

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
November 26, 2013 Unapproved 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; Joe Pomorski, Member; Ed Porter, Member; Denise Miller, Township Secretary; Rosemary Moore, Township Treasurer; Bob McClintock, Township Solicitor.

Mr. McClintock opened the public hearing and presented all Exhibits on the Act 167 Stormwater Management Ordinance. Court Reporter Bill Handy transcribed all Board and Public comments. The Board agreed to table this matter until the Monday, January 6, 2014 re-organizational meeting.

Mr. McClintock opened the public hearing and presented all Exhibits, on proposed ordinance 2013-04 amending Chapter 27 of the East Fallowfield Township Code of Ordinance. Court Reporter Bill Handy transcribed all Board and Public comments. Mr. Toth made a motion to adopt Ordinance 2014-04 amending Chapter 27 of the East Fallowfield Township Code of Ordinance being the Zoning Ordinance by amending §27-904.L. to delete the requirement of a concrete pad for mobile homes and substitute compliance with the manufacturer's approved design. Tom MaDonna expressed concerns with changing the township ordinance. Mr. McClintock stated that the State has preempted the township from regulating this through their zoning. Mr. McClintock also stated that even if the Board keeps this ordinance in place, someone could challenge it and would not be required to abide by it, and would be able to do exactly what this ordinance would allow. Mr. Makely seconded. Vote: Unanimous.

APPROVAL OF MINUTES:

September 24, 2013 Board minutes – Mr. Makely made a motion to approve the September 24, 2013 Board minutes as presented. Mr. Amentas seconded. Mr. Porter stated that he would let these minutes go through himself; however Mr. Rhoades has a problem with them stating that he went on his property, regarding Tim Tipton's complaint. Mr. Porter clarified that he never went on Mr. Rhoades' property regarding Mr. Tipton's complaint. Mr. Makely amended his motion to include the deletion as requested by Mr. Porter. Mr. Amentas seconded. Mr. Porter voted nae. Mr. Makely, Mr. Amentas, Mr. Toth, and Mr. Pomorski voted yea. Vote passed.

October 8, 2013 budget minutes – Mr. Toth made a motion to approve the October 8, 2013 budget minutes as presented. Mr. Porter seconded. Mr. Amentas asked the Board to insert "in his opinion" where he spoke about enacting a tax. Mr. Toth amended his motion to insert Mr. Amentas's request. Mr. Porter seconded. Mr. Makely and Mr. Pomorski abstained because they did not attend this meeting. Mr. Toth, Mr. Porter, and Mr. Amentas voted yea. Vote passed.

October 8, 2013 special workshop minutes – Mr. Toth made a motion to approve the October 8, 2013 special workshop minutes as presented. Mr. Makely and Mr. Pomorski abstained because they did not attend this meeting. Mr. Toth, Mr. Porter, and Mr. Amentas voted yea. Vote passed.

October 22, 2013 Board minutes – Mr. Toth made a motion to approve the October 22, 2013 Board minutes as presented. Mr. Makely seconded. Mr. Porter abstained. Mr. Toth, Mr. Makely, Mr. Pomorski, and Mr. Amentas voted yea. Vote passed.

CITIZENS BY REQUEST:

Wes Maughan – Not present

PARK AND RECREATION:

August 6, 2013 minutes – August 6, 2013 minutes submitted for resident review.

September 3, 2013 minutes – September 3, 2013 minutes submitted for resident review.

October 1, 2013 minutes – October 1, 2013 minutes submitted for resident review.

PECO Grant – Mr. Toth made a motion to authorize the Park and Recreation Commission to submit an application for the PECO grant that would be utilized for vegetation management within the township park. Mr. Makely seconded. Mr. Porter asked Mr. McClintock if there are any contingencies on the grant. Michael McClintock, P&R Chairman, replied that there are none as far as he is aware of. Vote: Unanimous.

## SOLICITOR REPORT:

No report presented.

## LEGAL ISSUES:

Brook Crossing Development – Tom MaDonna

1. Brook Crossing Basin – Mr. MaDonna asked the Board if the township could take over their stormwater basins because they were originally designed wrong, and they are draining the Home Owners Association's ("HOA") fund. "HOA" President Dawn Crawford stated that their basins are in the middle of the township's water drainage.
2. Use and Occupancy – Mr. MaDonna recommended that the township enact a township use and occupancy certificate for resale of homes.
3. Maggie Lane light – Mr. MaDonna stated that the light on Maggie Lane needs electrical wiring fixed and asked the Board who is responsible to fix it. Mr. Makely replied that the Township Solicitor will find out who is responsible for the electrical work.

Traffic Planning and Design "TPD" proposal for the West Chester/South Caln Road intersection project – Mr. Greg Richardson presented the Board with his November 21, 2013 intersection improvements proposal, and stated that he would like to go out with the township Road Foreman and evaluate the intersection and see if the old proposal still makes sense, or if they need to do a redesign of the plan. Mr. Makely asked if his time doing the reevaluation will be offset within the price of the job. Mr. Richardson replied "yes." Mr. Porter asked Mr. Richardson his proposal to handle the stormwater coming off of the Moser property. Mr. Richardson replied that he would use inlet boxes and pipes that would go from the southern leg of the intersection, cross over West Chester Road and then outlet on the northwest corner. Mr. McClintock asked Mr. Richardson if his calculation of \$282,000.00 is based on being a private or public project, with prevailing wage applied. Mr. Richardson replied that his calculation is based on PennDot's costs, which is prevailing wage. Mr. McClintock stated that the Board could authorize the solicitor to forward the standard professional contract to "TPD" and develop an agreement with a contract for Board approval at a later meeting, or terminate the current agreement and have the township perform this task of doing the project. Mr. Makely asked Mr. McClintock to meet with Mr. Pompo on the current agreement. Mr. McClintock replied that Mr. Pompo has already drafted a document to terminate the current agreement. The Board agreed to have Mr. Richardson move forward with his reevaluation.

## POLICE DEPARTMENT:

October 2013 police report – October 2013 police report submitted for resident review.

2014 Dodge Charger – Mr. Toth asked Chief Porter which car this new car would rotate out. Chief Porter replied "the older Crown Vic." Mr. Porter asked Chief Porter who was using the "rotated out" car. Chief Porter replied "part time police officers." Mr. Toth made a motion to authorize the purchase of a 2014 Dodge Charger, through COSTARS system, for \$31,298.00 in four annual installments, with an interest rate of 4.68% and coming out of the General Fund. Mr. Makely seconded. Vote: Unanimous.

Computer prices – Chief Porter presented the Board with three computer quotes and asked the Board if he can move forward with the purchase of ten computers, four for the township building and six for the police station. Mr. Makely made a motion to authorize Chief Porter to expedite the purchase of the township computers, with a finalized price given at the December meeting. The Board agreed to the three year warranty. Mr. Toth seconded. Vote: Unanimous.

Officer Samantha Harper promotion – Mr. Makely made a motion to promote Officer Samantha Harper to the rank of Detective/Domestic Violence Liaison. Mr. Amentas seconded. Mr. Toth asked Chief Porter if a Detective/Domestic Violence Liaison has to be created first. Chief Porter replied that he does not need to get Board approval before promotions within, however he would like the Board to do a motion. Tom MaDonna stated that Officer Harper is an excellent police officer and deserves this promotion. Mr. Porter voted nae, because he is concerned with the township finances and does not know the outcome of the police contract. Mr. Makely, Mr. Toth, Mr. Amentas, and Mr. Pomorski voted yea. Vote passed.

Officer Justin Fonock promotion – Chief Porter asked the Board to approve the promotion of Officer Fonock to full time police officer. Chief Porter also stated that he will be losing two officers for an extended period of time. Mr. Pomorski made a motion to promote Officer Justin Fonock from the position of part time police officer to a Class "C" full time police officer, at a rate of \$24.14 per hour, according to the current Collective Bargaining Agreement, effective immediately. Mr. Makely seconded. Mr. Porter asked Chief Porter if he is letting any police officers go. Chief Porter replied that he is going by call volume and Detective Harper coming off of the street. Mr. Amentas voted nae because it has a budgetary impact and it's something he didn't want to push on the next Board. Mr. Porter voted nae because he would have liked to see something else done within

that department, and due to the budget. Mr. Porter also stated that he has no problems with Officer Fonock, and if there was something going on he would have said yes. Mr. Makely, Mr. Toth, and Mr. Pomorski voted yea. Vote passed.

Ordinance 2013-02 – Mr. Toth made a motion to adopt 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. Makely seconded. Vote: Unanimous.

Pennsylvania Municipal Health Insurance Cooperative Agreement – Mr. Toth made a motion to authorize the signing of the Pennsylvania Municipal Health Insurance Cooperative Agreement by and between the undersigned participating municipalities (“Members”). Mr. Makely seconded. Vote: Unanimous.

Ordinance 2013-03 – Mr. Toth made a motion to adopt Ordinance 2013-03 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.

West Bradford Ordinance 13-06 – Mr. McClintock stated that West Bradford Township is amending their zoning ordinance and part of that amendment they have to change their comprehensive plan, and under the Pennsylvania Municipality Planning Code, when a township changes their comprehensive plan they have to notify their neighboring municipalities. Mr. Toth directed the township secretary to respond to West Bradford Township, recognizing the Board’s review of their update to their comprehensive plan, and stating no official comment from the Board.

Medical contribution payroll deductions – Mrs. Moore asked the Board to change the non-uniform employees’ medical contribution payroll deductions from post tax to pre tax, like the police department. Mr. Toth made a motion to change the non-uniform employee medical contribution payroll deduction from post tax to pre tax. Mr. Makely seconded. Mr. Amentas stepped away at this time. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Porter voted yea. Vote passed.

East Bradford Township Disability Leave of Absence Policy – Mrs. Moore stated that Benecon asked her what the township’s non work related injury or illness Disability Leave of Absence time period is. Mrs. Moore also stated that Mr. Pompo sent her East Bradford Townships policy of six months. After discussion, the Board agreed to six months.

Airport District Overlay Ordinance – Mr. Toth made a motion to advertise an ordinance of East Fallowfield Township setting forth its authority to establish an Airport District Overlay Ordinance to include: Purposes of the district, definitions, airport zones, airport zone height limitations; permits required; use restrictions; nonconforming uses, variances, conflicting regulations; and amending the official zoning map by the adoption of an official supplementary airport district overlay map. Mr. Makely seconded. John Davis commented on the motion. Mr. Porter and Mr. Pomorski voted nae. Mr. Toth, Mr. Amentas, Mr. Makely voted yea. Vote passed.

James and Frances Hill Stormwater Management Facilities Maintenance Agreement – Mr. Toth stated that he believes there was a presentation at last months’ meeting regarding this agreement. Mr. Toth made a motion to approve the Stormwater Management Facilities Maintenance Agreement for James and Frances Hill, 3 Wagner Lane Lot #5. Mr. Amentas seconded. Mr. Porter abstained because he was not in attendance at the presentation. Mr. Toth, Mr. Makely, Mr. Amentas, and Mr. Pomorski voted yea.

Chester County SPCA contract – Mr. Toth made a motion to approve the Chester County SPCA 2014 contract for \$3,420.00, and \$50.00 per unclaimed stray animal. Mr. Makely seconded. Vote: Unanimous.

Mr. Makely left the meeting at 9:30 PM.

Budget process and time line/opening budget – The Board set up the next proposed budget meeting for December 5, 2013 at 7:30 PM, and the budget adoption meeting on December 30, 2013 at 6:30 PM.

2013 audit advertisement – Mr. Toth made a motion to advertise the public notice for the 2013 audit as follows: Notice is hereby given that the Board of Supervisors of East Fallowfield Township intends, by resolution, to appoint a firm of certified and competent public accountants, Mingis, Gutowski, and Company, LLP to replace the township elected auditors for the fiscal year of 2013. Mr. Porter seconded. Vote: Unanimous.

Discussion of email contact on website – The Board decided to take their individual emails off the website, and have one set up for the Board, as a whole.

Working without a permit – This item was not discussed

Status on 370 Doe Run Road – Mrs. Miller explained that there was a meeting with all involved parties where Code Official Rob McLarnon explained to EastCo. that they can only remove the remaining debris from the demolition of the structures and the removal of the debris from the basements, until they go to Conditional Use.

#### TREASURER'S REPORT:

October 31, 2013 Treasurer's report – Mr. Amentas made a motion to approve the October 31, 2013 Treasurer's report as presented. Mr. Pomorski seconded. Mr. Porter voted nay. Mr. Toth, Mr. Amentas, Mr. Pomorski voted yea. Vote passed.

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

Liquid Fuel Audit Exit Conference – Mrs. Moore asked the Board for a volunteer to attend the December 6, 2013 Liquid Fuel Audit Exit Conference. Mr. Toth stated that he will attend the Exit Conference. Mr. Pomorski stated that he will be the alternate to attend if Mr. Toth cannot.

#### PUBLIC WORKS DEPARTMENT:

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

October 2013 recycling report – No presentation – See report

#### HISTORICAL COMMISSION:

October 2, 2013 minutes – October 2, 2013 Historical minutes submitted for resident review.

#### PLANNING COMMISSION:

August 19, 2013 workshop minutes – August 19, 2013 workshop minutes submitted for resident review.

September 9, 2013 monthly minutes – September 9, 2013 monthly minutes submitted for resident review.

September 16, 2013 workshop minutes – September 16, 2013 workshop minutes submitted for resident review.

October 7, 2013 monthly minutes – October 7, 2013 monthly minutes submitted for resident review.

October 21, 2013 workshop minutes – October 21, 2013 workshop minutes submitted for resident review.

#### UNFINISHED BUSINESS:

No unfinished business presented.

#### NEW BUSINESS:

Siti Crook 2014 Vacancy Board interview – The Board thanked Mrs. Crook for applying to this position and for attending the Board meetings. Mrs. Miller informed the Board that there is another candidate interview at the December meeting.

Chester County Tax Collection Delegates – Mrs. Moore stated that Former Manager, Jill Bukata is still listed as the Chester County Tax Collection Delegate. Mr. Toth made a motion to appoint Rosemary Moore as the primary delegate to the Chester County Tax Collection Delegate. Mr. Amentas seconded. Vote: Unanimous.

Chester County Tax Collection Committee secondary delegate – Mr. Porter suggested that if Mrs. Moore cannot attend then one of the Supervisors could possibly attend.

October 21, 2013 comprehensive plan minutes – Jim Durburow, Planning Commission ("PC") Chairman, informed the Board that there will be a February 20, 2014 public participation "task force meeting" hopefully at South Brandywine Middle School. Mr. Toth stated that the "PC" would like to send out invitations, to residents, for this meeting.

#### PUBLIC PARTICIPATION:

Dawn Crawford of 104 Emerson Way asked the Board if there are any open permits for the junk yard, formally known as "Prangs Junk Yard." Mrs. Miller replied that they can only remove the debris from the houses and removing the basement debris, until they go to conditional use. Ms. Crawford also asked if there is a potential development being built there. Mrs. Miller replied that they have not proposed anything to the township yet but they want to put a slag recycling plant.

Siti Crook of 2840 Strasburg Road asked the Board if they could fix the meeting room door. Mrs. Crook also requested to see the Pennsylvania American Water survey responses. Mrs. Miller replied that she needs advance notice because some information may need to be redacted.

Mr. Porter asked Mrs. Miller how a resident would hook into public water. Mrs. Miller replied that, she believes, that it would be up to the Board.

Tom MaDonna of 101 South Inverness Way asked why a Board Member would abstain so much from voting. Mr. Porter replied that it happened to him at the appointment meeting and was instructed, by Vince Pompo, to give a yes or no answer.

ADJOURNMENT: Mr. Toth made a motion to adjourn the Board of Supervisors meeting at 10:03 PM. Mr. Amentas seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,  
Township Secretary