

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS SPECIAL WORKSHOP MEETING
June 9, 2015 Approved minutes
6:34 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
Pani Martin, Township Treasurer

Township Solicitor

J.P. Sanchez

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

Chairman Joe Pomorski called the meeting to order at 6:34 pm. Steve Herzog seconded.

2. Discussion

A. Act 537 Plan discussion on mailing and status update – Dave Porter, E.I.T. Herbert E. MacCombie, Jr. P.E.

Dave Porter, Township Sewer Consultant from Herbert MacCombie, spoke about the Act 537 Plan status update and current mailing. He said that the Act 537 Plan is a Comprehensive Sewage Facilities Plan for municipalities which is required by state legislature. The purpose is to provide for adequate sewage disposal for all residents in the municipality. He said they are in the middle of the planning process and they had slowed down to be consistent with the Comprehensive Plan.

Dave Porter provided an informational packet on the Act 537 Plan for the Board to review. The packet included a background on the Act 537 planning process, previous planning done in the Township, where they are in the process, and what is left to do in the Plan. He said they recently submitted a request to the Township to conduct a mailing which is a component of the sewage needs survey. It helps them determine what areas in the Township are in need of adequate sewage disposal and this is a two tier process guided by DEP. A questionnaire survey was sent out a few years ago. To validate those surveys, they need to visually inspect the on-lot sewage disposal systems of a percentage of the residences that responded to the survey. They will be sending out 165 surveys and need a yes response from 104 residents.

Dave Porter explained that once they gain permission to inspect on-lot sewage disposal systems, they will verify their responses and determine the condition of their system, what type of system they have, the size of their lot, and how many people live in the residence. Each property will be categorized into one of four categories: confirmed malfunction, suspected malfunction, potential malfunction and no malfunction.

Dave Porter spoke about the South Brandywine Middle School and their request for public sewage a few years ago. The Coatesville Area School District was going to pay for public septic to be installed for the school. Limited scope needs analysis was completed for that area by MacCombie's office. Several different scenarios/alternatives were prepared and analyzed. In order for this project to proceed, an Act 537 Plan needs to be completed.

The Township's Comprehensive Plan shows the Township's policy of limiting public sewer and water to only north of Strasburg Road other than South Brandywine Middle School. The rule of thumb is an acre or greater for an on-lot sewage disposal system. The Chester County Health Department will look at lots in that area that are less than an acre that could be an issue. Soils will also limit on-lot sewage disposal systems.

Dave Porter said that the Township has stated a policy that public sewer and water will be allowed north of Strasburg Road. They discussed a gravity sewage system from where the Ridgecrest Development is going to be built.

Ed Porter asked Dave Porter what happens if enough positive responses are not received back from the mailing. Dave Porter said they would need to send out more requests. They need 104 positive responses to validate the original survey.

Ed Porter asked what's involved in determining a septic system category of 1-4 (confirmed malfunction, suspected malfunction, potential malfunction and no malfunction). Do you need to do tests on the property? Dave Porter said they use PADEP's Guidance Document (Planning Document on PADEP's website). The criteria/ guidelines are listed in PADEP's Guidance Document and depend on soils, lot size, topography, typical on-lot system (bed field or trench disposal field) as well as other criteria. Ed Porter asked how long they will be on a property. Dave Porter said the average length of time that they will spend on a property is 20 minutes. If the owner is present, they will ask questions from the original survey to document consistency in answers. Ed Porter asked if the cost of the mailing was included in MacCombie's bid price or would it cost the Township extra. Dave Porter stated the mailing costs are included in the total bid price.

Nina Petro, East Fallowfield resident, asked Dave Porter when the original survey was sent out to residents. Dave Porter said roughly in 2010 and that approximately 700 surveys were returned. These surveys were in regard to on-lot sewage disposal systems.

Ed Porter asked if a problem is discovered on a property, would they protect the identity of the resident. Dave Porter said they don't report the survey results to the Chester County Health Department or the Sewage Enforcement Officer. This planning process is to identify and solve problems.

Dave Porter mentioned that the Comprehensive Plan was presented in draft form last week. He said he got the sense that those that attended felt that residents would like East Fallowfield Township to remain rural. A few residents had questioned how sewage was addressed in the Comprehensive Plan and in particular, using Strasburg Road as the dividing line between public and on-lot sewage systems. There was a discussion about the problems with using Strasburg Road as a dividing line because it doesn't address those properties south of Strasburg Road that may need public sewage disposal. Dave Porter explained that as part of the Act 537 planning process, they have to demonstrate that they are consistent with other planning documents such as the Comprehensive Plan. The requirement is that they address why they are not consistent with the Comprehensive Plan and how they will make it consistent. He said this could pose a problem with the Township adding public sewage systems south of Strasburg Road. They discussed sewage disposal systems and township ordinances. There was a discussion about a possible modification of the sewage disposal Township ordinance to avoid forcing residents to tie in to public sewer system if needed.

B. Police Department – Request for approval to hire Michael Triola at \$24.55 per hour

Joe Pomorski spoke on behalf of Chief Porter who was not present at the meeting. He stated Chief Porter is requesting to hire Michael Triola as a replacement for Brandon Siebert, who resigned a month ago.

MOTION: Joe Pomorski made a motion to hire Michael Triola for the position of part-time Police Officer effective June 9, 2015, at the hourly rate of \$24.55 per the CBA. Steve Herzog seconded.

Ed Porter asked the police liaisons, Joe Pomorski and Steve Herzog, if they could ask Chief Porter how the scheduling works. This would allow the Board to know when the full time and part time officers are working. Joe Pomorski said the full time officers rotate on 6:00 am to 6:00 pm shifts. A full time officer works the first week as follows: Monday and Tuesday on duty, Wednesday and Thursday off, and Friday, Saturday and Sunday on duty. The second week's schedule is: Monday and Tuesday off, work Wednesday and Thursday on duty, and Friday, Saturday and Sunday off. Then they flip back to the first week's schedule. Additionally, two full timers work noon to midnight on a regular basis. The part time officers are called in when needed to cover shifts.

VOTE: 5-0

C. Motion to approve Manchester Farms Revised Subdivision and Escrow Agreement between DHLP – Manchester Farms, Iron Oak Land Services, LLC, and First Trust Bank

MOTION: Joe Pomorski made a motion to approve the Manchester Farms Revised Subdivision and Escrow Agreement between DHLP-Manchester Farms, Iron Oak Land Services LLC and Firstrust Bank. Charles Kilgore seconded.

Jim Roland, Manchester Farms HOA President, brought several questions/concerns to the Board's attention in regard to the proposed agreement.

1) Jim Roland asked what the \$27,142 that the Township billed Dewey was for. He said he understands \$12,000 of this cost was for snow plowing and road repairs that the Township did. He specifically questioned \$5,600 that went to Chris Della Penna and \$8,000 that was for lawyer fees. J.P. Sanchez commented that there is a specific provision in the Financial Security Agreement that allows for reimbursement of legal and engineering fees to the Township as well as plowing and maintenance. Jim Roland questioned what engineering and legal work was done for Manchester Farms and what specifically these costs were for.

2) Jim Roland said he would like the outstanding work from Phase I to be included in the agreement. Particularly, basins 1 and 2 as well as the X's marked in front of residents homes that were never completed. Mr. Roland said they feel very strongly that a professional needs to look at basins 1 and 2 during the Phase II work and make sure they are complete and up to code. Ed Porter stated this was added to the agreement at the previous meeting. Jim Roland asked where in the agreement this was included. J.P. Sanchez stated this is addressed on page 13, paragraph 3 of the agreement. It states that Phase I repairs can be done if the Township and engineers agree to those issues previously identified by Chris Della Penna to be addressed during the course.

3) Jim Roland asked the Board if the \$27,000 plus to be reimbursed to the Township will increase. There was a discussion about the DRE and if there is a budget for the DRE costs in the agreement or if the plus expenses are for the DRE. J.P. Sanchez stated that there is \$10,000 budgeted for the DRE in the agreement. The plus expenses is if the DRE costs exceed \$10,000.

4) Jim Roland asked where leftover funds go at the end of the project. J.P. Sanchez stated any leftover funds go back to the Township to be used at their discretion. Jim Roland asked if there is a problem a year later, would the Township use this money to repair it. J.P. Sanchez stated any remaining funds are held for 18 months.

Jonathon Zern, East Fallowfield Township resident, said he was concerned about where the amounts on the East Fallowfield Township escrow report came from. He said he is not as concerned about the dates as much as the descriptions of the line items. Some of the line items have vague explanations. Pani Martin commented that when the statements were sent to Dewey, they are sent with copies of the invoices with details. She asked the Board if they would like to pull these together. Joe Pomorski asked Mr. Zern if that would help. Mr. Zern replied yes he would like copies of those invoices. Pani Martin will pull those invoices for him. Eric Schrock, as a former employee of Dewey, said that he saw a lot of those invoices and Chris Della Penna had spent a lot of time chasing Dewey down even that many years ago. Chris Della Penna had to inspect the development in an attempt to have Dewey finish the outstanding work. Mr. Schrock said there were also attorney fees. J.P. Sanchez commented that the purpose of this agreement is to get the work completed.

5) Jim Roland commented on the empty lot in Manchester Farms, stating the grass is four feet tall on the lot. Jim Roland said this needs to be taken care of immediately. Ronald Agulnick stated the work will be done by Eric Schrock as soon as the contract is signed and he has hired contractors to complete the work.

Jim Roland asked what happens if someone wants to build on the lot. Ronald Agulnick stated any inquiries about the empty lot go to Dewey because they are the owner of the lot.

Ed Porter brought up the issue of Ronald Agulnick possibly having a conflict of interest in this agreement because of his relationship with Dewey. Mr. Agulnick stated that he does not represent Dewey in this agreement and Dewey is only responsible for the deeds of dedication. Eric Schrock will cut the grass on the empty lot as part of the contract and not as an agent for Dewey.

There was a lengthy discussion about Dewey's involvement in the West Chester and South Caln Road Intersection Improvement Agreement. Ed Porter commented that money left over at the end of the Manchester Farms work should be for improvements to this intersection. There was a discussion about whether or not Dewey contributed money to do these improvements. Ronald Agulnick said there is a separate escrow account for the intersection work. They also discussed if Dewey contributed money or was just going to do the work.

Ronald Agulnick requested the Board amend the motion by striking out "Revised Subdivision and Escrow Agreement" and add "Improvement Construction and Repair". J.P. Sanchez had no objection to this change. He suggested approving the agreement with change subject to Vince Pompo's review. Joe Pomorski commented that the fee of \$4,223 for the bank to hold the escrow money is high. Jim Roland requested a copy of the agreement when signed. Joe Pomorski asked Jim Roland if the Manchester Farms HOA is okay with the agreement. At the last meeting, three out of five HOA members were okay with the agreement. Joe Pomorski asked Jim Roland if he would vote in favor of the agreement and he said yes.

J.P. Sanchez summarized the agreement revisions made since Friday. The changes were as follows: addition of Phase I work, all contractors will provide insurance, the empty lot in Manchester Farms will be maintained, and the bank escrow manager requested a fee.

John Davis, East Fallowfield Township resident, asked if there is enough escrow money to finish and dedicate the development. Joe Pomorski responded by stating that there is enough escrow money based on the Township Engineer's report. After dedication, the roads will be maintained by the Township. The basins will be the responsibility of the Manchester Farms HOA.

There was a discussion about pages 12 and 13 of the agreement in regard to leftover funds after 18 months. Ed Porter commented on the wording "may use within the development at the discretion of the Township". J.P. Sanchez suggested changing the wording to "sole discretion". Ed Porter said this wording would allow the Township to use the money on the intersection if improvements are needed or for repairs within the development. Ronald Agulnick stated the agreement doesn't need the 18 month clause. J.P. Sanchez will change the wording to "sole discretion" and remove the 18 month clause all subject to Vince Pompo's approval. Jim Roland asked who would be responsible for the roads if they are damaged while building occurred on the empty lot. It was determined the Township would be responsible.

Joe Pomorski withdrew his motion and made an amended motion.

MOTION: Joe Pomorski made a motion to approve the Manchester Farms Revised Construction Repair and Escrow Agreement between DHLP-Manchester Farms, Iron Oak Land Services LLC and Firstrust Bank with the amendment on page 13 and contingent upon Vince Pompo's approval.

Ed Porter asked what the time of completion will be. Eric Schrock stated the goal is September 17th in order to get the roads in for Liquid Fuels.

VOTE: 5-0

D. Rouse/Chamberlin – Providence Hill full release of cash escrow request

MOTION: Joe Pomorski made a motion authorizing the Township to release the full cash escrow of \$17,670 from the established security. Charles Kilgore seconded.

Joe Pomorski reported that three of the homeowners involved are in favor of the release: the Midkiff's, Karen Cassidy, and Mr. Richardson.

VOTE: 5-0

E. Park & Recreation Committee – Trees planted around the pond in East Fallowfield Township

Joe Pomorski said Tag Gathercole had mentioned at the last meeting that he heard some complaints about the trees planted around the pond. The main issues mentioned were handicapped accessibility and fishing

around the pond. Michael McClintock said that the same person attended a Park and Recreation workshop and brought this issue to their attention. Brian Carling took time to show him around the pond and show him accessible points. Brian Carling also moved some of the trees to create more accessibility. The concern was getting the lawnmowers close to the pond. Brian Carling spoke about the objective of the trees around the pond. He does a pond watch which involves inspecting the pond and water testing on a monthly basis. There is a diminished oxygen level in the pond during the summer. The trees provide an additional buffer to provide shade for the pond, keep it cooler, and to increase oxygen levels. Ultimately, this will allow for a healthier fish population. The trees also keep the geese away from the pond. Brian Carling also reported they made a few areas of accessibility and that he moved some trees to create a wider handicapped access to the pond. Brian Carling said there are at least four access areas and possibly more. He said they are trying to balance everyone's needs. The Brandywine Conservancy's proposal is to spray acceptable herbicides around the pond. The purpose of the herbicide is to get rid of the competition for water such as grass, weeds and vines in order to give the trees a better chance of survival. Mowing around the pond and trees does not need to be done regularly. Ed Porter asked if there would be a problem getting through the trees to the pond in years to come when the trees are bigger. Brian Carling said they may have to remove some trees as they grow. However, extra trees were planted to allow for natural loss of some trees. Jan Bowers suggested the Township put up signs saying "access here" with arrows directing residents. The height of the cones around the trees was discussed. Jan Bowers offered to give the Board a tour around the pond. Joe Pomorski will go with Brian Carling on the next monthly Pond Watch.

Joe Pomorski allowed public comment at this time.

Nina Petro, East Fallowfield Township resident, commented that hearing herbicides mentioned, which is a poison, along with nature's conservancy is contradictory. She hopes that someone is checking this. She said years ago, that pond was loaded with pesticides other runoff material. The herbicides are going to go through the water table, leeching through and having some effect on public land. She requested the Township look into the herbicide further and determine its strength and what impact it will have on the land. Jan Bowers responded by saying the Park and Recreation Committee is in place to look into these issues for the Township. They do an immense amount of due diligence before bringing any recommendations to the Board of Supervisors. This was brought before the Supervisors in February when we recommended they sign the agreement with the Brandywine Conservancy to approve the tree project. The trees are an environmental benefit to the pond and the park. The Brandywine Conservancy is an expert in this area. They specified specifically what herbicide to use that is safe for the environment while targeting the desired plants. Jan Bowers suggested residents who are concerned about the use of herbicides attend a Park and Recreation Committee meeting. They meet the first and third Tuesdays at 6:30 pm (they meet in the park during the summer months). Ed Porter also suggested checking the Brandywine Conservancy's website for a list of safe herbicides that they use.

Volunteers Needed: Jan Bowers reported they have had no interest expressed in volunteering for the Park and Recreation Committee. She said they have had no interest other than Pani Martin in organizing events. They had one person interested in gardening and one person interested in joining Pond Watch. Park and Recreation is basically only getting interest in specific tasks. They are just not getting any volunteer interest in the Park and Recreation Committee as a whole. There was a discussion about why they are not finding volunteers. Jan Bowers asked the Board to do anything they can to encourage residents to volunteer for the Park and Recreation Committee. Nina Petro suggested contacting the Scouts to help the committee. Jan Bowers stated they really need people that can coordinate, lead, plan and run commitments. Scouts are great for doing specific projects. She said the committee also needs people with fresh ideas.

Ball Field/Park Development: There was a lengthy discussion about building the ball field. Ed Porter stated there is a master plan for the park that could be used to build the ballfield and other things in the park. Jan Bowers said that the ball field has to be designed and planned. This would require an engineer. There was a discussion about outsourcing the work for the ball field and putting the ball field project out to bid. She said the Township does not have the people resources to manage the park. Someone on behalf of the Township needs to manage and oversee the work as well as the expenditures. They discussed other townships having township managers and paid Park and Recreation employees and therefore more resources. Ms. Bowers said the committee is currently working on getting the trail completed to connect the east and west side of the park. Ed Porter asked about building a volleyball court. Jan Bowers said the volley ball court is part of the west end plan. The west end of the park needs to be built. There is a buildout plan with phases. There was a discussion

about the park being too big. There was a discussion about having Public Works be involved in park planning. Jan Bowers said Public Works usually does park maintenance. Jan Bowers said that in her opinion, it is better to have services for design and permitting be done by those people that have experience in these areas. Ms. Bowers summarized what has been involved in the trail project which included the following: writing a grant, finding an engineer, going through the competitive process to get an appropriate engineer, working with the engineer to get the designs done, permitting aspects, coordinating with the engineer, and preparing bid documents. Jan Bowers stated that it is human resources that are the main shortfall in getting projects done in the park.

There was a discussion about funding the park projects with matching grant money. Brian Carling and Jan Bowers said they try to obtain grants to help fund projects otherwise the funds will run out before the park improvements are done.

John Davis asked if the Township could send out a survey with the park plan to residents to determine what they want done in the park. This survey could be used to recruit volunteers to help. Jan Bowers said it takes human capital and also a mechanism to communicate to residents. The only way to communicate to residents now is through a mailing. Pani Martin stated that they are working on collecting email addresses from residents to be able to communicate more efficiently with residents. She is hoping to send out a digital newsletter and surveys to residents in the future.

Township website: Jan Bowers said the Township website and the responsiveness of the office staff has been phenomenal. The improvement in the website and ease of getting something on the website has been greatly improved. She said there are noticeable improvements to the website. It's fresh and newsy. She also said the staff has been great to work with.

F. Security Cameras

Pani Martin reported that she talked to Chief Porter about the security system he purchased for the Police Department. She said purchasing this security system requires a credit card because it needs to be ordered through amazon. There was a discussion about types of security systems and purchasing one at Costco. They discussed a Supervisor using a credit card to purchase a security system and being reimbursed by the Township. There was a discussion about placement of security cameras in the Township building. Ed Porter said the main unit should be in the locked file room. The security system would need to be put somewhere with limited access. They discussed the file room door with the security code lock on it. The purpose of a security system is to protect the office staff as well as the Township records. Ed Porter stated two cameras work and we already have wiring. He discussed wiring and possible placement of cameras. The Board will look into purchasing a security system.

Park Day

Pani Martin stated Park Day is on for October 10, 2015. She said she checked out the Brandywine Strawberry Festival and got vendor and food truck information, as well as information from non-profit companies that were in attendance. She said she'd like to bring more vendors in to bring in more revenue. She is also considering bringing in food trucks and offering more food selection. Ms. Martin said she would charge the food trucks and vendors a fee for the day for a spot. She stated having an attraction would bring in people to the event and suggested a zip line as a possible main attraction. Ed Porter asked about the soap box cars at a previous Park Day. Jan Bower said she'd be happy to have Pani Martin attend a Park and Recreation meeting to discuss Park Day and share past files and information. Jeanie Berlin asked Pani Martin if she is organizing it as a fundraiser. Pani Martin said she would like to see it break even. There was a discussion about food trucks.

G. Email Migration

Pani Martin said we still need to migrate our email and there are still problems occurring with email. Pani Martin said she needs Steve Herzog's expertise to help. She said both Compnet and Omega Systems have recommended email migration. He asked if they wanted us to migrate to a hosted server. Pani Martin said either that or upgrade our server. Steve Herzog said we should get advice from Vince Pompo on the implications of using a hosted server and if this is impacted by the Sunshine Law. Ed Porter asked Lisa Valaitis

if she had asked the members of Chester County Secretaries in Government what type of server other local municipalities use. Lisa Valaitis reported she sent out an email and most municipalities responded saying they are using their own server. There was a discussion about an email archiver. Steve Herzog asked Pani Martin to find out the cost to migrate email if we upgrade our server. Pani Martin talked about working on digitizing the office. Ed Porter asked Pani Martin if the meeting folder documents could be digitized. She said the meeting documents could be scanned and emailed ahead of time but the Board would need tablets to view the documents during the meeting.

H. New Business

- 1) Act 537 Plan mailing: Pani Martin asked if the office could send out the Act 537 Plan mailing. The Board approved doing the mailing. They discussed the cost of the mailing and that it was included in the set budgeted amount for the Act 537 Plan. Ed Porter requested Pani Martin create a line item in the financials.
- 2) Comprehensive Plan: Ed Porter asked the Board if they are ok with the Comprehensive Plan. He commented on the section about rental permits. Pani Martin stated that she had residents give feedback about a property on Park Avenue to be developed. She said the residents are very upset by that. Steve Herzog said this is a property that could be developed but does not mean it will be developed. Nina Petro, East Fallowfield resident, stated that once something is on paper, it is a done deal. She said she lives on Park Avenue and she is not happy about this. She said that property is not suitable for development. There was a discussion about the Comprehensive Plan not having much substance. Nina Petro said that the residents like the Township as it is. They discussed development and that the Comprehensive Plan shows buildout of 700 homes. The Plan only gives regions and doesn't specify where this development would occur. The Board discussed the Comprehensive Plan being a commitment to build in the future and the Plan would make it harder to stop a developer from building.
- 3) Police Department Petty Cash Fund: Pani Martin reported that the Police Department has requested a petty cash fund. The Board asked Pani Martin to find out the reason for this request.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 9:08 pm. Steve Herzog seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary

