

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 23, 2010
Approved minutes
6:30 PM**

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Amentas, Chairman; Chris Makely, Vice Chairman; George Broadbent, Member; Gary Barach, Member; Mark Toth, Member; Vince Pompo, Solicitor; Jill Bukata, Township Manager and Treasurer; Denise Miller, Township Secretary; and Chris Della Penna, Township Engineer.

APPROVAL OF MINUTES:

December 22, 2009 minutes - Mr. Amentas moved to approve the December 22, 2009 minutes as presented. Mr. Makely seconded. Vote: Unanimous.

January 4, 2010 minutes - Mr. Amentas moved to approve the January 4, 2010 minutes as presented. Mr. Makely seconded. Vote: Unanimous.

February 23, 2010 minutes - Mr. Amentas moved to approve the February 23, 2010 minutes as presented. Mr. Makely seconded. Vote: Unanimous

CITIZENS BY REQUEST:

Steve McFadden of 4 Juniata Drive was not present.

The Big Apple - Nick Agnew, owner, appealed to the Board to let the apartment above his store use his store dumpster and not pay the Township trash fee. Mr. Amentas stated that The Big Apple is considered a “mixed use building” containing a store and a residence.

Mr. Agnew asked if the previous owner was paying the Township trash fee. Mr. Makely, who was the previous owner, stated that he will be in court with the Township for the same reason. Mr. Agnew stated he will turn this over to his lawyer. Mr. Amentas stated this will be revisited and considered.

TREASURER’S REPORT:

February 28, 2010 - Jill Bukata presented the financial report and township disbursements.

Page 1 – Summary of revenue over expenses reflects \$372,925.77 of revenues in excess of expenses, year to date.

Page 2 – Account balances notes that the Township’s General Fund has cash of \$569,472.71, the Liquid Fuels Account has \$186,747.27, Capital Projects has \$574,873.15 and the remaining escrow and other accounts have \$671,412.12 for total cash of \$2,002,505.25.

Mrs. Bukata stated that she is currently reviewing the components of these accounts, so it is possible that some balances may be reclassified after the review is completed.

Pages 3 to 11 show the actual revenues and expenses year to date versus the annual budget.

Pages 12 to 14 show the revenue and expenses for the month of February. Most of the revenue for the year is recorded early in the year, so on a monthly basis expenses will exceed revenues.

Pages 15 to 20 – Payment authorizations for the period February 19 through March 23, 1010:

From the General Fund	\$209,005.09
From the Liquid Fuels	\$31,868.99
From the Park and Recreation Account	\$524.14
From the Escrow Account	\$4,333.87
Payroll transfers	\$78,287.52

Mr. Barach asked if the \$834,000.00 for trash is being booked on an accrual basis. Mrs. Bukata replied “it is.” Mr. Barach stated that in the past the trash was always reported on a cash basis so the fund balance properly presents what has been received and would like it reported on a cash basis. Mrs. Bukata replied that the auditors recommended reporting the trash on an accrual basis.

Mr. Barach stated the revenues received to date are not reflected on the statement. Mrs. Bukata replied because it is on an accrual basis as opposed to cash. \$521,000.00 was received and the difference between the \$834,000.00 is expected to be received. The auditors also recommended doing this on an accrual basis.

Mr. Barach asked if the cash balances are the reconciled true cash balances that do not include the accrued adjustment for the trash fees. Mrs. Bukata replied they are cash balances.

Mr. Barach asked if the Liquid Fuels money had been received and were they reflected in the Liquid Fuels balance. Mrs. Bukata replied that 2009 and 2010 was received and the 2009 check is included in the Liquid Fuels balance as of February 28. The 2010 payment was received in March.

Mr. Barach asked if the \$22,000.00 for the police car that was paid from the General Fund had been re-paid by the Capital Projects Fund. Mrs. Bukata replied that it will be re-paid once the Board signs the bank forms to authorize new signers on the account.

Mr. Barach stated that the fund balances reflected on page 1, specifically the Escrow Fund account, in lump sum form does not reflect the restricted funds and asked that the restricted funds be separated to specifically report and identify those funds; such as the funds in place from developers with respect to the West Chester Road improvements.

Mr. Amentas asked about the Park and Recreation (P&R) escrow account. Mr. Barach replied that there are several P&R accounts; one is an investment account and one is a fee in lieu of account. Mr. Barach stated that he would hope that this would be in the 2008 certified financial statements from the auditors.

Payment list: Mr. Amentas made a motion to authorize the February 10, 2010 to March 23, 2010 payment list. Mr. Makely seconded. Mr. Barach inquired about the Trustees Insurance Fund. Mrs. Bukata replied it is for workers compensation and unemployment compensation that is part of PSATS. Mr. Amentas inquired about PSATS. Mrs. Bukata explained that it is an organization that obtains better rates for municipalities.

Mr. Barach asked if the Brian Hoskins check for \$28,201.00 was made to the company or the individual. Mrs. Bukata replied she will check to make sure it was made payable to the company.

Mr. Amentas asked what the H.A. Thompson check was for. Mrs. Bukata replied it is for the township liability insurance. Mr. Amentas asked why the check would be made to the agent. Mr. Barach replied that it is typical to do this and asked if it is being pro-rated on a quarterly basis. Mrs. Bukata replied it is being paid quarterly.

Glenn Colyer asked what the United Concordia check is for. Mrs. Bukata replied it is for dental insurance.

Vote: Unanimous.

Mr. Barach asked for a status on the 2008 audit. Mrs. Bukata replied that the auditors are waiting for an analysis on “due to/due from” and “the dollars of trash fees collected for 2009 that fell into 2008.” Mr. Barach asked when the auditors asked for this information and when are the auditors planning to start on the 2009 audit. Mrs. Bukata replied they asked last week and they are planning to start the 2009 audit once they receive everything they need.

Mr. Barach asked if the audit engagement letter was signed and has the Board passed a resolution to sign the letter. Mrs. Bukata replied that neither the letter or resolution were completed.

PLANNING COMMISSION

Providence Hill recommendations

1) The Planning Commission recommended moving ahead with converting the disabled spot on Narragansett Lane to a public spot as long as it is before dedication –Mr. Amentas asked Mr. Della Penna to give a brief update. Mr. Della Penna stated that at the end of Narragansett Lane there is one handicap space and two regular spaces dedicated for the access to the public trail. There is also a sign that says “not for resident parking” and the HOA wants to make it three public parking spaces. Mr. Amentas asked if there are any State or Federal laws that requires having a handicap space there. Mr. Della Penna replied there are not.

Mr. Amentas made a motion to accept the Planning Commission recommendation to convert the three public disabled parking spots to public spots as long as it occurs before dedication of the roads. Mr. Barach seconded. Mr. Barach asked if it’s required to have so many handicap parking spots when the plans were done. Mr. Della Penna replied, “not for a residential development.”

After Board discussion, Mr. Amentas withdrew his motion and sent this back to the Planning Commission for review and will also speak with the Providence Hill HOA.

2) The Planning Commission recommended seeking approval from the HOA regarding the lighting - Mr. Della Penna stated the lighting is located along Narragansett Lane and Shoreham Drive. Mr. Amentas stated that he will let the Planning Commission know to resubmit their recommendation more clearly.

3) The Planning Commission recommended putting the two curb depressions on Narragansett Lane and two on Watch Hill Road on the developers punch list- Mr. Della Penna stated he can put this on his punch list but the developer could come back and say that these are not on the approved plan. To the extent that this modification would require an amendment to the approved plan.

Mr. Amentas made a motion to accept the Planning Commission recommendations to put two curb depressions on Narragansett Lane and two on Watch Hill Road on the developers punch list.

Mr. Makely seconded. Mr. Makely asked if there will be any cost to the township. Mr. Amentas replied there would be no cost to the township. Mr. Makely asked what happens if the builder rejects this because it's not on the final plan. Mr. Amentas replied that they will have to visit that if it happens. Mr. Pompo stated that this will remain on the punch list which will be looked at by the Board before dedication is accepted. Vote: Unanimous.

