

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING**

February 24, 2009

Approved

6:45 PM

CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: George Broadbent, Chairman; Chris Makely, Vice Chairman; Garth Monaghan, Member; Chris Amentas; Member, Gary Barach; Member, Vince Pompo, Solicitor; Denise Miller, Township Secretary.

Mr. Broadbent states that the Board had an Executive Session regarding contract issues, meeting format and the Dick Vermeil hearing which is continued until March 24, 2009 at 5:30 pm.

Mr. Broadbent moves to approve the East Fallowfield Township rules for conduct at a public meeting. Mr. Makely 2nd. Mr. Amentas informs residents that the meeting rules are to keep the meeting in order and more efficient and consolidate all public comment for non-action items to a 30 minute period at the end of the meeting. With no public comments. Vote: Unanimous.

Mr. Broadbent explains that the citizens by request will still be at the top of the agenda with a 3 minute time limit. After a motion is 2nd, comments from the Board and the public will be heard at 1 comment per person with a maximum of 3 minutes. The public participation is limited to 30 minutes in total and anything that still needs discussed will be forwarded to the next meeting. The Thursday before the meeting will be the lock down date to get on the agenda.

APPROVAL OF MINUTES:

Mr. Broadbent moves to approve the December 30, 2008 BOS minutes. Mr. Monaghan 2nd. With no public comments. Vote: Unanimous. Mr. Makely abstains because he was absent and Mr. Amentas and Mr. Barach were not members at the time.

Mr. Broadbent moves to approve the January 5, 2009 Re-Org. meeting minutes. Mr. Makely 2nd. With no public comments. Vote: Unanimous.

Mr. Broadbent moves to approve the January 5, 2009 Township meeting minutes. Mr. Monaghan 2nd. Mr. Makely asks Denise Miller if there is a written format on what has to be in the meeting minutes so they can be put on the website. Denise replies yes. Vote: Unanimous.

CITIZENS BY REQUEST:

Dave Krechner – No show.

Sharon Scott – Asks the Board due to the depressed economy what action did the Board take regarding the 2009 budget, what does the Modena contract cost the Township, were any raises given to employees for 2009 and what amount was received for the 2007 and 2008 earned income tax and what was budgeted for 2009 and eliminate all money given to the Historical, Planning and the Park for 2009.

PARK AND RECREATION: Peter Massaro

The P&RC recommends Dan Johns as a member. Mr. Broadbent moves to appoint Dan Johns to the P&RC. Mr. Makely 2nd. With no public comments. Vote: Unanimous.

The Township has been reimbursed \$201,000.00 by the County towards the construction that occurred in 2008.

The P&RC has also applied for (2) \$25,000 grants and a \$10,000 grant.

Mr. Massaro recommends hiring Spotts Stevens & McCoy (SSM) for re-submittal of the DCNR grant previously denied and the County Grant Application. Mr. Makely asks Mr. Pompo if fee in lieu of money can be used for the \$7,200.00 fee for SS&M. Mr. Pompo replies he believes it can be. Mr. Broadbent moves to accept the proposal from SS&M for the amount of \$7,200.00 to be paid from the fee in lieu of monies and contingent on the Solicitor defining the terms and conditions with SS&M. Mr. Makely 2nd. With no public comments. Vote: Unanimous with Mr. Amentas abstaining.

Mr. Massaro asks the Board if they agree with the design concept of the Patriotic Landmark. Mr. Massaro asked Mr. Della Penna to review the drawing and Mr. Della Penna found some deficiencies of the drawing and has estimated the cost to the Township to be \$1,500.00. Dan Johns is trying to get funds to cover the cost of the Landmark. Mr. Massaro asks if there could be a separate account for donations. Mr. Pompo replies that you have to make sure the money contributed is allowed to be tax deductible and any money donated to the Township is under IRS rules, tax deductible. If it is a gift you can take a tax deduction and the Township staff could provide the necessary documentation and the other issue is to make sure and commit to the resident donating to assure it will be used for that purpose.

Mr. Makely motions to authorize P&R having Chris Della Penna do the actual engineering drawings of which fees would be from the grant money from Senator Dinnamans' walking around fund. Mr. Broadbent 2nd. Mr. Barach asks if the Township will pay and then be reimbursed. Mr. Makely replies that it can be taken out of fee in lieu of and then reimbursed in the fee in lieu account. Mr. Barach asks if Chris would do this contingent upon having the money in hand. Mr. Makely along with Mr. Massaro will ask this question to Mr. Della Penna. With no public comment. Vote: Unanimous.

Mr. Massaro asks the Board if the Road Dept. can purchase Wildlife crossing signs for the Park. The Board agrees to send the request to Tag of the Public Works department.

Mr. Massaro asks the Board to reimburse Jeanne Berlin \$10.00 for purchase of an age appropriate child swing for the tot lot. Mr. Makely replies that this can be paid out of petty cash.

The Board will discuss the Pavilion at the March workshop.

Mr. Massaro informs the Board that the Friends of the Park would like to have a scavenger and nature walk followed by an Easter Egg Hunt on March 28th from 10am- 1pm.

Boy Scout Troop #48 will be asked to prepare the food. This will be the only Spring Event in the park for this year. Mr. Broadbent moves to authorize the P&RC and Friends of the Park to have their Earth Day Celebration at the Park from 10am – 1pm on Saturday March 28th. Mr. Makely 2nd. Mr. Amentas asks who will Supervisor this event. Mr. Massaro replies the P&RC members and the Friends of the Park members and the police are often present at different events. With no public comments. Vote: Unanimous.

The DCNR Grant will be tabled until next month's meeting.

CORRESPONDENCE:

All complaints must be in writing and have the complete address in order to address the complaint.

The newsletter will be ready approximately at the end of March and will have a P&RC insert.

Flyers for an Open Space Meeting to be held on February 21, 2009. Pamphlets were in the back of the meeting room.

The Board tables the shredding of the Lancaster Commence bank until it is determined if all accounts are at a zero balance.

TREASURER'S REPORT:

Mr. Barach gives a brief report on the Township banking and states the Township is working on getting delinquent tax dollars paid and there has not been a drop in the earned income yet.

Insurances are being re-negotiated and by the March meeting their will be a financial statement that will present all funds and transactions within all of those funds separately.

SOLICITOR REPORT: Mr. Pompo

Chester County Training Facility: The writ of court of common pleas to return the record to the court for the Chester County Public Training Facility. Once returned the briefing period begins. Mr. Pompo received in writing and a call from Mr. Colagreco that if the Board has any interest in essentially re-negotiating what they took exception too in the decision. Mr. Makely asks if this gets done in a public meeting. Mr. Pompo replies that because it is in ligation the Board can meet and discuss matters in an Executive Session. If the Board decides to alter or change any conditions, that would have to be done in public. Mr. Broadbent and Mr. Makely would like to meet with Mr. Colagreco. Mr. Pompo will set this up.

BAWA CUH: The Board agrees to have Dick Vermeil and The BAWA Conditional Use Hearing's on March 24th for 30 minutes each.

AES/Sparrows Pipeline: Mr. Pompo filed a notice of intervention on behalf of the Township in the proceeding on the AES/Sparrows Point pipeline application before the Federal Energy Regulatory Commission.

The intervention was granted and on the same day they granted the application.

Many agencies have filed a motion for reconsideration on the decision and are now pending.

Mr. Craig Davies called asking if the Township would consider substituting the amount of the contingency in the financial security that The Manchester Farms Subdivision has posted for their development. The contingency is 10% (\$167,820.00) of the improvement costs and whether they could substitute a bond for the escrow that they have deposited with the Township. Mr. Pompo states the form submitted does not give the Township the same amount of security.

After Board discussion, Mr. Pompo is authorized to ask Mr. Davies if they would go ahead and accelerate the improvements and paving West Chester Road.

Mr. Broadbent moves to advertise Ordinance 2009-02 amending certain provisions in the E. Fallowfield Contractor's Registration Ordinance. As of July 1, 2009 this Ordinance will not

apply to Contractors that are just doing home improvements. The Ordinance fee will also increase to \$75.00 per Contractor. Mr. Amentas 2nd. With Mr. Makely abstaining. Vote: Unanimous.

Mr. Broadbent moves to advertise amended Ordinance 2009-01 (Stone Creek stop signs) and Ordinance 2009-03 (Stone Creek no on-street parking) Mr. Makely 2nd. With no public comment. Vote: Unanimous.

Mr. Monaghan motions to approve the 2009 Chester County SPCA contract for \$5,000.00 and \$20.00 boarding. Mr. Broadbent 2nd. Mr. Monaghan states after calling the SPCA they said they do not force residents to pay a donation when they drop off dogs and cats. After Board discussion a vote is taken. Vote: Unanimous.

Mr. Broadbent motions to adopt Resolution 2009-03 the 2008 Municipal Records Manual. Mr. Monaghan 2nd. Mr. Barach asks if you have to adopt. Mr. Pompo replies yes. Mr. Amentas asks under who's authority is this under. Mr. Pompo replies The Penna. Historical and Museum Commission, Bureau of Archives and History. Vote: Unanimous.

Buddy Rhoades comments that West Chester Road is a safety issue and is concerned about the shortfall of money to fix it. Mr. Broadbent reiterates what was previously stated that Mr. Pompo will contact Manchester Farms to see if they will accelerate the start of work and Mr. Barach is working with the funds. Mr. Amentas states the shortfall referred to is the money that will be collected with the completion of homes.

LEGAL ISSUES:

Chief Administrator Officer: Mr. Makely motions to appoint Gary Barach as the Chief Administrator Officer of the Police and Non-Uniform Pension plan. Mr. Broadbent 2nd. Mr. Barach would like to be more informed before he accepts this appointment. Mr. Makely withdraws his motion and defers until the March 24th meeting.

Police Collective Bargaining Agreement: Mr. Broadbent moves to adopt the Contract Amendment: 2007-2009 Collective Bargaining Agreement. Mr. Barach 2nd. Glenn Colyer asks for a copy of agreement. This agreement is changing the error July 1, 2009 to January 1, 2009. With no other public comment. Vote: Unanimous.

Agricultural Security Law: Mr. Makely gives a brief report on the Ag. Security Law. 3 P.S. 901- The Committee is to be made up at least five members; three of which are to be "active farmers". The term "active farmers" is not defined in the Law. Another member is to be a citizen residing within the unit of local government. There is no prohibition against the citizen member also being a farmer as the only qualification in the statute is that the citizen must reside in the township. The final member is to be a member of the governing body; in this case, a member of the Board of Supervisors. The member who is a supervisor is the Chair of the Committee. Buddy Rhoades states that most of the people on the Committee live on the same road.

Penna. Municipal Retirement System (PMRS) distribute forfeited monies: Mr. Barach would like to see other Township resolutions and states that the unvested monies from the plan go to the vested employees. Mr. Pompo replies that the Township Plan doesn't call for that, that's why the Township needs an Ordinance to change it. After Board discussion this matter is tabled until March 24, 2009. Buddy Rhoades asks how long is it before you're vested and is it just for FT. Mr. Broadbent replies 5 years and FT employees.

5% Rebill Surcharge: Mr. Makely will speak with Chris Della Penna for more information and table this issue until the March 24th meeting.

Buddy Rhoades asks if the Weaver Mulch issue resolved. The Board agrees to table this issue until the March 24, 2009.

Conrad DeAbreu asks about the issue regarding the fence in the right-of-way. Mr. Pompo states it is up to the Board on the enforcement. The Board tables to the March workshop.

The Board excuses Mr. Pompo from the Board meeting.

POLICE DEPARTMENT:

The December 2008 and January 2009 monthly police report was in the back of the meeting room and are on the website.

The police are patrolling Triple Fresh and The Big Apple due to the recent thefts and potential suspects have been identified for the recent arsons and bus lots are being patrolled due to recent arson.

The President's economic stimulus plan will open up a grant application that could 100% fund FT officers for up to 3 years and then the Township would have to keep that officer on for 3 years after. Chief Mango will have what information that is for the public viewing available on the website.

The Board excuses Chief Mango from the Board meeting.

Bob King asks about the Town watch meeting. Mr. Amentas will forward Mr. King information on the meeting.

HISTORIC COMMISSION:

The January 2009 meeting minutes were in the back of the meeting room and are on the website.

Paula Coyne has stepped down from the Chairperson position but will still serve as a member and Mr. DeLeo has assumed the Chairperson position temporarily. The Board approves to have Mr. DeLeo act as temporary Chairperson until a recommendation is received.

Buddy Rhoades comments on the meeting format. Mr. Amentas states the action items will be at the top of the agenda and non-action items at the bottom.

PLANNING COMMISSION:

The January unapproved minutes were in the back of the meeting room and are on the website.

The PC recommends the Board approve the appointment of John Schwab and Vince Lyons to fill the vacancy seats for the term ending 12/13/2013. Mr. Monaghan motions to accept the PC recommendations with respect to John Schwab and Vince Lyons. Mr. Broadbent 2nd. Comments? Mr. Barach asks how were the 12/31/2013 terms determined. Mr. Broadbent replies that these terms are for people that have stepped down. With no public comment. Vote: Unanimous.

Ed Porter comments on the terms and using the newsletter for advertising vacancies.

Buddy Rhoades comments that the Board should review all Committee/Commission applications.

Vote: Unanimous.

The PC recommends sending Dick Vermeil back to the PC for more information. Mr. Monaghan further explains that the owner of the equipment may be the ones that should have approached the Township. Mr. Amentas states what is needed is to compile all issues and send to the Vermeils so they can be prepared to discuss all outstanding issues. Mr. Barach asks why would the Township do this. Mr. Makely replies because they keep going back and forth to meetings and everything is still not together. This will be given to Deborah Rush to handle with Mr. Vermeil.

PUBLIC WORKS DEPARTMENT:

The December 2008 and January 2009 vehicle and road report were in the back of the meeting room and on the website.

The December 2008 and January 2009 recycling report were in the back of the meeting room and on the website.

Mr. Broadbent moves to hire snow plower Jack Robinson at \$14.00 per hour contingent on background and drivers license check coming back clean. Mr. Makely asks if Mr. Robinson will go into the pool. It is unclear at this time. Mr. Broadbent withdraws his motion.

Mr. Broadbent moves to hire Weeds Inc. for 2009 to do the Non-selective Program 1 and Program 2 for total of approx. \$4,500.00 in total cost. Mr. Monaghan 2nd. Mr. Barach asks if there are competitive bids and putting this out to bid. Mr. Broadbent replies that it does not have to go to bid unless it's over \$10,000.00. Mr. Amentas would like to have insurance and what is being used for whoever would do this job. Mr. Broadbent withdraws his motion. Mr. Makely states he will talk with Tag to go over this. This will be deferred until the next meeting.

EMERGENCY SERVICES:

The October and November 2008 Westwood fire reports were on the back table and also on the website.

The January 2009 Modena fire report were on the back table and also on the website.

The Board agrees to hold checks until the 2 fire companies hand in their details on their accounting and another meeting will be in March to present their financials and the dividing of the money will be discussed.

UNFINISHED BUSINESS:

Mr. Makely motions to set the time limit for John Weaver until September 30, 2009 under his current PT conditions not to exceed 32 hours per week. Mr. Broadbent 2nd.

With no public comment. Vote: Unanimous.

Mr. Makely motions to utilize Arlene for 25-32 hours per week or as needed on a regular permanent basis and 40 hrs. per week during Denise's position during vacation time and the trash season from mid-December to February. Mr. Broadbent 2nd. Mr. Amentas asks if during when Arlene works 40 hours a week does it make her a FT employee. Mr. Broadbent replies that you would have to work more than 32 hours per week for 6 months.

Buddy Rhoads asks Mr. Barach what he feels about the motion. Mr. Barach replies that the office is extremely understaffed and her hours are necessary. Mr. Amentas comments that with 2 new Supervisors it also creates more work. Bob King comments on getting a bookkeeper or

treasurer. Mr. Broadbent replies that the Board is in discussion regarding this and exploring different options. With no other comments. Vote: Unanimous.

NEW BUSINESS:

Mr. Broadbent moves to adopt the Verizon Contract for local and long distance service for the police and township offices. Mr. Monaghan 2nd. With no public comment. Vote: Unanimous.

Mr. Broadbent moves to approve the owner Michael Williamson of 8 Jane Street to use a septic tank designed for the on-lot sewage disposal to be used as a permanent holding tank and this has been deemed necessary by the Health Department. Mr. Monaghan 2nd.

Ryan Ray asks if he has a contractor to pump and haul. Mr. Broadbent replies that the application says that the applicant does understand that it is needed and the applicant will pay the cost. With no other comments. Vote: Unanimous.

PUBLIC PARTICIPATION: 30 minute total time

Mr. Monaghan excuses himself from the BOS meeting.

Bob King asks if there are final figures for the budget. Mr. Barach replies there should be an accounting report for the next meeting..

Mr. King asks about the 3rd & 4th quarter fire dept. checks. Mr. Broadbent replies that they are going through what to pay them. Mr. King also asks about the last payment for the earned income tax. Mr. Barach replies that he is in contact with the tax collector and the payments come in constantly. Mr. King also asks if the Board is satisfied with the auditors who are paying the bills how they are doing their job. Mr. Barach replies no.

Glenn Colyer asks how much do the fire company get per year. Mr. Broadbent replies that he believes they are paid quarterly.

Buddy Rhoades comments on various Township issues.

ADJOURNMENT:

Mr. Broadbent moves to adjourn at 10:26 pm. Mr. Makely 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary