

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING**

November 24, 2009

Approved

7:00 PM

CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES:

Mr. Makely states that on page 1 it should be changed from Chris Amentas as Temporary Supervisor to Chris Amentas as Temporary Chairman. Mr. Amentas moves to approve the October 27, 2009 minutes with Mr. Makely's change. Mr. Broadbent 2nd. Mr. Makely abstains. Vote: Unanimous.

CITIZENS BY REQUEST:

Bill Montgomery of 285 Misty Patch Road would like a stop sign at the intersection of S. Caln Road at the border of West Bradford. The Board asks Chris Porter to do a study and have a report for the December meeting.

Bill Dixon of 716 Baron Crest Way is concerned about the new septic system at Triple Fresh affecting their property. Mr. Makely states that he called Chester County, The Board of Health, and Chris Della Penna and states that the Township has no jurisdiction over the sewer system only if there was Land Development. Deborah Rush comments that if there is stormwater that it has to go before the Twp. Planning Commission. Mr. Amentas asks if something should be submitted now. Mr. Makely replies not at this point. Mr. Pompo advises to keep track of what is being done.

Sharon Scott of 325 Hephizbah Hill Road recommends freezing the police contract and wants to know if it goes into Arbitration. Mrs. Scott states the C.C. Economic Dev. Council did not do air quality on the site of the proposed Training Facility and drew it up behind closed doors and various other comments.

Jim Sisk of 325 Doe Run Road – Mr. Broadbent states that the Hidden Valley Issue is in legal but he can make his comments for the record. Mr. Sisk states Hidden Valley has had 3 inspections and there were various violations found and bog turtles also are there. Mr. Sisk asks for testing of what has been dumped and to have it removed and restored.

Joel Brazy of 77 Narragansett Lane asks for a parking variance and the wheelchair parking that is there is not adequate. Mr. Brazy presents the Board with a deficiency report from their engineers. Mr. Broadbent recommends going before the Planning Commission and Chris Della Penna will review the Handicapped parking. Mr. Brazy also states they would like to keep #18 on Chris Della Penna's punch list regarding the hedge rows for privacy reasons.

Siti Crook of 2840 Strasburg Rd. – Mrs. Crook would like her \$688 from her escrow account refunded. Mr. Barach replies that the Township will cut a check on Monday for what she is owed.

CORRESPONDENCE:

No Correspondence

PLANNING COMMISSION:

Maximum Height - The Planning Commission recommends accepting the changes on the Zoning Ordinance amending Section 201 and 703.4 A of the 2002 East Fallowfield Zoning Ordinance amending building height and maximum height and allowing the maximum height of 3 stories or 35 feet in a R3 Residential District.

Day Care - The Planning Commission recommends amending Section 1702 B and 1712 of the Township Zoning Ordinance 2002 with the exception of the language in section 2 C 7 and 2 C 5. The language is unclear and needs removal or clarified before moving forward. 2 C 5 is "The use shall not omit noise, odors or light which is noticeable at the property line". 2 C 7 is "No storage or display of goods shall take place out of doors. No interior display of goods shall be visible from the outside of the dwelling". The 1702 B Section 1 subsection 10 recommendation supersedes the language recommendation.

Mr. Amentas asks if Mr. Pompo prepared the draft Ordinance. Mr. Pompo replies yes. Mr. Amentas states that #5 and #7 is incomprehensible and not practical. Mr. Pompo replies that there was a previous comment possibly made by the Zoning Officer to utilize the same standards for Day Care Homes as Day Care Centers. Mr. Broadbent believes the storage of goods could be toys out for 24 hours a day.

Deborah explains that they will be interviewing for the 2 vacant positions and will bring their recommendations to the Board at the December meeting.

Mr. Pompo states the Zoning Ordinance is going through the official due process and there is a hearing that is authorized for the next Board meeting. Mr. Pompo suggests hearing the changes at the public hearing. Mr. Amentas asks if there is anything on noise that can be enforced. Mr. Pompo replies that there is a noise Ordinance. The Board agrees to work out the language on the record at the hearing.

