

**EAST FALLOWFIELD TOWNSHIP**  
BOARD OF SUPERVISORS MEETING  
August 26, 2014 Approved minutes  
6:30 PM

**Members Present**

Joe Pomorski, Chairman  
Steve Herzog, Vice Chairman  
Charles Kilgore, Member  
Mark Toth, 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 6:30 pm. Steve Herzog seconded.

2. Discussion

A. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the July 8, 2014 Board of Supervisors workshop minutes as presented. Steve Herzog seconded.

VOTE PASSED 5-0.

The July 22, 2014 Board of Supervisors workshop minutes could not be approved because there were only two Supervisors present at the meeting and therefore only the two present could vote to approve.

B. AUDIT PRESENTATION

1) DISCUSSION: Dave Barrett, CPA from Mingis, Gutowski & Company spoke about the 2013 Audit. He stated that the Independent Audit was done in accordance with Government Auditing Standards, specifically the Government Accounting Standards Board 34 (GASB 34). GASB 34 results in two sets of financials: one government wide (all funds) set and one for each fund individually. The General Fund has an unassigned balance of \$500,000 which is acceptable. GASB 34 standards require that certain activities (trash and earned income tax) are monitored a few months beyond year end. This results in pushing back the timing of the audit. Dave Barrett made a suggestion that the Township consider doing a DCED Municipal Audit. It's the same level of auditing but requires less reporting. The audit could be started and completed sooner and it would save the Township money. Dave Barrett also mentioned the Township could improve internal controls with more segregation of duties. This is a common issue in small entities and most recognize the risk and live with it. Ed Porter asked Dave Barrett if he read the meeting minutes as part of the audit process. Mr. Barrett replied that he does read the minutes.

ACTION: Dave Barrett will work with Rosemary Moore to prepare an analysis of pros and cons for switching the audit level to a DCED Municipal Audit.

C. PUBLIC WORKS

1) The July 2014 Road Department Monthly Report was submitted for Board and resident review.

- 2) Mortonville Road – Joe Pomorski, Tag Gathercole, and Chris Della Penna viewed Mortonville Road yesterday. Joe Pomorski said they could potentially open up the road one way by barricading the south side and putting yield signs on either end while they decide what to do with the road long-term. Ed Porter brought up a concern with weight limit and potential problems with heavy trucks driving on the road. Joe Pomorski brought up having a test done to determine if there is a weight limit issue. Can we go through a process with PennDot to determine a weight limit and post signs with weight limits?

ACTION: The Board requested Chris Della Penna and Tag Gathercole attend the Board of Supervisors Workshop meeting on September 9, 2014 to discuss the processes with PennDot.

#### D. CITIZENS BY REQUEST

- 1) Charlie Carter – Manchester Farms – Charlie Carter thanked the Board for sending the letter to Dewey and for providing the road repair estimates for Manchester Farms. He asked for the scope of the work covered in the road repair estimate. Joe Pomorski said the estimate was for fully completed roads. Mr. Carter also asked if the letter sent to Dewey was sent by Certified Mail. Bob McClintock said the letter was sent by Certified Mail but he could not yet confirm Dewey has received the letter.
- 2) Siti Crook – maintaining existing quality of water in East Fallowfield – Siti Crook stated that at a recent Comprehensive Plan meeting she heard conflicting comments about an unknown number of cesspools in the area which can lead to ground contamination. She has done research on the Environmental Engineering National Science Foundation Grant. This grant is for studying water quality over a three year period and up to \$330,000. The grant money would probably go to testing individual properties.

ACTION: Siti Crook will pursue this grant and will bring it to the Board when she has more information.

#### E. SOLICITOR REPORT –

- 1) Act 537 Plan

DISCUSSION: Bob McClintock said at the last Board of Supervisors meeting, some questions arose about the Act 537 Plan. Specifically, when is the deadline for Act 537 and should it be worked on in conjunction with the Comprehensive Plan? Jamie MacCombie's office reported to Bob that the Act 537 Plan should be completed in the next few months. Bob McClintock said that Jamie MacCombie's office feels that unless the Board is looking to expand the service area under the Comprehensive Plan, there is no need to delay the Act 537 Plan. Ed Porter commented that it's difficult to say if there will be expansion on the Comprehensive Plan. The Task Force is still in flux about possible expansion. We need one more Comprehensive Plan meeting to confirm expansion. He also mentioned that PA American Water withdrew their application for expansion. Status on refiling is unknown right now. This could have an impact on the Comprehensive Plan.

Dennis Crook asked about the status of obtaining franchise maps from PA American Water. Bob McClintock explained that PA American Water will only allow these maps to be used for emergency planning. Using these franchise maps for the Comprehensive Plan does not meet PA American Water's qualifications. PA American Water feels it is a safety/security issue.

ACTION: Mark Toth said he has an older franchise map that he will bring to the next Comprehensive Plan meeting.

#### F. LEGAL ISSUES

- 1) PennDot Winter Traffic Service 5-Year Agreement and Resolution

Bob McClintock explained that the PennDot Winter Traffic Service 5-Year Agreement is a contract with a five year term listing a yearly allocation of how much the Township will receive for their services.

MOTION: Steve Herzog made a motion to enter into an agreement with the Commonwealth of Pennsylvania Department of Transportation Winter Service Agreement and to allow the Chairman of the Board, Joe Pomorski, to sign on the Township's behalf. Charles Kilgore seconded.

VOTE PASSED: 5-0

2) Section 1300 of the Township Zoning Ordinance

DISCUSSION: Steve Herzog explained that Section 1300 of the Open Space Ordinance was supposedly repealed and then re-added. Based on the wording of this Ordinance on the books today, the Township could potentially have 4,000 square foot lots. This was approved 10-12 years ago. The change was voted on but no one can find on the books or in the minutes that it was repealed and a new one was put in. The Code Book dates don't match the original adoption dates.

ACTION: The Board is looking for confirmation that what is on the books is what should be on the books. Then the Planning Commission can review and bring any necessary recommendations to the Board. Bob McClintock will do research and find the dates in question.

G. PLANNING COMMISSION

- 1) Dennis Crook presented an update on the last Planning Commission meeting. They had extensively gone over water and sewer issues and discussed the nitrates in the Township. The Health Department revised the maps and the nitrates look less ominous. With approval of the Planning Commission, Dennis wrote to a professional of groundwater and fracking. The professional provided Dennis with different options for getting grants. He also recommended that Dennis contact a professor at Villanova University who is an Environmental Engineer with expertise in groundwater and pollutants. Dennis also mentioned that he would like to check on getting a research grant through the National Science Foundation and partner with a university for research. Dennis asked for the Board's approval on moving forward with this.

ACTION: The Board granted approval for Dennis Crook to move forward with finding a study/grant.

H. UNFINISHED BUSINESS

1) Rouse/Chamberlin, Ltd. – Ridgecrest Project Approvals

DISCUSSION: Bob McClintock discussed the timing of re-voting on a motion that was previously voted on and not passed. He said that he did research on this topic and could not find any research to support a time limit on re-voting on a motion. He said that a motion that was not passed could be voted on again at any time.

MOTION: Joe Pomorski made a motion for the Township to accept the submission of the Amended Subdivision and Land Development Plan for Ridgecrest for the Township's review and approvals of which the amendments shall include the following: 1) relocation of the Tot Lot closer to the parking area located between lots 19 and 20 and a substitute picnic table and bench in place of the gazebo as shown on the plan 2) the construction of public walking trail will not be required to be constructed by the developer subject to the placement of funds equal to the cost of construction of the public walking trail to be approved by the Township Engineer under an escrow agreement as approved by the Township in notification of potential buyers of each lot of future installation of the public walking trail in a form acceptable to the Township 3) removing from Phase 2 lots 71 and 72 which includes the existing dwellings to Phase 1 subject to a declaration recorded against said lots requiring connection to the sanitary sewer system that a timely connection is available as determined by the Township. Steve Herzog seconded.

QUESTIONS AND COMMENTS: Steve Herzog asked for official verification on whether 72 Equivalent Dwelling Units (EDUs) are approved. Bob McClintock said that MacCombie's letter states that 72 EDUs are approved. The letter also stated that if the Act 537 Plan has not been completed by Phase 2 of Ridgecrest,

then the Township would have to maintain the section of the sewer system. Bob McClintock also added that the Act 537 Plan should be completed long before this would be an issue. Ed Porter reported that he spoke to Jamie MacCombie and he is not aware of a PADEP letter in 2011 approving 72 EDUs. The Township office does not have a letter from the PADEP approving 72 EDUs. Ed Porter stated that he does not believe the 72 EDUs were approved by PADEP. Bob McClintock said that the changes that Rouse Chamberlin is requesting will not have any impact on the sewer. He said that MacCombie's August 12, 2014 letter states that the capacity for 72 EDUs has been granted by PADEP. Ed Porter believes the 72 EDUs have been approved by PA American Water and not PADEP. Ted Moser said that they do have had approval for 72 EDUs in PA American Water's Comprehensive Plan since 2010 which is produced for PADEP every few months. The question of whether 72 EDUs is approved or not is Rouse Chamberlin's risk not the Board's. Rouse Chamberlin is simply asking for approval of changes they believe are for a better development. Tim Tipton asked if it would be a conflict of interest if Ed Porter votes on this issue because he resides near the property to be developed. Joe Pomorski stated that it is not a conflict of interest for Ed Porter to vote because he would have to directly financially benefit for it to be considered a conflict of interest. Ed Porter asked if Joe Pomorski would need to abstain due to his role as Treasurer on Chris Amentas's Senate campaign in 2012. Bob McClintock said that there is no conflict of interest for Joe Pomorski to vote.

VOTE PASSED: 3-2 (Joe Pomorski, Steve Herzog and Mark Toth voted yea. Charles Kilgore and Ed Porter voted nae)

MOTION: Joe Pomorski 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 of 24 months to obtain substantial completion of the development which said extension shall expire on August 1, 2018. Steve Herzog seconded.

VOTE PASSED: 3-2 (Joe Pomorski, Steve Herzog and Mark Toth voted yea. Charles Kilgore and Ed Porter voted nae)

ACTION: Steve Herzog requested the Township office obtain a copy of the PADEP letter approving 72 EDUs.

2) WCCCOG – Joe Pomorski

DISCUSSION: Joe Pomorski asked the Board if they should continue their membership because they've had a difficult time attending. This year Ed Porter is the delegate and Joe Pomorski is the alternate.

ACTION: The Board will rotate attendance and keep up their membership through the remainder of 2014.

3) Fire Committee Meeting

Steve Herzog gave an update on the first Fire Committee meeting which was with Modena and Westwood Fire Companies. The fire companies discussed their issues which are drop in volunteerism, increased costs and decreased profits from fundraisers. The fire companies want to work with East Fallowfield Township, as they have with other local townships, to come up with one year, five year and ten year plans. East Fallowfield Township has been giving \$62,000 per year to the fire companies since 2006. The Fire Committee will present what is coming in the future to the Board.

I. TREASURER'S REPORT

- 1) July 31, 2014 Treasurer's report – Rosemary Moore presented the Board with the July 31, 2014 Treasurer's report.

MOTION: Joe Pomorski made a motion to approve the July 31, 2014 Treasurer's report as presented. Steve Herzog seconded.

VOTE PASSED: 4-1 (Joe Pomorski, Steve Herzog, Charles Kilgore and Mark Toth voted yea. Ed Porter voted nae)

2) July 2014 payment authorizations

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

QUESTIONS AND COMMENTS: Steve Herzog asked about a check for replacement glass. Rosemary Moore replied that when Public Works was cutting grass, a rock flew out from under the mower and broke glass. The check was to replace the broken glass.

VOTE PASSED: 4-1 (Joe Pomorski, Steve Herzog, Charles Kilgore and Mark Toth voted yea. Ed Porter voted nae)

J. POLICE REPORT

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

2) Request for approval to hire Brandon Seibert at \$24.10 per hour.

MOTION: Joe Pomorski made a motion to hire part-time officer Brandon Seibert at a rate of \$24.10 an hour as per the CBA. Steve Herzog seconded.

QUESTIONS & COMMENTS: Ed Porter voiced a concern that the Township police officers are getting adequate training. Chris Porter said that new officers are trained in house and sent to the Chester County Training Center as needed. Tim Tipton asked if the police need more training. The Board will discuss police training at the next Budget meeting.

VOTE PASSED: 5-0

3) Donation of used police vehicles to Coatesville Area School District

Chris Porter was approached by the Coatesville Area School District Police Department. They are in dire need of police vehicles and asked if we had a used vehicles to donate. Chris Porter proposed the Township donate the two decommissioned police cars: 2007 car has a bad transmission and the 2004 car was dented by vandals in the Township office parking lot.

MOTION: Joe Pomorski made a motion to donate two police cars to Coatesville School District. Steve Herzog seconded.

VOTE PASSED: 5-0

K. PARK AND RECREATION

1) Boy Scout Project

Brian Carling heard from Brandywine Valley Association that they might have a Boy Scout that wants to do a kiosk project potentially in the East Fallowfield Park for the Brandywine Greenway. This would be a two or three sided kiosk. A three sided kiosk could have a side about the Greenway, one about additional park information and one about community related items.

2) Replacement of park signs

Brian Carling reported that three park signs need to be replaced. One sign is gone, a second sign is being held together by bolts and the third sign is not in great condition either. The Park and Recreation Committee looked at costs for replacing the signs. The best bid was from Lucky Sign Shop. The new signs will be aluminum posts and bracing. The bid is for \$14,590 to replace signs and posts. Cost will come out of the Park and Recreation Fund. Public Works Department can install the signs to save costs.

MOTION: Joe Pomorski made a motion to go with the bid from Lucky Sign Shop for three signs for Park and Recreation, to come out of the Park and Recreation fund for \$14,590. Charles Kilgore seconded.

VOTE PASSED: 5-0.

Park and Recreation is currently working on a trail system that will connect both sides of the park as well as Brook Crossing. The ball field is next on the agenda. They are also planning on adding a public restroom in the future.

L. Historical Commission

- 1) The July 2, 2014 Historical Commission meeting minutes submitted for Board and resident review.
- 2) Covered bridge on Frog Hollow Road

Buddy Rhoades reported four to eight inch stones are needed to prevent the blacktop from breaking away near the bridge.

M. NEW BUSINESS

- 1) Hope Community

Ed Porter would be willing to entertain Jim Sisk at a future board meeting to discuss the Hope Community. East Fallowfield doesn't have low income housing and this could be an area of potential development.

N. PUBLIC PARTICIPATION

- 1) Siti Crook – Siti Crook suggested the Township organize a weekend flea market and farmers market for spring 2015. She suggested using the area in front of East Fallowfield Park on Strasburg Road. This could be put together with an organizer from the community and a Township liaison. Vendors would pay a fee which would be split between the community organizer and the Township. This market would help the Township earn extra money as well as provide a needed service to the community.

ACTION: The Board is in favor of pursuing this idea further. Siti Crook will bring additional information back to the Board. Joe Pomorski offered to be a Township liaison.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 8:41 pm. Steve Herzog seconded.

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary