

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 27, 2010
Unapproved 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; and Denise Miller, Township Secretary.

EXECUTIVE SESSIONS: Mr. Amentas informed the public that there were two executive sessions held, one on March 23, 2010 at 10:00 PM and one on April 13, 2010 at 7:45 PM regarding legal issues.

APPROVAL OF MINUTES:

March 27, 2010 minutes – Mr. Amentas made a motion to approve the March 27, 2010 minutes as presented. Mr. Makely seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

David Krecker of 735 Baron Crest – Mr. Krecker wanted to confirm that the emergency spillway would not be moved and the elevation would not be altered because of the elevation of his back yard. Mr. Amentas replied that is what Mr. Della Penna recommended and he defers to his judgment but asked Mr. Della Penna to get different proposals because of the ambiguities in the one he presented to the Board. Mr. Amentas also stated that he is not sure what the township can do for their citizens to resolve disputes that pertain to the impact of the developer on their private properties. Mr. Krecker asked if the new bid will take out the work for the spillway. Mr. Amentas replied that he will make sure the proposal reflects the work that Mr. Della Penna believes is necessary. Mr. Krecker asked if he can be notified before any work is done. Mr. Amentas replied that he will be notified before any work is to begin.

TREASURER’S REPORT:

March 31, 2010 - Jill Bukata presented the financial report and township disbursements.

Page 1 – Summary of revenue over expenses reflects \$394,194.46 of revenues in excess of expenses, year to date.

Page 2 – Account balances notes that the Township’s General Fund has cash of \$595,668.36 the Liquid Fuels Account has \$308,945.35, Capital Projects has \$574,876.90 and the remaining escrow and other accounts have \$677,822.67 (\$345,643.25 which is segregated for West Chester Road and developer funds) for total cash of \$2,157,313.28.

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

Page 3 is the balance sheet for the General Fund. The amount of \$50,399.06 shown as “Due from Capital Projects Fund” is to repay the General Fund for the purchase of the two police cars. This was repaid in April and appears on the check disbursements list.

Pages 4 to 6 are balance sheets for the other three funds.

Pages 7 to 16 shows the actual revenues and expenses year to date versus the annual budget. With one quarter of the year gone, expenses represent 25% of the budget. There will be an increase in expenses due primarily to an increase in medical insurance premiums. The township is currently looking at other providers.

Revenues appear to be primarily on target – the earned income tax comes in throughout the year and is slightly up from last year.

Pages 17 to 20 show the revenue and expenses for the month of March.

Pages 21 to 24 – Payment authorizations for the period March 24, 2010 through April 27, 2010:

From the General Fund	\$132,127.72
From the Liquid Fuels	\$ 3,356.96
From the Escrow Account	\$ 4,614.00
From Capitol Projects	\$50,399.09
Payroll transfers	\$78,878.73
From General Fund (addendum)	\$50,891.87

Mr. Barach stated that it appears that the excess revenues over expenses are actually overstated by the book receivable for the trash that hasn't been collected. Mrs. Bukata stated this is not on a cash basis but on an accrued basis and the receivable is approximately \$216,000.00.

Mr. Barach inquired about the \$35,000.00 accrued for the audit when the board approved \$25,000.00 for the audit. Mrs. Bukata replied \$15,000.00 was paid last year and \$10,000.00 was accrued for the 2008 audit and \$25,000.00 was accrued for the 2009 audit.

Mr. Barach asked if Mrs. Bukata's comment regarding "determining the proper restricted funds and the proper fund balances" if she is extending that also to the balance of Park and Recreation which is now stated as \$212,843.47. Mrs. Bukata replied she is not confident with that number because the grant review is not completed yet.

Mr. Barach stated that the seized John Callahan money should be reversed because it belongs to the township and it should be put into the General Fund as restricted money. Mrs. Bukata replied she will put the money into the General Fund account.

Mr. Amentas made a motion to accept the March 31, 2010 financial report as presented. Mr. Broadbent seconded. Bob King asked if all the required developers paid into the West Chester Road escrow fund. Mr. Amentas replied Moser (27 units) and Harkins (172 units) "have not paid yet." Mr. Amentas inquired when Moser was due to pay his portion of the money. Mr. Pompo replied most was due when the land development plans were recorded and the plans have not been recorded yet. Mr. King asked if Moser was going to be assessed 10% because of additional costs. Mr. Makely replied "he believes it is 10%." Mr. Amentas inquired about the status of the Moser development. Mr. Pompo replied there is an issue regarding the length of time that their approvals are to be extended based upon the inability to connect to the sewage system and he received a letter from the Department of Environmental Protection stating that Moser was precluded from connecting to the system both during the time they were not on the corrective management plan for capacity of the plan but also during the period that there was a flow constriction in the east end trunk line. The letter also stated that the east end opened on March 27, 2007 which released them. Mr. Pompo also stated he emailed a letter to Ted Moser's attorney informing him if they wanted to change the plan they will have to restart the process and if they are going to start pumping they will have to re-issue a plan review escrow. Mr. Amentas asked Mrs. Bukata if the West Chester Road fund account reflects entirely escrow money dedicated to the project. Mrs. Bukata replied there is \$10,000.00 that does not have an agreement and all other money is accounted for and has an agreement. Mr. Amentas also asked if the West Chester Road project balance \$345,000.00. Mrs. Bukata replied "yes."

Mr. Barach asked Mrs. Bukata for the outstanding escrow receivables and plan to collect the money. Mrs. Bukata replied there is \$264,557.70 outstanding and statements are being sent out now. Mr. Barach suggested sending out the invoices certified. Mr. Amentas called for a vote. Vote: Unanimous.

Mr. Amentas made a motion to approve the invoices for payment. Mr. Barach seconded. Mr. Barach inquired if the allocation for the fire departments is the same as last year. Mrs. Bukata replied the payment

shown is for “the 4th quarter of 2009.” Mr. Amentas asked if that puts the township over budget for the fire departments. Mrs. Bukata replied they were accrued at the end of 2009 and no payments were made in 2010. Mr. Amentas called for a vote. Vote: Unanimous.

PLANNING COMMISSION:

Brian Bingeman representing South Brandywine Middle School – Mr. Makely said based on the meeting last night the township would like to accept the Planning Commission’s recommendation and utilized it as “if/and/or.” Mr. Barach stated that the township is going to try and give some kind of approval to assure the school that they will get public water and the plan was to try and expand the area so that all residents within reason will be able to get public water. Mr. Makely stated this would give the school the guarantee whether they utilized the private line or a public line that would run through the commercial district. Mr. Makely asked Mr. Bingeman what he needed from the township. Mr. Bingeman replied he would like a motion to approve the water in concurrence with the Planning Commission recommendation because it will give the state department assurance that they will have public water. Mr. Barach asked when they need the Board to make a decision. Mr. Bingeman replied they would like to put a bid out by the end of the summer. Mr. Bingeman also stated the water line is currently north of Route 82 and in order to put the meter pit at the South West corner of Strasburg Road and Doe Run Road the franchise would have to be extended unless the township would allow the meter pit to be installed in the township park and then extend the private line. Mr. Broadbent asked when the expansion time line expires. Mr. Bingeman said approximately 120 days to a year. Mr. Makely asked Mr. Pompo if the board makes a motion tonight can it be adjusted. Mr. Pompo replied it depends on how much of the motion you change. Mr. Barach asked if the extra storage tanks included in the private line. Mr. Bingeman replied “if they don’t go with the above ground storage tanks they will have to increase size and quantity of the booster pumps.” Mr. Amentas asked if the private line will be constructed in accordance with the PAWC design standards. Mr. Bingeman replied “yes it will.” Mr. Amentas made a motion to accept the Planning Commission’s recommendation that South Brandywine Middle School be approved to tap into PAWC from the corner of Route 82 and Strasburg Road and down to their property as a private line constructed in accordance with Pennsylvania American Water’s design standards with the properties adjacent along the north stretch above Strasburg Road in the event the franchise is not expanded to accommodate public water service. Mr. Broadbent seconded. Glenn Colyer asked the advantage of running the line along the east side of Route 82 versus the west side. Mr. Broadbent replied the line is already on the east side. Brian Carling asked about road disturbance from repairs. James Haigney of Commonwealth of Engineers representing Mr. Steven Cushman of 700 Doe Run Road. Mr. Cushman would like to tap into the waterline and is offering to pay some of the cost. Bob King asked if a questionnaire was sent out. Mr. Amentas called for a vote. Mr. Barach opposed and Mr. Toth abstained. Mr. Amentas called for a vote. Vote passes.

SOLICITOR REPORT:

Pennsylvania Municipal Retirement System Ordinance 2010-02 and agreement- Mr. Amentas made a motion to adopt Ordinance 2010-02 PMRS agreement. Mr. Makely seconded. Vote: Unanimous.

Automatic protection device ordinance – Mr. Amentas asked Mr. Pompo to look into page three regarding licensing and tabled this until the May 11, 2010 board of supervisor workshop. Mr. Makely would like Chief Porter to attend the workshop.