South Brandywine School

1) The Planning Commission recommended that South Brandywine Middle School be approved to tap into PAWC from the corner of Rt. 82 and Strasburg Road and down to their property as a private line with the properties adjacent to the waterline along the north stretch on Rt. 82 above Strasburg Road. – Mr. Della Penna stated that South Brandywine School wants public water, but they are outside the franchise area, and is proposing to extend the water main from Crossing Boulevard (Brook Crossing) to south along Rt. 82 to the intersection of Strasburg Road. Then they will extend privately across the intersection to their property.

At the executive meeting tonight the Board will set a time to meet with PAWC and the School representatives.

2) Mr. Amentas made a motion to accept a 90 day extension from April 6, 2010 until July 6, 2010 for The Coatesville Area School District – South Brandywine Middle School Preliminary Land Development Plan. Mr. Makely seconded. Vote: Unanimous.

SOLICITOR REPORT: Vince Pompo

Motion to authorize the advertisement of the Pennsylvania Municipal Retirement System Ordinance amendment - Mr. Pompo stated that the Board approved an ordinance to adopt the most recent agreement and submitted it to PMRS for their approval. Since Act 44 changed the pension laws the agreement was not approved because PMRS revised their standard agreement. One provision was to do away with the election of what to do with forfeited contributions in the fund and allow the contributions to reduce the Township's municipal obligation. Mr. Amentas asked if there are any other changes. Mr. Pompo replied he conferred with council for the Retirement System to repeal the last sentence of Section VI on page 2.

Mr. Barach asked how much the employees can contribute. Mr. Pompo replied the old agreement stated 10% and the new one allows 15% with the township contribution remaining the same at 5%.

Mr. Amentas made a motion to advertise the Pennsylvania Municipal Retirement System ordinance amendment agreement. Mr. Makely seconded. Vote: Unanimous.

Motion to adopt the Codification Ordinance – Mr. Pompo stated that this ordinance was advertised for adoption in accordance with the special provisions of the second class township code that allows for a township to codify in one place previously enacted ordinances. There has also been some changes on how the numbers have been set forth in order to fit a codification pattern and an update which conforms all the previous ordinances for enforcement purposes so the law allows for a change in the county provision.

Mr. Pompo stated that he researched Mr. Makely's comment about the burning of cars that is in the codification draft and recommended not changing any ordinances that are already in existence. He recommends that the Township should adopt the code and do a large ordinance of changes or do them individually in the future. Mr. Amentas made a motion to adopt codification ordinance 2010-01. Mr. Makely seconded. Dennis Crook asked if the codification could be put on

the website before adoption. Mr. Pompo replied the electronic version is not available until after adoption but the draft is available in the township office. Vote: Unanimous.

Set the conditional use hearing date for John Pia – Mr. Pompo stated the deadline for commencing the hearing is May 9, 2010 unless the applicant gives the township an extension. This application is for the applicant to install a driveway to the proposed house (104/105 Perry Court) on very steep slopes.

Mr. Pompo stated that John Pia has already gone to the Planning Commission and asked the board if they want them to go again; if so they need an extension.

The board scheduled the hearing for April 27, 2010 at 5:30 PM.

Set the conditional use hearing date for the AT&T application on the Vermeil property – Mr. Pompo stated this application is to install a new lattice tower slightly to the west of the existing lattice tower so they can use it during construction and also construct an auxiliary building on the property in order to house their equipment.

Mr. Makely asked if the old tower was deemed unsafe. Mr. Pompo replied at the last proceeding a structural engineer presented a report that indicated the tower could not accommodate the additional antennae which led the Commonwealth of Pennsylvania to take their antennae off the existing tower.

Mr. Amentas asked when the old tower is coming down. Mr. Pompo replied that is a question for the applicant. Mr. Amentas directed Mr. Pompo to send a letter to the applicant instructing them to take the unsafe tower down. Mr. Pompo replied “before they get approval.” Mr. Amentas stated that if the Board gets information that the tower does not represent a safety hazard then it can stay up. Mr. Pompo replied that the opinion of the structural engineers in their report from the last meeting was that adding the new antennae would not be recommended for the structural safety of the new tower. Mr. Pompo also replied that he has not seen any report, to date, that said the existing tower is structurally compromised.

Vermeil has already gone to the Planning Commission once and is scheduled again on April 5, 2010.

The Board tentatively set April 26, 2010 at 5:30 PM for the Vermeil conditional use hearing.

LEGAL ISSUES:

Baron Crest bids – S.A. Macanga Inc. \$54,712.00 and T. David Thomas Excavation, Inc. \$65,050.00 with Mr. Della Penna recommending S.A. Macanga, Inc.

Mr. Della Penna went over his September 10, 2009 review letter items for Baron Crest Development.

Mr. Amentas asked if once this punch list is completed, will the project conform to the approved plan, with the exception of the landscaping. Mr. Della Penna replied, “that is correct.” Mr. Amentas asked what the charges above the \$54,712.00 on the S.A. Macanga bid were for. Mr. Della Penna explained the extra charge is to install an outlet pipe in the basin through the property below and an additional price to install a pipe across Lot #1, south towards Triple Fresh with neither one being on the approved plans. Mr. Amentas asked if Mr. Della Penna recommended this work. Mr. Della Penna replied that they are complaints from property owner

Mr. Kreckler at 735 Baron Crest Way and Mr. Dixon at 716 Baron Crest Way. Mr. Amentas asked about the additional cost. Mr. Della Penna replied it is listed as extra items A and B on the itemized spreadsheet summary.

Mr. Amentas asked Mrs. Bukata how much money was seized from Baron Crest. Mrs. Bukata stated that \$78,000.00 was seized and the township incurred \$16,028.00 in expenses leaving a balance of approximately \$ 61,972.00.

Mr. Amentas asked Mr. Della Penna what he understands Mr. Dixon's problem to be. Mr. Della Penna replied that the Dixon's have a lot of water coming through the front but has never observed it laying on their property.

Mr. Amentas asked if the water in Mr. Kreckers' basin is supposed to be there and is he experiencing problems as a result of the work done on the project. Mr. Della Penna replied "not that he is aware of."

Mr. Amentas stated that the township has a specific amount of money to use to bring the project up to the approved plan and an obligation to spend the money responsibly. If the township uses the money other than that it exposes the township to criticism from the residents in the development.

Mr. Makely asked Mr. Della Penna what is going to be done at Mr. Dixon's and Mr. Kreckler's. Mr. Della Penna replied some grading at the Dixon's and making the basin bigger at the Kreckler's.

Mr. Amentas asked Mr. Pompo his opinion on the township spending money on personal resident problems. Mr. Pompo replied that it is not the township's money to spend however they want; it is to make the property in accordance with the approved plan or to correct a deficiency that is readily identified.

Mr. Amentas made a motion to accept the recommendation to award the bid to S.A. Macanga for \$54,712.00 to address the items on Mr. Della Penna's review letter to bring the project up to plan. Mr. Barach seconded. Mr. Pompo asked Mr. Della Penna if the board doesn't approve where it says "see extra items" and "included in extra items" does that mean Macanga will not do that work. Mr. Della Penna replied that item #5 deals with Mr. Dixon's property and extra item #D is installation of the pipe above and beyond what the plan called for and #9 is for a pipe through Mr. DeAbreus' property.

Mr. Pompo stated that the Board should condition the motion on resolving the issues with the prices and advises that this is also subject to a written agreement approved by his office. Mr. Barach asked approximately how much their review fee would be. Mr. Pompo replied "a couple hundred dollars."

Mr. Barach asked Mr. Della Penna if the survey is in the allowance. Mr. Della Penna replied it's going to have to be staked out and graded. Mr. Barach asked will the township pay Kline directly. Mr. Della Penna replied "probably". Mr. Makely asked why Kline would be paid directly when S.A. Macanga lists it as an expense. Mr. Barach replied that the township wouldn't pay Macanga. Mr. Amentas stated that it needs to be confirmed that "as-builts" are included. Mr. Della Penna replied both bids included survey work in different categories.

Mr. Amentas tabled the bids until next month in order to clarify all the issues and get the contracts ready.

PARK AND RECREATION COMMISSION: Brian Carling
The February 2010 minutes were in the back of the meeting room.

The March 2010 summary was in the back of the meeting room.

Motion to approve the proposal from Glen Rose Conservancy, Inc. for the Patriot Landmark for \$4,500.00 - Mr. Carling stated that the material is included and the labor is being donated. The Board asked if there are two more bids. Mr. Carling replied that they only have internet paperwork. Mr. Pompo stated that you have to have three bids even though it's under \$10,000.00. Mr. Amentas stated that three bids are the legal requirement and asked them to come back with two more. Dan Johns explained the importance of getting this motion passed. Mr. Amentas asked Mr. Carling to notify the Township Manager when they have all bids together so they can schedule a special meeting.

Motion to approve the proposal from Brandywine Flags for three flags poles and two flags for the Patriot Landmark in the amount of \$4,701.88 - The Board asked if there are two other bids. Mr. Carling replied "no". Mr. Amentas stated that this also needs two more bids and asked Mr. Carling to get two more and they can review at the special meeting.

Friends of the Park – The Friends of the Park will have a scavenger and egg hunt on March 27th.

HISTORIC COMMISSION:

The February 2010 minutes were in the back of the meeting room.

The March 2010 minutes were in the back of the meeting room.

CORRESPONDENCE:

Nothing presented.

POLICE DEPARTMENT:

The February monthly report was in the back of the meeting room.

Brian Simmons was selected to go to the North American Standard Level 1 Inspector Certification course and once he completes the course he can do weights, measures and truck inspections.

PUBLIC WORKS DEPARTMENT:

Crown Victoria Update – Mrs. Bukata stated they are now keeping a log in the car and Justin Gathercole is continuing to use the car. The March mileage was 115 for work related and the rest of the mileage equals to 13 trips home for Justin.

The February road and vehicle report was in the back of the meeting room.

EMERGENCY SERVICES:

The February 2010 Westwood fire report was in the back of the meeting room.

Mr. Barach stated the fire departments contributions need to be discussed in an executive meeting. Mr. Amentas said the fire departments workers compensation also needs to be

researched. Mr. Barach asked if any invoices came in yet. Mrs. Bukata replied nothing came in yet. Mr. Pompo stated that the township has an agreement with Modena.

The February 2010 Pomeroy fire report was in the back of the room.

The February 2010 EMS report was in the back of the room.

NEW BUSINESS:

Mr. Makely made a sincere apology to Jill Bukata and Denise Miller that he was wrong to say what he said in a public forum at the last meeting.

PUBLIC PARTICIPATION: 30 minute total time

Conrad DeAbreu of 105 Cumberland Drive asked if the township had the John Callahan “as-builts.” Mr. Amentas replied “yes.” Mr. DeAbreu asked if the township has them then why are the new people charging for surveying plans. Mr. Amentas replied that it’s to reflect the work after the effort is completed.

Dennis Crook of 2842 Strasburg Road stated that the township should look into different kinds of basins and federal grants for funding. Mr. Amentas stated that he is aware that certain municipalities do not allow for above ground stormwater retention systems and asked Mr. Pompo if he could look into outlawing them completely. Mr. Pompo replied that some townships revised their stormwater management ordinance to incorporate the requirements of DEP which now requires a two year storm be put into the plan.

Glenn Colyer of 41 Park Avenue asked again why someone who lives close is not designated to drive the road department car home. Mr. Makely replied it was because of Justin’s availability.

Buddy Rhoades of 2215 Strasburg Road asked various questions about the Training Facility that he will also put in writing. He also asked what fund the Patriot Landmark is coming from. Mr. Amentas replied that it is coming from the Park and Recreation Fund. Mr. Rhoades also commented on the ferris mower that the township bought.

David Kreckler of 735 Baron Crest Way would like to meet with Mr. Della Penna regarding his basin and asked if the foot of water was supposed to be there or seep into the ground over a period of time. Mr. Barach replied that if there is stone under the swale then there are drainage pipes so the water will seep fairly quickly into the ground; if it is not constructed that way the water doesn’t seep and stays on the surface until it vaporizes and in talking with Mr. Della Penna he said it wasn’t constructed that way.

Buddy Rhoades of 2215 Strasburg Road commented on how the bids were written up.

ADJOURNMENT: Mr. Amentas moved to adjourn the Board of Supervisors meeting at 9:37 PM. Mr. Makely seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary

8 - March 23, BOS meeting