

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS SPECIAL WORKSHOP MEETING
August 12, 2014 Approved minutes
6:35 PM

Members Present

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

Chairman Joe Pomorski called the meeting to order at 6:35 pm. Steve Herzog seconded.

2. Discussion

A. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the June 10, 2014 Board of Supervisors workshop minutes as presented. Steve Herzog seconded.

VOTE PASSED 4-0.

B. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the June 24, 2014 Board of Supervisors minutes as presented. Steve Herzog seconded.

VOTE PASSED 4-0.

C. PUBLIC WORKS

- 1) Mortonville Road – Tag Gathercole suggested reopening one lane of Mortonville Road and put yield signs at both concrete barriers. He said the road conditions have not changed since the damage occurred.

DISCUSSION: Ed Porter said that he is worried about potential Township liability associated with reopening one lane. He mentioned weight limits and what would happen if heavy trucks drove on Mortonville Road. Charles Kilgore and Bob McClintock agreed there could be a liability issue with reopening the road. Joe Pomorski wants to look at the road conditions again. Steve Herzog said that the Township needs to look into this further and get repair estimates. Ed Porter asked what the balance is in Liquid Fuels. Rosemary Moore responded that the balance is \$223,000 as of July 31st.

- 2) S. Caln Road, Doe Run Church Road and Mink Hollow Road – Tag Gathercole reported that S. Caln Road and Doe Run Church Road both need to have paving work done. Tag estimated the costs to be \$45,000 for S. Caln Road and \$35,000 - 40,000 for Doe Run Church Road. Mink Hollow Road needs a four foot pipe rebuilt. This project will need to be completed in one day because the residents have no alternative way to get in and out.

ACTION: S. Caln Road and Doe Run Church Road will be put out for bid. Required advertising will be done.

- 3) Manchester Farms –Tag Gathercole presented a cost estimate to repair the roads in Manchester Farms. He estimated the cost of road repairs to be approximately \$115,000. Bob McClintock reported that there is \$98,000 in the Phase 1 Escrow Account and \$293,000 in Phase 2 Escrow Account. Bob McClintock stated that Dewey is in violation of their agreement for not maintaining the roads in Manchester Farms. Bob recently sent a letter to Dewey informing them they are in violation of their Developers Agreement for not keeping the roadways maintained. This letter fulfills the noticing requirement if the Township should want to take future action against Dewey.
- 4) Weaver's Mulch and Horizon Drive – Bob McClintock reported that he had researched the issue with Weaver's Mulch wanting to use Horizon Drive to access their property with farm vehicles. The county maps show the Weaver property may boarder Horizon Drive which would give them the right to use Horizon Drive if their vehicles are properly registered etc. Weaver's Mulch has not used Horizon Drive yet. Tag Gathercole offered to speak to Mr. Weaver about using a different route for his vehicles.

ACTION: Tag Gathercole will speak to Mr. Weaver about using an alternative route. Bob McClintock will wait for an update from Tag before researching further.

D. LEGAL ISSUES

- 1) Act 167 Stormwater Model Ordinance – Bob McClintock reported the DEP is seeking the Township's status on adopting Act 167. He had informed the DEP that the Township is authorizing advertisement of Act 167 Stormwater Ordinance at tonight's meeting.

DISCUSSION: Jan Bowers, Executive Director of Chester County Water Resources Authority asked the Board if they any had questions in regard to Act 167 Stormwater Model Ordinance. Ed Porter asked about brake dust (pollutants from cars) being discussed at a previous meeting. Jan Bowers said the main purpose of Act 167 is to improve management of stormwater that is created by land development. Act 167 will ensure better stormwater standards are put in place with future land development. These standards will better manage stormwater runoff to reduce flooding and erosion. Act 167 will not deal with enforcement of water quality pollution reduction standards. The Township will not be required to force landowners to do anything unless they are creating a "pollution event." Bob McClintock stated that there will be serious financial ramifications for the Township if we don't pass Act 167.

ACTION: The Board of Supervisors authorized advertisement of Act 167 Stormwater Ordinancefor potential adoption at the September 23rd meeting. The Township will publish notification.

- 2) Resolution – Act 537 – Bob McClintock explained that the Resolution - Act 537 is in regard to a grant program that Jamie MacCombie's office discovered right before the deadline in mid-July. Part of the grant requirement is for the Board to pass the Resolution and authorize Lisa Valaitis, as Township Secretary, to sign the letter guaranteeing the Township will match these funds in preparing the Act 537 Plan. The Township has \$41,029 budgeted in general funds for the Act 537 Plan. The amount of the grant will be \$24,617.

MOTION: Joe Pomorski made a motion to adopt Resolution 2014-05 requesting a sewage facility grant in the Commonwealth Financing Authority and authorizing Lisa Valaitis to execute on behalf of the Township. Steve Herzog seconded.

DISCUSSION: Several questions and concerns were brought up before voting. Buddy Rhoades asked how much the grant is for and what was the cost. The grant will be for \$24,000 and the cost to apply was \$850. Siti Crook asked if the Board needs a quorum and to vote to have a special meeting. She asked if this meeting should be a public meeting as opposed to a workshop because there was no quorum at last month's Board meeting to vote. Bob McClintock answered that under Section 604 of the "Second Class Township Code", a special meeting can be called by the Chairman or a majority agreement of the Board members. The only requirement to hold a special meeting is to advertise. Dennis Crook said that he feels the Comprehensive Plan should be done before the Act 537 Plan (public sewer). He also mentioned his concern over the nitrate problem in the center of the Township. He isn't sure of the cause. Jan Bowers said she thinks the Act 537 Plan and Comprehensive Plan should be worked on simultaneously. She also said that the maps showing

nitrate maps were misleading and misunderstood. The Health Department is revising those maps and they will show that the nitrate problem is not as wide spread as previously indicated. Ed Porter stated that he would like the Comprehensive Plan to be completed before planning Act 537.

VOTE PASSED: 4-0

E. PLANNING COMMISSION – Dennis Crook discussed the following:

- 1) Act 167 – The Planning Commission suggests signing off on Act 167 due to pressures. However, The Planning Commission has concerns regarding the impact Act 167 will have on other issues such as nitrates and well water quality, costs to homeowners, and problems for farmers.
- 2) The next Comprehensive Plan meeting is September 18th.
- 3) The Planning Commission has written a letter recommending the Board's support and approval of the recommended minor changes in the Ridgcrest Subdivision as identified by the representative of Rouse/Chamberlin.
- 4) Dennis Crook requested Lisa Valaitis, Township Secretary, attend the Planning Commission meetings. The Board decided she would not attend the Planning Commission meetings.
- 5) Flow Chart - The Planning Commission is still working on the flow chart but need more staff to help point out who items go to on different levels.

DISCUSSION: Ed Porter asked Dennis Crook if he would be interested in doing a study or getting grant money for a study on nitrates. Dennis said that he would like to do a study. He has been doing research but he hasn't found much past research on nitrates. Ed Porter asked if the Township passed stronger stormwater regulations, how it would nitrates be effected. Dennis said he believes it would concentrate the nitrates more. He feels that containing the pollution on property will cause more pollution in more places. Ed Porter asked if there is any supporting data. Dennis has not found any supporting data. Dennis would like to gather more information on this topic. Jan Bowers stated that there is enormous volume of research on how current stormwater management practices are being designed to move pollution out of water by using soil and vegetation as filters.

F. UNFINISHED BUSINESS

- 1) Rouse Chamberlin – Ridgcrest Subdivision – Jonathon Penders informed the Board that he had appeared before the Planning Commission and the Planning Commission has written a letter of recommendation approving the minor changes to their plan, architectural plan that the Planning Commission reviewed, and the 24 month extension for Phase 2.

DISCUSSION: Bob McClintock brought to the Board's attention a letter from Jamie MacCombie's office reviewing Ridgcrest's sanitary sewer system. MacCombie's letter clarifies that the DEP approved 72 EDU's. Bob also highlighted in the letter where it mentions the DEP stated in their March, 2012 letter that the maintenance and operation of the sewer system will be the responsibility of the Township until Act 537 is approved. At this point it can be turned over to PA American Water Company (PAWC). Bob said he couldn't find a record that the Township agreed to this. He will locate these records. Ted Moser stated that Ridgcrest was part of the original sewer deal. If the Township does not take maintenance and operation of the sewer before passing it to PAWC, then Ridgcrest's portion of the interceptor will not have to be paid.

MOTION: Joe Pomorski made a motion to allow Rouse/Chamberlin to move forward with Ridgcrest with the three changes that were proposed back at the June Board of Supervisors meeting. Ed Porter seconded.

VOTE DID NOT PASS: 2-2 (Joe Pomorski and Steve Herzog voted yea. Charles Kilgore and Ed Porter voted nae)

MOTION: Ed Porter made a motion for the Township to agree to accept the architectural styles as presented by Jonathon Penders to the Board of Supervisors for the Ridgecrest Development and grant the developer of Ridgecrest Development an extension for 24 months to obtain substantial completion of the development with which said extension expires August 1, 2018. Steve Herzog seconded.

VOTE DID NOT PASS: 2-2 (Joe Pomorski and Steve Herzog voted yea. Charles Kilgore and Ed Porter voted nae)

G. TREASURY REPORT

- 1) June 30, 2014 Treasurer's report – Rosemary Moore presented the Board with the June 30, 2014 Treasurer's report.

DISCUSSION: Steve Herzog asked about Trash Service Charges, Insurance Refund, Telephone Expense and the Police Pension Plan. Rosemary Moore answered to the Board's satisfaction. Ed Porter asked about the telephone bills being high and if the bills could be consolidated. Rosemary will investigate. Buddy Rhoades inquired about an unpaid bill for Chester County Historical Society membership for the Historical Commission. Rosemary Moore reported that this bill has now been paid.

MOTION: Joe Pomorski made a motion to approve the June 30, 2014 Treasurer's report as presented. Steve Herzog seconded.

VOTE PASSED: 4-0

- 2) June 2014 payment authorizations

MOTION: Joe Pomorski made a motion to approve the June 2014 payment authorizations as presented. Steve Herzog seconded.

VOTE PASSED: 3-1 (Joe Pomorski, Steve Herzog, Charles Kilgore voted yea. Ed Porter voted nae)

H. HISTORICAL COMMISSION

- 1) 105 Mink Hollow Road – Buddy Rhoades reported for the Historical Commission that they sent a letter to the owner of 105 Mink Hollow Road asking her to hire an architect to design her addition and then have the Zoning Officer review.
- 2) Marty's Bar on Ortonville Road – Buddy Rhoades said that this property is no longer commercial and is now residential. The Historical Commission gave permission to take off the roof that fell in. Permission has not been granted to change anything else on the outside.

I. NEW BUSINESS

- 1) Western Chester County Council of Government (WCCOG) – Joe Pomorski suggested withdrawing from the WCCOG because none of the Board members have been able to attend meetings. If no one is attending, then the Township should consider withdrawing and saving the membership expense. It was mentioned that Mark Toth might be able to attend these meetings.

ACTION: The Board decided to put this on next month's agenda for further discussion.

- 2) PA American Water Official Use System Map Delivery and Non-Disclosure Agreement (Governmental Agency) – Lisa Valaitis spoke about Dennis Crook's request for PA American Water to send him a recent

franchise area map for use by the Planning Commission. The PA American Water requested a representative of the Township sign a Non-Disclosure Agreement before they would provide the franchise map.

ACTION: The Board instructed Lisa Valaitis to have Bob McClintock review the Non-Disclosure Agreement before having it signed.

- 3) DCED Municipal Annual Audit Financial Reports – Steve Herzog said that he got a letter from the DCED stating that they have not received the Annual Audit Financial Reports from 2009-2013. The letter also stated that our municipality will continue to be ineligible for DCED Grant funding until our Township's reports are filed.

ACTION: Rosemary Moore said she also received this letter and will look into the issue.

- 4) Auditor Presentation – Steve Herzog asked Rosemary Moore if the Auditor will be making a presentation at the August 26th Board of Supervisors meeting. Rosemary Moore said the Auditor will be presenting and she is currently working on the MD&A. Ed Porter requested a copy of the audit the Thursday before the meeting.
- 5) Budget Meeting Advertisement – Steve Herzog asked if the Township has been properly advertised for the Budget meeting on August 26th. Rosemary Moore said the Budget meeting will be advertised.
- 6) Fire Committee – Steve Herzog reported that the first Fire Committee meeting will be August 25th. The committee will present a meeting update at the August 26th Board of Supervisors meeting.

J. PUBLIC PARTICIPATION

- 1) Buddy Rhoades discussed having Historical Commission pictures posted on the Township website. Ed Porter suggested the Historical Commission create a Facebook page and put a link to this page on the Township website. The Board also discussed setting up capacity to upload pictures on the Township website. The Township office staff would need to be trained on posting pictures.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors Special meeting at 8:47 pm. Steve Herzog seconded.

Respectfully Submitted,

Lisa Valaitis,
Township Secretary