SOLICITOR REPORT:

Trash Ordinance Amendment – The last change made was to Section 4 C 2 page 5 to add 1.5% per month on unpaid trash collection fees for the balance on any invoices outstanding over 30 days. Mr. Broadbent moves to adopt Ordinance 2009-05 reenacting and amending the East Fallowfield solid waste regulations. Mr. Makely 2nd. Vote: Unanimous.

Street Ordinance - The last changes made are in Section 3 to make specific reference to the review to be charged by the Township Engineer in addition to the other basis for fees for processing the applications, in Section 19 placed a limitation on the requirement for a security deposit so that one would be required only if the anticipated and estimated cost of the project would exceed \$25,000.00, Section 22 provided an exemption from the requirement post security or to have insurance for any application for a driveway permit serving an existing single family residence, Section 24 for consistency with the Subdivision Ordinance the requirement for the location of the driveway approximate to an intersection from 40 feet to 50 feet. The final draft is dated 11/24/09. Mr. Barach asks if residential driveways have been eliminated. Mr. Pompo replies that the elimination of residential driveways is found in Section 22. Mr. Barach asks if a resident is doing a driveway for \$2,000 would they not have to have a security deposit.

Mr. Pompo replies that it is written to say for an existing single family residence because the Township still wants to enforce the requirement for a new home going into a subdivision where the Township already dedicated the roads. Mr. Barach asks hypothetically if someone puts in a driveway that costs \$40,000.00 would they have to submit a security deposit. Mr. Pompo replies they have to submit a security deposit because there is not an existing residence on the property and the estimated cost would not necessarily be based on the entire construction cost of the driveway but rather that portion of the driveway that is permitting, which is the area in which that is intersecting with a public road and the engineer's testament relative to that aspect of the project would be related to the area of the project that's being permitted. For purposes of the driveway permit the Township is permitting the place in which it intersects the road. Mr. Amentas states the way its written is not clear what the security is intended to do. "The cost of the work" what is the work. Mr. Pompo replies that one of the major reasons why the Township is doing this doesn't have to do with driveway entrances onto roads, it has to do with utilities going into public roads and not properly doing the restoration so the main impact of the Ordinance is where you might have a horizontal length of public road open for a long distance because some utility is going in and to regulate how you restore the trench and the road. Mr. Amentas states the word "work" is not defined and who will determine the amount of the security. Mr. Pompo replies the security deposit will be determined by Chris Della Penna and this was set up to utilize the same way as the Municipal Planning Code (MPC) and cited to the MPC to form amount administration as in accordance with those provisions so the reason for doing that would be to follow the procedure there and obtain a estimate from the applicant for what the work would be and there would be a procedure for the Township Engineer to review and if there was a dispute the MPC provides that analysis for how you would handle disputes. In Section 2 it deals with no in, under, or across any portion of a Township road or any Township road right of way. Mr. Amentas asks if the work to restore and repair the road clear enough. Mr. Pompo replies yes. Mr. Barach asks when there is a different board will they be able to read and understand this Ordinance.

Mr. Amentas asks what would be the cost to connect to the sewer line. Mr. Pompo replies he would hope the engineer would understand that the focus is making sure that there is enough security for the project and that the impact on the road would be secured so the security would be calculated based on that portion of the work that needs to be done in order to make sure the road gets restored to the level of the Ordinance specifications. So the engineer will have to see in an engineers estimate for them to conclude that there is money to do the work and meet the standards. The Board agrees to make Mr. Amentas's recommendation to change to "completion of the work required to comply with this Ordinance."

Mr. Barach asks if Rob McLarnon's recommendation of \$25,000.00 security deposit to divide commercial and residential.

Mr. Pompo replies Mr. McLarnon said there should be a minimum amount and only require the paperwork for the security deposit over a certain dollar amount and the Board should decide on the amount. Mr. Broadbent motions to adopt Ordinance 2009-07 providing for the regulation of street openings installations with the amended language under Section 19 to include the work required to comply with this Ordinance estimated as of 90 days following the date scheduled for completion. Mr. Makely 2nd. Conrad DeAbreu asks if single family dwellings require a permit. Mr. Broadbent replies yes. Vote: Unanimous.

