr. Porter asked Mr. Pompo if the Board gives the final approval for the comprehensive plan ("comp plan"). Mr. Pompo replied that the Planning Commission has to hold at least one public hearing and make a recommendation to the Board, the Board of Supervisors will hold a public hearing, and then make a final decision. Mr. Porter asked Mr. Pompo if the "comp plan" goes back to the Planning Commission if three Board Members find something to change. Mr. Pompo recommended that the consultant is worked with very closely to make sure that all the information that comes to the Committee comes to each Board Member. Mr. Pompo stated that the Board should not wait until the final product is completed, because the cost of changing at the end of the process could be as much as the study. Mr. Pompo also stated that the Board should have Mr. Ott do the entire "can" stuff at the end, and do the "meat" of the plan first.

Fee for working in East Fallowfield Township without a permit – Mr. Toth stated that he would like to speak with Rob McLarnon, Building Inspector, for more clarification on what the fee should be.

The Board excused Mr. Pompo at 7:55 PM from the Board meeting.

#### TREASURER'S REPORT:

April 30, 2013 treasurer's report – Mr. Makely made a motion to approve the April 30, 2013 Treasurer's report as presented. Mr. Toth seconded. Mr. Porter asked Mrs. Moore what categories are in account 1406. Mrs. Moore replied "advertising, payroll services, office supplies, telephone, liability insurance, copier rent, and a \$7,000.00 contribution to the Coatesville Library." Mr. Porter asked Mrs. Moore if there is something, in this area, that could be fine turned for next year. Mrs. Moore replied that

the separate budget numbers are where they need to be. Clarence Rhoades stated that the Board never made a motion for a Supervisor to be currently working in the township office and getting paid. Mr. Amentas asked Mrs. Moore if a supervisor is working in the office, and for how much. Mrs. Moore replied that Mr. Toth is working in the office doing secretarial work for \$12.00 per hour. Mr. Amentas, Mr. Pomorski, and Mr. Porter stated that they were unaware of Mr. Toth working in the township office and getting paid. Vote: Unanimous.

April 2013 payment authorizations – Mr. Makely made a motion to approve the April 2013 payment authorizations as presented. Mr. Toth seconded. Mr. Porter asked if Mr. Toth's payments are included in the payment authorizations. Mrs. Moore replied that Mr. Toth's payments are through Paychex payroll services. Mr. Pomorski and Mr. Porter voted nay. Mr. Makely, Mr. Toth, and Mr. Amentas voted yea. Clarence Rhoades asked the Board how Mr. Toth can vote on this motion when he was paid by the township. Mr. Amentas stated that Mr. Toth's payments are not in the payment authorizations. Vote passed. Steve Voigt stated that Mr. Toth should recuse himself from the vote. Mr. Makely stated that he was aware that the office was using temporary help which did not work out, so Mr. Toth stepped in to help the office.

After further Board discussion regarding the April 30, 2013 Treasurer's Report Mr. Makely withdrew his previous motion and restated his motion to approve the April 30, 2013 Treasurer's Report as presented, and called for another vote. Mr. Toth seconded. Motion failed. Mr. Makely directed Mrs. Miller to add the April 30, 2013 Treasurer's Report to the June 25, 2013 Board agenda.

#### PUBLIC WORKS DEPARTMENT:

April 2013 road and vehicle report – No presentation – See report.

Providence Hill road signs – Mrs. Miller stated that Providence Hill Development resident Vince Lyons contacted the township with a request to install stop signs throughout their development. Mr. Lyons also stated that their Home Owners Association will pay the \$372.00 fee to purchase these signs. The Board agreed to table this approval until they hear from Mr. Lyons.

#### POLICE DEPARTMENT:

April 2013 police report – No presentation – See report

Mr. Porter asked Chief Porter if he will contact the company that installed the present camera system. The Board agreed to approve Chief Porter contacting the camera company. Chief Porter replied that he will contact them.

Mr. Pomorski thanked Chief Porter and his department for their hard work and professionalism regarding the tragedy on Tuesday. Clarence Rhoades asked the Board if there is a warranty on the cameras. Mr. Porter replied that the warranty is expired.

#### PARK AND RECREATION: Vice Chairman Brian Carling

April 2013 report – Mr. Carling presented the 2013 Park and Recreation report.

April 2, 2013 P&R minutes – No presentation – See report

Mr. Carling asked the Board for an update on Chester County's request for information regarding the South Brandywine Middle School sewer project. Mr. Makely replied that this issue has been tabled at this time.

Mr. Porter asked Mr. Carling if there is any plan to update the phases in the park. Mr. Carling replied that the Park Commission could review this as a group.

#### HISTORICAL COMMISSION:

February 6, 2013 Historical Commission minutes – No presentation – See report

Clarence Rhoades informed the Board that the February 6, 2013 Historical Commission ("HC") minutes did not list all the members that were absent. Mr. Porter asked Mrs. Miller to inform the Historical Commission of this matter. Mr. Rhoades also stated that the "HC" is requesting the State to stone the inside of the Doe Run Bridge.

#### PLANNING COMMISSION:

No presentation

UNFINISHED BUSINESS:

No unfinished business reported

NEW BUSINESS:

Schedule meetings for the 2014 budget – The Board tabled this until the June 11, 2013 workshop.

PUBLIC PARTICIPATION:

Wes Maughan of 55 GlenLee Lane suggested using totes for recycling.

Steven Voigt of 1372 S. Bailey Road asked the Police Department to patrol around his neighborhood regarding loud music.

Clarence Rhoades of 2176 Strasburg asked the Board to get out of the trash business because vacant residents are being billed for trash and South Coatesville is picking up several homes in East Fallowfield and East Fallowfield is picking up several homes in Modena. Mrs. Moore stated that the township has an ordinance that the vacant houses are billed. Mr. Rhoades also stated that the township should not have to pay for recycling. Mr. Porter replied that the township does not have the infrastructure to start picking up recycling.

Laurie Knecht of 570 Doe Run Road asked the Board for an update on the South Brandywine Middle School sewer project. Mr. Makely replied that it has been tabled until next month.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 8:52 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,  
Township Secretary