

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 23, 2011
Approved minutes
6:40 PM

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Amentas, Chairman; Chris Makely, Vice Chairman; Gary Barach, Member; Mark Toth, Member; Denise Miller, Township Secretary; Jill Bukata, Township Manager and Treasurer; Brian Leinhauser, Solicitor; Chris Della Penna, Township Engineer. Member Mr. Broadbent was absent.

CORRECTION: Mrs. Bukata corrected her statement that was made at the July 26, 2011 meeting by explaining that there is one property located in the Borough of Modena where the trash is collected by East Fallowfield Township and paid by a Modena resident and there are five properties located and paid to East Fallowfield Township with the Borough of South Coatesville picking up the trash. Buddy Rhoades stated that the five residents picked up by South Coatesville do not have the required York Waste toters.

APPROVAL OF MINUTES:

July 26, 2011 minutes – Mr. Amentas made a motion to approve the July 26, 2011 minutes as presented. Mr. Makely seconded. Mr. Barach and Mr. Toth abstained. Vote failed.

BID AWARD:

Hephzibah Hill Road paving project – Mrs. Bukata presented the four Hephzibah Hill Road bids that were opened on August 23, 2011 at 12:00 PM by Chris Della Penna. The four bidders were Kehoe Construction for \$56,034.60, Warihay Enterprises for \$64,699.99, Reading Site Contractors for \$84,154.00, and S.A. Macanga for \$50,400.00. Mr. Amentas made a motion to award the Hephzibah Hill Road paving project to S.A. Macanga in the amount of \$50,400.00 contingent upon PennDot approval. Mr. Barach seconded. Mr. Barach asked Mr. Leinhauser to add a “cost not to exceed” clause into the contract. Mr. Leinhauser replied that he can ask to have it added but the contractor may reject the request as “breach of contract.” Mr. Barach asked if the township could require a “change order” for anything above the unit materials specified in the bid. Mr. Amentas replied “he assumes that there is something in the clause about change orders in the event that something is discovered that is beyond the scope where contract documents indicate where the specifications are.” Mr. Barach asked if the contract doesn’t have a “cost to exceed” specified, then add “any changes in the estimates require a “change order” and authorization before the contractor can proceed with the work.” Mr. Della Penna stated that Mr. Macanga’s bid is based on doing the work in one day. Mr. Makely asked Mr. Della Penna if he is going to supervise the project. Mr. Della Penna replied that he will be there and he will ask for guidance from the Board if he receives a “change order.” Bob King commented on a prior paving job on West Chester Road. Buddy Rhodes commented on the Mortonville Road job. Mr. Amentas called for a vote: Vote: Unanimous.

CITIZENS BY REQUEST:

None.

TREASURER’S REPORT

Jill Bukata presented the financial report and payment authorizations.

Cash balances are as follows

General Fund	\$144,927.72
Liquid Fuels Fund	\$388,542.61
Capital Project Fund	\$511,523.87
Escrow Fund	\$404,287.72
Park and Recreation Fund	\$171,832.10

Payment authorizations for the period of June 29, 2011 through July 26, 2011

From the General Fund	\$ 96,848.54
From the Liquid Fuels Fund	\$ 3,018.91
Payroll Transfers	\$ 76,743.88
From the Capital Projects Fund	\$ 58,339.00

Mr. Barach asked Mrs. Bukata about the \$20,000.00 difference from the expenses that is shown on the P&L and the analysis of the funds. Mrs. Bukata replied that she has the revenue portion down to a \$3.00 difference and the expense down to a \$3,800.00 difference. The difference is caused by items such as worker's compensation checks. Mr. Barach told Mrs. Bukata to start putting the reconciliation in the financial report. Mr. Amentas asked Mrs. Bukata if the earned income funds received attached to a particular source. Mrs. Bukata replied "not really." Mr. Barach replied that they have a remittance for every individual they receive money from so in trying to determine whether the township has received all of their money you have to take the township data base and correlate with all the funds received and try to find the anomalies of what has not been collected from the taxes collected. Mr. Barach stated that he is working on this but it will take some time to complete the project. Mr. Makely stated to Mrs. Bukata that according to her report she is optimistic that the township will be close to budget for the year. Mr. Makely also asked how much Capital Project money will be used. Mrs. Bukata replied "\$270,000.00." Mr. Makely asked Mrs. Bukata the biggest amount over budget. Mrs. Bukata replied "that it is not one individual item; it's a lot of little things." Mr. Amentas asked Mrs. Bukata what the status of the West Chester Road Escrow Fund is. Mrs. Bukata replied "I will send the Board an email on the status." Mr. Amentas made a motion to approve the July 2011 Treasurer's report as presented. Mr. Toth seconded. Bob King asked if sick time is accrued. Mrs. Bukata replied that sick time is accrued at the end of the year and upon retirement 25% of unused sick time is given to the employee. Mr. Barach stated that sick time does not have a separate cash fund, it is set up as a liability which means it is reported on the balance sheet of the township as a potential liability accrued as a liability against assets that the Township has. Mr. Amentas called for a vote. Vote: Unanimous.

August 2011 payment authorization – Mrs. Bukata stated that check #20383 is under discussion and should be omitted from the payment authorizations. Mr. Amentas made a motion to approve the payment authorizations for July 27, 2011 through August 23, 2011 with the exception of check #20383. Mr. Barach seconded. Mr. Barach asked Mrs. Bukata if this motion brings the township within thirty days of all payables. Mrs. Bukata replied "yes." A resident asked what "PMRS" stands for. Mr. Makely replied "Pennsylvania Municipal Retirement System." Vote: Unanimous.

Discussion on budget process and long range planning – Mrs. Bukata stated that she would like the Board to be in a position to approve a budget by the end of November 2011. Mrs. Bukata also stated they she would like to start scheduling budget workshops. Mr. Makely stated that since this is an election year the budget will be reopened for the two new Supervisor Members. Mr. Barach stated that Mrs. Bukata should set the budget meeting dates now and notify those that should attend. Mrs. Bukata stated that if the Board wanted to implement a "real estate tax" it would have to be in place by December 1, 2011. Mr. Amentas asked Mrs. Bukata to meet with the department heads on their budget.

PARK AND RECREATION:

August 2011 summary – The August 2011 summary was presented.

August 2011 approved minutes presented – The August 2011 approved minutes was presented.

Park Day event – Mr. Dan Johns asked the Board of Supervisors for \$1,000.00 from the Park and Recreation Fund and \$1,550.00 from the Friends of the Park for the October 9, 2011 Park Day event. Mr. Johns would also like the Board to authorize the utilization of the Public Works Department for this event. Mr. Makely made a motion to proceed with the annual Park Day event for Sunday October 9, 2011 from 11:00 AM to 3:00 PM and fund \$1,000.00 from the Park and Recreation Fund and \$1,500.00 from the Friends of the Park Account. Mr. Amentas seconded. Glen Colyer stated that the Public Works Department salaries should be taken from the Park and Recreation Fund. Mr. Amentas replied that they are working for the township. Mr. Makely stated that you could break it down for accounting purposes but the money is from the General Fund. Jim Sisk stated that the money should come from the General Fund and he also has heard complaints about the event being held on a Sunday. Vote: Unanimous.

Mr. Johns informed the Board that the Park and Recreation Commission ("P&RC") made a recommendation regarding Ridgecrest Development. Mr. Amentas replied that he did not receive a recommendation regarding Ridgecrest Development. Mrs. Bukata replied that the ("P&RC") met with Mr. Moser and they want payment after Phase I and Mr. Moser doesn't want to pay until after Phase II. Mr. Makely stated that he would like to speak with Mrs. Bukata regarding why the ("P&RC") is involved in how funding is disbursed.

Mrs. Bukata replied “ok.”

HISTORICAL COMMISSION:

No report submitted.

PLANNING COMMISSION:

June 2011 approved minutes – The June 2011 approved minutes was presented.

POLICE DEPARTMENT:

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

Buddy Rhodes stated that residents should have the opportunity to speak after the police report. Mr. Amentas replied that the Board will look into changing the procedure at the next workshop.

SOLICITOR’S REPORT:

Mr. Leinhauser stated that there was no report at this time.

LEGAL ISSUES:

Fairview Road speed limit reduction – Mr. Amentas made a motion to approve Ordinance 2011-03 reducing Fairview Road speed limit from 35 MPH to 25 MPH. Mr. Barach seconded. Mr. Makely asked Mr. Leinhauser if this motion can be brought up again since the vote failed last month. Mr. Leinhauser replied “This ordinance was advertised on July 11 and is good for sixty days and may be revised and brought to another vote.” Mr. Barach stated that this ordinance is for safety reasons because of the tower being erected, trucks entering the driveway, and the visual associated with the driveway. Mr. Barach also asked if all the roads in the township are being evaluated. Buddy Rhoades commented on the driveway for “New Cingular Wireless” and other township road speed limits that should be reduced. Bob King asked if a “speed limit committee” can be formed. Mr. Toth stated that he is evaluating reducing other township road speed limits with Tag and Chief Porter. Vote: Unanimous.

New Cingular Wireless final approval – Mr. Amentas made a motion to approve the AT&T, Verizon Wireless, and Richard and Carolyn Vermeil site plan/land development plans located at 775 Fairview Road and last revised July 1, 2011. Mr. Barach seconded.

Buddy Rhodes requested the final legal fee paid to the Township Solicitor. Mrs. Bukata replied “as of last month, the balance was paid in full.” Mr. Barach asked for a report at the next meeting whether this account has been paid in full. Vote: Unanimous.

ATV ordinance – Tabled to the September 13, 2011 workshop for further review. Mr. Makely asked Chief Porter to attend the next workshop.

Portnoff and Associates – Fee ordinance required – Mr. Makely presented Portnoff and Associates who will collect the township trash receivables. There is no cost to the township other than \$45.00 that will be reimbursed. Mr. Makely made a motion to advertise an ordinance amending the code of ordinances of East Fallowfield Township by approving collection procedures and adopting penalty, interest, and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts.

Mr. Amentas asked who prepared the ordinance. Mrs. Bukata replied “Portnoff and Associates.” Jim Sisk asked if other delinquencies will be collected. Mr. Makely replied that this motion is only for trash receivables. Mr. Leinhauser stated that the ordinance gives the municipality permission and sets forth the procedures for collecting any delinquent fee. Mr. Barach asked “why is there not a contract approving and authorizing as opposed to an ordinance naming “Portnoff” the solicitor.” Mr. Leinhauser replied that “Portnoff” cannot act on behalf of the Township if there is not an ordinance in place setting forth the fees, schedules, and procedures for collection.

Mr. Leinhauser also stated that the agreement with “Portnoff ” reads that they will not invoice the township until they have collected the delinquent fees and their payment is taken from fees collected. Mr. Amentas asked Mrs. Bukata if the ordinance incorporates the agreement by reference. Mrs. Bukata replied “she is not sure.” Mr. Barach recommended that “termination at any time within thirty days” be added to the contract.

PUBLIC WORKS DEPARTMENT:

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

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

EMERGENCY SERVICES:

No reports presented.

UNFINISHED BUSINESS:

No unfinished business presented.

NEW BUSINESS:

Fire Company consolidation presentation – Mrs. Bukata stated that Russ Guthrie, Consultant for the fire company consolidation will make a presentation at the September workshop. Mrs. Bukata also stated that other Township Supervisors will be in attendance.

Tag Gathercole, Public Works Director – Mr. Gathercole stated that 85% of the brush going to the compost site is from East Fallowfield Township. Mr. Gathercole also asked the Board to approve \$4,500.00 to complete 300 feet of paving on Chelsey Drive and overlay 0.3 miles on Wilmington Road. Mr. Amentas replied that Wilmington Road was already in the budget so a motion is not needed. Mr. Barach asked if there is money left in the Liquid Fuels Account after the Chelsey Drive project is paid for. Mrs. Bukata replied that there is \$388,000.00 in the Liquid Fuel Account, minus \$50,000.00 for the Hephzibah Hill Road project. Mr. Makely made a motion to authorize the Road Master to get three bids for the paving of 300 feet of Wagner Lane reporting back to the Board for final determination. Mr. Amentas seconded. Jim Sisk asked how two different contractors will do the work. Mr. Gathercole replied that is the reason he wants to have Dave Thomas's contract continue onto Chelsey Drive and pave the whole road at one time. Buddy Rhodes commented on paving jobs and how the motion should read. Vote: Unanimous.

PUBLIC PARTICIPATION:

John Davis of 224Wilmington Road expressed his complaints on the use of ATV's at his neighbor's house. Mr. Amentas stated that he will make a "motion" at the next Board meeting. The Board tabled this ordinance until the September 13, 2010 workshop.

Jim Sisk of 325 Doe Run Road stated that the proposed ATV ordinance is a conflict because the Pennsylvania Law applies to when you take something off your private property onto another property and this ordinance is for private property. Mr. Amentas replied "he believes it references Pennsylvania Law in certain contexts and not generally." Mr. Makely stated that Chief Porter told him that this ordinance is totally unreasonable, unrealistic, and unenforceable. After further Board discussion this ordinance was tabled until the September 13 workshop. The Board asked Chief Porter to attend the September 13 workshop.

Bob King of 235 Misty Patch spoke about enforcement of the ATV ordinance and township road speed limits.

Jim Sisk of 325 Doe Run Road asked how the township can enforce "dust" in the ATV ordinance when it does not regulate the dust from the landfill, slag pit, or the blacktop plant. Mr. Makely asked Mr. Amentas if he would allow the public to speak at the September workshop. Mr. Amentas stated that he cannot think of a good reason to allow that.

Buddy Rhoades of 2176 Strasburg Road asked the Board if they are suing the Township Zoning Board and if so how much are the legal fees so far. Mr. Rhoades also asked how much is the Township paying to the Western Chester County Emergency Response Team. Mr. Rhoades also had miscellaneous concerns regarding the township.

Ed Porter of 795 South Caln Road asked Mr. Barach how the previous financial mistakes could have happened with the past auditor not catching them. Mr. Barach replied that he does not want to speak to the past mistakes. Mr. Barach also stated that this is why the Board changed auditors and hired a township manager. Mr. Porter also asked if the township was denied the Comprehensive Plan grant. Mr. Amentas replied "yes."

Jim Sisk of 325 Doe Run Road commented on the 2008 and 2009 audit mentioning a real estate tax and a separate tax to support the fire departments. Mr. Barach replied that his preference would be a temporary safety surcharge.

Bob King of 235 Misty Patch Road asked about the \$50,000.00 Park and Recreation mistake. Mr. Barach replied "that goes back to when the park was developed and the land was acquired."

ADJOURNMENT: Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 8:45 PM. Mr. Makely seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary