

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
June 27, 2007  
APPROVED MINUTES      Posted 7/26/07**

**THE MEETING WAS CALLED TO ORDER AT 6:05 BY CHAIRMAN GARTH MONAGHAN followed by Silent Meditation and Pledge of Allegiance.**

**IN ATTENDANCE:** Garth Monaghan, Chairman; George Broadbent, Member; Mark K. Espie, Treasurer; Vince Pompo, Solicitor

**APPROVAL OF MINUTES:** George Broadbent would like to amend the minutes as follows: page 2 – 3rd paragraph to read a recent flyer publication, instead of a recent publication called the Gazette. Garth Monaghan motions to amend the minutes to reflect Mr. Broadbent’s comments. George Broadbent 2<sup>nd</sup>. Discussion?

Mr. Makely would like to verify that the Board rec’d his letter regarding the minutes and their inaccuracy. Mr. Monaghan states he did and any resident can respond in writing and comments will be considered. Vote: Unanimous.

**TREASURER’S REPORT:** Mark Espie stated for the period ending May 31, 2007 we had available cash in the General fund of \$489,231.81, with additional assets in our escrow account of \$818,415.98 and State Liquid Fuels Fund \$291,919.56 and Capital Projects \$781,581.88. Bringing total liquid assets to \$2,238,155.23. At this time the Treasurer is requesting payment authorizations from the General Fund of \$120,381.36 the escrow of \$12,920.00 and the Liquid Fuel fund of \$103,176.33. Bringing total payment authorizations to \$236,477.69. For the period ending May 31, 2007 the Township had an operating deficit of \$16,414.72, the Park and Rec. fund is detailed with available funds of \$377,991.40.

Mr. Monaghan questions the deficit reported at the last meeting. Mr. Espie explains the \$16,000 is the year to date and it’s mostly timing and receipt issues.

Mr. Monaghan moves to authorize our Treasurer to make payments from the Funds of \$236,477.69. George Broadbent 2<sup>nd</sup>. Questions? Vote: Unanimous.

**WEBSITE PRESENTATION: George Broadbent**

Mr. Broadbent gave a short presentation on the Township new website, which will be available Thursday (6/28). The goal of the website is to get information to all residents in a timely manner. Mr. Broadbent would like all Mission Statements read before every meeting.

Jan Bowers +will every event have a separate site. Sue states yes.

Does the Township have a resident email list? Mr. Broadbent states we could look into this.

**POLICE**

Chief Mango thanks George and Sue for their hard work on the new website.

Chief Mango states the monthly report and citation reports are available on the back table for resident review. From June 1<sup>st</sup> to June 21<sup>st</sup> E. Fallowfield Police handled 22 incidents in Modena

Officer Shannon Miller will resign effective when her court appearances are over.

Chief Mango has interviewed PT Officer (S. C-ville) and FT Deputy Sheriff (Montgomery County) David Marquette and recommends to give a conditional offer of employment as a PT Officer conditional on completing the background investigation and all certification requirements. Mr. Broadbent moves to accept Chief Mango's recommendation for a new PT Officer. Garth Monaghan 2<sup>nd</sup>. Questions? Buddy Rhoades asks if PT Officer return their uniforms when they leave and all jobs should be advertised. Chief Mango states Mr. Marquette's desire is to leave his FT position in Montgomery County. He continually accepts resumes for police positions. Mr. Broadbent comments that Chief Mango did discuss the applicant with the Supervisors. Bob King asks if the Township pays for PT police uniforms and recommends something in place so the Township doesn't lose money all the time. Chief Mango states they do pay for them also July 25<sup>th</sup> ENRADD will be operational. Milby Thornington comments about Modena's incidents.

## **PROPOSED TRAINING FACILITY**

The Planning Commission recommends a Conditional Use Hearing for the C.C. Training Facility and National Guard: Garth Monaghan motions to accept the recommendation of the PC and have the Training Facility go to Conditional Use. George Broadbent 2<sup>nd</sup>. Mr. Broadbent believes that the recommendation is saying both should go to Conditional Use at the same time we can narrow down what we get. Mr. Monaghan states until they see something from the National Guard, they don't know what they are proposing and don't want to link both together. Ed Porter asks about cost to the Township and if this is a lengthy process. Mr. Broadbent would like this to go through fairly quickly but establish what they want with them. Mr. Monaghan states the Conditional Use is the opportunity for the Township to impose conditions on the plan. Bob King are they doing advance traffic and noise studies before the Conditional Use? Mr. Monaghan states it doesn't matter if it's in advance. Sharon Scott recommends the County reimburses the Township for all legal expenses and advertising regarding the Conditional Use and would like the names and who put task force together, E. Fallowfield should be part of the task force. Mrs. Scott also comments on the Stone Creek Open Space Issue. Roger Brown believes the name of the architect was mentioned at the meetings.

