

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING**

June 23, 2009

Approved

6:30 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.

APPROVAL OF MINUTES:

Mr. Broadbent moves to the accept May 26, 2009 minutes as presented. Mr. Makely 2nd. With no comments. Vote: Unanimous. Mr. Barach not present at this time.

CITIZENS BY REQUEST:

Sharon Scott: Mrs. Scott opposes the Intergovernmental Cooperation Agreement. Mrs. Scott asks what rules of conduct the Supervisors go under because she heard she was talked about at the last meeting. Mr. Broadbent replies that if there was any discussion about her, he apologizes.

Angela Cole – Speaking on behalf of neighbors of Misty Patch and S. Caln road who would like the recreation use of ATV's, etc. declared a public nuisance in the residential zoning and allow only in commercial zones and would also like a stricter noise Ordinance because of the loud music..Mr. Makely recommends having a discussion with the Supervisors and Chief Mango on the noise Ordinance. Mrs. Cole states that she has called the police and they informed her that cannot enforce the ATV's.

Chris Addison – Would like the trash cleaned up at 7 Park Avenue where the house has been burned down 2 years ago, people are now dumping other trash there. On 6/18 the house was sold at sheriff's sale for \$1.00 by attorney on the writ and the property has also been posted with no trespassing signs and a sign by All American Real Estate to contact for more information. Mr. Monaghan motions to send the road crew out to clean up and put a lien against the bank and also put orange fence around the property. Mr. Barach asks Mr. Pompo if the Twp. has the ability to condemn the property. Mr. Pompo replies there is a procedure under the Building Code. Mr. Broadbent 2nd. Mr. Pompo states without the permission from the landowner the Township does act at its own risk. Mr. Barach believes the Township should knock the property down, because the road crew will not know where to stop and could potentially expose the Township to the owner saying the their property was decreased in value. Mr. Broadbent defines the cleanup as the surface garbage outside the structure. Mr. Pompo states that you have to follow the Building Code to the letter. Mr. Monaghan informs the Board that this property is in the Glenrose Historic District and there is a prospective buyer for this property. Mr. Addison says there is a Grade A rated stream that runs through the property and you could go to the PA Dept. of the EPA.Mr. Makely says that since the property was just sold on the 18th, the Township should send a letter to the new owner and give them the opportunity to act and clean up. Mr. Amentas replies that Rob McLarnon already sent a violation notice on April 23rd to Daniel Schmigg at Penn Center Philadelphia. Conrad DeAbreu comments there should be another way instead of having the road crew start picking up trash and asks what is going to be done to stop people from dumping on the property. Mr. Broadbent says if there has been a change in ownership, attach the previous notice and say they have 10 days to clean up the property.

Mr. Pompo thinks money would be better spent if the Township utilizes their forces to legally clean it up and send the new owner a short notice and move forward and then secure the Township interests with a lien for when there is an actual conveyance. Sharon Scott objects to the road dept. cleaning up the trash. Mr. Makely states there is a defunct business on Doe Run Road who is an eyesore and if they start with one, they need to do for others. Mr. Pompo says another option is to site them under the summary proceedings in the Building Code as well as some of the nuisance Ordinances that are on the books and then effectively serve on the landowner and take them to the District Majesty and fine them. Bill Montgomery recommends putting “no dumping” signs up. Mr. Broadbent replies the signs could go in the right-a-way.

Mr. Monaghan withdraws his motion.

Mr. Broadbent motions to authorize the public works department to go out and clean up 7 park avenue after a notice has been sent to the owner of the property which gives them 10 days to clean up on their own and then followed up by a lien. Mr. Makely 2nd.

Mr. Amentas would like to find something in the Ordinance to act now.. Mr. Broadbent amends his motion to say opposed to a lien on the property the Township will directly sue for the cost incurred. Conrad DeAbreu asks if the Home Owners Assoc. billed for the work on Misty Patch. Mr. Monaghan replies yes. Mr. Makely will take the responsibility of go through Am. Real Estate and find who bought the property. Mr. Makely and Mr. Addison exchange phone numbers. Mr. Amentas says these cases will be done on a case to case basis. Mr. Barach abstains. Vote: Unanimous.

CORRESPONDENCE:

The Township is in receipt of an Agricultural Security Application (ASA) for consideration for Debra McCaffrey of 362 of Mink Hollow Lane. Mr. Monaghan says that the ASA has visited the sight and has concerns with the use of the property and keeping animals under conditions that are unacceptable.

The January 6, 2009 Elected Auditors report has been submitted to the Township and is in the back of the room for review.

Composting Technique pamphlets are in the back of the room for residents to see.

The Board decides to have the P&RC hold on to the checks from the flower sale for 2 weeks and then drop off at the Township Office in order to deposit. Checks will also be made out to East Fallowfield Township. No receipts will be given at the window.

The Board decides to send the Ice Cream Truck Vender a letter stating that the Township does not give permission for them to drive on the roads that are not dedicated to the Township. Chief Mango states the Township Ordinances still apply in the developments that are not dedicated and he cannot enforce anything if the Truck goes into these developments and recommends doing a letter urging the applicant to use caution regarding safety issues.

PLANNING COMMISSION:

The April, May and June, 2009 minutes are in the back of the room.

The PC recommends moving ahead with the Conditional Use Application for T-Mobile. One of the PC members is concerned about the pathway up to the tower and thinks it should be paved.

Mr. Broadbent says that the record was closed conditioned based on them returning the lease to the Township.

The PC recommends giving Denise Mosely her \$1500.00 application fee for Conditional Use back because she is not considered a home occupation. Denise Miller says that Mrs. Mosely has withdrawn her application and a request is already in for her refund.

Ms. Rush spoke with Ray Ott about the Comp. Plan and he will start the paperwork with the County and believes the County does not payout until it's over and the start time will be around September.

SOLICITOR REPORT:

Ordinance 2009-04: Approval of an Intergovernmental Cooperation Agreement with a number of Western Chester County Municipalities to create the Western Chester Regional UCC Appeals Board. Each Township is required to have an appeals board under the Uniform Construction Code as per the States requirement. This has also been advertised for adoption tonight.

Mr. Broadbent moves to adopt Ordinance 2009-04 which authorizes the Township Board of Supervisors to enter into the Intergovernmental Cooperation Agreement. Mr. Monaghan 2nd.

Mr. Amentas asks when the Ordinance will go into effect. Mr. Pompo replies in 5 days and authorizes the Township to enter into the Agreement. Mr. Broadbent volunteers to represent the Township at the first meeting regarding the Regional Appeals Board. Mr. Amentas would like to make sure when the agreement goes into effect, the proper insurance is in place.

Mr. Broadbent amends his motion to adopt based upon obtaining the necessary insurance to cover the Township. Vote: Unanimous. Mr. Makely opposed.

Mr. Broadbent moves to authorize the Chairman to sign the Western Chester County Regional UCC Board of Appeals Agreement. Mr. Monaghan 2nd. With no questions. Vote: Unanimous. Mr. Makely abstains.

2009-05 Amendment to the Trash Ordinance: Mr. Pompo made the following changes requested by the Board. Mr. Broadbent moves to advertise Ordinance 2009-05 enacting and amending the East Fallowfield Township solid waste Ordinance regulations. Mr. Makely 2nd. Mr. Amentas recommends to also amend Section D and E which also refer to residential unit and read that the owners of all units in the Township and capitalize the word unit and throughout. Section D delete the word residential, capitalize the word unit, keep residential unit as is also. Is it residential unit or is it also dwelling unit. Mr. Pompo replies dwelling unit is the defined term. Mr. Amentas asks Mr. Pompo if defined mixed use building should be defined. The Board agrees to make this change and all others. Mr. Broadbent withdraws his motion for the advertisement of Ordinance 2009-05 and will put on next month's agenda. Mr. Pompo will have a draft for the July workshop.

2009-11 Fee Resolution: The Board directs Mr. Pompo's office to compare the Fee Resolution with the Codification draft. Mr. Makely asks that trailer replacement be changed to mobile home replacement. The Board agrees to table for review at the workshop and then adopt at the BOS meeting. Mr. Barach suggests creating an Excel schedule that has a description of the fee and the source where the fee came from. Mr. Pompo replies the references came out of the codification process and the codifier did put those references in the document. Mr. Pompo will have a paralegal go to the codification and insert the reference that the codifier put in and anything they can't find, he will have to look at. Mr. Barach asks how much time this will take. Mr. Pompo replies about 1 hour paralegal time.

Ordinance 2006 Adopt the most recent plan of the PA Municipal System:: This Ordinance will annually allow the Board to decide how to distribute the Pension money that is forfeited by employees. Mr. Barach asks if this is in compliance with the template from the retirement system. Mr. Pompo replies this is the Ordinance approved by them. Mr. Barach moves that Ordinance

2009-06 be advertised for Board approval in the future. Mr. Makely 2nd. Mr. Barach has concern on the clarity of the Townships intent not being clear in the text. Mr. Pompo replies he can add a WHEREAS clause that evidences the Boards intent that the purpose of adopting the new plan is in order to have the options available. Mr. Barach withdraws his motion based upon the text being changed and then it be advertised at the next meeting.

Resolution 2009-10: Tabled until Next meeting.

The Board agrees to continue after the 30 minutes allotted has expired for the Solicitor's time.

Creekmur Stormwater Maintenance Agreement: Mr. Pompo states the Stormwater Maintenance Agreement submitted was signed by the applicant and she is not the owner so the Recorder of Deeds will not accept the application. The owners were asked to come in and sign a new application. The Board agrees to table until the next meeting.

LEGAL ISSUES:

Chief Officer: Mr. Barach states the reports are being completed under the Supervision and Management of the Board and signed off by the person who is mechanically completing the report. The Board defers until the staff is in place to assume this responsibility.

Modena Police patrol: Mr. Makely would like to defer until he speaks with Mrs. Pluck from Modena Borough.

Weavers Mulch: Mr. Makely would like the Township to hire someone independent to conduct a investigation on determining how Weaver's Mulch was built without Conditional Use, how it was granted the items that were listed in Vince's email.

Mr. Pompo states that after meeting with the Zoning Officer and Township Engineer that's what generated his email to the Board. Mr. Pompo's recommendation is to meet in an Executive Session to discuss the email and Mr. Makely's recommendation. Mr. Pompo will coordinate with the Board to come up with a date. Mr. Barach would like to have a course of action assuming results from some investigation so we know what the Township is paying money for and where they would go with the result and whether it's well spent.

Baron Crest: Mr. Makely would like to do the repairs for Baron Crest and finish the project. Mr. Amentas replies that Mr. Della Penna said there are drawing that the Township can get from the State that can help the surveyor a little bit so they wouldn't have to start from scratch. Mr. Amentas will be the lead on this project and go back to Mr. Della Penna and see where he is and if he obtained the drawings yet and put the job out to bid.

The Board excuses Mr. Pompo from the BOS meeting.

FINANCIAL REPORT: Mr. Barach on behalf of the Board of Supervisors

The new bookkeeper has left and a new one hired and orientated. The old bookkeeper cut her hours so some catching up on things have not been completed.

Mr. Barach also believes the Township will not have a deficient, trash fees are being collected, and spenditures are less than last year and savings on insurances. Mr. Broadbent states that the signing of checks can be taken up at a workshop.

POLICE DEPARTMENT

The May 09 police & vehicle reports are in the back of the meeting room.

Mr. Broadbent moves to accept the resignation of Bo Story as PT police officer effective June 28, 2009. Mr. Monaghan 2nd. Buddy Rhoades asks if the Township supplies uniforms/weapons for PT officers. Mr. Broadbent replies that the equipment is transferred and the Twp. pays for the uniforms. Vote: Unanimous.

Mr. Makely motions to hire officer Kristin N. Menna as a PT police officer subject to the terms and conditions of the contract between the EFTPOA and the Township effective date of June 28, 2009. Mr. Broadbent 2nd. Mr. Barach questions why so many jobs on her resume. Chief Mango replies some are because of child care issues that have been resolved and Highland shut down their police dept. and W. B-wine is laying off PT officers. Mr. Barach asks if the Chief spoke with the Chief's that Kristin has worked for. Chief Mango replies that because of working so local the Chief know each other. Vote: Unanimous.

There has been an arrest made in the homicide of a 16 year old kidnapped because of a drug debt and killed and cut up with a chain saw.

Mr. Makely asks Chief Mango to be in attendance at the July workshop. Chief Mango replies he has it on his schedule.

PARK AND RECREATION: Peter Massaro

Mr. Massaro gives the Board the WREN grant and the C. C. Grant.

SSM invoice: Mr. Broadbent moves to authorize the payment of Spotts Stevens and McCoy invoice #0228694 for \$2,679.90 from the fee-in-lieu of account. Mr. Makely 2nd. Mr. Makely asks what month was this quote approved. Mr. Massaro replies that was in February. Vote: Unanimous.

Grant Application: Estimate of \$139,000.00 for construction. This grant is a 50% match so \$69,000.00 is the cost for the grant. Mr. Pompo is working on the title for the grant application. The money will come out of the DCNR grant application money.

Mr. Broadbent motions to authorize the signature of the Round 22 grant contract between East Fallowfield Township and the County of Chester. Mr. Makely 2nd. Mr. Amentas states this particular contract incorporates documents including an application, manual and provisions AMP which the Board has not seen. Mr. Broadbent amends his motion to be contingent upon Mr. Amentas's review. Mr. Makely 2nd. Vote: Unanimous.

Resolution 2009-12: Mr. Broadbent moves to adopt Resolution 2009-12. Mr. Makely 2nd. Mr. Amentas states this resolution states that the Township has a certain amount available to match the grant. Mr. Broadbent replies that if the DCNR grant does not go through the Township can withdraw the application.

Mr. Amentas states the Resolution needs to be filled in to be complete.

Mr. Massaro explains that if the Township is fortunate to get both the State and County grant, the out of pocket expenses for the Township will be \$24, 951.00 which is based upon the engineer's estimate. Mr. Massaro comments that maybe they should not continue because he is uncomfortable with Mr. Amentas and Mr. Barach reaction. Mr. Broadbent asks the Board if they would like to continue. The Board agrees. The Resolution is filled in with Round 22 grant and \$69,932.50 with the total grant being \$139,865.00.

Mr. Barach asks who is authorized and directed to execute the file. Mr. Massaro replies Spotts Stevens and McCoy was authorized and the grant should be sent to them so they can submit it to

the County. Mr. Broadbent calls for a vote to adopt Resolution 2009-12 the Chester Count Grant Resolution conditional on review of the contract to be signed. Vote: Unanimous.

Trail Mapping project: Mr. Makely states that Simone Collins did work for the Township of which the Board did not authorize and withheld payment and only paid what was done, the Township needs some documents from them and they will not give them because they say they are owed money.

The County has offered to survey the trail system at no cost. Mr. Makely motions to let the County, at no cost, to GPS the existing trail system in the late summer. Mr. Broadbent 2nd.

Mr. Barach asks if they provided something in writing. Mr. Broadbent replies that the County GPS services are generally free services to Municipalities. Vote: Unanimous. Mr. Massaro will contact the County on behalf of the Board of Supervisors and ask them to provide something in writing.

PUBLIC WORKS DEPARTMENT:

The May road & vehicle reports are in the back room. The May recycling report was in the back room.

The Strasburg Hunt Development signs were purchased for approx. \$385.00 and put in place to replace the wooden style signs there.

Mr. Monaghan will get the Board the costs of a roller and trade in value for the next workshop.

Mr. Monaghan would like to consider hiring John Weaver as FT for the Public Works dept. Mr. Broadbent asks for John's rate and hours to have for the next meeting and to hold off hiring the Part timer until the next meeting. . Mr. Makely would like a proposal on what work John will be doing. Mr. Monaghan will talk with Tag.

HISTORIC COMMISSION:

The June minutes are in the back room.

EMERGENCY SERVICES:

The May Modena, Pomeroy and EMS reports are in the back of the room.

UNFINISHED BUSINESS:

Resolution 2009-09 - Act 537: Mr. Ted Reed, PAWC, explains the Act 537 deals with flows and capacities at the sewage plan and has nothing to do with land use. The Plan itself is a Regional Plan and each Municipality is requested to approve that Regional Plan as it pertains to their particular Municipality. Eight Townships have already approved the Regional Plan.

Mr. Corbit, representing URS, is the main author of the Regional Plan and explains the current plan capacity is 3.85 million gallons per day, proposed to expand into 7 million gallons per day. Currently the Township is flowing about 103,000 per day so the growth projection for this plan would be 250,000 gallons per day within 5 years and 10 years to about 269,000 and ultimately totaling about 442,000 per day. Mr. Broadbent asks if the Township adopts tonight and Parkesburg does theirs, how long before the capacity is available to East Fallowfield. Mr. Reed replies if this is approved and DEP approves it, it will not be available until the Township Act 537 is completed and approved by DEP but you can adopt the Regional Plan Resolution without the Township Act 537 not yet adopted. Mr. Makely asks when the plan is completed in 2010 how long before it goes online. Mr. Reed replies part of it is on line now. The Township 537 plan must be approved in conjunction with the Regional Act 537, until that is done you cannot get any

additional capacity because you are not going to be able to connect anyone outside of the 2001 service area that DEP had approved.

Mr. Broadbent moves to adopt Resolution 2009-09 which is the adoption of the Act 537 Regional Plan as it pertains to East Fallowfield. Vote: Unanimous.

PUBLIC PARTICIPATION: 30 minute total time

Glenn Colyer – Questions mileage for the public works crown vic.

Buddy Rhoades –police issues, P&R mower bought, windshield survey, historical records, cell phones, park on Goosetown Road. & hunting, and other misc. Twp. issues.

Conrad DeAbreu – Unsavory comments should not be made.

Bill Montgomery – 17th & W. Chester rd. weeds in sight line and pump station sink hole

ADJOURNMENT:

Mr. Broadbent motions to adjourn at 10:00 pm. Mr. Makely 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary