

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
May 24, 2011  
Approved minutes  
6:46 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; Denise Miller, Township Secretary; Jill Bukata, Township Manager and Treasurer; Vince Pompo, Solicitor; and Chris Della Penna, Township Engineer.

EXECUTIVE SESSION: There were Execution Sessions held on April 26, 2011 at 6:00 PM, May 10, 2011 to discuss the water and sewer franchise area, and one on May 24, 2011 at 6:00 PM to discuss potential litigation.

APPROVAL OF MINUTES:

April 26, 2011 minutes – Mr. Amentas made a motion to approve the April 26, 2011 minutes as presented. Mr. Barach seconded. Mr. Makely and Mr. Broadbent abstained. Motion carried.

Christina Basin Restoration and Total Maximum Daily Load (TMDL) implementation – (\$500.00) Mr. Amentas asked Mrs. Bukata to explain \$500.00. Mrs. Bukata replied that the \$500.00 is for the 2010 contribution and approximately \$1,500.00 will be for the 2011 contribution. Mr. Della Penna or Mr. MacCombie will spearhead the project. Mr. Broadbent asked if the engineer's costs are additional to the \$2,000.00. Mrs. Bukata replied that the 2011 stormwater mapping is \$3,600.00. Mr. Amentas asked if the \$2,000 is based on 25 municipalities joining the project. Mrs. Bukata replied that it is and does not believe it will go up if fewer municipalities join. Mr. Pompo stated that he does not know of any Township that did not join the restoration project. Mr. Amentas asked if Mrs. Bukata knows what the engineer cost will be. Mrs. Bukata replied that Mr. MacCombie's office estimated \$3,600.00. Dennis O'Neill, Jamie MacCombie P.E., stated that they have been working on this project for five months and have completed a lot of the stream and watershed mapping. Mr. O'Neill explained that a portion of the project is to come up with a region wide project to help remove sediment and present it to the Environmental Protection Agency and the Department of Environmental Protection as a regional project versus every municipality doing a separate project. Mr. Amentas asked if any other members of the township in addition to the township consultants have to participate in any phase of this project. Mrs. Bukata suggested forming a committee in order to keep updated on the project. Mr. Amentas made a motion to sign the Christina Basin Restoration and TMDL implementation plan summary and immediately submit \$500.00 to the Brandywine Valley Association and also approve an additional future payment of \$1,500.00 in accordance to the plan summary and additional expenditures are not to be made without prior approval. Mr. Broadbent seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

Richard Ruoff is requesting permission to have an eleven mile bike event on Sunday July 3, 2011 that starts and ends at East Fallowfield Elementary School with extra parking at Hephzibah Baptist Church. The race will start east on Strasburg Road, turn onto Brandywine Road, go into Newlin Township and back to West Marlborough Township and across the covered bridge and up Frog Hollow Road. Mr. Ruoff is also proposing a road race on July 4, 2011. Both Newlin Township and West Marlborough Township have already given approval for the bike events sanctioned by USA Cycling. Mr. Ruoff informed the Board that a notice of the bike event will be mailed to all homes along the bike course a week in advance of the race. Mr. Makely asked how many participants are involved. Mr. Ruoff replied "approximately 400 participants." Mr. Makely asked Chief Porter if he would close the roads. Chief Porter replied that there is not a lot of traffic on Strasburg Road and Frog Hollow on a holiday. Mr. Amentas asked the mileage of the course that is in the township. Mr. Ruoff replied "three miles." Mr. Broadbent made a motion to allow the Brandywine Road Race to take place in East Fallowfield Township from 7:30 AM to 2:00 PM on July 4, 2011 as indicated on the presented map. Buddy Rhoades commented on the traffic on different roads during a holiday. Mr. Amentas stated that he understands that the participants will sign a waiver and totally appreciates what Mr. Ruoff is doing but has a philosophical problem with a private organization regulating traffic in the township even for five minutes. Mr. Ruoff stated that he would hire a police officer for the day. Chief Porter replied that he will see if two part time police officers are available. Mr. Toth asked Mrs. Miller if she received any response from Modena, Pomeroy, or Westwood fire companies indicating whether they would like to help with the bike events. Mrs. Miller replied "no response." Mr. Broadbent amended his motion to include police support and to require a certification of insurance from Mr. Ruoff. Steve Voit would like to know what kind of insurance Mr. Ruoff has and how much is it. Mr. Ruoff replied that anyone involved in either event will be covered under blanket insurance. Mrs. Bukata asked if the event will be in the Daily Local News.

Mr. Ruoff replied “yes.” Mr. Broadbent amended his motion again to include the review of the insurance certificate by Mr. Pompo. Mr. Makely seconded. Vote: Unanimous.

### TREASURER’S REPORT

Jill Bukata presented the financial report, payment authorizations.

#### Cash balances are as follows

General Fund	\$187,832.52
Liquid Fuels Fund	\$234,036.20
Capital Project Fund	\$511,150.54
Escrow Fund including West Chester Road	\$420,830.49
Park and Recreation Fund	\$239,822.85

#### Payment authorizations for the period of April 27, 2011 through May 24, 2011

From the General Fund	\$ 76,326.92
From the Liquid Fuels Fund	\$ 4,462.93
From the Escrow Account	\$ 4,774.75
From the Park and Recreation Accounts	\$ 18,994.72
Payroll Transfers	\$ 74,543.27

Mrs. Bukata stated that she still has to come within \$2,000.00 of the difference between page 4 and page 19.

Mr. Barach would like to see a monthly trash report presented at the Board of Supervisors meeting.

Mr. Barach would like the township office to be more aggressive in collecting outstanding escrow money especially Dilsheimer/Beagle Club and get Mr. Pompo involved if needed.

Mr. Amentas asked if the tax revenues are correct yet. Mrs. Bukata replied that with the change to Keystone Collections Group there are still a lot of issues to be resolved. Mrs. Bukata also stated that under Act 32 townships do not have the right to audit their tax records.

Mr. Broadbent asked when does the township run out of cash and start borrowing from the Capital Project Fund. Mrs. Bukata replied that the General Fund will be negative in September 2011 and \$100,000.00 by the end of the year depending on how the receipts fall.

Mr. Amentas asked why is the road crew over budget with their over time already. Mrs. Bukata replied “snow storms in the winter.” Mr. Makely asked if written quotes were received by snow plow contractors. Mrs. Bukata stated that she will obtain some moving forward. Mr. Amentas made a motion to approve the April 30, 2011 treasurer’s report as presented. Mr. Broadbent seconded.

Mr. Makely inquired about the Chem Search invoice for citrus cleaner. Mrs. Bukata replied that she will find out for him. Buddy Rhoades asked how the township gets earned income tax from outside contractors. Mrs. Bukata replied that new employees are supposed to put the township code on their paperwork. Mr. Amentas called for a vote. Mr. Barach opposed. Mr. Amentas asked Mr. Barach why he opposed. Mr. Barach replied “because the numbers do not reconcile.” Vote: passed with four in favor.

April payment authorizations – Mr. Amentas made a motion to approve the April 2011 payment authorizations as presented.

Mr. Broadbent seconded. Mr. Makely asked about the checks made out to employees. Mrs. Bukata replied that the checks written out to the police officers are to reimburse them for the difference in insurance co-pays and the checks to the Friends of the Park are for the egg hunt supplies. Mr. Makely asked if all documentation received before a check is written to township personnel because there was a circumstance that the township had that has been corrected. Mrs. Bukata replied “yes, and the employee was asked to sign stating that it was accurate.” Vote: Unanimous.

Update on the 2008 and 2009 audit reports – Mrs. Bukata stated that the 2008 audit report is completed, on the website, and in the back of the room. The 2008 and 2009 audit report will be presented at the June 28, 2011 meeting by partner Colleen Williams of McGladrey and Pullen, LLP.

