

EAST FALLOWFIELD TOWNSHIP

BOARD OF SUPERVISORS MEETING

March 25, 2014 Approved minutes
6:32 PM

Members Present

Joe Pomorski, Chairman
Steve Herzog, Vice Chairman
Mark Toth, Member
Ed Porter, Member
Charles Kilgore, Member

Township Staff Present

Rosemary Moore, Township Treasurer

Township Solicitor

Bob McClintock

1. CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE.

Chairman Joe Pomorski called the meeting to order at 6:32 p.m.

2. Discussion

A. EXECUTIVE SESSIONS The public was informed that there were Executive Sessions held on February 27th, March 11th, March 14th, March 20th and March 24th regarding personnel issues.

B. DRUG TAKE BACK PROGRAM Officer Fonock informed the group that on April 26, 2014 from 10:00 am to 2:00 pm the township will be having the annual Drug Take Back Day. He explained the particulars of the program.

C. APPROVAL OF MINUTES

a) February 11, 2014 Board of Supervisors workshop minutes

MOTION: A motion was made to approve the February 11, 2014 Board of Supervisors minutes as presented. Seconded.

PASSED: 5-0

b) February 25, 2014 Board of Supervisors minutes

MOTION: A motion was made to approve the February 25, 2014 Board of Supervisors minutes as presented. Seconded.

PASSED: 5-0

c) March 11, 2014 Board of Supervisors workshop minutes

MOTION: A motion was made to approve the March 11, 2014 Board of Supervisors workshop minutes as presented. Seconded.

COMMENT: Identify these minutes as a "workshop"

PASSED WITH CHANGE: 5-0

D. PUBLIC WORKS DEPARTMENT

a) Roadside chipping discussion: The compost site will be open extra days in April and May. It will be open on the second and fourth Saturday of the month. There was a discussion about how the man hours are split up manning the compost site between the townships. The suggestion was made to limit the amount of brush that gets picked up. Tag suggested limiting the brush picked up to one truck load. Bob McClintock was asked to check if the township could change the standard to one truck load

instead of a time limit. He said he would check what the county requirement is. He would also be willing to check the wording of the grant.

- b) Mt. Carmel Road repairs: Tag reported on the completion of the Mt. Carmel Road repairs. The budget went over by approximately \$1,000. The job was completed Monday, March 24, 2014.

A comment was made that there was a spill on Providence Hill Road. The question was asked if this was the fault of the township and was told no. The spill was done by Kamco. Speed Dry was put down to absorb most of the spill. Kamco had originally sent someone out to clean up the spill, but a resident sent them away. Tag called Kamco and they are sending someone back out on Friday to try to clean up the road. If the power washing doesn't clean it up properly and the road is damaged, the road may need to be repaired at the expense of Kamco.

- c) The January 2014 and February 2014 Road Department monthly reports were submitted for Board and resident review.
- d) The February 2014 Recycling report was submitted for Board and resident review.

E. CITIZENS BY REQUEST

- a) Kevin Nguyen: Mr. Nguyen commented that he purchased the house in East Fallowfield Township but lives in Philadelphia. He was unaware that he was responsible for the trash bill. He never notified the township of a proper mailing address. The bills were being mailed to the property address and they were being returned. It is the property owner's responsibility to make sure the township has the correct mailing address. The tax assessment records still show the property address as the mailing address. Mr. Nguyen has been to Portnoff who told him to contact the Board of Supervisors. The township will look into the fees with Portnoff. They are not sure whether they can stop the Sheriff's sale at this late date. The township will follow-up and let Mr. Nguyen know.
- b) Tim Tipton: Declined to comment.

F. SOLICITOR REPORT – Nothing to report

G. LEGAL ISSUES

- a) Wireless Capital Partners offer of a buyout for the cell tower lease: The Board reviewed the offer from Wireless Capital Partners. There was a discussion on the merits of keeping or selling the lease. The Board asked Rosemary to draft an official response to Wireless Capital Partners passing on the offer.
- b) Hope Community follow up: Kristen Camp representing Michael Gill started the discussion regarding the Hope Community. They are not asking for a commitment from the Board but trying to take the next step to be able to work into proposing the zoning commitment. There was the comment that the Planning Commission unanimously approved moving onto the next steps, which was incorrect. There are many details to work out. The question was raised as to whether the Board wants to consider adjusting this property from an industrial district to a residential district.

MOTION: The motion was made to authorize the Hope Community to work with the township solicitor and engineer on this project moving forward. Seconded.

COMMENTS: A resident made the comment that he is adamantly opposed to this proposal for a zoning change that is completely different from what the township currently has. He went on to comment on other duties and responsibilities of the Board.

Ms. Camp made some comments in regards to the comments made by the resident.

Mr. Sisk stated that these homes are not meant to be an investment; simply affordable housing.

Bob King asked how many homes will be in the development and how will it benefit the township? Will it generate an income for the township? He was told there would be 187 buildings. It would generate income with transfer fee, 1 per cent of the school tax, and earned income tax.

Laura Kay commented that she was concerned with what plans may come up for this property if the residential homes don't get approval. She doesn't want a slag pit in the neighborhood. She was told that there is no slag pit there and as far as the Board is concerned there are no plans currently available to put a slag pit in now.

Terry Smith voiced her concerns about the Hope Community Project.

Tim Tipton made a comment regarding Denise Miller's termination. And was told that whomever is employed at the township is a separate issue, and will not be discussed at a public meeting.

Jim Sisk made comments regarding the slag plant proposal and was told that the Board and the township has not received anything that has to do with a proposed slag plant. There is nothing before the Board.

Buddy Rhoades commented on the increased volume of traffic in addition to the truck traffic that already exists.

Mr. D'Angelo said that he thought if there was a zoning change it should be consistent with the current zoning laws. He was told that the Board is nowhere close to a zoning change. The issue in front of the Board is whether the township engineer and township solicitor should work with Mr. Sisk's representatives to determine re-zoning.

DID NOT PASS: 0-5

c) Manchester Farms escrow, snow plowing bills:

DISCUSSION: Mr. Schrock was invited to attend the meeting but politely declined. Bob McClintock was asked what recourse the township has in regards to snow plowing Manchester Farms. The Board had authorized him to develop a contract but has not even received a call back from Mr. Schrock. He went on to comment on the difficulties working with Mr. Schrock and what resources may be available to collect any previous charges. There were some comments regarding releasing the escrow funds. Chris Della Penna has not signed off on the release. Chris Della Penna needs to come in and attend a meeting so the Board can clarify the release of the escrow funds. Bob McClintock, Rosemary Moore and Chris Della Penna will look into the matter and report back to the Board at the next meeting.

d) 2008 retirement interest calculations: There was a delay in the process of depositing contributions into the retirement account. Rosemary Moore clarified that this was from 2008. The Board authorized Rosemary Moore to calculate the amount of that interest and the payment of that interest.

MOTION: Motion to authorize Rosemary to determine the amount interest owed to current and former employees of the township during the time period of employee's submission contributions to their retirement account. Seconded.

e) Non-uniform employees (unionization vote): The township received a petition that was submitted to the PA Labor Relations Board. It's a petition of representation. The Board vote would only be limited to allowing the non uniform employees to go through with the election. The act requires the township to consent. If they do not consent then there can be a petition filed demanding an order requiring the election take place.

MOTION: Motion to authorize non-uniform employees to hold union certification election. Seconded. Authorize Rosemary Moore to forward the required information that the PA Labor Relations Board has requested.

There was some discussion regarding the reasoning behind the election. The Board is unable to answer those questions. The reasons are with the employees and have not been expressed to the Board. It's a personnel issue.

PASSED: 5-0

- f) Ed Porter asked Bob McClintock about third party contracts. Is there any way to put a non-competition clause into a contract with third parties? Mr. McClintock replied that there is nothing in writing. There are ethical issues with that. Ed withdrew his request.

H. TREASURER'S REPORT

- a) February 28, 2014 Treasurer's report

DISCUSSION: Rosemary commented that she made some of the changes that were requested.

MOTION: A motion was made to approve the February 28, 2014 Treasurer's report as presented. Seconded.

COMMENTS: There were some comments regarding individual line items on the report. Mrs. Moore responded to the Board's satisfaction.

PASSED: 5-0

- b) February 2014 payment authorizations.

MOTION: A motion was made to approve the February 2014 payment authorizations as presented. Seconded:

PASSED: 5-0

- c) Liquid Fuel funds received

DISCUSSION: Mrs. Moore announced that the liquid fuel funds came in at \$211,120.33, deposited March 6th, plus the turnback allocation of \$29,480.00.

I. WESTWOOD FIRE CO.

- a) John Sly, Battalion Chief and President of the fire company introduced himself to the Board and residents. He commented on the amount of fire rescue calls and fire calls that had been received in the past year. They are running their annual fundraiser at this time. He offered an invitation for the Board to attend the Annual Appreciation banquet on April 19th at 6:00 p.m.

J. POLICE DEPARTMENT

- a) February 2014 Police report submitted for Board and resident review.

DISCUSSION: Chief Porter summarized the police report.

K. PARK AND RECREATION COMMISSION

- a) No report submitted

L. HISTORICAL COMMISSION

- a) Hope Community Development recommendation memo.

DISCUSSION: Joe McCormick commented that the Board had a copy of a memo from the Historical Commission. The commission voted at the last meeting in response to a inquiry made by the Historical Preservation officer from the Chester County Planning Commission on Mr. Sisk's proposed Hope

Community. They were wondering what recommendations we had made. We responded that there were no recommendations.

Buddy Rhoades added some additional comments to Joe McCormick's statement. There were comments about fixing the Mortonville Bridge and the township apply for a grant. The comment was that the grant opportunity deadline is April 2nd. Ed Porter said maybe we'll be able to do it next year.

M. Planning Commission

a) Planning Commission report

DISCUSSION: Dennis Crook summarized the report for the Planning Commission. Areas of concern included Scott Farm Estates, BAWA (sewage planning modules) and Hope Community. A problem exists because there is no procedure book in place to keep the flow of information on how things are to be done.

N. NEW BUSINESS

a) A Temporary employee was hired from Randstad at \$19.57 per hour to help in the office beginning on March 5, 2014.

MOTION: A retro-active motion was made to hire a temporary administrative assistant at \$19.57 per hour to help in the office beginning on March 5, 2014. Seconded.

PASSED: 5-0

b) The meet and greet for the COG (Chester County Council of Governments) was cancelled this past Friday. We received an e-mail saying they would be rescheduling.

c) Frog Hollow Bridge Update. Ed Porter referred to a letter he received. He spoke with PennDOT and got some additional information. An emergency action plan is needed, along with an inspection of the bridge. Tag commented that he had a book with all the bridges in the township and when they were last inspected.

d) Township newsletter. Ed Porter commented that the last township newsletter was done in 2011. The residents really liked having it to update on what is happening in the township since some of the residents do not have internet access. He spoke with Michael Green to see if he had any interest in doing a newsletter like he did before. He said he would be willing to do it again. Ed Porter will call and invite Michael Green to the next workshop to discuss the possibility of doing another newsletter.

e) Memorial Day & Park Day Events. Hats off to Hero's Day is coming up. Jeannie Berlin handles that at Park and Recreation. We should continue Park Day because the residents really enjoyed that. Maybe we could get Park and Rec to handle that.

f) Prepaid Credit Card. The township no longer has a credit card because it needs a responsible party's name on it and it affects the individual's credit rating. The suggestion was made to get a prepaid credit card for township use. We can authorize Rosemary Moore to purchase that. Mrs. Moore said that she would have to check to see if she can use a township check to purchase the credit card.

O. PUBLIC PARTICIPATION

COMMENTS:

- a) Bob King made the comment that he would like to compliment the road crew for their hard work. The Board echoed the compliment.
- b) John DiAngelo suggested having the township police and fire company's contact information listed in the newsletter in case residents want to contribute.
- c) Siti Crook suggested hiring an intern to take care of some of the updates on the website. She also asked why the brush removal can't be incorporated into the trash fee. She was told that the township contracts out the trash removal. It would also be unfair to the people who do not use brush removal to increase their fees.
- d) Buddy Rhoades made comments regarding the replacement of security cameras. He also made comments on the covered bridges in the township.

P. ADJOURNMENT

MOTION: There was a motion made to adjourn. Seconded.

PASSED: 5-0

Respectfully Submitted,

Pamela Barnes
Temporary Administrative Assistant