

## EAST FALLOWFIELD TOWNSHIP

### BOARD OF SUPERVISORS MEETING

November 25, 2014 approved minutes  
6:32 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

Mark Thompson

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

Chairman Joe Pomorski called the meeting to order at 6:32 pm. Steve Herzog seconded.

#### 2. Discussion

##### A. APPROVAL OF MINUTES

##### 1) September 23, 2014 Board of Supervisors meeting minutes

MOTION: Joe Pomorski made a motion to approve the September 23, 2014 Board of Supervisors minutes as presented. Steve Herzog seconded.

VOTE PASSED: 4-0 (Mark Toth was not present at the time of the vote)

##### 2) October 14 2014 Board of Supervisors workshop minutes

MOTION: Joe Pomorski made a motion to approve the October 14 2014 Board of Supervisors workshop minutes as presented. Steve Herzog seconded.

VOTE PASSED: 4-0 (Mark Toth was not present at the time of the vote)

##### 3) October 28, 2014 budget meeting minutes

MOTION: Joe Pomorski made a motion to approve the October 28, 2014 budget meeting minutes as presented. Steve Herzog seconded.

VOTE PASSED: 4-0 (Mark Toth was not present at the time of the vote)

Mark Toth arrived at 6:35 pm.

##### B. NEW BUSINESS

- a. Fidelity Contracting application for earth disturbance at Eastco Enterprises location – Steve Keech, a contractor for PA American Water, requested approval from the Board to stockpile trench spoils on Eastco Enterprises' property. He explained that he is getting ready to start a project road project and would like the Board's approval/permission to stockpile the trench spoils on the Eastco property off Rt. 82. He submitted a sketch plan to the Chester County Conservation District and they gave Mr. Keech a letter of approval. The trench spoils will be clean because they are coming from a NPDES permitted state highway. The total trench spoils will be 300-400 yards and will be about 25-30 truckloads brought in per day. Chris Della Penna, Township Engineer, said he reviewed the plan and doesn't see any issues. He confirmed it will be clean subsoil and not blacktop. They have installed a compost sock to stabilize and prevent runoff. Additionally, the proposed stockpile area on the Eastco property is within the limit of disturbance approved for a driveway. Mr. Keech is scheduled to start the project this Monday. The Board gave approval to Steve Keech.

C. PUBLIC WORKS

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

D. CITIZENS BY REQUEST

- 1) Anthony Wilson – Anthony Wilson, who resides in Manchester Farms, requested the Board grant him a waiver for obtaining the required HOA letter of approval for his deck permit. Mr. Wilson submitted a deck permit application to the Township and his application has not been approved by the Township because the Manchester Farms HOA denied him an approval letter. Mr. Wilson explained that the HOA denied his deck approval letter because he owed HOA dues and late fees. He has now paid those fees and the HOA is still denying him approval for his deck. The Board stated that they have no authority over an HOA and can't grant the requested waiver. There is a contract between the HOA and residents and the Board can't interfere with that.

E. SOLICITOR REPORT – Mark Thompson, Solicitor from Lamb McErlane presented updates for Vince Pompo, Township Solicitor.

- 1) The final agreement for the Police Department collective bargaining has been completed and was given to the police bargaining unit attorney.
- 2) There have been discussions with the Chester County Voice Radio Project in regard to conditional use and variances. We do not have a conditional use application from them yet. The discussions are ongoing concerning the use of one cell tower in the Township for Chester County updates to their 911 system.
- 3) The Board of Supervisors met to discuss labor counsel concerning the contract for the Public Works department. Lamb McErlane recommended putting the approval of hiring that counsel on a future Board of Supervisors meeting agenda to move forward.
- 4) Three engineering firms have put in proposals for the repair of Mortonville Road. Lamb McErlane's recommendation is to have the Township Engineer review the proposals and give his recommendation at the next Board of Supervisors meeting.

F. LEGAL ISSUES

- 1) Public hearing consideration of adoption of ordinance to approve entering into an Intergovernmental Agreement for the Chester County Emergency Response Team

MOTION: Joe Pomorski made a motion to adopt Ordinance 2014-03 to approve the East Fallowfield Police Department to enter into a mutual aid agreement with the police departments of other local municipalities pursuant to which the East Fallowfield Township Police Department will participate in an emergency response team known as the Chester County Emergency Response Team. Steve Herzog seconded.

QUESTIONS AND COMMENTS: Ed Porter commented on there not being other local municipalities participating in this agreement. He also commented on township police coverage when our officer is called to another municipality in the agreement and the Township's responsibility if our police officer is hurt in another municipality. Joe Pomorski commented that there is only one East Fallowfield police officer in the agreement. Buddy Rhoades made comments about local municipalities backing each other up and using our police cars to cover other areas. He also asked what the cost to the Township for joining is. Rosemary Moore stated it cost \$3,000.

VOTE PASSED: 3-2 (Charles Kilgore and Ed Porter voted nae)

2) Manchester Farms – possible approval of Agreement with Homeowners Association and proceeding to make demand on Firsttrust for Escrow Fund

Mark Thompson reported that Vince Pompo prepared an agreement between the Township and the Manchester Farms HOA. The HOA has not had a chance to meet and discuss the agreement yet. There was a discussion about whether Dewey could come after the Township if we demand the escrow. Anthony Wilson, resident of East Fallowfield, made a comment about dumping on the empty lot in Manchester Farms. Buddy Rhoades commented on the Township's mowing and weed ordinance. Ed Porter asked if anyone had done a lien search on the open lot. Mark Thompson said they could take care of that. The Board of Supervisors will wait to hear back from the Manchester Farms HOA. Ed Porter asked if the Township had a copy of the HOA bylaws. Mark Thompson said he thinks Vince required approval from all residents of Manchester Farms in the agreement.

G. 2015 GENERAL BUDGET

1) Authorize advertisement of the 2015 General Budget

MOTION: Joe Pomorski made a motion to advertise the 2015 General Budget will be available for public inspection on November 26, 2014. Charles Kilgore seconded.

VOTE PASSED: 5-0

H. PLANNING COMMISSION

1) Dennis Crook presented a synopsis of last month's Planning Commission meetings.

- a. At the regular Planning Commission meeting on October 6, 2014, they discussed Section 1300 of the Open Space Design Ordinance. He said the original section 1300 had been appealed. The new ordinance issued in 2010 has a few inconsistencies.
- b. The Planning Commission workshop on October 20, 2014 was a Comprehensive Plan meeting. The next Comprehensive Plan meeting will be December 15, 2014. The estimated completion date is June or July 2015. Dennis said that the Planning Commission is frustrated with the land use on the Comprehensive Plan draft. The draft still doesn't reflect the direction of the Planning Commission. The Planning Commission and Board members on the Task Force are not favoring what has been in the Comprehensive Plan drafts.

I. TREASURER'S REPORT

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

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

QUESTIONS AND COMMENTS

VOTE PASSED: 4-1 (Ed Porter voted nae)

2) October 2014 payment authorizations

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

VOTE PASSED: 3-2 (Charles Kilgore and Ed Porter voted nae)

J. POLICE REPORT

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

K. PARK AND RECREATION –

- 1) Ball field - Ed Porter would like to push for East Fallowfield Township Park to build a ball field next summer. He said that residents are asking for a ball field.

L. HISTORICAL COMMISSION

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

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 8:00 pm. Steve Herzog seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary