

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS WORKSHOP MEETING
July 22, 2014 **Unapproved** minutes
6:39 PM

Members Present

Steve Herzog, Vice Chairman
Mark Toth, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Rosemary Moore, Township Treasurer

Township Solicitor

Bob McClintock

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

Vice Chairman, Steve Herzog called the meeting to order at 6:39 pm.

2. NO QUORUM – Bob McClintock stated that because there is no quorum at this meeting, the meeting will function as a Board of Supervisors workshop meeting. Discussions can occur but no official actions can be taken.

3. DISCUSSION

A. MAYOR OF MODENA

The Mayor of Modena, Steve Juhas, discussed that the Modena Post Office is being targeted by the Postal Service to have its hours cut. There will be a town meeting on Tuesday, August 12, 2014 at 3:00 pm. Mayor Juhas is trying to get as many people as he can to attend this meeting. The Mayor is requesting all the support he can get for the Modena Post Office.

B. PUBLIC WORKS

- 1) The June 2014 Road Department Monthly Report was submitted for Board and resident review.
- 2) Mortonville Road – The Township received the full investigative report from Earth Engineering Incorporated. The next step is to get cost estimates. Further discussion is required at the next workshop meeting on August 12, 2014.

C. PARK AND RECREATION COMMITTEE

- 1) Requested donation of park pavilion rental – Michael McClintock brought a resident request for donation of park pavilion rental for a special event. The park pavilion rental fee is \$50 for East Fallowfield residents and the fee covers four hours of pavilion use. There are no prior parameters to follow in making this decision. Therefore, the Park and Recreation Committee feel that the park pavilion rental fee should not be donated because there are no guidelines for handling this in the future. The Board members present will share this request with the other Board members.
- 2) Bridge and Trail Project – Michael McClintock presented an update on the project status. The project is still moving forward. They are reevaluating some of the design, particularly with the wetlands. A boardwalk over the wetlands is being considered as a means of not disrupting water flow. Construction is expected to begin in the spring of 2015 and be completed by September 2015. The Grant runs out in 2016 which means there is plenty of time for completion.

D. CITIZENS BY REQUEST

- 1) Ted McLaughlin – Ted McLaughlin represented the residents of Horizon Drive. Weaver Mulch is looking to have their farming equipment go through Horizon Drive and access their fields through the cul-de-sac. Mr. McLaughlin turned in a petition signed by residents of Horizon Drive against allowing Weaver Mulch farm equipment to gain access to their property through Horizon Drive. Bob McClintock, Township Solicitor, will research the regulations regarding use of farm equipment on roadways.

- 2) Denise Carter – Denise Carter, of the Branford Village HOA (Home Owner's Association), spoke about solicitation in Branford Village. She stated there is a huge solicitation problem in Branford Village. She has a solicitor at her door at least once a week. Ms. Carter requested the Township no longer grant permits to solicitors in Branford Village. Bob McClintock explained that the Township is unable to fulfill this request because commercial speech is a first amendment right. Municipalities are very limited and can regulate solicitation but cannot prevent it. Bob McClintock stated that it is up to the private property owner to put up "no solicitation" notices on their property. Property owners also need to try to enforce it. Bob McClintock suggested that residents tell unwanted solicitors that the HOA has a no solicitation policy and if they are seen soliciting, the HOA will bring trespass action against them.

- 3) Charlie Carter – Charlie Carter brought up four questions/issues in regard to Manchester Farms:
 - a. Follow up on last month's action items – The Township Engineer should complete a current inspection of the road conditions in Manchester Farms. The Board will follow up with Tag Gathercole about getting an estimated cost of road repairs. Dewey will need to be notified that the roads are in disrepair.
 - b. Is Dewey in default of the Escrow Agreement and Subdivision Agreement - Charlie Carter requested the Township Solicitor to look at the Escrow Agreement and Subdivision Agreement with Dewey and offer an opinion on whether Dewey is in default of those agreements. Bob McClintock responded that, in his opinion, Dewey is in default based on the requirement that they are to maintain and plow the roads. They have not done that which puts them in default. Therefore, the Board has the option to take action against Dewey. Bob McClintock also said that even though Dewey is in default, there are many other issues that the Board is taking into consideration before taking action such as Dewey's obligation in regard to the intersection of West Chester Road and S. Caln Road.
 - c. Permanent Extension Act – Charlie Carter asked if the Permanent Extension Act is protecting Dewey. Bob McClintock explained that the Permanent Extension Act does not protect Dewey from default. Dewey is still in default of their agreement to maintain the roadways.
 - d. Escrow Agreement and Subdivision Agreement – Charlie Carter asked if the Township should look at charging increases in the escrow account. He mentioned reading in the agreements that 10% of the escrow can be increased every year after one year past the escrow date. Bob McClintock said that we would simply not get it from Dewey. They would not provide for increase in security. There are easier ways to take action. The Township has repeatedly asked Dewey to participate in discussions and attend Board meetings in an attempt to resolve this situation.

E. SOLICITOR REPORT – Nothing to report.

F. LEGAL ISSUES

- 1) Act 167 Model Stormwater Ordinance – Jan Bowers – Jan Bowers, Executive Director of Chester County Water Resources Authority, spoke about Act 167 Stormwater Ordinance. She is responsible for handling water resource management for Chester County, however, she is considered a separate entity from the County. She works closely with all the municipalities in Chester County on water resource issues with stormwater management being her primary responsibility. She works with municipalities to meet regulatory requirements in a cost effective method. Jan Bowers is not an agent of DEP. As of 2012, the MS4 permits are requiring more extensive municipal stormwater ordinance requirements. Rather than have each

municipality work independently with DEP to meet these new MS4 requirements, Jan Bowers asked local municipalities if they'd like her department to develop a county-wide ordinance under the Act 167 process. She received an overwhelming "yes" response. By working together collectively, municipalities had more leverage with DEP than they would on their own. Jan Bowers was able to get DEP to be more flexible with standards and requirements.

Jan Bowers explained the DEP standards under Act 167 Stormwater Ordinance. Work under 1,000 feet of new impervious surface has no change in requirements. Any work with new impervious surface of 1,000 feet to 2,000 feet will require the owner to capture and keep on site the first inch of runoff with a rain garden or barrel. Over 2,000 feet of new impervious surface will require full engineering, design and review. DEP originally wanted all new impervious surface work to require full engineering, design and review. Agricultural operations are exempt. Municipalities will need to review property work of over 2,000 feet of new impervious surface. More frequent inspections will need to be done. There will be some additional administrative costs to both municipalities and residents.

Ms. Bowers said there are some future benefits to adopting Act 167 Stormwater Ordinance. There will be less stormwater problems in the future and therefore less costs and time involved. Future drainage problems will be avoided because development and changing land grading will require notification of the owner of downgrading problems. The Township will need to take actions to remove pollutants from water before it leaves roadways and storm sewers until the state delists us. It will cost more in the future to manage water pollutants if nothing is done now.

Jan Bowers stated that she was contacted last week by DEP. The DEP gave municipalities a six month extension to adopt Act 167 Ordinance. As of July 1st, the DEP is looking at townships that have not adopted the ordinance and deciding what action to take. Jan Bowers reported that 68 of 73 municipalities in Chester County have adopted Act 167 Stormwater Ordinance. Four municipalities have responded to DEP with a timeline of 2 months until adoption. East Fallowfield Township has not responded to DEP. Not adopting Act 167 Stormwater Ordinance will have possible consequences of losing state funding (liquid fuels) and being fined for non-compliance of MS4 permits. The Township is 200 days non-compliant since January 1st.

- 2) Collective Bargaining with the newly certified Public Works Union – Bob McClintock will reach out to the Public Works Union counsel and try to schedule an initial meeting with the Board.
- 3) Chester County Permit Application for Co-Location of Vermeil Tower – Chester County is looking to co-locate their tower on the Vermeil Tower. Their attorney had submitted a request for Rob McLarnon to review and see if pursuant to a recent statute, that co-location doesn't need to go through zoning approval. Both Rob McLarnon and Bob McClintock don't believe it qualifies under the statute plus there are some other issues. Bob McClintock will be drafting a letter to Chester County stating why it doesn't comply and that they need to come before the Board for conditional use.
- 4) Resolution – Act 537 – MacCombie made a last minute discovery of a potential grant which would provide funding of \$27,000 for the Act 537 adoption process. They are allowing municipalities extra time to adopt the resolution. Due to no quorum, this resolution cannot be passed at this meeting. Bob McClintock will contact MacCombie to find out when this resolution needs to be adopted.

G. PLANNING COMMISSION

- 1) Dennis Crook gave an update on the Planning Commission. He reported that the Planning Commission had talked to the PAWC and was informed by them that any new development after Rouse Chamberlin will not be approved for EDU's until the Township passes our Act 537 Ordinance.

Ridgecrest Project - The Planning Commission had Rouse Chamberlin appear at two meetings in July. On July 2, 2014, the Planning Commission did not have a quorum. The three Planning Commission members heard Rouse Chamberlin's presentation. On July 22, 2014, the remaining four Planning Commission members heard Rouse Chamberlin's presentation. All Planning Commission members feel that the Board

should proceed with the Ridgecrest Project. They feel that the proposed changes are minor. Rouse Chamberlin agreed to put money into escrow for building the trail in the future. The Township will have control over deciding when to build the trail. The HOA will be responsible for building the trail.

Section 1300 – Further research needs to be done in regard to Section 1300 Open Space Ordinance. The Board needs to determine if the original Open Space Ordinance was appealed and whether the new Open Space Ordinance is different from the original. It's possible this Ordinance was appealed but wasn't on the books. If the current Open Space Ordinance is truly a new version, it will need to be reviewed and brought before the Board to review or change as needed. Bob McClintock will research this issue and the timeline involved.

H. UNFINISHED BUSINESS

- 1) Rouse Chamberlin would like to come before the Board at the next meeting. Subject to Board approval of changes, they will be seeking to move to reporting the plan and post security at the regular August Board of Supervisors meeting.

I. POLICE REPORT

- 1) June 2014 Police report submitted for Board and resident review.

J. HISTORICAL COMMISSION

- 1) June 4, 2014 Historical Commission meeting minutes submitted for Board and resident review.
- 2) 8 Edwards Drive – proposed garage loft.
- 3) 2305 Strasburg Road – proposed renovations.

K. NEW BUSINESS

- 1) Office closure on Monday, July 28th and Tuesday, July 29th – The Township office will be closed on Monday, July 28, 2014 and Tuesday, July 29, 2014.

L. PUBLIC PARTICIPATION

- 1) Chris Makely – Chris Makely discussed the old Prang's Junkyard property. He stated that there are several underground old fuel tanks that he does not know if the Board is aware of. There was an old pumping station there and they recaptured fuel, oil, and antifreeze from vehicles brought in for scrap. There are four or five tanks buried in front of the facility area that need to be addressed. Eastco recently purchased the old Prang's Junkyard property and has been doing renovations. Mr. Makely has talked to Chris Della Penna and Rob McLarnon who have told him that proper permits have been issued for the work. If the Board wishes to move forward, they need to address these issues in conditional use.
- 2) John Davis- John Davis asked if there is any informational documents for those residents that are not computer savvy. He asked where people can get information other than online. Jan Bowers explained that most of the work done thus far on Act 167 Stormwater Ordinance has been focused on the municipalities. Now that most of Chester County's municipalities have adopted Act 167, there will be more resident questions. Some municipalities are putting together informational packets. Jan said her office is currently working on an informational flyer that municipalities will be able to give to residents. Unfortunately, there is not much printed information available yet.

4. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 8:47 pm. Mark Toth seconded. Vote Passed.

Respectfully Submitted,

Lisa Valaitis,
Township Secretary