LEGAL ISSUES:

Multi-Jurisdictional Hazard Mitigation Plan – Mr. Pompo stated that the purpose of this plan is for the township and township residents to be eligible for federal funding in the event of a disaster where money is allocated by the federal government. Mr. Amentas asked who drafted the resolution. Mr. Pompo stated it is a county form. Mr. Amentas made a motion to approve the Chester County Multi -Jurisdictional Hazard Mitigation Plan adopted for East Fallowfield Township striking the word “most” from the first WHEREAS clause. Mr. Broadbent seconded. Mr. Barach asked if Mr. Pompo was involved in the initial meetings. Mr. Pompo replied “he was not.” but he read the entire plan. Mr. Amentas called for a vote. Vote: Unanimous.

2010 fire company support – Mrs. Bukata informed the board that Modena’s workers compensation policy runs from October 1st to September 30th and \$8,700.00 was paid in 2009. The 2010 invoice should be received by September.

The 2010 budget for all the fire companies is \$52,000.00. Mr. Amentas asked why the township only pays Modena’s workers compensation. Mrs. Bukata replied the other companies have not invoiced the township but are entitled to payment. Mr. Barach asked Mr. Pompo if the township was legally required to pay workers compensation for other fire companies. Mr. Pompo replied the township in which a fire company is located pays and East Fallowfield Township is obligated to reimburse them based on the population served. Mr. Amentas inquired if the pro-rata share was accurate. Mr. Pompo replied it was done when the law was passed. Mrs. Bukata stated that East Fallowfield Township’s share is 62%, South Coatesville 20%, Modena 13%, West Marlborough 3%, and Newlin Township 2%. The Board agreed to keep Modena’s workers compensation payment separate from the township contribution.

PARK AND RECREATION COMMISSION:

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

April summary – The April summary was in the back of the meeting room.

Reimbursement – Mr. Amentas made a motion to reimburse Brian Carling for reagents used for pond watch monitoring in the amount of \$64.18 from the Park and Recreation Fund. Mr. Broadbent seconded.

Mr. Makely asked Mr. Pompo what exactly what comes out of the Park and Recreation fee in lieu of fund. Mr. Pompo replied “it should be related to construction or acquisition of recreation facilities.

. Broadbent asked if maintenance fees can come out of the fee in lieu of fund. Mr. Pompo replied the statue reads “if the fee is to be expended only in properly allocated proportions of the cost incurred to construct the specific recreation facilities from which the funds were collected in addition of funding the land itself.” Mr. Makely asked if a lawn mower to cut the park is acceptable. Mr. Pompo replied “no.” Mrs. Bukata commented that the park and recreation has a \$5,000.00 budget. Mr. Amentas amended his motion to have Mr. Carling’s \$64.18 reimbursement paid out of the general fund. Mr. Makely seconded. Jeanne Berlin asked if the \$212,843.00 in the Park and Recreation Fund all is for “fee in lieu of.” Mr. Bukata replied that fund is still being researched. Mr. Amentas called for a vote. Vote: Unanimous.

WREN Grant Garden Planting – Mr. Carling stated that half of the \$5,000.00 WREN grant has been received. Mr. Amentas made a motion to fund the Rain Garden planting scheduled for May 15, 2010 in the amount of \$4,200.00 for plantings, \$650.00 for signage, and \$150.00 for printing out of the Park and Recreation Fund. Mr. Makely seconded. Mr. Barach asked if the “fee in lieu of fund” is on the financial statement. Mrs. Bukata replied “yes it is”. Mr. Barach stated if that is true then you cannot authorize this motion. Mrs. Bukata asked if the General Fund can loan the money until the funds are separated. Mr. Amentas withdrew his motion and restated as a motion to fund the WREN grant Rain Garden planting scheduled for May 15, 2010 in the amount of \$4,200.00 for plantings, \$650.00 for signage, and \$150.00 for printing with a loan from the General Fund to be reimbursed by monies from the Park and Recreation Fund once the separation of the money is completed. Mr. Makely seconded. Vote: Unanimous.

Mr. Carling informed the public that the May 18, 2010 Park and Recreation meeting will be held in the park.

Park pavilion – Mr. Makely asked Mr. Carling to attend the next BOS workshop meeting. Mr. Carling replied he will have his pavilion subcommittee attend.

HISTORIC COMMISSION:

April minutes – The April minutes were in the back of the meeting room.

CORRESPONDENCE:

Resignation – Mr. Amentas made a motion to accept the resignation of Arlene Miles-Eubanks former administrative assistant. Mr. Makely seconded. Vote: Unanimous.

Central Chester County Recycling Authority – Mrs. Bukata explained that the Central Chester County Recycling Authority is applying for a Department of Environmental Protection grant to buy a leaf turner for the compost site with 90% being reimbursed and the involved municipalities contributing 10% of the total. East Fallowfield Township’s contribution is approximately \$8,000.00 to \$9,000.00. The Recycling Authority is applying for a loan to pay for the equipment and then once the 90% and the percentages are paid it will pay off the loan. Mr. Barach asked if Mrs. Bukata called the other municipalities to see if they are participating. Mrs. Bukata replied “I did not.” Mr. Makely asked if the township’s contribution was included in the budget. Mr. Amentas asked what would happen if the township did not participate. Mrs. Bukata replied the township could possibly be banned from using the compost site.

POLICE DEPARTMENT:

March report – The March report was in the back of the meeting room.

Part time officer – Mr. Makely made a motion to hire Richard Imhoff Jr. as a part time police officer effective immediately at all the current part time rates. Mr. Broadbent seconded. Glenn Colyer asked why is another part time police officer needed. Mr. Makely replied there is a police officer going on disability for awhile. Mr. Barach asked if a background check was completed. Chief Porter replied Cloud, Feehery, and Richter did a background check. Mr. Barach inquired about Officer Imhoff’s experience. Chief Porter stated officer Imhoff has level 1 MCSAP for truck inspections and is currently a full time officer in Sadsbury Township. Glenn Colyer asked how he can work in East Fallowfield Township if he is already full time in another township. Chief Porter replied they have several part time officers that work full time jobs. Mr. Barach asked what the maximum hours per day would be. Chief Porter replied six to eight hours. Glenn Colyer asked how many officers are on each shift. Chief Porter replied three including himself. Vote: Unanimous.

Mr. Broadbent asked if any of the full time officers are moving forward with the truck certification. Chief Porter replied that one officer is now in training. The scrap yard will also let the police officers use their scale.

PUBLIC WORKS DEPARTMENT:

March road and vehicle report –The March road and vehicle report was in the back of the meeting room. Glen Colyer asked for a copy of the road and vehicle report.

EMERGENCY SERVICES:

March EMS report – The March EMS report was in the back of the meeting room.

Westwood fire report – The March Westwood fire report was in the back of the meeting room.

February Modena fire report – The February Modena fire report was in the back of the meeting room.

March Pomeroy EMS report – The March Pomeroy EMS report was in the back of the meeting room.

UNFINISHED BUSINESS:

2009 audit – Mr. Amentas made a motion to approve the 2009 audit firm and fee not to exceed \$23,000.00. Mr. Makely seconded. Mr. Barach stated that the township audits are usually put out to bid but since the firm was doing the 2008 audit it made sense to have them do the 2009 also. The 2010 audit will be put out to bid. Mr. Amentas called for a vote. Vote: Unanimous.

NEW BUSINESS:

No new business presented.

PUBLIC PARTICIPATION:

Buddy Rhoades of 2176 Strasburg Road presented the Board with paperwork regarding the Americans with Disabilities Act and requested the Board provide a new microphone system for the hearing impaired and also said there is not a handicap accessible port-a-potty in the park. Mr. Rhoades also stated that the subject

should be put in the minutes when residents speak. Mr. Broadbent stated that the township previously looked into a digital system for about \$10,000.00.

Michael Donovan of 112 Lehigh Drive stated that Hunt Hill Farm owns the right-of-way next to his house and when he moved in the builder told him that it would only be used if the property was subdivided and he was just notified that the Hunt Hill Farm will be opening up the right-of-way into Jenny Meadows development for horse trailers to get up to the farm. Mr. Donovan also stated that the farm is having horse shows and parking on the street. Mr. Makely asked Chief Porter to do a complete investigation on the parking and present a report at the next meeting. Mr. Makely asked if Mr. Donovan brought this to the attention of Rob McLarnon. Mr. Donovan replied that he did and his response was that it's their property and they can do what they want. Mr. Amentas stated the board will research this situation.

Maria Ziccardi of 110 Lehigh Drive has concerns with the Hunt Hill Farm right-of-way, horse shows, boarding, and safety issues.

Tom Williams of Keller Williams requested the board waive the \$1,500.00 zoning variance fee for his client Elaine Nicholas who has an agreement of sale for 13 Juniata Drive. Mr. Broadbent asked what the variances are for. Mr. Williams replied setback and environmental issues and there is also a creek in the yard and there may be more. Mr. Makely asked Mrs. Bukata to have Rob McLarnon do a report for the board.

Nancy Simes of 1508 Robin Road asked the board the status on the water and sewer project and is concerned about the junk being put in the front of her yard from the workers on this project.

Bob King of 235 Misty Patch Road asked to have the Planning Commission minutes posted on the website. Mrs. Bukata stated they will be put on. Mr. King also asked about the police contract. Mr. Makely replied it's in negotiation and we will let the public know when it's completed.

Glenn Colyer of 41 Park Avenue asked about workers compensation for Westwood and Pomeroy. Mr. Broadbent replied that the township does not pay their workers compensation. Mr. Colyer also asked how is the money calculated for workers compensation. Mr. Barach replied the premium is based upon population.

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