

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
October 22, 2013 Approved minutes  
6:40 PM

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

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

APPROVAL OF MINUTES:

September 10, 2013 budget minutes – Mr. Makely made a motion to approve the September 10, 2013 budget minutes as presented. Mr. Toth seconded. Mr. Toth, Mr. Makely, and Mr. Pomorski voted yea. Mr. Amentas was absent at this time. Vote passed.

September 24, 2013 Board minutes – Mr. Makely made a motion to approve the September 24, 2013 Board of Supervisors minutes as presented. Mr. Toth seconded. Buddy Rhoades stated that Mr. Porter's reply, under public participation, regarding Tim Tipton is incorrect. The Board tabled approval until Mr. Porter is present.

October 8, 2013 budget minutes – Mr. Makely tabled the October 8, 2013 budget minutes until the November 26, 2013 meeting because there is not a voting quorum, which attended the meeting, present.

October 8, 2013 special workshop minutes – Mr. Makely tabled the October 8, 2013 special workshop minutes until the November 26, 2013 meeting because there was not a voting quorum, which attended the meeting, present.

Act 167 Stormwater Management Plan Ordinance – Mr. Toth made a motion to authorize Mr. Pompo to submit the proposed Act 167 Stormwater Ordinance Act 247 referral to the Chester County Planning Commission, and authorize publication of the public notice, and the scheduling of a hearing on November 26, 2013. Mr. Makely seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

No Citizens by Request presentations.

SOLICITOR REPORT:

Mr. Pompo stated that the Board of Supervisors met in an Executive Session, prior to this evening's meeting, to discuss personnel matters.

LEGAL ISSUES:

Hidden Valley Estates – Mr. Harry Troupe, representing Jeff Harlan owner of Hidden Valley Estates, stated that HUD only requires footers, 36" in the ground and 36 inches diameter, and they would like to omit the full foundations, under mobile homes, from the township requirement. Mr. Pompo stated that in September of 2008 the prior Board directed him to prepare an amendment to the Zoning Ordinance that would omit the concrete pad requirement, the Board approved Mr. Makely's motion to do so.

Mr. Pompo stated that the Board was advised, at that time, that there is a State statute, Act 158 of 2004, which essentially changed the standards for installing mobile homes within Pennsylvania to conform to the Federal Government which states that the design criteria for installation of new homes, including the issue of footers versus pads, essentially is to be governed by the Manufacturers design and that would be confirmed by the Township Code Official and all other matters concerning the installation would be in accordance with the UCC. Mr. Makely made a motion to move forward with the November 2008 Board's decision to amend the ordinance and to move forward with the advertising as such. Mr. Toth seconded. Mr. Amentas asked why a motion is needed if a decision was already made. Mr. Pompo replied that the September 23, 2008 minutes state that "Mr. Makely made a motion to repeal ordinance Section 904.12 based upon the PC recommendation and authorized the Solicitor's office to rewrite." Mr. Broadbent seconded with a unanimous vote. Mr. Makely withdrew his motion.

West Chester/South Caln Road intersection project – The Board agreed to authorize Mr. Pompo's recommendation to have Traffic Planning and Design come up with a new conceptual proposal with recommendations based upon their knowledge of the intersection, with recommendations to accomplish as many of the improvement goals as feasible to improve the intersection, while keeping within the \$282,000.00 budget. Mr. Amentas stated that a traffic signal is not necessary because four way stop signs have been installed, and the issue of traffic has been resolved. Buddy Rhoades commented on the four way stop sign and the intersection plans.

Ordinance 2013-02 – Mr. Makely made a motion to advertise Ordinance 2013-02 authorizing East Fallowfield Township, Chester County, Pennsylvania, to join with other political subdivisions as a member of the Pennsylvania Municipal Health Insurance Cooperative (PMHIC), to enter into an intergovernmental agreement for the purpose of joining the PMHIC, and to participate as a member of the PMHIC. Mr. Toth seconded. Vote: Unanimous.

Emergency Communications Systems – Tony Sirna, Emergency Coordinator, stated that this will make sure that Fire, EMS, and Police radios will work everywhere. Mr. Toth made a motion to advertise an ordinance amending Chapter 4, Part 2 of the East Fallowfield Code of Ordinance to revise the Emergency Communication Systems Part to conform to the New County Emergency Voice Radio System. Mr. Makely seconded. Vote: Unanimous.

Portnoff Law Associates, LTD Writ of Execution – Mr. Makely made a motion to sign the October 8, 2013 list of delinquent trash accounts, giving Portnoff Law Associates, LTD (“Portnoff”) the authority to move forward with the filing of Writs of Execution (“WRIT”) on those properties. Mr. Toth. Vote: Unanimous.

Regional UCC Appeals Board information – Mr. Pompo stated that this information is to inform the Board that there is a Regional UCC Appeals Membership Meeting on November 25, 2013 at the East Brandywine Township Municipal Building, to discuss the proposed 2014 budget and amendments to the bylaws. Mr. Makely asked the public for a volunteer to attend and represent the township. Buddy Rhoades volunteered. Mr. Amentas asked Mr. Pompo if Rob McLarnon finds a violation, would the resident appeal to the UCC Board for enforcement. Mr. Pompo replied that is correct, but it’s not as much as enforcement as opposed to appealing a decision made by Mr. McLarnon, or if someone wants a waiver from the building code. Enforcement would go through the Magisterial District Court.

Discussion of email contact on township website – The Board tabled further discussion until all members are present.

#### TREASURER’S REPORT:

September 30, 2013 Treasurer’s report – Mr. Makely made a motion to approve the September 30, 2013 Treasurer’s report as presented. Mr. Pomorski seconded. Mr. Toth abstained. Mr. Rhoades also had questions on the “Moser” escrow account. Vote passed.

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

#### PUBLIC WORKS DEPARTMENT:

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

September 2013 recycling report – No presentation – See report

Increase Township TV pickup from \$25.00 to \$35.00 – Mr. Makely made a motion to increase the TV pickup fee from \$25.00 each unit to \$35.00 for each unit. Mr. Toth seconded. Buddy Rhoades asked how this worked. Mrs. Miller replied that the TV’s are picked up by appointment only. Vote: Unanimous.

#### POLICE DEPARTMENT:

September 2013 police report – No presentation – See report

#### PARK AND RECREATION:

No presentation.

#### HISTORICAL COMMISSION:

September 4, 2013 Historical minutes submitted for resident review.

#### PLANNING COMMISSION:

No presentation.

#### UNFINISHED BUSINESS:

No unfinished business presented.

**NEW BUSINESS:**

Mr. Makely stated that there is a vacancy on the Zoning Hearing Board for the 2014-2018 term, the Planning Commission has two terms for 2014-2017, Historical Commission has two terms for 2014-2018 (one for a PA registered licensed architect), Park and Recreation has two terms for 2010-2014, and one vacancy on the vacancy board for 2014. Joe McCormick, Historical Commission Chairman, stated that one of their positions is for a licensed Real Estate Agent.

Mr. Makely informed the public that the township will hold a collection for unused or expired medication at the municipal building on Saturday, October 26 from 10:00 AM to 2:00 PM.

**PUBLIC PARTICIPATION:**

Joe McCormick, Historical Commission Chairman, stated that one of their positions is for a licensed Real Estate Agent.

Dawn Crawford, Brook Crossing HOA President asked the Board for the procedure to change zoning in the township and the status on the proposed Hope Community. Ms. Crawford also stated they have a lot of opposition to the proposed community. Mr. Pompo replied that is correct that in order to do that proposed development, per their conceptual plan, they need a zoning amendment by the Board of Supervisors. Mr. Pompo also replied that there is a provision that allows for a petition to be filed by a certain number of land owners, within an area, for a desire for a zoning amendment but it's still ultimately the Board's decision whether to go forth with a hearing and whether to amend the ordinance. Mr. Makely stated that he understands that this proposed community is not moving forward.

Buddy Rhoades of 2176 Strasburg asked the Board if the police have special DUI special training in addition to the regular DUI training. Mr. Makely replied that the police department is in complete compliance. Mr. Rhoades asked for verification.

Mr. Rhoades stated that he would like it corrected in the minutes that he said that the Mortonville Bridge is off of the National Historical Registry. Mr. Makely directed Mrs. Miller to correct that. Mrs. Miller replied that she cannot make that change.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 7:30 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,  
Township Secretary