

## EAST FALLOWFIELD TOWNSHIP

### BOARD OF SUPERVISORS MEETING

October 28, 2014 Approved minutes  
6:33 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

Vince Pompo

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

Chairman Joe Pomorski called the meeting to order at 6:33 pm. Steve Herzog seconded.

#### 2. Discussion

##### A. APPROVAL OF MINUTES

##### 1) August 26, 2014 budget meeting minutes

MOTION: Joe Pomorski made a motion to approve the August 26, 2014 budget minutes as presented. Steve Herzog seconded.

VOTE PASSED: 5-0

##### 2) September 9, 2014 Board of Supervisors workshop minutes

MOTION: Joe Pomorski made a motion to approve the September 9, 2014 Board of Supervisors workshop minutes as presented. Steve Herzog seconded.

VOTE PASSED: 5-0

##### 3) September 26, 2014 budget meeting minutes

MOTION: Joe Pomorski made a motion to approve the September 26, 2014 budget meeting minutes as presented. Steve Herzog seconded.

VOTE PASSED: 3-0 (Charles Kilgore and Ed Porter abstained)

##### B. PUBLIC WORKS

##### 1) The September 2014 Road Department monthly report was submitted for Board and resident review.

##### C. CITIZENS BY REQUEST

##### 1) Gail Chapman-Groncki – Refrigerated Trucks – Ms. Chapman-Groncki stated that she lives close to the Diefenderfers Truck Stop. She is having problems with increasing noise and black on the inside of her windows. The noise is being caused by refrigerated trucks that are idling at the truck stop. It is not the actual truck engine that is idling but rather the separate diesel engine that keeps the refrigerant running. Ms. Chapman-Groncki said she can't sit outside or open her windows because of the smell of diesel and the loud noise. The EPA came out to the site but found no violations. Ms. Chapman-Groncki asked if there was

anything that could legally be done. Ed Porter suggested she try speaking to the owner of the truck stop. Vince Pompo suggested that the zoning officer could look into it.

- 2) Allen Mowery - Doe Run Church Road – Allen Mowery, member of the Trustees of the Presbyterian Church on Doe Run Church Road spoke to the Board about needing paving done on their driveway connecting to Doe Run Church Road which is in the Township Right of Way. Cars are bottoming out. Howard Folk, professional engineer, described the specific road work required. Mr. Folk requested the Board's permission to have the work done this fall as well any financial help that the Township could offer. The Board was concerned about how this road work would impact the Doe Run Church Road paving bid that was just accepted. Mr. Folk asked if the bid job could be expanded or modified. An extension request has been filed with PennDOT on the Doe Run Church Road paving job. If the extension is granted, the Township might get the job done this fall. Howard Folk asked the Township for permission to cold patch the area of road in question. The Board agreed to this as long as Tag Gathercole is consulted first.
- 3) Charlie Carter – Manchester Farms – Charlie Carter asked if Dewey had responded to the default letter sent to them by the Township. There has been no response from Dewey. Charlie Carter also asked if the Township would be going after the escrow money. Vince Pompo said this will be discussed later in the meeting. Mr. Carter also asked how quickly the Board could do immediate road repairs. Steve Herzog replied that this would have to be determined by Tag Gathercole.

#### D. SOLICITOR REPORT

- 1) Vermeil Cell Tower – Vince Pompo stated that the Township received a letter on October 24<sup>th</sup> from Fox Rothschild who is representing Chester County on the Voice Radio Project. The County is working on this project to upgrade their emergency communication system. They have mapped out their system needs throughout Chester County and have identified the existing cell tower at 775 Fairview Road as a need for this project. They need to extend the height of the tower as well as install a new building structure to house the equipment. The existing building was constructed to look like a running shed. Fox Rothschild will be filing a conditional use application and will need a zoning hearing to increase the building height. They are also subject to the approval of the Brandywine Conservancy. They granted approval upon the County's plan to plant a vegetation area that stretches along Fairview Road on either side of the cell tower as well as along the back. Fox Rothschild requested that Vince Pompo bring this to the Board's attention and ask if they would prefer the application to go before the Board first or the Zoning Hearing Board. Ed Porter asked what would be the best way to allow residents to make comments. Vince Pompo answered that having the application go to the Board first would allow for residents to comment. Residents will also get a notice as part of the conditional use application.

ACTION: The Board will have the conditional use application for 775 Fairview Road come before them prior to the Zoning Hearing Board. This Board meeting will need to be advertised. There will be a hearing and a court reporter will need to be present to record comments.

- 2) Collective Bargaining Agreement – Police Department – Vince Pompo stated that at the last Board of Supervisors meeting, the Board discussed getting authorization to take the arbitration award for the police and formulate it into an actual agreement. It would be a few months before the legal counsel for the police union will be able to craft the agreement.

ACTION: The Board authorized Vince Pompo to put the agreement together.

#### E. LEGAL ISSUES

- 1) Signing of Writs of Execution - Trash Bills

MOTION: Joe Pomorski made a motion to sign the Writs of Execution as presented. Mark Toth seconded.

QUESTIONS AND COMMENTS: Ed Porter asked Vince Pompo if there have been any problems with Portnoff and how the writs are being executed. Vince Pompo said he is not aware of any problems but will let them know if he hears anything.

VOTE PASSED: 5-0

2) Health Insurance – approval of Premium Only Plan Description and Adoption Agreement and adoption of Resolution authorizing the adoption of the Premium Only Plan Document

Vince Pompo reported that at the last Board of Supervisors meeting, a concern was brought up about adopting Benecon's Premium Only Plan Description and Adoption Agreement because it might bind the Township to make the cash option available to not only uniform, but also non-uniform employees who are now under a collective bargaining agreement and all other employees. Benecon highly recommends the paperwork is done to meet certain IRS guidelines. Benecon provided an adoption agreement as a form to use. It's up to the Township how we decide to implement the plan. In response to Benecon's comments, Vince Pompo changed the language under the cash option in the agreement. For Public Works, it will be up to the collective bargaining agreement. For other employees, it will be up to the Board.

MOTION: Joe Pomorski made a motion to adopt the resolution to adopt authorizing the Premium Only Plan document. Steve Herzog seconded.

VOTE PASSED: 5-0

3) Labor Counsel – consideration of firms responding to the RFP for consulting legal services – Vince Pompo requested proposals from four firms who would possibly represent the Township with contract negotiations with the Teamsters. Vince Pompo gave a summary of each of the legal counsel firms that submitted proposals. There was a discussion about whether or not to hire legal counsel at this time or meet with Public Works first to determine what they are looking for. The Board decided to request Siana Bellwoar to attend the next workshop meeting. Siana Bellwoar had the lowest bid and have also worked with Sadsbury Township. The Board will talk to Sadsbury Township to get feedback on this legal firm.

4) Design Engineering Firms – Mortonville Road – Vince Pompo requested proposals for Mortonville Road repairs from four engineering firms. Proposals were submitted by Pennoni and Carroll Engineering. Both engineering firms need to do their own investigation beyond Earth Engineering's study. Both firms propose a phased approach. There was a discussion about the differences between the two proposals. Pennoni would work with the Township to try to find grants to cover the costs. There are no emergency funds available. Pennoni's proposal addressed the creek side of Mortonville Road.

ACTION: Vince Pompo will ask Carroll Engineering to do a proposal addressing the creek side. The Board requested Chris Della Penna review the proposals.

5) Manchester Farms, Phase II – consideration of authorization to pursue enforcement of the notice of default issued in August – Vince Pompo reported the Township has given Dewey 60 days to address the demand that they compensate the Township for snow plowing, street cleaning and to bring the roads up to standards stated in the Subdivision and Land Development Agreement. If the Board wants to call the security, the procedure is simple. The Township Secretary would need to sign the certification. The Phase II escrow balance is \$324,128.43. The Board can call all or part of the security. Vince Pompo said he believes Dewey will fight if the Township calls the security by raising the Permanent Extension Act. Mr. Pompo recommended asking for the entire escrow balance. There was a discussion about how calling the security would impact the agreement to improve West Chester Road and S. Caln Road. In the agreement, Dewey is responsible for performing the work. Vince Pompo said this agreement is not altered by the Township taking the escrow. There was a discussion about different scenarios if the security is called.

MOTION: Joe Pomorski made a motion to authorize the Township Secretary to sign the agreement to pursue enforcement of the notice of default issued in August to Dewey Homes to take the escrow of Phase II for Manchester Farms the escrow agreement First Trust Bank. Ed Porter seconded.

COMMENTS AND QUESTIONS: Charlie Carter commented on the agreement regarding improvements to the intersection of West Chester Road and S. Caln Road. He requested the Board vote in favor of calling the security. Mr. Carter also requested that the roads in Manchester Farms be patched quickly. John Davis asked who would be responsible for fixing sidewalks, water basins, the empty lot and any other items other than the roads. Vince Pompo responded by saying that the Township would have an obligation to complete the development. John Davis asked about getting an agreement with Manchester Farm's Homeowners Association (HOA) on what would be completed. Jim Roland, HOA President for Manchester Farms, stated he thinks the HOA would need the vote of at least 66% of the residents to do an agreement. Jim Roland asked if we could get an updated Punch List to ensure there is enough money in the escrow.

Joe Pomorski withdrew the motion. The Board requested that Chris Della Penna, Township Engineer, update the Punch List with current costs. Tag Gathercole will get an estimate to patch the roads. Vince Pompo will look into doing an agreement with Manchester Farms' HOA.

- 6) New Intermunicipal Agreement – Vince Pompo said that Chief Porter had asked him to look into whether we need a new intermunicipal agreement because of the change in the Chester County Regional Response Team. It is Vince Pompo's opinion that the Township does need a new ordinance. The Board authorized Mr. Pompo to draft a new ordinance.

#### F. PLANNING COMMISSION

- 1) Dennis Crook presented a synopsis of the last Planning Commission meeting and workshop meeting. Mr. Crook highlighted the following topics from the Planning Commission meetings:
  - a) Status of Act 537 – Mr. Crook asked about the status of Act 537. The Board reported that the Township was turned down for the grant. However, Act 537 will still be moving forward. It was budgeted for without the grant being considered.
  - b) PA American Water Franchise Maps – Mr. Crook requested copies of the contracts between the Township and PA American Water. The Planning Commission is trying to determine what areas above Strasburg Road are franchised.
  - c) Expansion of Brandywine Middle School – Mr. Crook reported PA American Water is not sure what the status is of this other than the school is having water issues.
  - d) Water Study – Mr. Crook said he found a woman from Chester County that is doing a study of on-site water and sewer as well as ground water quality. Mr. Crook requested a letter from the Township to Chester County to request this water study. He'd like to do a small campaign for residents to volunteer to have their water tested. The Board approved a Township letter requesting the water study.
  - e) Section 1300 – The Planning Commission would like to add a minimum lot size to the Open Space Design Ordinance. They are concerned about the current minimum lot size allowed.
  - f) Comprehensive Plan – Dennis Crook reported that there seems to be a division of opinions on the amount of growth that should be in the Comprehensive Plan. For the past few months, Ray Ott has been trying to designate the area near the junk yard as a rural village or mixed use area. The Board advised the Planning Commission to give Ray Ott more direction on the Comprehensive Plan.

#### G. TREASURER'S REPORT

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

MOTION: Joe Pomorski made a motion to approve the September 30, 2014 Treasurer's report as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS: Ed Porter asked Rosemary Moore how the Township is doing financially. Rosemary Moore replied that if earned income comes in as was discussed at the budget meeting, then the Township will end the year in a surplus. She does not think we will need to do the projected balance transfer from capital projects as budgeted.

VOTE PASSED: 5-0

- 2) September 2014 payment authorizations

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

VOTE PASSED: 5-0

- 3) Government Entity Crime Coverage Insurance Application – Rosemary Moore said we had our annual visit from our representative from Pennsylvania Intergovernmental Risk Management Association (PIRMA). This is basically the Township's liability insurance company. He mentioned an option for us to get government entity crime coverage which covers computer fraud. The Board would like Rosemary Moore to get more information.

#### H. POLICE REPORT

- 1) September 2014 Police report submitted for Board and resident review.
- 2) Chief Chris Porter reported that recently criminal mischief was done to the Police Station. A rock was thrown through a front window. Chief Porter asked the Board how he could replace the window and make it safe for employees. He requested they do the entire window with bullet proof glass. There was a discussion about different ways to fix the broken window. Chief Porter will get a price quote for fixing the whole window. Joe Pomorski commended the Police Department for their responses last month to the false alarms at the East Fallowfield Elementary School, as well as their role working with Coatesville, Caln Township and the Emergency Response Team to bring a suspect wanted for armed robbery in to custody.

#### I. HISTORICAL COMMISSION

- 1) The September 3, 2014 Historical Commission meeting minutes submitted for Board and resident review.

#### J. NEW BUSINESS

- 1) Board of Supervisors workshop meeting on November 11, 2014 – Veterans Day - There was a discussion about moving the meeting because the Township office is closed on Veterans Day. The Board decided to move the meeting to Monday, November 10, 2014.
- 2) Additional Office Staff – Joe Pomorski brought up hiring an additional office employee. We currently have one full time employee and one part time employee. In the past, the Township had two full time employees. There was a discussion about what the job description would be for the additional position. Rosemary Moore will create a job task list. The job will need to be advertised and the position will be included in the 2015 budget.
- 3) Ed Porter and Joe Pomorski offered condolences to the family of Conrad DeAbreu who recently passed away.

#### K. PUBLIC PARTICIPATION

- 1) Debbie Bender – Ms. Bender discussed her concern about future work being done on S. Caln Road. She requested that the Township keep one lane open on S. Caln Road while doing work on it. She said If S. Caln Road is closed, she would be boxed in with the closure of Mortonville Road. Ed Porter said that it's not likely the work on S. Caln Road will be done until spring. The road may be closed for two weeks. She also asked if they could leave S. Caln Road open up to Misty Patch.

### 3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 9:27 pm. Steve Herzog seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary