

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 27, 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; Bob McClintock, Township Solicitor.

APPROVAL OF MINUTES:

July 23, 2013 BOS minutes – Mr. Makely made a motion to approve the July 23, 2013 BOS minutes as presented. Mr. Toth seconded. Mr. Porter asked if, “in” can be changed to “for”, on page 3, where it states a contractor is working in the township without insurance, and change his name to the proper person who stated “Portnoff does not charge any of their costs to the township so the only way they can recuperate their costs is to take the process all the way through.” Mr. Makely amended his motion to add Mr. Porter’s changes. Vote: Unanimous.

Mr. Makely turned the Board meeting over to Mr. Toth.

July 23, 2013 budget discussion minutes – Mr. Toth made a motion to approve the July 23, 2013 budget discussion minutes as presented. Mr. Porter seconded. Mr. Pomorski stated that he would like his name deleted as an attendee because he was not present. Mr. Toth amended his motion to add Mr. Pomorski’s request. Mr. Pomorski abstained. Vote passed.

Act 167 Update – Mr. Jamie MacCombie stated that there are mandatory provisions that have to be in every ordinance such as a maximum threshold of 999 square feet (“SF”) of impervious or 4,999 “SF” of disturbance that’s going to put into effect the ordinance, so it gives the township the opportunity to have a simplified approach or calculations, and gives the township the opportunity to reduce that criteria and make it more restricted. Mr. MacCombie also stated that it also gives you the right, in the provisions of regulations, to increase up to 2,000 “SF” of impervious and up to 10,000 “SF” of disturbance.

Mr. MacCombie informed the Board that this ordinance is required, by the County and the Commonwealth, to be adopted by January 2, 2014. Mr. MacCombie also stated that they are asking that this be a stand-alone ordinance, meaning that it’s applicable township wide to almost every situation. A lot of Chester County municipalities have their stormwater ordinance tailored in their subdivision land development ordinance, and it’s theoretically only applicable to a subdivision and land development application. This would be applicable to almost everything that meets those impervious coverage thresholds or land disturbance thresholds within the township. Once you disturb an acre of land, no matter what is in, you have to get a National Pollutant Discharge Elimination System (NPDES) permit, which will require any land disturbance of over 4,999 “SF” or 999 “SF” of additional impervious coverage. Mr. Porter stated that he is personally interested in seeing what the bare minimum is that is required because enforcement will be very difficult on the township, as far as the resources. Mr. MacCombie replied that he doesn’t like the 999 “SF” thresholds because “who keeps track of the square footage throughout the years.”

Act 537 Update – Mr. MacCombie presented the Board with a task activity report of the anticipated expenditures showing the overall anticipated cost of a totally new plan, of \$54,990.00, as well as a breakdown of other fees. Mr. MacCombie also presented the Board with a sample letter that has to be sent to the Department of Environmental Protection (“DEP”) with the anticipated expenditures for review and approval. Mr. MacCombie stated that there is a 50% reimbursement of the \$54,000.00 once the plan is approved, within approximately two years. Mr. Makely asked Mr. MacCombie what the Board needs to do to keep moving forward. Mr. MacCombie replied that the Board has to pass a motion approving him to move forward to submit the task activity report to the “DEP” for their approval of what will be in the document, acknowledgement of the cost, and acknowledgement of 50% reimbursement. Mr. MacCombie also stated that any cost prior to the task activity report and the acknowledged plan of study is not eligible for reimbursement. Mr. Toth asked Mr. MacCombie how he will invoice the township. Mr. MacCombie replied as the project moves forward, with 80-90 percent being invoiced in 2014. Mr. Toth asked

Mr. MacCombie when the Act 537 plan will be completed. Mr. MacCombie replied that if the "Board" decides to approve it, he can do the task activity report in about a month, and approval could be in mid October or November of 2014.

Mr. Porter asked Mr. MacCombie why the "DEP" said no to him moving forward with his work on the original plan. Mr. MacCombie replied that most of the work was done by Wayne Grafton, Landscape Architect, and the "DEP's" concern was that a lot of things in the municipality have changed since the original draft of the document. The document was also more like a comprehensive type document. The "DEP" also made comments regarding school and other projects that were not part of the original plan. Mr. Porter asked Mr. MacCombie how the old plan fell through the cracks. Mr. MacCombie replied that he was asked to look at a document that he did not prepare, and wrote a review of what he thought were deficiencies and was asked by the Board to see what he could do to fix it, and spent \$7,000.00 worth of time trying to patch the document to address a lot of the concerns that the Department would have. Mr. MacCombie also stated that Martha Frid, former secretary, passed away when the document was to be submitted to "DEP" and the wrong document was submitted. The "DEP" did not write a review letter until two years later where they wrote four pages of comments, and he was never authorized by the Board to make those changes. Mr. Porter asked Mr. MacCombie to get updates from surrounding municipalities on where they are with their Act 537 plan. Mr. MacCombie replied that Caln was approved approximately one year ago, West Caln submitted their plan and is awaiting final approval, and he is currently working on West Brandywine, 90% completed, and Sadsbury Township's plan, 30% completed. Mr. MacCombie also replied that he will find out where the other municipalities are in their submissions and give a report at the next meeting. Mr. Makely asked the Board if they want to pass a motion to authorize Mr. MacCombie to proceed with the Act 537 Plan. Mr. Porter and Mr. Amentas stated that they would like to wait until they know what the impact will be on the budget.

Mr. Makely asked Mr. MacCombie how much the township told Coatesville they needed for sewage capacity. Mr. MacCombie replied that it was approximately a little over 200,000 gallons a day. Mr. MacCombie also replied that East Fallowfield Township is a direct customer of Pennsylvania American Water Company, which means "first come, first served."

CITIZENS BY REQUEST:

Senaca Lambert of 130 Glenrose Road – Ms. Lambert asked the Board to reinstate her \$30.50 discount because she mailed it in time but it was not posted until after the discount deadline. Mr. Porter stated that next year envelope dates will be recorded for anyone's envelope received after the due date. The Board directed Mrs. Moore to reinstate Ms. Lambert's discount on her trash bill because there is no proof when her payment was received.

Doe Run Mobile Home Park – Owner Dan West requested the discount be reinstated for ten trash payments that were sent to the township office by mistake, which were sent back to them in order to send them to the correct mailing address. By the time it was received at the correct address, the discount was no longer valid. Mr. Makely, Mr. Amentas, Mr. Pomorski, and Mr. Porter agreed to reinstate the discount for Mr. West and directed Mrs. Moore to reinstate the discount on the ten trash payments presented by Mr. West.

Mr. West also asked the Board if the mobile home park can get a dumpster for the ten homes that are rentals. Mr. McClintock stated that if the Board changes the procedure for Mr. West, they have to amend the township ordinance for all the township mobile home parks. The Board directed Mrs. Miller to put this on the September 10 Board workshop.

Tim Tipton of 2180 Strasburg Road – Mr. Tipton stated that 2176 Strasburg Road, owned by Buddy Rhoades, is operating a business called R&H Landscaping, owned by Chad Rhoades, that is not allowed because it is in the R2 zoning district. Mr. Tipton also complained about the noise that happens 24 hours a day 7 days a week, and environmental concerns. Mr. Amentas stated that once the complaint is filed, Code Official Rob McLarnon will investigate. Mr. Tipton also voiced his concern with Mr. Rhoades being informed about his complaint before Mr. McLarnon was able to go out and do his job. Mr. Makely stated that he does not believe that any of the Board Members told Mr. Rhoades of the complaint. Mr. Porter asked Mrs. Miller if she knows of anyone that has instructed Mr. McLarnon, in any sense, not do his job. Mrs. Miller replied that she does not. Mrs. Miller also stated that she or Mrs. Moore did not tell Buddy Rhoades of the complaint. Mr. Tipton informed the Board that if he gets any retaliation towards himself, his family, his property or his neighbors, he is holding the Board responsible. Mr. Tipton also stated that people drive by his home honking their horns, cursing at him, and swerving towards his car, on multiple occasions. Mr. Porter asked Chief Porter if he is aware of these problems. Chief Porter replied "no." Mr. Makely directed Mrs. Miller to add "Citizens by Request" wording on the agenda.

Bill Oakes of 310/320 Misty Patch Road – Mr. Oakes stated that the stormwater from Stone Creek Development and Providence Hill Development drains onto his property and would like the Board to resolve this situation. Mr. Toth asked Mr. Oakes if the township engineer has been out to his property. Mr. Oakes replied "yes." Mr. McClintock stated that the township engineer needs to see if basins are working properly, and if there is an agreement between the Home Owners Associations and the residents. Mr. Porter stated that maybe the Board could give some direction to Tag, Public Works Director, where the township has the right-of-way for some of the streams, and use galvanized netting over the rocks. Mr. Makely asked Mr. Oakes to give Mrs. Miller his information so he can come out and look at the situation with the township engineer.

Charles Kilgore of 1215 South Caln Road stated that the township repaired 100 feet around the radius of South Caln Road right in front of his house and the rocks wash fifty feet onto his property. Mr. Makely asked Mr. Kilgore to give his information to Mrs. Miller so he can come out and see his property with the township engineer.

SOLICITOR REPORT:

Mr. Porter asked Mr. McClintock to change the \$190.00 bill that was charged to Mr. Sisk and re bill the township, because it was regarding him asking Mr. Pompo to speak with a supervisor about going to the Daily Local News. Mr. McClintock replied that he will take care of it.

LEGAL ISSUES:

Comprehensive Plan ("Comp Plan") Update – Mr. Porter stated that he is a little worried that the Board is accepting a grant from the County and they are stressing Landscapes 2, which will be the "door" that the township will be bound to as the contingency of the contract. Mr. Porter also stated that if the "Comp Plan" does not apply to Landscapes 2 the township will not get any grant money.

Community Service liability update – The Board agreed to discontinue community service until Mr. McClintock finds out who covers them.

Ordinance 2013-01 – Mr. Toth made a motion to adopt Ordinance 2013-01 Establishing stop intersections, on the presented road names for the Providence Hill development Road System. Mr. Amentas asked what is the guarantee that the Providence Hill Home Owners Association ("HOA") will pay for the stop signs. Vince Lyons, "HOA" president, replied that he is authorizing their management company to send a \$352.00 check to the township as soon as they receive it. Mr. Porter asked Mr. Lyons if the cost is more than \$352.00 will they pay it. Mr. Lyons replied that the \$352.00 is an estimate from Tag. Vote: Unanimous.

Mr. Makely made the comment that two supervisors live in the Providence Hill Development and where does the Board draw the line regarding conflicts of interest. Mr. Pomorski asked Mr. McClintock his opinion of Mr. Makely's comment, because he and Mr. Amentas live in the Providence Hill Development. Mr. McClintock replied that there is not a direct benefit provided to either of them, so there is no conflict.

Insurance Update – Mr. Porter stated that August 31, 2013 is the deadline to notify Delaware Valley Health Insurance Trust ("DVIT") that the township will not be using their service in 2014, and asked the Board if they are at the point to change. Mr. Porter also asked Mr. McClintock if the township would be violating the police contract if they do this notification tonight. Mr. McClintock replied that Guy Donatelli, police solicitor, stated that the police could file a grievance that they were not given thirty days notice. Mr. McClintock also replied that the Board's argument could be that they are just making notification. Mr. Makely made a motion to authorize the township personnel to send "DVIT" their required letter to not continue with their service effective December 31, 2013. Mr. Makely withdrew his motion. Mr. Amentas made a motion to authorize the township to send a letter to "DVIT" complying with our notice requirements of the contract. Mr. Makely seconded. Vote: Unanimous.

The Board excused Mr. McClintock from the August 27, 2013 Board meeting.

TREASURER'S REPORT:

July 31, 2013 Treasurer's report – Mr. Makely made a motion to approve the July 31, 2013 Treasurer's report as presented Mr. Amentas seconded. Mr. Toth abstained. Vote passed.

July 2013 payment authorizations – Mr. Makely made a motion to approve the July 2013 payment authorizations as presented. Mr. Toth seconded. Vote: Unanimous.

PUBLIC WORKS DEPARTMENT:

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

Mr. Makely gave best wishes to those members of the road department, and their families, who lost a loved one.

July 2013 recycling report – No presentation – See report

POLICE DEPARTMENT:

July 2013 police report – No presentation – See report

Mr. Porter asked Chief Porter for a status on the township cameras. Chief Porter replied that he will follow up on this.

Mr. Makely requested that a police officer attend all special meetings.

PARK AND RECREATION:

July 2, 2013 minutes – No presentation – See report

HISTORICAL COMMISSION:

April 3, 2013 minutes – No presentation – See report

May 1, 2013 minutes – No presentation – See report

PLANNING COMMISSION:

No presentation

UNFINISHED BUSINESS:

The Board scheduled a budget meeting immediately following the September 10, 2013 Board workshop.

Mr. Porter asked Mr. Makely how the budget was handled the last time. Mr. Makely replied that Mrs. Moore and Mrs. Bukata put together an extreme budget as well as heard from the department heads and residents. Mrs. Moore asked for Board direction on what extreme to put in for the police department. Mr. Makely replied 5%.

NEW BUSINESS:

Mr. Toth informed the public that East Fallowfield Township will host an "anything with a plug" event on Saturday, September 7, 2013 at Hephzibah Church, from 9:00 AM to 1:00 PM.

Mr. Toth informed the public of the following committee vacancies; One 2014-2018 Zoning Hearing Board term, Two 2013-2016 Planning Commission terms, One 2013-2017 PA registered licensed architect and one 2013-2017 licensed real estate

agent for the Historical Commission, one 2014 term for the Vacancy Board. Mr. Porter asked Mrs. Miller to find out why one of the Historical Commission members is required to be a licensed Architect. Mrs. Miller replied that one also has to be a licensed real estate agent. Mrs. Miller also stated that she will forward the requirements to him.

PUBLIC PARTICIPATION:

Buddy Rhoades of 2176 Strasburg stated that all the lawsuits for the Covered Bridge have been resolved and the work should be completed by 2014. Mr. Rhoades also stated that the Mortonville Bridge is not on the Historical Survey because they did not follow the guidelines. Mr. Makely asked Mr. Rhoades if it's true that if a historic structure is fifty years or older if is automatically considered historic. Mr. Rhoades replied "that is not correct." Mr. Makely also asked Mr. Rhoades if Rob McLarnon, Code Official, has been in contact with the Historical Commission with the structures on the former "Prang's Junkyard" property. Mr. Rhoades replied "not that I am aware of."

Brian Czapracki of 10 Somerset Drive asked the Board who is responsible for water runoff coming from the farm beside his property. Mr. Amentas replied that the owner is responsible. Mr. Czapracki also stated that he has water runoff from the pipe coming across the road that cannot hold the water. Mr. Makely told Mr. Czapracki to leave his information with the secretary so he can go out with the township engineer to see his property.

ADJOURNMENT: Mr. Toth made a motion to adjourn the Board of Supervisors meeting at 9:00 PM. Mr. Makely seconded. Vote: Unanimous.

Respectfully Submitted,



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, Mark Toth, in my capacity as a Vice Chairman of
(name) (public position held)

EAST FALLOWFIELD TOWNSHIP am abstaining from agenda item 8a
(number,

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

8/27/13 pertaining to July 31, 2013 Treasurer's Report, due to a conflict
(date) (description of agenda item)

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

Salary reflected in Treasurer's Report.

(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: 8-27-2013

[Signature]
(signature)