T-Mobile First Amendment to Lease – The site is located at the Township Municipal Building between the Township and TowerCo. Assests LLC who is the lessee of the site. The Amendment will provide for an additional area for up to 800 feet of space for additional ground facility for any co-locators on the existing tower at a rental price of \$1.50 per square foot or \$1,200 for the entire 800 sf area and this amendment will afford to the Township a share in revenue on co-located facilities on the tower in the amount of 20% of the revenue received on any sublease by TowerCo. Assets and an increase in the lease term for an additional 5 year renewal period and

there would be, as per the underline lease, a continuation of an escalator of 3% per year for each year in all of the economic terms under the lease.

The Stipulation will settle the appeal of the one condition of Conditional Use Approval that was filed by T-Mobile, one of the additional co-locators. It was that provision of the Conditional Use Decision that could not permit T-Mobile to put ground facilities within 35 feet of the property line. Mr. Makely asks where the \$1.50 per sf came from and is it a standard amount. Mr. Pompo replies that was negotiated with the Tower Co. and for that particular amount of area it is fair. Mr. Barach asks in reference to sublease revenue versus lease revenue, in reference to sublease revenue are they getting siphoned off revenue from the owner of the Tower or is the Township participating in or is it participating in the actual revenue. (Second tier revenue) Mr. Pompo replies that the sublease revenue that is collected by the lessee which is revenue collected by TowerCo., tower owner, from T-Mobile who is the sub lessee. Mr. Barach asks Mr. Pompo if he is comfortable with the document. Mr. Pompo replies that these are the types of documents they use all the time for these type of transactions on cell tower sites. Mr. Amentas states it seems clear that the agreement is intended to contain specific to the sublease to TowerCo. and asks Mr. Pompo to make it clear that it is only the sublease that is covered by this amendment. . Mr. Pompo states the agreement does not apply to the existing sub lessee which is Sprint. Mr. Amentas suggests adding language to make it clearer that the lesser is entitled to 20% of all sublease collected by lessee regardless of the source of the revenue and asks if the \$1.50 per sf payable monthly or yearly and in Section 4 it should be specified when and how often the 20% is paid. Mr. Barach suggests putting gross revenue. Mr. Pompo will make the changes. Mr. Amentas asks where the 3% is in the agreement. Mr. Pompo replies in the base rate. Mr. Amentas would like that in the contract.

Mr. Broadbent motions to accept the T-Mobile 1st Amendment with the proposed changes conditional on changes being accepted. Mr. Pompo clarifies that the changes are to make reference to gross revenue for sublease that it is revenue collected by the lessee regardless of the source on a per month basis payable on the 1st day of each the month and both rent and the revenue share provisions are subject to 3% escalator a year. Mr. Barach states you're not going to effectuate a 3% increase on 20%? Mr. Pompo replies you're correct. Mr. Amentas 2nd.

Vote: Unanimous.

T-Mobile Stipulation – Mr. Broadbent moves to accept the T-Mobile Stipulation. Mr. Monaghan 2nd. Mr. Pompo states the purpose of this Stipulation is to supersede the Twp. condition #2 which did not permit the facilities within the 25 ft. setback unless there was negotiated lease to replace that condition with the provision that those facilities may be placed within that setback conditioned upon the resolution of the lease. Vote: Unanimous.

Multi-Municipal Agreement – Tabled to the 12/8/09 workshop.

LEGAL ISSUES:

S. Brandywine School – Patrick DeNardo from K&W Engineers, Ken Johnson from Gilbert Architects, Chip Abrams from Rhodes & Sinon and Bill Androwick from Coatesville Area School District are asking for Board input on getting public water to service S. Brandywine School. PAWC has said the School could get public water by the Township expanding the franchise area or the School District could extend water down to the site with a private line connected to PAWC where no one could connect to them. Mr. Broadbent states he is not in favor of extending the franchise area South of Strasburg Road and would like to get the Planning Commission's view on the private water line.

Mr. Makely states that the Board should discuss about extending the franchise.

Mr. Pompo asks what is the time frame. Mr. Denardo replies that it should be done about March and they are also working with the Planning Commission.

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

Mr. Barach motions to release payroll transfers for \$66,948.62, General Fund for \$156,596.94, Liquid Fuels for \$10,052.09, Building escrow funds for \$12,837.27 and P&R fee in lieu of \$6,825.35. Mr. Broadbent 2nd. Sharon Scott asks who does the payroll for the police department. Mr. Barach replies they punch time cards and Paycheck does the processing. Bob King asks if the audit is finalized. Mr. Barach replies that it is still in process. Bob King questions the budget. Mr. Barach replies that adjustments will be made at the end of the year. Sharon Scott talks about accruals. Mr. Barach states the Financial Statement is prepared on an accrual basis.
Vote: Unanimous.

Mr. Barach proposes a no cash policy for the Township with a \$20.00 per transaction limit. Mr. Broadbent asks Mr. Pompo if there is a legal responsibility to accept cash and if his Township of Sadsbury has such a policy. Mr. Pompo replies there is no legal obligation and Sadsbury has this policy with a limit. Bob King suggests putting the no cash policy on the trash invoices. After Board discussion it is decided to accept this policy and post information in the office and on the trash invoices.
Mr. Barach moves to institute a policy that no cash will be accepted in excess of \$20.00 to be advertised in the newsletter and on the trash bills starting December 15th. Mr. Broadbent 2nd.
Vote: Unanimous.

Mr. Barach explains that the funding of the 5% contribution from the Township to the AIG pension plan has not been funded since September. The Board that enacted the Resolution needs to verify whether a 5% contribution was to be funded or not. Mr. Makely asks if it is showing as compensation anywhere. Mr. Barach replies no it's a benefit.
Mr. Barach explains the police have a defined benefit plan and the non-uniform employees have a defined contribution plan. Mr. Broadbent believes the intent was that there was no obligation to the Township to contribute. The Board tables to the Dec. 8th workshop for more discussion.

Mr. Barach states the Draft budget will be advertised and available in the Township Office on Monday for resident review.

POLICE DEPARTMENT:

The October police report is in the back of the room.

Mr. Broadbent moves to hire Justin Fonack as a PT Police Officer to be paid at the PT rate according to the contract. Mr. Makely states this hire is to replace Gina Ciminera who is replacing Chris Porter. Mr. Makely 2nd. Mr. Barach supports the staffing of police but asks if this should be deferred and asks about the staffing hours and if this will cut down on Overtime. Ofc. Porter replies it will be 24/7 and it will cut down on overtime. Vote: Unanimous.

CODY System is a Police Records Management System to store more incident information with \$10,000.00 being funded by a grant and the Twp. pays \$5,000.00 plus the maintenance and hosting fees for the servers. Mr. Broadbent motions to approve the CODY software and service agreement in the amount of \$15,000.00 with the Twp. obligation being annual maintenance and approximately \$5,000.00. Mr. Makely 2nd. Mr. Barach asks if the grant money been received. Mr. Broadbent amends his motion to get written notification that the grant money is coming. Bob King asks the terms of the agreement. Mr. Broadbent replies it's a 1 year agreement with an annual maintenance. Conrad DeAbreu asks who is the project manager and comments on the license. Mr. Broadbent replies no one has been name at this time. Vote: Unanimous.

PARK AND RECREATION:

The October P&R summary is in the back room.

Mr. Broadbent motions to authorize the advertisement of collection of bids for the Patriot Landmark at the East Fallowfield Park. Mr. Makely 2nd. Mr. Makely asks if this is going to be a sealed bid and treated like other projects. Mr. Broadbent replies yes. Mr. Amentas asks if the contribution by residents for the bricks and will it result in a net gain to the Township.

Mr. Broadbent replies the idea is to zero out the project. Mr. Barach comments on the lettering on the bricks wearing off. Mr. Broadbent replies that the P&R said that the writing is long lasting.

Vote: Unanimous.

Interviews for the 4 vacancy spots will be December 7, 2009 as well as public participation is welcomed.

PUBLIC WORKS DEPARTMENT:

The October road and Vehicle report is in the back room.

HISTORIC COMMISSION:

No report available.

EMERGENCY SERVICES:

The October 2009 EMS report is in the back room.

Mike McWilliams of Westwood Fire Company requests that the 3 Fire Companies budget increase from \$52,000.00 to \$104,000.00. Mr. Barach asks if this is factoring in what they get from the State. Mr. McWilliams replies no.

Mr. McWilliams states that Valley Township may be sending a Workers Comp. bill to the Township and asks if the money to pay the bill is taken out of the money given to them from the Township, if so that's not fair. Mr. Barach replies that's not correct. The Township does have a bill from Modena and the Township should not be paying that. Mr. Pompo recalls that Modena was a legal obligation to pay their Workers Comp. and the Board made a decision that the money would come from discretionary contribution. Mr. Broadbent states that the Workers Comp. for Modena is paid in addition to the allocation to the 3 Fire Departments. Mr. Barach states that the Township needs to see if they are legally obligated to pay for the Workers Comp. Mr. Broadbent asks if the last percentages will change for next year. Mr. McWilliams replies that it depends on how much they get.

Mr. McWilliams states a PT Police Ofc. was just hired and the Fire Company is also for safety but they are way below the police budget. Mr. Amentas replies that the police department budget is based upon an understanding and analysis of specific data and requests information to help determine if the Township should increase or what they should give the Departments.

Mr. McWilliams will submit budget information. Mr. Barach asks what they foresee their budget being. Mr. McWilliams replies that he doesn't have it on him but one of their problems are they need a pumper tanker.

UNFINISHED BUSINESS:

Mr. Broadbent asks Denise if a letter to Mr. Delusion went out. Denise replies that she will check.

Central Desktop is a way to centrally store documents, discussions, photo's, projects, etc. that are done in the Township. Mr. Broadbent moves to approve The Central Desktop Contract for \$1,800.00 per year. Mr. Makely 2nd.

Sharon Scott doesn't understand how it works. Mr. Broadbent explains the office staff will be able to store their documents and correspondence that they create everyday in the system as opposed to keeping it on someone's hard drive where no one can reference it. Conrad DeAbreu asks about a to do list calendar. Mr. Broadbent replies there will be one. Mr. Amentas states this is mandatory that everyone affiliated to the Township use this system. Vote: Unanimous.

NEW BUSINESS:

The Township is in receipt of an agricultural Security Area application from Ned Stombaugh of 945 S. Caln Road. 13.3 acres, tax parcel number 47-6-25.1.

Mr. Broadbent moves to accept the Bonsall Farm Estates Subdivision extension of time for Preliminary Plan approval from November 30, 2009 until August 31, 2010. Mr. Makely 2nd.

Vote: Unanimous.

Mr. Makely has a call into the SPCA to clarify the pricing so this will be tabled until the next meeting.

PUBLIC PARTICIPATION: 30 minute total time

Siti Crook informs the Board that the County received 4.6 million for energy work and they should look into calling Steve Fromnick.

Sharon Scott asks why her police incident was never put on the police reports. Mrs. Scott would like the 911 call report and asks for the police report. Mr. Broadbent replies that she will have to contact the County for the 911 paperwork and will look into the police incident report.

Bob King asks the Board if they are still interested in buying the Beagle Club. Mr. Makely replies that an offer was made to them and they did not accept it and no further contact has been made. Mr. King comments on opening sewer and water to different parts of the Township.

Dennis Crook talks about the Health Department standard being higher for sewer.

ADJOURNMENT:

Mr. Broadbent motions to adjourn at 11:00 pm. Mr. Makely 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary

