

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 22, 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; Chris Della Penna, Township Engineer; and Denise Miller, Township Secretary.

EXECUTIVE SESSION: Mr. Amentas informed the public that there was a June 21, 2010 executive session regarding employee medical insurance.

APPROVAL OF MINUTES:

May 25, 2010 minutes – Mr. Amentas made a motion to approve the May 25, 2010 minutes as presented. Mr. Broadbent seconded. Mr. Makely abstained. Mrs. Bukata stated that Chris Makely’s name should be deleted under attendance in the May 25, 2010 minutes. Vote: Unanimous.

CITIZENS BY REQUEST:

Ryan Ray of 2860 Strasburg Road stated that he presented the 2009 Board with a petition in October requesting the installation of speed humps on Wilmington Road between Strasburg Road and Park Avenue. Mr. Broadbent and Mr. Makely recalled that the speed humps were previously approved by the Board. The Board asked Mr. Della Penna to contact Traffic Planning and Design for specifications on speed humps. Mr. Della Penna replied “he will” and also stated that he will oversee the bidding process of the project.

TREASURER’S REPORT:

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

Pages 21 to 24 are payment authorizations for the period of May 26, 2010 through June 22, 2010.

From the General Fund	\$57,976.77
From the Liquid Fuels Fund	\$ 4,271.57
From the Escrow Account	\$24,336.61
From Park & Recreation Funds	\$ 2,977.48
Payroll transfers	\$75,088.31
From General Fund (addendum)	\$44,707.16

Mr. Makely inquired about check #14493 in the amount of \$172.90. Mrs. Bukata replied “she will get the information at the end of the meeting.”

Mr. Amentas made a motion to approve the treasurer’s report as presented. Mr. Broadbent seconded. Mr. Broadbent asked if the Park and Recreation detail included in the financial report. Mrs. Bukata replied “she is still working on that.” Mr. Barach asked Mrs. Bukata what she projected for the end of the year. Mrs. Bukata replied that the township will probably have to use \$200,000.00 to \$300,000.00 from the capital projects account.

Mr. Makely inquired about the wage increase for the police contract. Mr. Barach replied that the money has already been put aside in the general fund. Mr. Pompo advised the Board not to make any budget or projection relative to the police expenditures.

Mr. Barach asked for an audit and trash contract update. Mrs. Bukata replied that the 2009 audit started on Tuesday and the 2008 audit is still open. Mrs. Bukata also stated she is talking with the current trash hauler and will also put it out to bid. Mr. Amentas called for a vote: Unanimous.

Mr. Amentas made a motion to approve the payment authorizations as presented. Mr. Broadbent seconded. Mr. Barach asked if the \$7,500.00 payment was for the 2009 audit. Mrs. Bukata replied that there was a balance of \$10,000.00 remaining on the 2008 audit and after this payment, the balance is now \$2,500.00.

Mr. Barach asked about the \$14,000.00 escrow check. Mrs. Bukata replied that it is the payment to the township for costs incurred by the township for the Baron Crest Development.

Mr. Barach asked for an update on FEMA. Mrs. Bukata replied that the township should receive their money in a couple of months.

Mr. Amentas asked if the \$2,488.75 Herbert MacCombie check was for the Cardinal Drive project. Mrs. Bukata replied "she will have to let him know." Mr. Amentas also asked Mrs. Bukata to make sure Herbert MacCombie is not exceeding the \$15,000.00 total for the project. Mr. Bukata replied "she will."

Mr. Amentas called for a vote. Vote: Unanimous.

PLANNING COMMISSION:

Mr. Ryan Ray presented the two Planning Commission Recommendations.

Real Estate Finders – The Planning Commission unanimously voted to approve the Real Estate Finders, LLC-Abrahams Conditional Use Application for the disturbance of very steep slopes (>25%) located along the property frontage at the June 7, 2010 meeting contingent on receiving a clean letter from Chris Della Penna and the Historical Commission.

John Pia – At the June 7, 2010 Planning Commission meeting the Planning Commission unanimously voted to waive Section 1402.3B for disturbance of the first fifteen (15%) of the steep slopes area from the 2002 zoning book for the Conditional Use Application for John Pia submitted March 9, 2010. The Planning Commission does not recommend using the existing basin because it is not functioning properly.

SOLICITOR REPORT:

AT&T - Mr. Pompo informed the Board that there will be a two hour Conditional Use Hearing on June 28, 2010 starting at 6:30 PM for the applicant AT&T (Vermeil property) for the erection of a new tower replacing the existing tower.

Real Estate Finders – Mr. Pompo informed the Board that there will be a Conditional Use Hearing on June 28, 2010 starting at 6:30 PM for the applicant Real Estate Finders-Abrahams property.

Manchester Farms Phase I – Mr. Pompo informed the Board that he received a response back from Mr. Agulnick, Esquire, stating that Manchester Farms will fully comply with the notice to complete the improvements within Phase I but may not be able to make the sixty day notice time period and would like dedication no later than this fall.

Manchester Farms Phase II – Mr. Pompo suggested to the Board not to do the wearing course on the roads until the five remaining lots are completed. Mr. Pompo relayed to Mr. Agulnick that this is an open issue that he will relay this to the Board.

Mr. Pompo informed Mr. Agulnick that the Board would still expect other improvements that can be completed and not involving the road, done in Phase II as well as correcting the storm water affecting one of the lots in Phase II. Mr. Pompo suggested to allow himself, and Chris Della Penna to have further conversations on what they are proposing to do and then to craft "a corrective action plan" that they would agree to. Mr. Amentas asked if Dewey Homes understands that the ongoing problems will be taken care of in Phase I. Mr. Pompo replied that is how he wrote the default letter and how it was verbally relayed to

Mr. Agulnick. Mr. Amentas asked what happens if the township is satisfied with something proposed but the resident is not. Mr. Pompo replied that he will create a system where there is a third party that can make a judgment call.

Mr. Pompo asked for the Board's decision on deferring the wearing course on Phase II. Mr. Amentas replied that he does not have an objection. Mr. Broadbent asked the time frame on the five houses. Mr. Pompo replied that he was told "it depends on when they are sold" and they are not building a spec house. Mr. Pompo suggested meeting with Dewey Homes before the next Board of Supervisors meeting.

LEGAL ISSUES:

PAWC – South Brandywine Middle School water extension – The Board is unclear on what K&W is asking for in their June 11, 2010 letter submitted to the Township. The Board also pointed out page two where it states that "it was granted by the Board of Supervisors at the April 27, 2010 letter." The Board actually said they are "favorable." Mr. Pompo stated that since the letter was copied to Jamie MacCombie he will respond with a response letter to the Township. Mr. Amentas asked Mrs. Bukata to follow up with Mr. MacCombie.

Mr. Barach asked Mrs. Bukata to call Mr. MacCombie and see what is involved in expanding the franchise area in order to provide public water to the entire township.

Hidden Valley Estates enforcement notice– Mr. Pompo informed the Board that Hidden Valley Estates is not appealing the enforcement notice that was sent.

Hidden Valley Estates plan submittal– Mr. Pompo informed the Board that Hidden Valley Estates submitted a Fill Removal/Erosion and Sedimentation Control Plan at the beginning of May without any escrow money so he sent their attorney, Mr. Garrison, an escrow agreement for \$5,000.00. However they would like the amount to be \$3,000.00 and a sufficient amount of changes were also on the escrow agreement. Mr. Broadbent asked if the agreement gives Mr. Della Penna unlimited access to the property. Mr. Pompo replied that he will contact them to clarify that it does.

Baron Crest estimates – Bids were received from T. David Thomas Excavation, Inc. for \$54,550.00 and S.A. Macanga Inc., for \$54,712.00. S.A. Macanga's bid comes to \$70,250.00 with extra item A and B included and T. David Thomas Excavation, Inc. comes to \$66,250.00. Mr. Della Penna stated that Denny Howell's office is willing to do the construction stake out and provide the as-built plans for \$2,500.00. Mr. Amentas stated he would like to accept the bid from T. David Thomas Excavating, Inc. including extra item B for the pipe and inlet on Mr. Dixon's property because it is necessary to do the work to complete the development and that is what escrow money is for and extra item A is to address issues that may or not have originated from the development. Mr. Amentas also stated that by increasing the basin on Mr. Dixon's property it should collect some of the water that has been flowing onto Mr. DeAbreu's property. Mr. Amentas made a motion to accept the bid from T. David Thomas Excavating Inc. in the amount of \$54,550.00 plus the extra item B cost of \$5,000.00. Mr. Barach asked Mr. Della Penna to explain extra item B. Mr. Della Penna replied "that the approved plan states that there is an inlet at the corner of the road to collect water from the south, near the Triple Fresh area down to the corner into the inlet." Mr. Della Penna made a recommendation to extend the pipe from the inlet to the back corner of the yard to intercept the water before it reached their property. Mr. Barach asked if this would benefit Mr. DeAbreu. Mr. Della Penna replied "it would not" but in theory it should be improved when the basin is enlarged. Mr. Della Penna also stated that water has always come from the farm property around Mr. DeAbreu's property. His property also would not perc and the lot was always wet before because it's a low lot. It's arbitrary that the development is making more water flow to Mr. DeAbreu's property because that has never been established. Mr. Barach asked Mr. Della Penna if he saw Mr. DeAbreu's property before the development was in place. Mr. Della Penna replied "he saw the property before it was developed and after." Mr. DeAbreu has provided pictures of the situation before and after that shows there is water.

Mr. Broadbent and Mr. Barach would like the Board to revisit extra item A at a later time if enlarging the basin does not provide relief to Mr. DeAbreu's property.

Mr. Della Penna stated that if Tag could take some of the soil to the compost site it could possibly save a little bit of money.

Clarence Rhoades commented on the swale and the catch basin regarding Mr. DeAbreu's property. Mr. Rhoades also stated that a resident is parking in the cul-de-sac of the Baron Crest Development.

Bob King asked if Mr. Amentas had a meeting with Mr. DeAbreu. Mr. Amentas replied "he did not." Mr. King also asked if there is extra money will it be spent on Mr. DeAbreu's property. Mr. Amentas replied "if there is enough money left".

Mr. Barach opposed the Baron Crest motion because it did not address both neighbors concerns.

Mr. Barach asked the Board to amend the motion to include both properties. Mr. Amentas called for a vote to accept the T. David Thomas Excavating Inc. bid for \$54,550.00 plus extra item B for \$5,000.00. Mr. Barach opposed. Vote passed.

CORRESPONDENCE:

Jill Bukata presented a request from Susan Giannantonio, 1601 Cardinal Drive, asking for an extension of the tie-in time for the Cardinal Road and Robin Road sewer project. Mr. Amentas made a motion allowing all affected residents a sixty day extension from September 7, 2010 to November 7, 2010 to start their sewer tie-in. Mr. Makely seconded. Ms. Giannantonio asked if it could be for "all" residents. Mr. Amentas amended his motion to extend the tie in date for all affected residents to a start work date of September 7, 2010 to November 30, 2010 conditioned upon the residents establishing they have entered into a contract for the tie-in work with an appropriate contractor, paying their fees, and obtaining a permit. Mr. Makely seconded. Vote: Unanimous.

PARK AND RECREATION COMMISSION:

Brian Carling asked for approval to purchase materials for the construction of the park foot bridge. Park and Recreation would like to proceed with a PECO grant up to \$10,000.00 with a township match. Mr. Amentas asked what is the total cost. Mr. Carling stated that "he is not sure." Mr. Amentas asked if Mr. Carling could come back next month with a specific request and a specific amount of money. Mr. Carling asked if he could present his requests at the next workshop meeting. Mr. Amentas replies "yes and also bring the information on the park pavilion."

HISTORICAL COMMISSION:

The Historical Commission recommendations were not read due to no representation at the meeting.

POLICE DEPARTMENT:

The May police report – The police report was in the back of the meeting room.

Mr. Makely informed the Board that Chief Porter completed his LEEDS training.

Corporal Masterstefone stated that the officers have been conducting speed details throughout the township.

PUBLIC WORKS DEPARTMENT:

May road and vehicle report – The May 2010 road and vehicle report was in the back of the meeting room.

EMERGENCY SERVICES:

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

UNFINISHED BUSINESS:

No unfinished business presented.

NEW BUSINESS:

No new business presented.

PUBLIC PARTICIPATION:

Clarence "Buddy" Rhoades of 2176 Strasburg Road made comments on the inlet that is covered and a pickup truck parked in the Baron Crest Development cul-de-sac, water laying on Youngsburg Road, and the bank going out to Doe Run Church Road. Mr. Rhoades also stated that Gary Rhoades paid his trash bill but received a bill stating that he still owed money.

Nancy Simes of 1508 Robin Road inquired about the PAWC water increase. Mrs. Bukata replied that some surrounding municipalities are implementing a lawsuit with the Public Utility Commission. Mrs. Simes also asked if East Fallowfield Township was going to join the lawsuit. Mr. Amentas replied that the township did not receive clear information or the cost that would be incurred in order to join in.

ADJOURNMENT: Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 9:00 PM. Mr. Broadbent seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary