

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
October 26, 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; Jill Bukata, Township Manager and Treasurer; Denise Miller, Township Secretary; Brian Leinhauser, Solicitor.

**EXECUTIVE SESSIONS:** There were two Executive Sessions held; October 6<sup>th</sup> and October 20<sup>th</sup> on financial and budget issues.

**APPROVAL OF MINUTES:**

August 24, 2010 minutes – Mr. Amentas made a motion to approve the August 24, 2010 Board of Supervisors minutes. Mr. Makely seconded. Mr. Barach abstained. Vote passed.

**CITIZENS BY REQUEST:**

Ingrid Jones of 977 Doe Run Road asked the Board of Supervisors for relief on her trash invoice because she does not live in her mobile home and only uses it for storage.

**LEGAL ISSUES:**

Trash Ordinance – Mr. Leinhauser presented an ordinance to identify the recycling coordinator and modification on how the service fees are enacted. Mr. Amentas made a motion to adopt Ordinance 2010-04 amending trash Ordinance 2009-05. Solicitor draft September 28, 2010. Mr. Broadbent seconded.

Sharon Scott asked if Mr. Leinhauser is from Lamb McErlane and who is the recycling coordinator. Mr. Amentas replied “he is” and Mrs. Bukata replied that the recycling coordinator is the Public Works Director. Mr. Amentas asked how much is the check that is being held until this ordinance is passed. Mrs. Bukata replied “approximately \$5,000.00.” Mr. Makely asked the total legal fees spent adopting this ordinance. Mrs. Bukata replied that she will get the total for him. Mr. Makely abstained. Vote passed.

Earned Income ordinance – Mrs. Bukata explained that this ordinance is for all counties in Pennsylvania to have one Earned Income Collector. This will also save the township money by going to one collector. Mr. Amentas made a motion to advertise an ordinance amending Chapter 21, part 1 of the Township of East Fallowfield code by levying a tax on earned income and net profits, requiring tax returns, requiring employers to withhold and remit tax, and related provisions. Mr. Makely seconded. Sharon Scott asked the name of the new tax collector, the percentage to be collected, and if the contract is in the township office. Mrs. Bukata replied that the contract is between Keystone Collections Group and the Chester County Tax Collection Committee so the contract is not in the township office. The current percentage is 1.75% and the new percentage will be 1.35%. James Doyle asked if the earned income tax paid is to Berkheimer. Mr. Amentas replied “yes it is.” Vote: Unanimous.

Pennsylvania American Water proposed settlement – Mr. Leinhauser informed the Board of Supervisors that the Public Utility Commission, Pennsylvania American Water (PAWC), and Municipalities are in the group and approved by the office of the Consumer Advocate. The basis of the settlement agreement is an increase over 5 years of sewer rates in order to offset the construction cost of new sewer facility. Mr. Amentas stated that the original increase in the first year of over \$8,000,000.00 in annual revenue and an additional \$8,000,000.00 every year with the ability to increase the rate annually. The proposed settlement is for a \$6,000,000.00 increase. This will be phased in over six years. \$2,000,000.00 the first year, \$4,000,000.00 the second year and \$6,000,000.00 the third year. PAWC will then have to make up the \$4,000,000.00 difference in the following three years and after the seventh year the rates will go down. Mr. Amentas made a motion to accept the proposed PAWC settlement. Mr. Broadbent seconded. Tony DeFarando asked if the increase is regulated and if every resident will be charged a flat fee. Mr. Leinhauser replied “only if you are hooked up to the sewer or get hooked up in the future.”

Mr. Makely inquired if PAWC would show any urgency in bringing water service to residents who currently do not have it since the township is accepting the agreement. Mr. Leinhauser replied “that is not part of this deal.” Mr. Barach asked the percentage risk to residents if the township turned this proposal down. Mr. Leinhauser replied “the township could get the original increase.” Buddy Rhoades asked if the township picked the solicitor that handled the settlement and what percentage did East Fallowfield Township pay. Mr. Amentas replied that the Law Firm of Gil Hamburg and Thomas, Lang and Kinard already started working for the City of Coatesville and Parkesburg for a total fee of \$70,000.00 and East Fallowfield Township had to pay \$10,000.00 of that fee. Sharon Scott asked the Board of Supervisors to contact the Department of Justice and have the sale of PAWC investigated. Mrs. Scott also submitted a list of names to the Board. John Decarville asked if PAWC could increase their prices again. Mr. Amentas replied “this settlement agreement prohibits them from proposing any additional increases for six years.” Mr. Amentas called for a vote for accepting the proposed PAWC settlement specifically to join the petition for settlement of all issues in the rate proceeding. Vote: Unanimous.

Abrahams Subdivision – Mr. Makely made a motion to extend the Abrahams 11-lot Subdivision until November 20, 2010 for time to execute the financial improvements agreement, subsequent final plat signing, and recordation of the plans in accordance with Pennsylvania Municipalities Planning Code Section 509(b). Mr. Broadbent seconded. Vote: Unanimous.

Coatesville Area School District – Mr. Makely made a motion to extend the time frame to act on the Coatesville Area – South Brandywine School preliminary Land Development until January 25, 2011. Mr. Broadbent seconded. Vote: Unanimous.

**TREASURER’S REPORT:**

September 30, 2010 financial report: Jill Bukata presented the financial report, payment authorizations, forecast, and projection reports.

Cash balances are as follows:

From the General Fund	\$314,429.00
From the Liquid Fuels Fund	\$334,148.06
From the Capital Project Fund	\$510,976.57
From the Escrow and other accounts	\$687,291.06

\$291,600.00 is segregated for West Chester Road and other Developer Funds.

Payment authorizations for the period of September 29, 2010 through October 26, 2010:

From the General Fund	\$ 219,550.45
From the Liquid Fuels Fund	\$ 29,689.32
From the Escrow Fund	\$ 50,291.72
From Park and Recreation Fund	\$ 475.08
Payroll transfers	\$ 75,860.27

Mr. Amentas asked Mrs. Bukata where she expects the township to be next year once the reductions and provisions already implemented are taken into account. Mrs. Bukata replied that she is predicting to be in the same situation with a \$300,000.00 to \$400,000.00 deficit. Mr. Broadbent inquired if the Capital Project Fund has enough money to support the deficit next year. Mrs. Bukata replied “it will probably be gone in September or October.” Mr. Amentas made a motion to approve the treasurer’s report as submitted.

Mr. Toth seconded. Mr. Jeremias asked the total amount of legal fees for this year. Mrs. Bukata replied “an overage of approximately \$7,500.00 for the end of the year.” Mr. Jeremias also stated that he had a situation with the Zoning Hearing Board this year and it was appealed by the Board of Supervisors and suggested the Board work with the Zoning Hearing Board in order to save legal fees. Mr. Amentas stated that although the township legal fees have been high the expenses incurred have been necessary. Mr. Makely stated “enforcing all the ordinances is one reason for legal fees.” Mr. Makely asked

Mrs. Bukata for the total legal costs of the police arbitration and the Chester County Training Center and if any money was recovered from escrow posted. Mrs. Bukata replied that approximately \$20,000.00 has been used for the Chester County Training Center. There is also an agreement to pay all legal fees if the Training Center is approved. Mr. Makely asked if any fines were issued for the illegal land clearing on the Chester County Training Center (CCTF) acre of land. Mr. Makely asked Mr. Leinhauser if Mr. Pompo gave him the status of the CCTF. Mrs. Bukata also stated that the police arbitration is about \$12,000.00. Mr. Makely asked if Mrs. Bukata knows of any items that are in legal. Mrs. Bukata replied that she will provide him with this information. Conrad DeAbreu commented on a situation he felt that a fine should have been imposed but it was not. Mr. Makely asked Mrs. Bukata how much of the \$120,000.00 in legal fees is from fines. Mrs. Bukata replied "none." Andrew Smiles asked why the township went to litigation over the CCTR and stated that the township should generate money from having the CCTC. Mr. Makely replied there were a few reasons with the proposed entrance of the facility being the primary reason. James Doyle stated that he is surprised that the township would not generate any revenue from the CCTC. Buddy Rhoades stated that with suing the CCTR you are also suing Chester County and that is a misuse of legal fees. Mr. Rhoades also stated that Mr. Makely should abstain on any voting regarding the CCTC. Bob King suggested having a three Board resident panel to view legal issues before it goes to the township legal department. Mr. Amentas replied "this can be looked into." Jim Sisk stated that the Chester County offered him \$8,000.00 for less than an acre of his land and asked him for a \$100,000.00 donation to the County.

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

Payment authorizations – Mr. Amentas made a motion to approve the payment authorizations as presented. Mr. Broadbent seconded. Sharon Scott objected to the Lamb McErlane and Buckley, Brion, McGuire, Morris & Sommer LLP payments. Mrs. Scott also stated that Lamb McErlane did not fill out their ethics form. Mr. Barach asked for clarification that the \$50,000.00 paid to the various fire companies comes from the state. Mrs. Bukata replied "that is correct." Vote: Unanimous.

Recommendation to balance the 2011 budget – Mr. Amentas asked Mrs. Bukata the budget total and how much of that is dedicated to each department. Mrs. Bukata replied approximately \$2,000,000.00 with \$510,000.00, including Liquid Fuels, being dedicated to the public works department, \$340,000.00, including legal and audits fees, dedicated to the office, \$954,000.00 dedicated to the police department, \$120,000.00 for fire services, and \$565,000.00 for trash and recycling. Mr. Amentas stated that in his opinion the two options in reducing the budget is reducing the level of service or imposing a real estate tax. A list of township residents, police and other concerned citizens who spoke on these issues are attached to the minutes.

#### **PARK AND RECREATION COMMISSION:**

October Park and Recreation report - The October Park and Recreation report was presented.

Abandonment of three park wells – Mr. Dan Johns presented the Board of Supervisors with an estimate for the abandonment of three wells within the township park. Sharon Scott asked why not keep the wells. Mr. Broadbent replied "it is a Chester County regulation." Mr. Makely made a motion to proceed with the abandonment of three wells within the township park at a cost of \$3,400.00 per quote from Mills Well Drilling, LLC of Cochranville, PA with funds from the "Fee in Lieu" of account. Mr. Broadbent seconded. Mr. Barach asked if there are other estimates. Mr. Johns replied "no." Vote: Unanimous.

Money transfer – Mr. Makely made a motion to reimburse Friends of the Park in the amount of \$515.09 for re-usable signs with the cost taken from the "Fee in Lieu" of account since they will be used to advertise future park events. Mr. Broadbent seconded. Vote: Unanimous

Mr. Johns asked for the status on the fee dispute with Simone Collins so they can get their as-built plans.

Mr. Johns also stated that there is a vacancy on the Park and Recreation Commission.

#### **PLANNING COMMISSION:**

No report presented.

**HISTORICAL COMMISSION:**

No report presented.

The Board requested Mr. Ryan Ray, Planning Commission Chairman, attend the next Board of Supervisor's meeting to give an update on the Comprehensive Plan.

**POLICE DEPARTMENT:**

September police report – The September police report was presented.

Chief Porter reported that 99 citations were given in September. Mr. Amentas asked about the revenue generated from citations. Chief Porter replied "he would have to defer to Mrs. Bukata."

**PUBLIC WORKS DEPARTMENT:**

Road and vehicle report – The September 2010 road and vehicle reports were presented.

Mr. Gathercole reported that since his hire in 2006 the dedicated roads in East Fallowfield was 41.92 miles that the road crew took care of and the total miles now is 51.9 miles.

Recycling report – The September 2010 recycling report was presented.

**EMERGENCY SERVICES:**

Westwood fire report – The Westwood 2010 fire report was presented.

Pomeroy fire report – The Westwood 2010 fire report was presented.

**NEW BUSINESS:**

S.A.V.E. proposed ordinance – Tabled until next meeting.

**ADJOURNMENT:** Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 10:00 PM Mr. Makely seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,  
Township Secretary