

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 23, 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; Vince Pompo, Solicitor; Denise Miller, Township Secretary.

Mr. Broadbent announces he will leave the meeting for a brief amount of time.

Mr. Broadbent announces that the Board had an Executive Session on Sept. 9th regarding personnel matters and accepting the resignation of Mark Espie as Treasurer and one on Sept. 17th regarding the Training Facility and personnel matters.

APPROVAL OF MINUTES: Tabled until next meeting.

CITIZENS BY REQUEST: No citizens by request.

PLANNING COMMISSION (PC): Deborah Rush

Hidden Valley Estates - The PC recommends that Hidden Valley Estates go to the Zoning Hearing Board for a variance for Section 904.12. The PC recommends doing a variance for the entire Estate versus 1 mobile home at a time and also recommends the Board repeal Ordinance Article 900 MH 904.12 and rewrite the Ordinance to correspond with the above recommendation and/or looking at other Ordinances from other Townships. Section 904.12: A concrete pad, with proper sub grade, shall be placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons, shall be used for all mobile homes and shall be in compliance with East Fallowfield Building and Construction Codes.

Mr. Makely asks if the letter Mr. Harlan presented last month will serve as the first step of the procedure. Mr. Pompo replies yes it does.

Mr. Makely motions to repeal the Ordinance Section 904.12 based upon the PC recommendation and authorize the Solicitor's office to re-write. Mr. Broadbent 2nd.

Comments? Vote: Unanimous. Mr. Monaghan states he doesn't have enough information and would have liked to have more information from other Municipalities. Deborah Rush replies that Caln Twp. just has the footers and Clayton Homes says they never use a concrete pad. The concrete pad is also a hardship for owners of the homes.

John Pia – Combining 104/106 Perry Court together. The PC directs Mr. Pia to go to the ZHB, both the PC and Chris Della Penna, Twp. Engineer, do not have a problem with this.

1.2 Section 1402.3B10b: This section prohibits any disturbance of Very Steep Slopes (greater than 25%) however up to 15% disturbance of these areas may be permitted for specific activities if approved as a conditional use. The plan indicates that 30%

disturbance of the Very Steep Slopes will be necessary to develop the lots. The applicant therefore will be applying to the Zoning Hearing Board (ZHB) for a variance.

Section 1403.2.B: This section requires a contiguous buildable area free from protected resources. Due to the numerous environmental site constraints on the lots, the applicant cannot maintain the required buildable areas and therefore be requesting a variance from the ZHB. Section 1403.2.C: A minimum 2,000 square foot area for the on-site sewage facilities is required in accordance with this section. Due to the constraints of the lot the applicant acknowledges that this requirement cannot be met and therefore will be applying to the ZHB for a variance. The response letter states that a sewage permit has already been obtained from the C.C. Health Dept. to support the request.

Mr. Pompo asks what the Board's position is. After discussion the Board is in agreement that they are not opposed to Mr. Pia going to the ZHB.

Neil Abrahams Subdivision – The PC recommends granting the Neil Abrahams requested waivers:

Section 603C – The PC recommends a waiver for Road A with the requirement of the maximum permitted length of 1000 ft. and to let the Abrahams development go to 1254 ft.

Section 607.B – Centerline grades shall not exceed 10% except on arterial & collector streets which shall not exceed 7%. The PC recommends a waiver for the grade to be between 10-11%.

Section 608.1 – The posted speed limit on Strasburg Road is noted to be 40 MPH. Based on this section and the posted speed limit the required sight distances for the Road A intersection would be 400 ft. Although the designer has attempted to situate the intersection to maximize the available sight distance, the design indicates that the available sight distance looking to the left (East) is only 381 feet and does not comply. The applicant is therefore requesting a waiver from this section for the sight distance that does not comply. Since Strasburg Road is a Penn Dot Road, a highway Occupancy Permit will be required for the proposed intersection. The PC recommends this waiver as long as Penn Dot gives a Road Opening permit to the development.

Section 613G – The sight distance at the intersection of the proposed driveway with any State, Township, or private road, shall be maintained as specified in Section 608 of this Ordinance. The PC has concerns regarding the Historical House and on how visibility could be fixed and this will also be conditional on a Penn Dot Road Opening Permit, but if Penn Dot does give a permit the P/C would not have a problem with site distance issues but there was some contention within the PC about whether to be more stringent with the applicant trying to clear or adjust a little even if they get a Penn Dot permit.

Section 615C – Sidewalks shall be provided along all new streets and parking lots or areas located in developments unless it can be demonstrated to the satisfaction of the Board of Supervisors that pedestrian traffic does not follow or mix with vehicular traffic. The PC has some concerns: Responsibility of salting the sidewalks, The fact that school children will be walking on the sidewalk or walking in the road at the drop off site, and the further question as to whether the children would use the sidewalks anyway.

The PC leaves this waiver to the Board.

Mr. Broadbent turns the meeting over to Mr. Makely at 6:55 pm and will return shortly.

Section 617G – On a cul-de-sac street, not part of a fifth lot and no more than 4 lots may have any frontage or driveway on the circumference of the turn-around or its reverse radii. The PC has no objection to the waiver request of 5 lots on the cul-de-sac.

Section 621 – The management of stormwater on the site, both during and upon completion of the disturbances associated with the proposed subdivision or land development, shall be accomplished in accordance with the standards and criteria of this Section. The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance of this Ordinance and the interpretation of the Township Engineer. The PC has no objection to the waiver of the stormwater management practices using metal pipes vs. reinforced concrete pipes.

Section 627 – Street Lighting: The Road Foreman asked for 2 extra lights, the PC does not have clear consensus whether the 2 extra lights are necessary. We all agree that the road opening light is necessary and have further concerns as to who would pay for the electricity and if they should be deeded to the owners of whose property where they are located as there will be no HOA. The PC is not recommending that the Twp. at any point in the future be responsible for the electrical service or maintenance to these lights.

The Board decides to table all the waivers until the next BOS workshop on October 14th to further review before any decisions are made and would also like Mr. Della Penna to attend. Mr. Pompo states an extension is required for the Abrahams Subdivision. Ashley Hickman, E.B. Walsh, states he will fax one to the Township tomorrow.

SOLICITOR REPORT:

Weavers Mulch – Mr. Pompo presents the Board with a confidential recommendation from the Township Zoning Officer. This is now a legal matter and Mr. Broadbent and Mr. Monaghan will contact Mr. Pompo regarding the recommendation.

Ordinance Advertisements – Both Proposed Ordinances are for the intent to receive DEP grants. Mr. Pompo briefly reads both Ordinances. Mr. Makely asks how long it will be for the State max blanket ban on burning. Mr. Pompo replies technically in this area of the Commonwealth there is already a ban on open burning and the likelihood of a State ban would not be high because it is already provided for in the Metropolitan areas.

This Township is in the Philadelphia Air Basin.

Ordinance 2008-07 – Amending Ordinance #95-10 regarding the collection storage & disposal of trash and recycle materials – Mr. Monaghan moves to advertise Ordinance 2008-07. Mr. Makely 2nd. Bob King – How will this Ordinance affect the Training Facility? Mr. Pompo replies there is an exemption in the State code that provides for burning for Emergency Training purposes. Gary Barach would like a distance from woodlands added. Mr. Monaghan suggests 100 feet. Mr. Pompo would like to run the amendments by the State before it's changed and adopted. Mr. Makely 2nd. After miscellaneous resident questions a vote is taken. Mr. Makely states a mulching center will be done by a grant. Vote: Unanimous.

Ordinance 2008-06- Regulations applicable to open burning – Mr. Makely motions to advertise Ordinance 2008-06 and allow Mr. Pompo to advertise. Garth Monaghan 2nd. Comments? Bob King asks where the mulching center will be. Mr. Makely replies on Upper Gap Road and shared by 5 Townships. Vote: Unanimous.

Cricket Communications – Mr. Pompo presents a proposed Decision and Order on the Conditional Use Application of Cricket Communications to affix an additional antenna to an existing cellular communications tower located at 805 Fairview in the (RA) Rural Agricultural Area. Condition: **1)** Any material change from the testimony plans and exhibits presented on behalf of the applicant at the Hearing or from the Decision and Order would require an amendment to the Decision and Order by the Board following proper application and hearing. **2)** Would require the applicant by January 31st of the year as operator of the facility to submit an applicant, an annual inspection report and pay the established registration fee as required under Section 1773.N of the Zoning Ordinance. **3)** No building permit shall be issued until the Applicant obtains a letter from the Township Engineer, stating his satisfaction with the Structural Analysis Report. **4)** Prior to the use and occupancy of the site, the Applicant shall pave the initial 25' of the gravel driveway beginning at the road right-of-way, to the satisfaction of the Township Engineer. **5)** No building permit shall be issued until the Applicant has submitted a proposed maintenance plan as required by Section 1733.U of the Zoning Ordinance, to the satisfaction of the Township. **6)** No building permit shall be issued until the Applicant has submitted a set of the latest revised plans with signatures, certifications, and/or seals, to the satisfaction of the Township Engineer. **7)** No building permit shall be issued until the Applicant submits appropriate easements or other recordable documentations that memorializes the Applicants rights and obligations to the shared driveway, parking spaces, and facility, including but not limited to maintenance responsibilities, to the satisfaction of the Township Engineer. **8)** The Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum setting forth the conditions that would be recorded in the Recorder of Deeds against the property. **9)** Requires that the Applicant express their agreement in writing within 14 days of the Decision and Order to these conditions or the application will be deemed in honorable.

Mr. Makely motions to grant the Cricket Communications Conditional Use approval based on information and contingent on the conditions being met. (C-3-08) Garth Monaghan 2nd. Comments? Vote: Unanimous. (Mr. Broadbent not present)

LEGAL ISSUES:

Beagle Club Zoning Change – Mr. Monaghan states if the Township changed the zoning to 10 acre zoning, the Township could be in court because of the change.

Ellen Kuehner states she is willing to Chair the Ad hoc committee and leaves a sign up sheet on the back table for an Open Space Ad Hoc Committee. Mr. Monaghan states the Ad Hoc Committee's purpose is to raise money to buy the Beagle Club. Mr. Pompo states legally the Committee could remain Ad Hoc (meaning an informal group that doesn't have any official status) if the Committee wants to pull together some type of land deal where it would purchase the land and seek support from various groups. The group would have to hire a lawyer and create its own Organization. Ed Porter asks how would it be determined what property the money would go to. It is unclear at this time. After further discussion Mr. Makely states he would like to have Mr. Broadbent's input and since he is not here at this time this matter will be tabled until the October 14th workshop.

Park Day Invoices – The Board decided to have Peter Massaro, P&R Chairman, be required to sign off on all money issued for Park Days.

Mr. Makely turns the meeting back over to Mr. Broadbent, as he returns to the meeting at 8:30 pm.

Mortonville Road closure – Mr. Makely asks Mr. Pompo if the Township is in compliance with the 2nd class Township codes to close the Mortonville Road. Mr. Pompo states it appears there is sufficient cause to do the emergency closure. After further review Mr. Pompo will write an opinion to say that this is an emergency so there is no need to advertise for public bids. Mr. Makely motions to recommend to the Board to close the Mortonville Road upon a receipt of an authorize Penn Dot detoured road plan. Garth Monaghan 2nd. Comments? Bob King asks how much is the project going to cost and how long will it take. Mr. Makely states the Township received 2 bids and the Township accepted the lowest bid for equipment, labor and manpower for \$3,500.00 per day for approx. 5 days and be paid from the liquid fuels account. Glenn Coyle asks what exactly is being done. Mr. Makely replies that the bottom will be stabilized and restoring the road bank. Sharon Scott asks who will perform the work. Mr. Makely replies Arnold Anderson will perform the work. Vote: Unanimous.

W. Chester/S. Caln Road – Mr. Makely states the project will cost approx. \$350,000.00, \$30,000 has already been spent on engineering costs so the project is short \$140,000.00. The contract allows the Township to increase the fee for the 600 lots according to the Conditional Use. If the Township uses Township funds it would turn the project into public and then it would have to go out to bid. At this stage the funds are not available to move forward at this time, when the funds are received Dewey Homes will perform the work. Sharon Scott asks to see the escrow accounts. Mr. Makely replies that Maulo & Co. is working on the accounts, when he is finished the information will be provided. After more discussion Mr. Broadbent states the Board will follow up on this issue.

Road Crew name Change – Mr. Broadbent moves to change the Road Department name to The Public Works Department effective tomorrow. Mr. Monaghan 2nd. Comments? Sharon Scott asks what public works do they take care of. Mr. Broadbent replies they do a lot more than just road work. Vote: Unanimous.

Mr. Pompo is excused at this time.

POLICE: Chief Mango

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

Chief Mango asks for Board approval to order a 2009 Fleet/Non-Retail 1WS19 4 Dr. Sdn. unmarked Police Car effective tomorrow with delivery in 2009. The COSTARS 13 State Contract price is \$19,871.78. Mr. Broadbent moves to authorize the purchase of a new police vehicle to be ordered this year and take delivery in 2009 as indicated on the purchase order submitted by the Chief. Mr. Makely 2nd. Comments? Glenn Coyle asks if

any of the cars will be sold. Chief Mango replies the 2000 Ford Crown Vic will be sold. Sharon Scott asks if the car in the budget. Mr. Broadbent replies yes. Vote: Unanimous.

HISTORIC COMMISSION: Paula Coyne

The August 13, 2008 unapproved minutes are on the back table and on the website.

Paula recommends donating the Historic Information, in the name of the individual who donated them to the Township, to the C.C. Historical Society after the inventory is archived and make copies for the Township to keep. A resident of the Township has offered to donate funds to do this. Mr. Broadbent would like a list of the items to be donated. Paula states she has a list of the items. The Board is in agreement for Paula to move forward.

Paula announces that there is a press conference called by Senator Spector on Monday from 2:30-3:00 at the West Whiteland Township Building pertaining to pipelines in Chester County.

PARK AND RECREATION: Peter Massaro

There is immediate need for no vehicles signage at the intersections of the paved trail system and the gravel road that leads to the lower lot by the pond. This will be discussed at the next P&R meeting.

Mr. Massaro would like Board direction on how many park rule signs they want posted. Mr. Makely replies they should be at every entrance and to discuss further at the next P&R meeting.

Mr. Massaro reports that Senator Dinnaman announced that he made arrangements for the Township to receive \$25,000.00 around Jan. to Feb. for the Park facilities.

Glenn Colyer asks what is the Pond Watch. Mr. Massaro replies that its residents who monitor the pond in the park and ran by Brian Carling.

TREASURER'S REPORT:

Maulo & Co. is working with the Township during the transition period of the Treasurer. The bookkeeper is \$55.00/hr., Senior Staff Member \$110.00/hr. and Mr. Maulo is \$145.00/hr.

The ad for a Manager/Treasurer will be advertised and go out to 555,000 people.

Mr. Broadbent motions to authorize Maulo & Company to perform transition duties on a part time basis at the rates of \$145.00, \$110.00 and \$55.00 for a period not to exceed through the end of this year. Mr. Makely 2nd. Comments? Sharon Scott asks about specific duties. Mr. Makely states the bookkeeper will be writing the checks and verifying the deposits. Gary Barach suggests putting a money limit amount on the work to be performed. Mr. Makely replies the projected amount of time is 16 hrs. a week for the Bookkeeper, 6 for the Sr. staff member and Mr. Maulo as needed. Mr. Broadbent amends his motion to include those amendments stated by Mr. Makely. 16 hrs. a week for

the bookkeeper, 6 for the Sr. staff member and not to exceed 8 hrs. in any given week for Mr. Maulo. Mr. Monaghan 2nd. Comments? Mr. Makely informs that Paychex is now doing the Township payroll. Vote: Unanimous.

Manager/Treasurer Advertisement -Mr. Broadbent announces that the Township is advertising for a FT Manager/Treasurer with a salary based upon experience. Mr. Broadbent motions to advertise for the Manager/Treasurer with a cost of \$2,730.72 In all around Phila., Yahoo hot jobs and a number of magazines. Mr. Monaghan 2nd. Comments? Sharon Scott asks what the salary is and is there a real estate tax in the budget? Mr. Broadbent replies in the budget draft the salary is \$65,000 and there is no real estate tax in the budget draft. After other budget questions a vote is called for. Vote: Unanimous.

Treasurer's Report - Mr. Makely gives the Treasurer's report for the period ending August 31, 2008 and asks for the payment authorization to payments in the amount of \$70,620.02 coming out of liquid fuels or escrow. Mr. Monaghan moves to authorize the payment of the invoices requested in the amount of \$70,620.02. Mr. Broadbent 2nd. Comments? Gary Barach asks how often are invoices paid and who made the decision. Mr. Makely replies 30 days is how it has been done. Vote: Unanimous.

Legal expenses reimbursed - Mr. Makely gives a brief report on legal expenses that are reimbursable and gives an update on the last budget workshop.

EMERGENCY SERVICES:

The August 2008 Emergency Services log was available on the back table and also on the website.

ROADS DEPARTMENT:

The September road and vehicle reports were available on the back table and also on the website. Glenn Coyer asks why has the sick and vacation time not been broken down yet. Mr. Broadbent replies that it will be broken down by the new accountant.

August York Waste Recycling Report was available on the back table and also on the website.

Mr. Broadbent moves to extend the duration of the Part Time Road Crew member at \$10.00 per hour with a 20 hour cap till the end of the year. Mr. Monaghan 2nd. Comments? Vote: Unanimous.

UNFINISHED BUSINESS:

Modena Fee update – The Township is not increasing the Police fee at this time because of the police car grant that was applied for. The fee increase will be looked at in January when it is scheduled to go from \$2,000 to \$2,400 per month.

NEW BUSINESS:

Mr. Broadbent moves to approve Phase 1 escrow release #25 for Manchester Farms in the amount of \$15,279.00 leaving a balance of \$207,849.38. Mr. Monaghan 2nd. Comments? Vote: Unanimous.

Mr. Broadbent moves to approve Phase 2 escrow release #21 for Manchester Farms in the amount of \$59,627.00 leaving a balance of \$425,103.99. Mr. Makely 2nd. Comments? Vote: Unanimous.

Creekmur Subdivision – Tabled until further information is received.

PUBLIC PARTICIPATION:

Sharon Scott what is the date for the Emergency Management Training Meeting. Mr. Broadbent replies it will be October 13th at 7pm in the Township Building.

Sharon Scott - Who is the Agricultural Security Chairman and do they have minutes and who are the members. Mr. Monaghan replies that he is the Chairman and they haven't taken any action yet and the members are Paula Coyne, Jacqueline Coyler, Scott Wybranski. Sharon comments that Mr. Wybranski is no longer a resident. Mr. Monaghan will find out if he is living in the Township.

Mrs. Scott also comments on the concrete pad issue with Hidden Valley Estates.

ADJOURNMENT:

Mr. Broadbent moves to adjourn the meeting at 10:00 pm. Mr. Monaghan 2nd.
Vote: Unanimous.

Respectfully Submitted,
Denise Miller,
Township Secretary