

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
December 21, 2010
Unapproved minutes
6:35 PM**

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES:

November 23, 2010 minutes – Mr. Amentas moved to approve the November 23, 2010 minutes as presented. Mr. Broadbent seconded. Vote: Unanimous.

November 30, 2010 meeting – Mr. Amentas moved to approve the November 30, 2010 minutes as presented. Mr. Broadbent seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

David Oleszek of 147 Bridle Path Lane - Mr. Oleszek presented the Board of Supervisors with a packet on his concerns with work performed incorrectly or ignored by Dewey Homes. Mr. Oleszek also stated that Dewey Homes trespassed on his property, his property does not look like the site plan, and he is still waiting for a return call from Officer Masterstephone. Mr. Amentas replied that he received several responses from the township and Chris Della Penna, township engineer, advised the Board that the berm issue has been resolved. Mr. Broadbent asked Mr. Oleszek when his pictures were taken. Mr. Oleszek replied “in 2008 after they did the damage.” Eric Schrock from Dewey homes presented the “agreement of sale” signed by Mr. Oleszek which states “that the buyer agrees in the event of any the covenants and restrictions contained in this agreement the seller has the right to enter the property for the purpose of correcting any violations unless excused by an emergency seller shall provide a minimum of 48 hours prior written notice to the buyer that they would be on their property.” Mr. Schrock also introduced a letter dated August 18, 2011 that was hand delivered to all residents of Manchester Farms. Mr. Oleszek stated “he never received the letter.” Mr. Oleszek also asked if the letter was also sent by certified mail. Mr. Schrock replied that it did not have to be sent certified mail. Mr. Amentas asked Mr. Pompo “to what extent is the township in a position to get involved in disputes of this nature between a resident and a builder that derives from apparently a breach of contract.” Mr. Pompo replied “matters such as amenities on the residents’ property between the developer and residents are not a township issue.” Mr. Oleszek offered the Board color photos of the damage on his property. Mr. Amentas replied “submit them to the township manager.” Mr. Pompo suggested Mr. Oleszek seek legal counsel if he believes that the developer damaged his property or he is entitled to have his property developed or graded exactly as the plan. Mr. Oleszek asked if the township was ok with the builder not putting things as planned. Mr. Amentas replied “no.” and again stated that Mr. Della Penna informed the Board that there are no further problems for him to address but he will ask Mr. Della Penna to take another look. Mr. Amentas asked Mr. Holst if he would like to speak on this topic. Mr. Holst stated that Dewey Homes came out and fixed their issues. Mrs. Holst stated that their property was fixed to relieve the runoff issue.

TREASURER’S REPORT:

November 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	\$142,298.34
From the Liquid Fuels Fund	\$297,149.68
Capitol Projects Fund	\$510,977.65
Escrow Fund Accounts and remaining accounts	\$676,460.30

Mr. Broadbent asked why the trash is on an accrual basis and the other accounts are on a cash basis. Mrs. Bukata replied that most government agencies use a modified form so it’s not all accrual or all cash. The trash was done on an accrual basis but in 2011 it will be done on a cash basis. Mr. Amentas made a motion to approve the November 30, 2010 treasurer’s report as presented. Mr. Broadbent seconded.

Bob King asked how much the township billed York Waste for delivering toters to residents. Mrs. Bukata replied approximately \$2,000.00 was credited to the monthly York Waste invoice. Mr. King also asked if insurance and other employee benefits were added to their hourly rate. Mrs. Bukata replied “only their hourly wage was charged.” Mr. Amentas stated that there should be a policy on outsourcing employees and their wages. Vote: Unanimous.

Payment authorizations – Mr. Amentas asked if the fire companies were paid in full. Mrs. Bukata replied “yes.” Mr. Amentas made a motion to approve the payment authorizations as presented. Mr. Broadbent seconded. Vote: Unanimous.

2011 Budget – Mrs. Bukata stated that two changes were made since the advertisement: \$7,700.00 was added to pay Modena Fire Company for their worker’s compensation and a 4% increase to the township unemployment insurance. Mr. Amentas asked Mrs. Bukata to explain the major items from last year to this year. Mrs. Bukata stated the 2010 earned income budget was \$775,000.00 and 2011 was \$900,000.00, the real estate transfer tax was reduced from \$160,000.00 to \$130,000.00. There is also a salary freeze for all township employees in 2011 with no projected employee cuts to staffing. Mr. Amentas asked if there are staffing budget cuts. Mrs. Bukata replied that the part time billing clerk was reduced from 25 hours a week to 20 hours a week. And the bookkeeper hours were reduced from 32 hours a week to 24 hours a week. Mr. Amentas asked the staffing difference from 2010 to 2011. Mrs. Bukata replied \$241,000.00 for 2010 and \$187,000.00 for 2011. Mr. Amentas asked what adjustments are being made for the operation of the police department. Mrs. Bukata replied “vehicle costs were brought down as well as projected expenses for fuel and repairs.” Mr. Amentas made a motion to adopt the 2011 budget as presented. Mr. Broadbent seconded. Vote: Unanimous.

Revisions to Employee Policies – Tabled until the January 11, 2011 workshop.

Review of the Collection Agency – Tabled until the January 11, 2011 workshop.

Freightliner financing – Mrs. Bukata presented the Board of Supervisors with financing information for the purchase of a freightliner through First Niagara Bank. The interest will be 3.189% if the first payment is made in advance over four years with an annual payment of \$35,784.88, interest total of approximately \$6,500.00 and the total cost of \$143,139.52. Mr. Amentas made a motion to approve the financing through First Niagara Bank under the terms set forth in their letter of December 21, 2010. Mr. Broadbent seconded. Glen Colyer asked if the truck will be paid out of the Liquid Fuels Fund. Mr. Amentas replied “yes.” Vote: Unanimous.

PARK AND RECREATION COMMISSION:

November 2010 Park and Recreation Commission report – The November 2010 Park and Recreation Commission report was presented.

Mr. Carling stated that their PECO grant was extended to June 30, 2011.

PLANNING COMMISSION:

Chairman and Vice Chairman nominations – The Planning Commission unanimously voted Ryan Ray as Chairman and Jim Durborow as Vice Chairman. Mr. Broadbent asked if the member procedure was followed. Denise Miller replied “yes.” After Board discussion Mr. Amentas made a motion to appoint Ryan Ray and Jim Durborow as members of the Planning Commission for the term of January 1, 2011 to December 31, 2016. Mr. Broadbent seconded. Bob King stated the procedure created by Deborah Rush stated that you cannot run for more than two terms. Mr. Broadbent replied that he did not remember that in the procedure. Mr. Amentas stated the nomination procedure should be in a resolution. Mr. Amentas and Mr. Broadbent voted “yea” and Mr. Toth voted “nae. Vote failed.

POLICE DEPARTMENT:

November 2010 police report – The November 2010 police was presented.

Mr. Amentas asked Chief Porter if he expected to buy a new police car in 2011. Chief Porter replied “yes.”

SOLICITOR’S REPORT:

Chester County Training Facility – Mr. Pompo reported that the appeal made by the township is still pending before the Commonwealth Court. In the meantime the County of Chester purchased and made settlement on a property located in the Borough of South Coatesville where the Chester County Training Facility will be erected. Mr. Pompo also stated he sent a violation letter to the County of Chester and PECO for encroaching upon and disturbing some riparian buffer area by taking out trees. The Chester County Public Safety Foundation has agreed to consider the applicant with the township withdrawn and upon the court approval of the settlement stipulation the Foundation will pay \$10,000.00 to the township to cover the removal of trees. PECO and The Chester County Training Foundation reached an agreement that would require the Foundation to restore and stabilize the area disturbed by June 1, 2011. Mr. Amentas asked how the \$10,000.00 was determined. Mr. Pompo replied Mr. Della Penna took into consideration how much it would cost for stabilization and replanting trees. Mr. Amentas made a motion to approve the execution of the settlement stipulation between The Chester County Public Training Foundation and East Fallowfield Township pertaining to the withdrawal of the appeal and reimbursement of costs pertaining to disturbance of the riparian buffer. Mr. Broadbent seconded. Vote: Unanimous.

Mr. Broadbent asked to what fund the \$10,000.00 will be deposited. Mr. Pompo stated “The General Fund and it can be used for anything within the township.”

Mr. Pompo informed the Board that he is still researching the West Chester Road escrow fund with Mrs. Bukata.

LEGAL ISSUES:

False alarm ordinance – Mr. Amentas made a motion to adopt Ordinance 2010-06 amending the Township of East Fallowfield code of Ordinances by adding a new chapter 3, part 1, automatic protection devices. Mr. Broadbent seconded. Vote: Unanimous.

Parking Regulations – Mr. Amentas made a motion to adopt Ordinance 2010-07 amending chapter 15, part 4 of the Township of East Fallowfield code of ordinances general parking regulations. Mr. Broadbent seconded. Conrad DeAbreu had questions on the sections. Mr. Pompo replied that with the new codification of all the township ordinances the sections have changed. Mr. DeAbreu also pointed out the wording has “any person” and the old ordinance says “people, firms or contractors.” Mr. Pompo replied that the new Ordinance has a definition of “person.”

The Chester County Area Airport authorization – Mr. Amentas asked if being a partner with the Chester County Area Airport is the township agreeing to share in the cost of the development. Mr. Pompo replied “you would only be agreeing to pay 10% of what East Fallowfield ultimately owed.” On behalf of the township Supervisors Mr. Amentas made a motion to authorize himself to sign a letter indicating the township’s agreement to partner with the Chester County area Airport Authority for purposes of developing

and implementing an airport district overlay ordinance with a cost subject to reimbursement by the Bureau of Aviation. Mr. Broadbent seconded. Vote: Unanimous.

Beagle Club resolution – Mr. Amentas stated the township received a \$300,000.00 matching fund grant to purchase the Beagle Club, however the township was unable to pay \$300,000.00. Mr. Amentas made a motion to approve Resolution 2010-13 withdrawal of Round 20 Acquisition Grant for the Sportsman Beagle Club property. Mr. Broadbent seconded. Vote: Unanimous.

PennDot request for easement and Right-of Way – On behalf of the Coatesville Area School District Doug Parkins, K&W Engineers, requested the Board sign an easement and a right-of-way document. Mr. Pompo asked for clarification that the school district does not intend or will not ask the township to be responsible for any of the stormwater drainage facilities on township property or the PennDot right-of-way. Mr. Parkins replied “the School district is paying for all improvements associated with the easements and right-of-ways.” Mr. Amentas asked if the township is agreeing to release the Commonwealth of anything that happens on the property whether the township is responsible for it or not. Mr. Pompo replied “by signing the deed of easement the township is agreeing that the township will not go against the Commonwealth for damages that they may cause or anyone else under them resulting from the land itself.” Mr. Amentas asked if the township gets sued by a third party and the Commonwealth gets sued would the township not be able to insert a cross claim against the Commonwealth because of the second paragraph under Grantor. Mr. Pompo replied that this would be like giving them the property and saying East Fallowfield Township can never claim any damages. Mr. Broadbent asked what is “East Fallowfield Development Corporation.” Mr. Pompo replied “Fallowfield Development Corporation is the last date of record.” Mr. Broadbent asked if the Park and Recreation reviewed these documents. Jan Bowers replied that they did not see the documents and asked Mr. Parkins to attend the next Park and Recreation meeting. Mr. Parkins agreed. Mr. Amentas asked if the Planning Commission reviewed the documents. Mr. Parkins replied “they did not go in front of the Planning Commission.”

Mr. Parkins requested a township letter in support of South Brandywine Middle School’s sewer extension. Mr. Amentas stated that the Board would like the full scope of expansion before a letter is sent. Mr. Pompo stated that this issue is not on the agenda for discussion. Mrs. Bukata stated that Jamie MacCombie’s office delivered expansion maps to the township office. The Board moved the sewer extension to the January 3, 2011 Board of Supervisors agenda.

Jan Bowers asked if the township would inform the public of the prior sewer survey results.

Policy for connection to public sewers – Mrs. Bukata would like to change the word “should” to “must” on in the last paragraph of the second page. Mr. Amentas made a motion to implement a policy for connect to public sewers with sewage pumps as presented to the board in the December 21, 2011 meeting. Mr. Broadbent seconded. Brian Carling stated that the yearly certifications are costly and a burden. Jan Bowers asked if there is an ordinance that says you have to hookup to sewer if there is a sewage hookup extending along your property regardless of the condition. Mr. Pompo replied “if you are within 150 feet of your sewage system you must connect.”

The Board excused Mr. Pompo from the board meeting.

Fee Schedule – Mrs. Bukata presented the Board with a revised fee schedule. Mrs. Bukata also stated that Keystone Municipal Services, Inc. is reviewing the fee schedule free of charge.

2011 Supervisor Liaisons – Mr. Toth requested to be the police department liaison with Mr. Makely. The Board agreed with that change and to keep all other positions the same as 2010.

PUBLIC WORKS DEPARTMENT:

The November 2010 road and vehicle report was presented.

The November 2010 recycling report was presented.

EMERGENCY SERVICES:

The Westwood November 2010 report was presented. Mr. Broadbent stated that he would like to increase the payments to the fire companies.

PUBLIC PARTICIPATION:

Nancy Simes of 1508 Robin Road wanted to know how the township is going to handle the residents who did not hook up to the sewer for the Cardinal Drive sewer project. Mr. Amentas stated he would like more supervisors present before this is discussed.

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