Audit firm selection – Mrs. Bukata presented the 2010 and 2011 audit bids. McGladrey & Pullen, LLP bid \$20,500.00 for 2010 and 2011, Barbacane, Thornton & Company, LLP bid \$17,000.00 to \$18,000.00.00 for 2010 and \$17,850.00 to \$18,850.00 for 2011, and Mingis, Gutowski & Company, LLP bid \$13,500.00 for 2010 and \$14,000.00 for 2011. Mrs. Bukata recommended disregarding the bid from Mingis, Gutowski & Company, LLP because she questions someone that can do an audit for that low of an amount because the audit will be completed by a partner of the firm. Mrs. Bukata recommended staying with McGladrey & Pullen, LLP. Mr. Makely stated that the township should go with the lowest bid of Mingis, Gutowski & Company, LLP. Mr. Makely asked Mr. Pompo his opinion. Mr. Pompo replied that East Bradford is satisfied with them. Mr. Amentas asked how McGladrey & Pullen can be the highest bidder when they already have all the information they need to begin the new audit. Mr. Barach stated that if the Board agreed he would like to recommend approaching McGladrey and tell them that the township would accept their fee on a “not to exceed basis” and ask them to provide their time as they do the audit and if it’s less time based on their standard billing rate then the township would get the benefit of that savings. Mr. Barach stated that if the township hired a new firm now they would have to go back through the records and verify everything themselves and the audit would not be completed until next year. Mrs. Bukata stated that she will present Colleen Williams with the “not to exceed basis” concept. Mr. Makely made a motion to hire Mingis, Gutowski & Company, LLP for the 2010 audit for \$13,500.00 and the 2011 audit for \$14,000.00 based on being able to complete them by the legal due dates. Vote failed due to no second. Mr. Barach suggested finding out what McGladrey & Pullen are willing to do with respect to the “not to exceed” basis or make a motion contingent upon them accepting that arrangement. Mr. Barach stated that if there is work that the township office could do, it could save some money. Mr. Amentas tabled this vote until a special meeting on May 31, 2011 at 7:00 PM.

**PARK AND RECREATION:**

May 2011 report – The 2011 Park and Recreation report was presented.

**HISTORICAL COMMISSION:**

No report submitted.

**PLANNING COMMISSION:**

Update on the township comp plan – Planning Commission Vice Chairman, Jim Durborow stated that he met with Mr. Ray Ott and asked the Board to make a decision on moving forward with the comp plan at the May 31, 2011 meeting because the grant expires on June 15, 2011.

**SOLICITOR’S REPORT:**

Mr. Pompo informed the Board that he has been working with the West Chester Road developers and set the next meeting for June 1, 2011.

**LEGAL ISSUES:**

Vermeil temporary tower – Mr. Pompo stated that given the nature of the issue, he and Mr. McLarnon, Code Official, feel that the Board should specifically approve that the concept is acceptable to the Board before a permit is issued for the temporary tower. Mr. Broadbent asked what is considered “temporary.” Mr. Amentas replied “not to exceed sixty days.” Mr. Amentas asked Mr. Della Penna if he is satisfied with the plans and specifications of this project. Mr. Della Penna replied that he has no issues with the May 9, 2011 structural analysis letter. Mr. Della Penna asked Mr. Nicholas Cuce, applicant’s attorney, if the setback will comply with the township ordinance pertaining to the height of the tower versus the distance in the road. Mr. Cuce replied that he does not believe there are any setback issues at this time. Mr. Barach made a motion to allow a temporary placement of a Cell on Wheels unit on the site of the Vermeil cell tower not to exceed sixty days from the demolition of the existing tower. Mr. Makely seconded. Mr. Barach amended his motion to include “subject to the issuance of all applicable permits issued by the building enforcement officer. Mr. Makely seconded. Buddy Rhoades asked if the surrounding neighbors of the tower were informed by written notice and asked if anything is going under the out breakers. Mr. Greg DeStefano replied that information will be provided to the township at the time of permitting. Mr. Barach asked Mr. DeStefano, applicant’s representative, if surrounding residents were notified. Mr. DeStefano replied “not for a temporary structure.” Mr. Amentas stated that the temporary structure is going to have the same attachments as the original structure so he wouldn’t imagine that there would be a need to notify residents. Vote: Unanimous.

Dave Thomas – Mr. Thomas was not present.

Sewer connection ordinance – Mr. Amentas made a motion to advertise an ordinance amending chapter 18 of the East Fallowfield Township code pertaining to the connections to public sewers in the form of the Solicitor draft date May 9, 2011 with one change in

the last sentence of the ordinance to be replaced with the following language; "This exception shall not apply and a connection must be made upon change of ownership of a living unit." Mr. Broadbent seconded. Vote: Unanimous.

South Brandywine franchise area – Mr. Kurowski, K&W Engineers, stated that he met with Mr. MacCombie and Pennsylvania American Water Company (PAWC) and their consensus of the franchise area is solely the School District property and some property frontage on Doe Run Road and Strasburg Road. Mr. Pompo asked Mr. Kurowski to give a brief update on the new alternative discussed. Mr. Kurowski informed the Board that the concept has leaned toward the district putting in lines which would only be servicing the district building. Pennsylvania American Water Company (PAWC) is looking to continue the water line down Doe Run Road as originally proposed and the sewer line running down Doe Run Road and along Strasburg Road out through the park and connect to existing sanitary sewer in the development on the other side of the township park as a gravity sewer system for as long as possible. There still may need to be a pump station as part of that somewhere in the Burke property. Two potential routes are being evaluated. One is a shorter route that would basically be half way between Doe Run Road and Buck Run Road cut through the township park and connect to Ospry Lane or continue as far toward Buck Run Road as possible and loop around and come around the back side of the township park and then connect directly into the existing pump station at the backside of the adjacent subdivision. Mr. Makely asked how far the line is going up on Route 82 (Doe Run Road). Mr. Kurowski replied "the entire frontage of the school property." Mr. Makely asked about taking the line down to Triple Fresh. Mr. Barach stated "I had a twenty minute call with Jamie MacCombie before tonight's meeting and he believes there has been real progress because as far as funding the plan, it now is not an issue where the water company is paying for the entire cost. Mr. Kurowski replied that at this point a design and potential cost has been established. Evaluate that versus the amount that the district was already willing to pay for whatever facilities they were going to have to install relative to their project and if it exceeds that amount then it has to be discussed. Mr. Barach stated that the Board's approach was not to sign off on a limited franchise area but to expand the franchise area as part of this whole situation. Mr. Barach stated that in talking with Mr. MacCombie he thought it was in place, that PAWC was funding the entire project and the township would not have to pay any amount. Mr. Dennis O'Neill replied "based on the preliminary cost estimates he believes that PAWC believes they have the funding available with the school district's money to get this piece in place without costing the township." Mr. Barach replied that the township does not have anything in writing, stating that PAWC will pay the difference so the township doesn't have to pay anything. Mr. Kurowski stated that they are looking for what they need to do in order to move forward with the project. Mr. Pompo pointed out that from the sewer perspective; the whole idea of pulling the line down Strasburg Road to appoint more in the township park area is to capture by gravity a larger residential area in the township and to size the pipe as well as the pump station in order to accommodate future connections in those areas. That is the only reason why PAWC would even consider this. No one does anything because they want to be nice it is because they have potential additional service area. That is where Mr. MacCombie is pushing PAWC in order to utilize as many dollars as possible that are now on the table. The other aspect of this is that it's true in order to officially go for the larger service area now, because of the present state of the township's Act 537 plan and some other consideration it will be a major service area expansion project that will essentially delay the school district. The school district is willing to take their money to allow this to happen but everyone is trying to find a way to make it a "win-win" situation. Mr. Pompo asked Mr. Barach if he is trying to find a way to better memorialize what a future service area could be. Mr. Barach replied that it is not just a future service area it's a commitment to fund the system and to actually build the system so that the Board is not approving something that gets caught up in red tape and never gets completed and the sewage and water for the school and residents doesn't exist. Mr. Pompo replied "if you are looking for a commitment to actually sewer that residential area they are not there yet." There is no commitment from the school district or PAWC to actually sewer that area. Mr. Barach stated that he is looking for a commitment in writing. Mr. Broadbent suggested having Mr. MacCombie write a letter regarding the meeting and what was agreed to, who will build the project, and who will fund it. Mr. Kurowski replied that he will speak to Mr. MacCombie and get a letter to the Board that addresses Mr. Broadbent's and hopefully Mr. Barach's concerns. Mr. Kurowski also stated that he will talk with PAWC and get their information in writing. Mr. O'Neill stated that he believes that PAWC is waiting for Mr. MacCombie's cost estimate before they put anything in writing. Mr. O'Neill also asked if he could tell PAWC to work up a price estimate based on the current phase I map. Mr. Barach replied "no" the Board would like to meet with Mr. MacCombie to see what PAWC is giving the township and maybe the township would want more, without creating too much of an expanded area. Mr. Kurowski asked "sewer or water or both?" Mr. Barach replied that it could be water up to one intersection and sewer limited to a different area, whatever is practical. The Board has set a special meeting for May 31, 2011.

#### POLICE DEPARTMENT:

April 2011 police report – The April 2011 police report was presented.

Resignation of Officer Matthew Frederick – Mr. Amentas made a motion to accept the resignation of part time police officer Matthew Frederick effective May 16, 2011. Mr. Makely seconded. Vote: Unanimous.

The hiring of Officer Mark McKinney – Mr. Amentas made a motion to hire Mark McKinney as a part time police officer effective May 24, 2011 at a pay rate of \$22.75. Mr. Makely seconded. Mr. Makely asked Chief Porter if Officer McKinney’s hours are going to be exactly the same as Officer Frederick. Chief Porter replied “correct.” Mr. Amentas amended his motion to hire Mark McKinney as a part time police officer effective May 24, 2011 at the pay rate of \$22.75 regardless of when during the day he works as per the Collective Bargaining Agreement. Mr. Makely seconded. Vote: Unanimous.

The winning bid for the 2005 Chevrolet Impala – Mr. Amentas made a motion to accept the winning bid of \$1,827.00 for the 2005 Chevrolet Impala police car VIN #2G1WF55K059350265 with 93,297 miles. Mr. Makely seconded. Mr. Barach asked how many bids were received. Mrs. Bukata replied “eight bids on the 2005 Chevrolet Impala and seven bids on the 2000 Ford Crown Victoria Police Interceptor.” Vote: Unanimous.

The winning bid for the 2000 Ford Crown Victoria Police Interceptor – Mr. Amentas made a motion to accept the winning bid of \$1,299.00 for the 2000 Ford Crown Victoria Police Interceptor VIN#2FAFP71W5YX179267 with 108,754 miles. Mr. Makely seconded. Vote: Unanimous.

**PUBLIC WORKS DEPARTMENT:**

April 2011 recycling report – The April 2011 recycling report was presented.

April 2011 road and vehicle report – The April 2011 road and vehicle report was presented.

**EMERGENCY SERVICES:**

No report submitted.

**UNFINISHED BUSINESS:**

No unfinished business presented.

**NEW BUSINESS:**

No new business presented.

**PUBLIC PARTICIPATION:**

Chris Porter of 795 South Caln Road asked the Board why are they reluctant to go with the lowest bid for the audit. Mr. Barach replied that the advantage with staying with the present firm is timing and he is also concerned with presenting the statements as soon as possible. Mr. Barach also stated that when the township changed to McGladrey and Pullen, LLP they had to go back and do due diligence for many years and if changed now the new firm will have to go back and do their research. Mr. Broadbent stated that he would like to have the audit completed before the Board gets into discussions about a township tax.

Buddy Rhoades of 2176 Strasburg Road commented on the audit bids and on the PAWC sewer line.

Jim Sisk of 325 Doe Run Road asked “is it the opinion of the Board that the 2010 audit does not depend on the 2008 and 2009 audit that was already paid for.” Mr. Barach replied that there is a professional standard that the AICPA requires new audit firms to evaluate whether the prior audit firm was competent in performing their work. Mr. Sisk asked “isn’t that the Manager/Treasurer’s job.” Mr. Barach replied no, but she can assist in the process. Mrs. Bukata stated that the “Management Discussion and Analysis” (MD&A) is prepared by management and then reviewed by the auditor firm. Mr. Sisk asked if the MD&A given to the new auditor. Mr. Barach replied “that is not the substance of the audit, that’s a discussion provided by the township. The substance of the audit is verification of the numbers that are in the report.”

Nancy Simes of 1508 Robin Road requested a copy of the written report from Jamie MacCombie. Mrs. Bukata replied that she has not yet received it.

**ADJOURNMENT:** Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 9:22 PM. Mr. Amentas seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller, Township Secretary