

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING**

**August 26, 2008 6:30 pm**

**Approved**

**CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE**

**IN ATTENDANCE:** George Broadbent, Chairman; Chris Makely, Vice Chairman; Garth Monaghan, Member; Mark Espie, Treasurer; Vince Pompo, Solicitor; Denise Miller; absent.

**APPROVAL OF MINUTES:** George Broadbent moves to accept the July 22, 2008 meeting minutes. Garth Monaghan 2<sup>nd</sup>. Comments? Mr. Monaghan asks Mr. Makely for an update on his research on the Energy Efficient grants presented by Dennis Crook. Mr. Makely states most of the grants are closed and the Compositing Development grant and the Municipal Recycling Grant are already being worked on by the Township. Vote: Unanimous.

**CITIZENS BY REQUEST:**

Jeff Harlan owner of Hidden Valley Estates - Mr. Harlan asks the Township to withdraw concrete pads for new homes because they are 3 inches big, expensive, the residents of the park are low income families, sales are being lost and since owning the park for 5 years he has not been required to put in the concrete pads. Mr. Makely states he has asked Mr. Pompo to investigate exactly what determines the affordable housing act and any liability the Township would have to regards making it expensive for people moving into a mobile home. Mr. Pompo states he looked at the regulation and whether there was any statue or regulation or court decision that would say there was these types of regulation in some way are violating the Fair Housing Act, he could not find any. Mr. Pompo also looked at 8 Ordinances in the general area and all the Ordinances have this requirement in it, some are a little different in the size of the concrete pad. With this information it doesn't appear that East Fallowfield Township is any way singling out this property or mobile homes especially because it's a common regulation. If it were shown that this regulation would be such a burden it could be a legal issue for the Township. Mr. Pompo also states that the Township can enforce the Ordinance going forward with new homes being installed so long as it's enforced evenly and the two grounds Mr. Pompo believes this could be relieved from is, The Board to consider amending the Ordinance or go the Zoning Hearing Board and ask for a variance. Mr. Makely asks Mr. Monaghan if he knows why in 2002 this was added. Mr. Monaghan replies he does not know why but usually when a change is done it is suggested by the County.

Mr. Broadbent asks Mr. Pompo what is the process if the Twp. wanted to change back to just footers. Mr. Pompo replies the applicant would have to formally submit a petition to the Board and then it would have to go to the Twp. Planning Commission and the County Planning Commission for 30 days prior to the scheduling of a public hearing and then the Twp. could then legally adopt. The whole process usually takes about 90 days if there are

no issues. Mr. Makely informs the Board that since Mr. Harlan purchased the park there has been many improvements in the park and recommends the Board consider changing the Ordinance. Mr. Harlan states he is in partnership with Clayton Homes in Gap and they said their attorney said the Township does not have a leg to stand on. Lou Wilson comments that Hidden Valley is private property. Mr. Monaghan asks Mr. Harlan if he came before the Twp. or rec'd permits to put homes in since he owned the park. Mr. Harlan replies yes and they were inspected and put on footers. Mr. Pompo recommends considering the August 20<sup>th</sup> letter as the petition of the property owner and to defer the petition to the Planning Commission for consideration and recommendation. Mr. Broadbent moves to accept Mr. Harlan's letter from August 20<sup>th</sup> and forward to the Twp. Planning Commission for the purpose of revising Section 904.12 of the Zoning Ordinance. Chris Makely 2<sup>nd</sup>. Comments? Deborah Rush, Planning Commission, asks if Arlene can call other Townships to gather information on their Zoning Ordinance. The Board authorized to have Arlene make the necessary calls for the Planning Commission. Bob King asks why can't Mr. Harlan be grandfathered in. Mr. Broadbent states they would have to go to the Zoning Hearing Board to get that. Vote: Unanimous.

Bob King asks for an update on Modena and The Beagle Club. Mr. Broadbent replies he has not had discussion with Modena. Mr. Monaghan states the Twp. has not come up with the purchase price money and in speaking with some of the owners they stated that they have had contact from a builder who builds townhomes. Mr. Makely asks about changing the zoning. Mr. Pompo states if you change the zoning of the property you have to notify the owner within 30 days and the owner can file plans to grandfather them in. This issue will be discussed further at the next workshop.

#### **SOLICITOR REPORT:**

Training Facility - Mr. Pompo asks the Board for authorization to send the last draft of the Decision to the Training Center. Mr. Monaghan doesn't think there should be a walking trail as one of the conditions.

Unless the Twp. gets an extension from Sept. 20<sup>th</sup> there would have to be a special meeting regarding the conditions. Mr. Broadbent states that if the Training Facility doesn't want to do a trail, the Twp. can counter offer with something else or have them put a trail somewhere else in the Twp. Mr. Makely states that the Training Facility has indicated they would like to meet with the Twp. and go over the options in a public meeting. The Board authorizes Mr. Pompo to send the draft of the Twp. conditions to the Training Facility for review.

T-Mobile - The appeal period for T-Mobile has passed without an appeal so the denial is now final.

Fairview Road Cell Tower - A notice of violation has been issued for the Fairview Road Cell Tower owner with a 30 day clock timing for response time.

Cricket Communications – Mr. Pompo asks the board if they have any specific concerns or conditions to address.

John Callahan (Baron Crest) – The compliance time period will expire on September 14<sup>th</sup>. Mr. Makely states Mr. Callahan has been working on the issues and Chris Della Penna will be inspecting the work and remediate some of the drainage problems residents have. Mr. Broadbent

asks what if Mr. Callahan is not finished by the 14<sup>th</sup>. Mr. Pompo replies the Twp. would make a formal communication to say that as long as he continues to complete the matter it will be kept open.

W.Chester/S. Caln Road Improvements – Mr. Pompo had a question as to why there were new facilities on the new plan that related to a traffic signal and was told that they are all underground Conduits. Greg Richardson is recommending that they remain part of the plan just in case a signal is installed at a later time. Mr. Pompo will complete the agreement and send it to Dewey Homes tomorrow. Mr. Makely asks if this job will be completed by winter. Mr. Pompo replies that it will be in the hands of Dewey to see if they say yes.

Mr. Makely asks Mr. Pompo to talk with Suzanne from Keystone in regards to the progress of Weavers Mulch.

### **LEGAL ISSUES:**

Employee Handbook Update – Mr. Makely states he is willing to work with Brian at Lamb McErlane if he would like him too and also informs the Supervisors that the Handbook is based on 3 Supervisors and it will be going to 5 Supervisors.

Leona Creekmur – The Planning Commission recommends that once Leona Creekmur gets PennDot's approval for their driveway permits, the Township grant them a waiver for site distance at the 45 miles an hour speed on Buck Run Road and also final approval of the Leona Creekmur Subdivision Plan. A resident asks a question that is not picked up on the tape. Mr. Makely directs Mr. Pompo to answer. Mr. Pompo replies that since this is a state road the Township has a very unlikely chance of being held liable for an accident because they have Sovran Immunity, which means the Twp. can only be sued for very specific matters that are listed in state statute and one of those involves liability for roads but is limited to roads that are under the care/custody or control of the Township.

Mr. Makely states that on the plan it says 450 but what is it going to be. Jeff Hayes, Berger and Hayes, states the actual site distance is listed first for each lot and then underneath would be PennDot required site distance. Lot 3 looking South, and Lot 2 looking North meet the 450. The existing driveway does not meet the site distance and there was no benefit to moving it up. Mr. Makely has a concern that there is another waiver that will be before the Township for another project on 82 and the Board is not moving on that. He has also traveled that road several times and this situation is entirely different than way the road is laid out and pretty much a visible stretch of road. Mr. Broadbent doesn't think the Board granting a waiver for one Subdivision influences another Subdivision for a waiver. Mr. Pompo replies only if you are being unfair. Mr. Rush says to keep in mind the type of vehicles that will be going into the entrance on 82 is different. Mr. Pompo asks Mr. Hayes if they have PennDot approval. Mr. Hayes replies they do have approved PennDot permits.

Mr. Pompo brings up the zoning issue in Chris Della Penna's, Twp. Engineer, June 30, 2008 letter that has to do with Section 1808.E.2 which allows for relief only from the requirements for road frontage and tract boundary plantings when the applicant can demonstrate that the view into the site will be concealed on a year round basis. The required plantings for other conditions should be provided. In addition the plant schedule should indicate the specific type and quantity of each species of plant being proposed of

the Zoning Ordinance regarding Landscaping. Mr. Hayes replies they are planning to meet that Ordinance and are waiting for Mr. Della's review letter. Mr. Broadbent asks if this motion would have to be contingent on Mr. Della's letter. Mr. Pompo replies you would have to have a finding that the view into the site would be concealed on a year round basis to get relief and this is something Mr. Della Penna would have to find. Mr. Broadbent asks why are there no street trees. Mr. Hayes replies the plan that Mr. Della Penna is referring to has added trees. Mr. Broadbent states they will need another letter from Mr. Della Penna and Mr. Hayes will have to come back to the Board. Mr. Makely asks if all the sewer module concerns been met. Mr. Hayes replies he has a clean letter from Mr. MacCombie, Twp. sewer consultant. Mr. Broadbent motions to approve the waiver for site distance for the Leona Creekmur Development. Chris Makely 2<sup>nd</sup>. Comments? Vote: Unanimous.

Mr. Broadbent states a clean letter is needed from Chris Della Penns in order to get Final Approval for Leona Creekmur.

Resolution 2008-12 – George Broadbent moves to accept the sewer module based upon Mr. MacCombies clean letter for the Leona Creekmur Subdivision. Chris Makely 2<sup>nd</sup>. Comments? Vote: Unanimous.

Stone Creek stop sign/road ordinance – Mr. Pompo states an Ordinance is needed since the roads are dedicated and what the Township should do is get a collection of Ordinance changes that are required and do one Ordinance to update the traffic requirements. The Board agrees to wait until the end of the year because Baron Crest may be ready to dedicate.

5% surcharge to Builders for rebilling – Mr. Pompo states the Township should start to do it and then for the annual resolution on fees add as a new item.

**PLANNING COMMISSION:** Deborah Rush

Deborah informs the Board that she already had the vacancy put on the website and advertised in the Daily Local News. The Board agrees that she can do this before they accept the resignation. Mr. Makely asks if there are any requirements. Deborah replies 18 yrs. of age and if someone has been on the PC before they would look more favorably at that person.

Ms. Rush asks the Board to require the Agricultural Security Application have more information required and explain why they want to be in the Agricultural Security. George Broadbent moves to moving properties into Agricultural Security is they first go to the Agricultural Security Commission and they then will forward it to the Planning Commission and then to the Board of Supervisors. Chris Makely 2<sup>nd</sup>. Comments? Vote: Unanimous.

Compressive Plan - Ms. Rush states that it's time to update the Compressive Plan. Mr. Broadbent suggests to contacting someone to get their advice.

Michael Hamilton – Mr. Hamilton has a 1 acre parcel with 2 houses on it and is looking to make it two separate lots. This parcel is in R2 which a 1 acre zone.

Deborah states Mr. Della Penna said to have him go to the Zoning Hearing Board and asks the Board if Mr. Hamilton should go back to the Planning Commission and they will tell him to go to the ZHB. Mr. Broadbent replies to have him go directly to the ZHB.

**CORRESPONDENCE:**

Becoming a Tree Tender and Good house keeping information was available for residents to take and review.

The Chester County Airport Authority 2<sup>nd</sup> Annual Open House will be held on September 13, 2008 from 12-4 pm regarding the extending the runway.

Records Destruction – George Broadbent moves to allow the Township Secretary to dispose of all the York Waste awarded bid proposals from 2001 and prior, all 1999 BFI unsuccessful bid paperwork, all 1991 bridge repair bid for Fieldstone Construction and the Exoneration of Township per capita tax. Chris Makely 2<sup>nd</sup>. Comments? Vote: Unanimous.

Agricultural Security Application - The Board announces the Township is in receipt of an Application from Matt Herzog for his land to be entered into the Agricultural Security. The parcels are located at 3135 Strasburg Road parcel #47-4-3.3 for 21 acres and 3155 Strasburg Road parcel #47-4-3 for 15.2 acres. This application is available on the Township website and also available in the Township Office during office hours.

**TREASURER’S REPORT:** Mark Espie

Bid Awards -The only bid for the Recycling Truck was from Quality Disposal of Honey Brook for \$3,250.00.

The bidders for the Int. Tractor w/mower were Benny Rowe for \$3,201.00 and Garth Monaghan for \$2,000.00. Mr. Espie recommends the bids be awarded to the highest bidder. The payments and pickup have to be made in a week from tonight.

Mr. Broadbent moves to accept the bid from Quality Disposal and Benny Rowe for the 2 highest bidders. Chris Makely 2<sup>nd</sup>. Comments? Vote: Unanimous.

Bank Change - Mr. Espie asks for a vote from the Board to change the Township bank from Commerce Bank of NJ to Commerce Bank of Central Penna. With this change checks will be processed electronically with no charge to the Township, credit cards will now be accepted for payments, and the Township will get a higher interest rate. Mr. Broadbent moves to change the Township banks from Commerce Bank NJ to Commerce Bank of Central Penna. Garth Monaghan 2<sup>nd</sup>. Comments? A resident (no name was given) asked a question about the savings account. Mr. Espie replies that many banks have public funds accounts that function as a checking account and pay interest on that. This resident suggests an extensive study and calling other banks before this is done. Mr. Broadbent replies the Township has moved to different banks before and Mr. Espie has already shopped around. Mr. Makely asks if there is a time limit to change banks in January. Mr. Espie replies yes. Vote: Unanimous.

Township Copier Lease – Mr. Espie has a quote from Toshiba for a similar copier w/color which would be slightly less than what we are paying now. The lease is also up in October. Mr. Broadbent would like to further this because he would like to see some other features.

Budget - Mr. Makely explains that according to his most recent calculations for 2009 the Township is looking at new increases in revenue and probably \$150 to \$200 thousand dollars more in expenses. Mr. Makely would like to send invitations to the Township residents for a special meeting with 4 choices such as cutting services and a property tax. Mr. Broadbent would like to see this meeting after October. Mr. Makely states that Mr. Pompo said the Township needs 90 days in order to initiate a tax. Bob King suggests a survey card for residents. Siti Crook asks does every resident have to pay earned income tax. Mr. Espie replies they are required to file a tax return and the Twp. doesn't get revenue from residents that work in DE or Phila. you won't be assessed a tax you will be given a credit for the taxes paid out in those 2 areas. Mrs. Crook asks if there will be any income from the facility employees that don't live in EFT and how many employees they will have. Mr. Espie replies yes because they would be required to withhold local income tax from their wages. Mr. Makely replies they will have 3 FT employees. After several resident comments on the budget the Board agrees on having a special budget informational meeting to be held at the South Brandy

wine Middle School at a determined date.

Glenn Colyer asks to see the 2007 audit and summary letter. Mr. Makely believes that Mr. Colyer should be able to view the letter but he was told it is not for public view. The audit is for public view. Mr. Broadbent states the summary letter has personal issues on it.

Glenn Colyer asks if the light duty situation been resolved. Mr. Broadbent replies that there is no light duty in the Police Department.

Gary Barach asks if the audit performed was a certified audit and who decided that you can't release the Summary letter. Mr. Espie replies it was a certified audit. Mr. Broadbent replies that the letter addresses individual personal issues that are not for public view. The Board has agreed to discuss this matter further at another time.

Bob King asks if the sick time been resolved and updated on the budget (410.38). Mr. Espie replies sick time, personal, vacation and holiday has been resolved.

Ed Porter asks Mr. Broadbent if he sees Modena as a factor for E. Fallowfield losing coverage. Mr. Broadbent replies no, it has to do with the number of officers on duty.

**POLICE: Chief Mango**

The Chief gives a brief report. The July police report was on the back table and also on the website.

**HISTORIC COMMISSION:**

Report not available at this time.

**PARK AND RECREATION:**

Jeanne Berlin gives a brief report of the Township Park. The Park Committee will be sending letters out to pond owners to see if they want to participate in the West Chester University Pond study. The Board approves sending the letter.

Mr. Makely informs the Board that basins 1, 3 and 4 are not draining properly and 2 and 5 are not draining at all.

Bud Willard and Kevin Waters, Brandford Village HOA, has concerns of their trails, basins and the trail from Sarah's Way into Park. Mr. Makely responds that on Thursday at 10 am he is meeting with Stantec, Engineers and the Builders. Mr. Makely has asked for a price to pave the trail from Sarah's Way and will email Mr. Willard on Thursday after the meeting. The second alternative Mr. Makely proposes, is when paving Mt. Carmel Road the trail from Sarah's Way gets paved. Mr. Monaghan will call the head of the Water Resource Authority to see if they have any plans to do anything.

**EMERGENCY SERVICES:**

The July 2008 Modena, Pomeroy and Emergency reports were available on the back table and also on the website.

**ROADS DEPARTMENT:**

The July 2008 Recycling and Maintenance and Road reports were available on the back table and also on the website.

Glenn Colyer asks about breaking out holiday, sick and vacation time. Mr. Broadbent will ask Tag to start breaking that down.

Ellen Kuchner asks to have recycling information put on the website.

Road crew member extension – Mr. Makely states he would like something in writing to justify extending a road crew member. Mr. Makely also informs the Board that there is a road crew member that is doing a lot of automobile work that is saving the Township a lot of money. Mr. Monaghan moves to extend the temporary employment of John Weaver and Kyle Murphy until September 15<sup>th</sup>. Chris Makely 2<sup>nd</sup>. Comments?

Glenn Coyler asks who guides the road department and also comments on the unsatisfactory job of mowing the road banks. Mr. Monaghan replies Tag guides the road department.

Vote: Unanimous.

**UNFINISHED BUSINESS:** No unfinished business to discuss at this time.

**NEW BUSINESS:**

Mr. Broadbent moves to accept a 90 day extension for the Coatesville Area School District for their Preliminary Land Development Plan until November 11, 2008.

Chris Makely 2<sup>nd</sup>. Vote: Unanimous.

**PUBLIC PARTICIPATION:**

Chris Amentas recommends that the Police Report should be generated in a more appropriate fashion so the residents know what the police are doing in the Township.

Mr. Broadbent responds by stating that the Police Blotter shows more detail and this report is available in the Township Office.

Ed Porter suggests making the field along Strasburg Road as Commercial. Mr. Makely thinks this property is deed restricted. Mr. Broadbent replies maybe they could break that piece of land off and lease it.

Mr. Makely states the views in the e-alerts that he sends out are strictly his own and not anything based on the Township.

Ryan Ray requests to have the same person that did the report for the Frog Hollow speed bumps go out to Wilmington Road and do a report. Mr. Broadbent and Mr. Monaghan are in favor of putting speed bumps on Wilmington Road. Mr. Monaghan moves to install “Local Traffic Only” signage at the one way street and lower the speed limit to 25 MPH. Mr. Broadbent 2<sup>nd</sup>. Comments? Ellen Kuehner suggests lowering all Township local roads to 25 MPH. Vote: Unanimous. Mr. Broadbent states the Township will have a Traffic Engineer go out and look at possible locations for the speed bumps.

Milby Thorington asks if the speed device bought last year is being used. Mr. Broadbent replies that the police have been short of manpower but the Chief is really focused on speed control. Mr. Thorington asks when will the police force be back to full force. Mr. Broadbent replies in a few weeks.

Mr. Makely states that the 2 grants Dennis Crook suggested to the Township are closed and 2 the Township is already using.

**ADJOURNMENT:**

Mr. Broadbent motions to adjourn the meeting. Mr. Makely 2<sup>nd</sup>. Vote: Unanimous.

Respectfully Submitted,

Denise Miller, Township Secretary