Vince Pompo gives a brief description of the Conditional Process: The first step is for the Board of Supervisors to hold a public hearing on the proposed Ordinance Amendment to the Zoning Ordinance that would authorize this use as a Conditional Use. After this is completed a application filed by the applicant applying for the Conditional Use, (put this application on the new website) schedule Conditional Use hearings, Then the applicant files a subdivision and/or Land Development applicant with the Township, then goes to the Planning Commission then to the Board to get the permission to develop the land.

Siti Crook wants to know why the Township is willing to make a change for the Training Facility and not for her and thinks its discrimination. Mr. Pomp states that Mrs. Crook's issue is in litigation and this should not be discussed with the Board.

Mr. Monaghan comments that they are being asked to consider a change to the Zoning and a decision will be made after the Conditional Use by the Board. Bob King if the majority of the people oppose the Facility, will the board oppose? Mr. Monaghan states lets wait until the Township has more facts. Mr. Monaghan calls for any comments against the proposed amendment. A few residents made their objections. Chris Makely asks if the Township has gone through any Conditional Use in the past years. Mr. Monaghan states the Beagle Club. Buddy Rhoades recommends the County, or Township sends a questionnaire to Newlinville Rd. Residents. Jim Sisk supports the recommendation by the PC on 2 driveways for the Training Facility. Mr. Monaghan restates the motion to accept the recommendation favorably of the Planning Commission to move the matter of the Training Facility to Conditional Use. Vote: Unanimous.

Request for a public meeting be held on a zoning amendment regarding the proposed site of the Training Facility: Mr. Monaghan moves that a public hearing be setup to examine the proposed zoning amendment. George Broadbent 2<sup>nd</sup>. Peter Massaro asks what the difference between a hearing and meeting? Mr. Monaghan explains a hearing is for the public to participate. Vote: Unanimous. A Resident asks if the Facility abuts to other Municipalities. Yes. Mr. Monaghan calls for a brief break.

**PARK & RECREATION COMMISSION:**

Peter Massaro comments the website is nicely done.

The Park and Recreation Commission would like to thank the tireless volunteer effort of the Friends of the Park in producing the third consecutive successful Park Day held on May 26, 2007. We would also like to thank the Board of Supervisors for supporting and encouraging such beneficial activities that promote a strong sense of community spirit.

There are no payment requests to Simone Collins for services rendered in May 2007. However, the Park and Recreation has received the much anticipated letter from SC for additional services for the redesign of their earlier (January 2007) plan. The P&R met on June 19, 2007 during our regularly scheduled workshop to discuss their proposal. At this time we recommend to the BOS that the following action takes place: The scope of the project is to be focused to include a smaller section of the eastern part of the park. This is a result of discussions with the grant coordinator from Chester County. The proposed facilities to be constructed in this phase are to include: The redesigned entrance, Parking lot areas, Tot lot(s) and Trails.

June 5<sup>th</sup> meeting with Kim Merritt: The County Grant is a 50% matching grant (County to provide funding up to \$224,240) and expires on Dec 2, 2007. We could obtain a 6-month extension by writing a letter requesting the extension Garth Monaghan moves to authorize the P&R Chairman to draft a letter to the County requesting an extension on the grant. George Broadbent 2<sup>nd</sup>. Discussion? Sharon Scott is the 50% for Phase 1? Mr. Massaro states yes. Does the Township have \$224,000.00 Mr. Monaghan states yes. Vote: Unanimous.

The grant money can be spent only on the items listed in the grant's construction cost estimate and must result in tangible recreation amenities. Construction of storm water management facilities and site grading only will not be covered. Recently received correspondence from the County requesting status update.

Approval to purchase 100 copies of the Tree Guide by Thorndale Printing for \$300.00: Mr. Monaghan motions to authorize the P&R have printed 100 copies of the Tree Identification Guide developed by Mr. Brusstar, a Teacher at South Brandywine for use by residents in the park. George Broadbent 2<sup>nd</sup>. Questions? Vote: Unanimous.

Reimbursement to Brian Carling for \$105.98 for chest waders and \$12.69 for batteries in monitoring equipment by the Pond Watch Group: Mr. Monaghan moves to authorize the Treasurer to reimburse Mr. Carling. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

The Township has received invoice #22 from Sam Frost for the purchase of 18 Tee-shirts by the P&R to be worn during Park Day events. The invoice is in the amount of \$108.00. The members of P&R have donated the funds for this purchase directly to Sam Frost.

## **SOLICITOR'S REPORT**

Stone Creek's open space issue: When the project was originally approved there was a provision then existing in the Township Zoning Ordinance and later taken out, that permitted Restricted Open Space to be located on individual residential lots. When the project was approved by first Conditional Use and then through Land Development process there were a number of lots that contained areas of restricted open space. In order to abide by the dictates of the Ordinance, regarding the use of the restricted open space the Declaration of that was placed on the property that is applicable to all of the lots including the ones with restricted open space very specifically set forth what the restrictions are concerning the use of that area of the property that is identified as restricted open space. Quote from the Declaration: "Restricted open space is further subject to the requirements of the exhibit D and units containing restricted open space may not have any structures constructed, erected or installed within the restricted open space or within 25 feet of the restricted open space." The definition of structure in the declaration reads; that a structure means any building or other improvement or assembly of material including without limitation fences, mass plantings, tree houses and sheds, forming a construction for occupancy for use or for any other purpose erected upon in, above or attached to the ground. Mr. Pompo contacted Westrum representative, Steve Mansfield, who posted security and recorded the original development plans. With all but 6 lots were sold to Richmond American and built those particular lots. Charles Insalaco gave individuals home owners, who brought lots with restricted open space, sections of the declaration of the Covenant which were recorded with the subdivision plans and had the restrictions against structures within open space. In 2006 Richmond American presented to E. Fallowfield Zoning Officer, Ed Ginder, where he states a concrete patio is not considered a structure or concrete similar flagstone, brick etc. patio would be permitted to extend into the restricted open space as such. Mr. Pompo goes on to read a letter, from Brian Cullen from Westrum Dev. Co., requesting the opinion of Mr. Pompo on if a patio is a structure. In 1994 the Township enacted Section 1734 entitled Open Space Design option Residential Subdivision which is intended to preserve the use restrictions on restricted open space as a matter of zoning as opposed to other restrictions. According to Section 1734 in addition to equitable requirements of the underlined zoning district, lots approved pursuant to the repeal provisions of the open space design option shall comply with certain additional requirements for permitted open space uses and for minimum yard requirements for accessory structures of 25 ft. from restricted open space. Mr. Pompo concurs that a typical in ground patio made of concrete, pavers, flagstone, brick or similar removable materials would not be considered a structure and not be subject to the 25 ft. setback to restricted open space. Mr. Pompo does not concur that such a patio would be permitted directly within the restricted open space area contained within a lot, as such use would be inconsistent with open space and a with a permitted open space uses in Section 1734, the basis for this opinion is Ordinance 2004-06 which says forth those restrictions with respect to the open space itself this Ordinance sets forth specially what uses one may have within the open space and those uses include proper pasture land, woodland, meadow, wetland, wildlife habitat, game preserve or similar conservation-oriented area, Public park or trail, common area or private outdoor recreation area provided for use by residents, provided such area is not for commercial purposes. This is the definition of what you can do with the open space area itself with respect to the area 25 ft. from the open space in the Ordinance it says that no structure shall be erected within that 25 ft. setback and Mr. Pompo is comfortable with the legal position that a patio, flagstone or brick slate patio would not fall within the definition of structure in the Zoning Ordinance so that would be permitted within that setback. The 2 lots retained by Westrum also have restricted open space and should be considered in the decision.

Mr. Broadbent; under private outdoor recreation use seems to fit.

Greg Hanson (Lot #8) The builder told them they had minimum 20-25 ft. of a setback.

Tom Torhan (Lot #3) The builder told him they have 20-25 ft. before the restricted open space starts and told them they could do a patio. Mr. Torhan will discuss a meeting time with his

neighbors and get back to the Township. Sharon Scott comments on patio's/structures. Any more discussion?

Jake Brakes: Mr. Pompo finds a Jake Brake Ordinance would not likely be enforceable because a Jake Brake is an emergency part of the vehicle itself. Mr. Monaghan gives a brief discussion on Jake Brakes. Buddy Rhoades comments on Jake Brakes. After more discussion, it was decided to put no Jake Brakes signs in the Township. Milby Thornington comments on contacting the companies that the trucks are delivering to. The Board does not direct Mr. Pompo to move forward regarding Jake Brakes.

#### **PLANNING COMMISSION:**

Motion to waive Section 504 on the Russell Schaible Subdivision requiring a conservation plan be included with any final plan since no new construction is proposed. No objection by Chris Della Penna or the Planning Commission: Mr. Monaghan moves to accept the recommendation of the Planning Commission and waive Section 504 with respect to the above property. George Broadbent 2<sup>nd</sup>. Discussion? Sharon Scott States the posted zoning signs from April seem to be at the wrong address. Vote: Unanimous.

Motion to waive Section 507D on the Russell Schaible Subdivision requiring fee in lieu of since no additional houses will result: Mr. Monaghan moves to accept the recommendation to waive Section 507D. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to waive Section 625 on the Russell Schaible Subdivision for the requirement to install concrete monuments around the tract being subdivided , iron pins around all lots corners will be installed instead. No objection by Chris Della Penna or the Planning Commission: George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Motion to approve the final plans for Russell Schailbe Subdivision: Mr. Monaghan moves to act upon the recommendation of the Planning Commission and grant final approval of the subdivision. George Broadbent 2<sup>nd</sup>. Questions? Vote: Unanimous.

#### **EMERGENCY DEPARTMENT:**

John Sly, Westwood Fire Chief, thanks the Board for attending their 60th anniversary parade on May 26, 2007. Serious fire on Park Avenue. Presentation, by the County, of 2 awards for 75% of their Fire Fighters National Certified and 1 for the only certified rescue truck in the County.

#### **ROADS DEPARTMENT:**

Chris Makely was the recently hired new employee to replace terminated employee job posted? Mr. Monaghan states maybe 2 PT summer help employees. Buddy Rhoades The road crew did a great job on Creek Rd. New inlet by the bridge should have been put in by the developer not the Township. FT employees need to be advertised. Ed Porter can a resident request speed humps for a road. Mr. Monaghan states Yes.

#### **HISTORIC COMMISSION:**

July 12, 2007 Town Tours & Village Walks in Mortonville. Buddy Rhoades last meeting was informative. Sharon Scott comments on Jane Dorchester's contract and the Windshield Survey. Jan Bowers post help needed for the town tour. Bob King can the P&R minutes be done in a timely manner. Jan Bowers a month is a reasonable time frame for minutes. Chris Makely The June BOS minutes took 28 days to be posted. Mr. Broadbent states that the minutes went to PSATS for suggestions and comments on the minutes.

**BUILDING OFFICIAL/ZONING/CODE ENFORCEMENT:**

No report available at this time. Sharon Scott why isn't the BOS taking the PC recommendation and changing the Beagle Club from MH to R1? There are factors that the PC are unaware of like law suites and if you change it the value would go down. Ms. Scott asks Mr. Pompo for if this is a legal opinion. Mr. Pompo will say very little because he is familiar with a transaction that may be in the best interest for the community and the Township and it is his opinion that before there is any formality to that transaction that the proposed rezoning of the property would be contrary to making the transaction a reality. Bob King will the Beagle Club stay open until the owners want to change it. Mr. Monaghan; or until someone buys it. Buddy Rhoades comments on his concerns on the Beagle Club and recommends to reconsider changing the zoning. Chris Makely 60 day agreement with Keystone regarding building inspector. Mr. Broadbent states other firms will be looked at for comparison.

**UNFINISHED BUSINESS:**

Wellington Hunt – Drainage Issues: George Broadbent states that Chris Della Penna has a set of plans and has sent comments back to their engineer. Mr. Broadbent will call Mr. Della Penna for the status.

**NEW BUSINESS:**

Brinton Station HOA: John Grohowski, resident of Brinton Station, When he asked the builder if there were any restrictions and can they do anything with the open space he was told no restrictions and you can do anything with the open space. They rec'd a letter from the zoning officer about sheds in the restricted open space and are looking for a little bit of relief on the 45 ft. setback. They have 26 sheds in the development and currently 7 more applications. Mr Monaghan asks if there is anything in their documents saying they cannot put shed ups. Mr. Grohowski's reply is no. Mr. Monaghan will ask the Township Engineer, Chris Della Penna, to look at the approved plan.

A resident states Verizon, in putting in the Fios, have cut the wires to their street lights. One light still out at the intersection of Trestle Land and Brinton Drive. A resident volunteers to pay Mr. McDermott's salary to come to a meeting so he can ask him questions. Buddy Rhoades states Mr. McDermott doesn't get back to you.

**NEW BUSINESS:**

Motion to release payment request #11 for Providence Hill, Phase A for \$112, 988. 82 leaving a balance of \$909,988.82. Recommended by Chris Della Penna's May 16, 2007 letter: Garth Monaghan moves to release payment request #11 for Providence Hill as recommended by Chris Della Penna May 16<sup>th</sup> letter. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Motion to release payment request #6 for Providence Hill, Phase B for \$55,200.00 leaving a balance of \$219,576.46. Recommended by Chris Della Penna's May 16, 2007 letter: Garth Monaghan moves to release payment request #6 for Providence Hill, Phase B as recommended by Chris Della Penna. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to release payment request #3 for Providence Hill, Phase C for \$313,136.16 leaving a balance of \$686,551.83. Recommended by Chris Della Penna's May 16, 2007 letter: Garth Monaghan moves to release payment request #3 for Providence Hill, Phase C as recommended by the Township Engineer. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to extend the Abrahams Preliminary Subdivision plan from June 29, 2007 until September 29, 2007: Garth Monaghan moves to grant the extension for the Abrahams Preliminary Subdivision. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to extend the Bonsall Farm Estates Subdivision for Preliminary Plan Approval from July 2, 2007 until October 1, 2007: Garth Monaghan moves to extend the Bonsall Farm Estates Subdivision Preliminary Plan Approval from July 2, 2007 until October. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to approve Keystate Publishers (\$7,160 Base price) or General Code (\$14,295 Base Price) for the Ordinance Codification for the Township. George Broadbent motions to approve a contract with Keystate Publishers for the Ordinance Codification for East Fallowfield Township over General Code. Garth Monaghan 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Motion to authorize the Township Secretary to destroy the 1997 paid invoices: Garth Monaghan motions to authorize the Township Secretary destroy the 1997 paid invoices. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

**CORRESPONDENCE:**

Storm water bookmarkers are available for residents to take.

Motion to authorize the Township Secretary to destroy the 1997 paid invoices: Garth Monaghan motions to authorize the Township Secretary destroy the 1997 paid invoices. George Broadbent 2<sup>nd</sup>. Vote: Unanimous

Resident, Kelly A. Kelly submits a letter to read and a summary recorded in the minutes: Garth Monaghan reads the letter; We have been to the past few Park Days and have really enjoyed the variety of activities and entertainment provided, as well as the chance to mingle and have fun with neighbors we know and others we are meeting for the first time. Friends of the Park is doing a wonderful job of planning park activities and it's fantastic to finally have events like Park Day to foster a greater sense of community and unity among all our neighbors in East Fallowfield. It looked to me like this was the most highly attended event in the park yet and that all were having a good time.

Senator Dinniman will be using the Meeting room every 4<sup>th</sup> Thursday from 9-11 am, more information to follow.

**CITIZEN PARTICIPATION:**

Buddy Rhoades The basin in Baron Crest needs fixed. Mr. Monaghan states the basin was designed in accordance with the County, who approved the plan. The basin is not intended to be dry it's suppose to hold water, improve plant growth and be planted with wetland vegetation. Mr. Monaghan says they are trying to get the plans changed to make it drain. Enforce heavy trucks going over the Mortonville Bridge.

Siti Crook States she made a mistake in accusing Mr. Pompo's office in that they had been responsible for drafting a Zoning Ordinance Book (that clearly is confusing) and that was incorrect. The Township should not have a Zoning Officer if he does not have authority. Recommends the Zoning Ordinance Book is carefully reviewed. When a dispute arises under Section 10603.1 of the Municipal Planning Code reads; Requires that the language of the Ordinance where doubt exists as to the intended meaning of the language written and enacted by

the Governing Body be interpreted in favor of the property owner and against any applied extension of the restriction.

Mr. Monaghan told Mrs. Crook he would review the areas of the Ordinance in question and try to reconcile them.

**ADJOURNMENT:**

Garth Monaghan motions to adjourn at 11:35 pm. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Secretary