

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
October 30, 2007  
APPROVED**

**THE MEETING WAS CALLED TO ORDER AT 6:06 BY CHAIRMAN GARTH MONAGHAN followed by Silent Meditation and Pledge of Allegiance.**

**IN ATTENDANCE:** Garth Monaghan, Chairman; Denny Howell, Vice Chairman; George Broadbent, Member; Mark Espie, Treasurer; Vince Pompo, Solicitor; Denise Miller, Secretary.

**APPROVAL OF MINUTES:** George Broadbent moves to accept the September 26, 2007 meeting minutes. Denny Howell 2<sup>nd</sup>. Comments or questions? Vote: Unanimous.

Jamie MacCombie with PAWC matters: Mr. MacCombie is satisfied with the plans for the Beechwood Drive sewer line provided the Township is ok with the location now, as opposed to Strasburg Road. Location of additional hydrants on the project? When \$350,000.00 is reached PAWC will still complete the project. Mr. MacCombie has a couple of concerns regarding the final plans for the design of the sanitary sewer system regarding the Cardinal Drive Area at the end of Valmont Drive, the bottom of the last manhole was at the elevation of the first floor of the houses of the adjoining side, which means they can't get in by gravity. Mr. MacCombie states the lines should go down 14 ft. deep instead of 6 ft. deep.

Mr. Howell would like to see it in writing that PAWC would not stop the project when they reached \$350,000.00. Mr. MacCombie states the Board and Mr. Pompo has to agree to accept the project and be part of an agreement and an addendum to the agreement. Mr. Pompo states he will make sure this is in the amendment. Mr. Lentowski put in his response to Mr. MacCombie, under the 2<sup>nd</sup> note, to include everything on Beechwood Drive with reasonable restoration requirements. Mr. Monaghan calls for any questions. None at this time. The Board agrees to move forward on the water extension on Beechwood Drive. The Board excuses Mr. MacCombie.

**TREASURER'S REPORT:** Mark Espie stated for the period ending September 30, 2007 we had liquid assets in the General fund of \$324,616.19, with additional assets in our escrow account of \$838,665.02 and State Liquid Fuels Fund \$190,872.72 and Capital Projects \$795,829.82. Bringing total liquid assets to \$2,149,983.75. At this time the Treasurer is requesting payment authorizations from the General Fund of \$218,905.29, the escrow of \$7,995.61 and the State Liquid Fuels fund of \$10,786.76. Bringing total payment authorizations to \$237,687.66. For the period ended September 30, 2007 the General Fund had a deficit of \$72,013.46 and included in part 2 is the P&R balance of \$467,551.75.

Garth Monaghan moves to authorize the Treasurer to make payment from the General Fund and Liquid Fuels fund as requested. Discussion? Sharon Scott asks about the deficit. Mr. Espie states Oct. deposits of \$130,000.00 for the earned income tax is not

reflected yet. George Broadbent 2<sup>nd</sup>. Vote: Unanimous. Mr. Monaghan excuses Mr. Espie from the meeting.

**SOLICITOR’S REPORT: Vince Pompo**

Mr. Pompo states after the public hearing the Board had an Executive Session to discuss a matter that is in litigation involving the Township.

Mr. Pompo states Mr. Monaghan will be excused at 8pm tonight.

Verizon Franchise Agreement: Term of 15 years to cover essentially the entire Township with a franchise fee of 5% of the annual revenues and provides a \$4,500 grant to offset the Township getting free service. Mr. Monaghan asks what percentage/area is served by the Parkesburg Wire Center and is it available tonight? Mr. Darlington, Verizon Rep., states it would be 3% of the Township and it is not available tonight. Estimated time for TV hook-up is 60 months. Mr. Pompo recommends that the Board approve the Verizon Agreement. George Broadbent moves to accept the Cable Franchise Agreement between E. Fallowfield and Verizon. Garth Monaghan 2<sup>nd</sup>. Questions? Bob King fee service offered to the Township and questions the \$46 monthly fee? Mr. Darlington states its called pre-cable drops. Mr. Broadbent states the \$46 is for internet service. Vote: Unanimous. Mr. Broadbent asks when can residents call for service. Mr. Darlington states the C-ville wire center is suppose to go on line tomorrow and can call next week.

Motion to adopt Ordinance 2007-06 - The proposed Public Safety Training Facility Zoning Amendment Ordinance: Both transcribed testimony notes will be available in the Township Office for public review. This has been advertised for possible enactment by the Board this evening. Mr. Pompo states should the Board approve this Ordinance the next procedural step is for the applicant to file a Conditional Use (CU) Application in accordance with the Ordinance and then the application would be reviewed by the Planning Commission and then go before the Supervisor’s for a public hearing and then following the CU proceeding assuming the application is approved, with or without conditions then the next step is to go to the Land Development Process. Mr. Monaghan moves to adopt Ordinance 2007-06 as modified. George Broadbent 2<sup>nd</sup>. Discussion from the Board? None. Discussion from those present? Vote: Unanimous.

Motion to adopt Resolution 2007-06 – The Chester County Beagle Club Grant: This Resolution would authorize the filing of the Grant Application with Chester County. Motion to approve the contract between East Fallowfield Township and The County of Chester for the XX Grant regarding the Beagle Club: This is a requirement of the County that the Township is agreeing in advance to the actual terms of the Grant Contract at the time the Township files the Application for the Grant Award with the County. By enacting the above 2 actions the matter is essentially authorized to go forward for the Grant Application. This does not bind the Township to actually accept the Grant funds; it would allow the Grantor to put it into the process. Questions? None. Mr. Monaghan moves to approve the C.C. Grant Resolution as 2007-06 submitted authorizing the County to consider the Grant Application. George Broadbent 2<sup>nd</sup>. Discussion? Buddy.

Rhoades thanks the Board and to contact Representatives. Vote: Denny Howell opposed. George Broadbent and Garth Monaghan in favor.

Mr. Monaghan moves to accept the C.C. County Grant Contract as presented. George Broadbent 2<sup>nd</sup>. Discussion? None. Vote: Unanimous.

Consideration to authorize a public hearing regarding the revised draft of the Open Space Design Option dated April 24, 2007 – Ordinance 2007-07: This Ordinance would essentially reestablish within the Zoning Ordinance the Open Space Design Option (OSDO), a new Article 1300. A few years ago the Township repealed the OSDO provisions in the Zoning Ordinance after the Planning Commission's recommendation, believing that the Ordinance in place was not serving the best interest of the Township. This proposal will essentially provide a density neutral way of handling the Open Space or cluster Ordinance provisions meaning that for any land which is subject to the Ordinance their essentially the same density that exists in the underline zoning district (R1, R2 or R3) would apply if you would use a cluster. George Broadbent moves to advertise proposed Ordinance 2007-07 as presented for discussion at the next meeting. Denny Howell 2<sup>nd</sup>. Discussion? Mr. Ron Scott: going smaller is the wrong way? No 500 gallon propane tanks allowed in a development. Sharon Scott: Tom Comitta's fee? Copy of Grafton OSDO and new Design Option. Mr. Pompo states the new one is on the website and the old one is in the Zoning Book. Vote: Unanimous.

Motion to authorize the advertisement of the amendments to the Local Services Tax Ordinance: The EMS tax would be changed to the Local Services Tax and to require that Municipalities include certain additional provisions such as an exemption if a person's income is \$12,000 a year or less and requires employer's to take out \$52.00 over a period of time. These changes are mandated by law and in order for a Township to maintain the tax it must make these amendments. Mr. Pompo asks the Board for authorization to advertise for adoption at the November meeting. Garth Monaghan motions to authorize the Solicitor to advertise. Denny Howell states this in no way implies they agree with this. George Broadbent 2<sup>nd</sup>. Discussion? Vote: Unanimous.

**POLICE DEPARTMENT: Chief Mango**

The September Police and Citation report is available on the back table. 3100 incidents were handled in the Township as of today. Chief Mango is concerned with the changes in C-ville and what the impact will be in the Township's crime rate. If there is anything the Township could do politically to encourage Coatesville to increase there police department.

Motion to accept the resignation of Ofc. Shannon Miller effective November 15, 2007: George Broadbent moves to accept the Ofc's. resignation as presented. Garth Monaghan 2<sup>nd</sup>. Discussion? None. Vote: Unanimous.

Motion to accept the resignation of Ofc. James Kaliavik effective October 14, 2007: George Broadbent moves to accept Ofc. Kaliavik's resignation. Garth Monaghan 2<sup>nd</sup>. Discussion? Glen Coyer did the Ofc's take their uniforms? Chief Mango states everything stayed except their body armor. Ofc. Kaliavik's paid \$600.00 for his body

amour. Ofc. Miller took her body amour and W. Caln and Parkesburg gave us their body armor. Buddy Rhoades comments on high turnover in police/comments on the police contract. Vote: Unanimous.

Motion to hire part-time police Ofc. Patrick J. Ely, subject to the terms and conditions of the police contract effective October 14, 2007: Chief Mango rec'd earlier approval from the Supervisors. George Broadbent moves to hire Ofc. Patrick Ely. Denny Howell 2<sup>nd</sup>. Discussion? None. Vote: Unanimous.

Motion to approve the purchase of a 2008 Ford Crown Victoria Police Interceptor sedan from WINNER Ford in the amount of \$20,588.00: The contract requires that the car be delivered within 160 days, if ordered in the beginning of November it won't be in until April or May. Mr. Espie suggested to consider a lease purchase depending on income. George Broadbent moves to authorize the purchase of the new Ford Crown Victoria Police Interceptor. Garth Monaghan 2<sup>nd</sup>. Mr. Monaghan asks if this is the normal replacement rotation. Chief Mango states yes it is; they replace a car every year. Chief Mango reminds the Board they are waiting on word regarding the SUV grant. Discussion? Siti Crook clarification on why S. C-ville would give a citation in Modena a month ago. Chief Mango will speak with Mrs. Crook at another time. Sharon Scott comments on police cars. Buddy Rhoades S-Cville car grant. Vote: Unanimous.

East Fallowfield Police were awarded a 50% grant for \$672.95 for 2 sets of body armor.

#### **HISTORIC COMMISSION: Paula Coyne**

Moving forward with making plans for 2008 town tour. East Fallowfield Township has the most blue star villages on the Landscapes Map and they are working on the Historic Resource Identification. Buddy Rhoades comments on Historical Structures in the Township. Sharon Scott comments that it's Fallowfield Historic Commission and Fallowfield Historical Society.

#### **PLANNING COMMISSION:**

No report at this time.

#### **PARK & RECREATION COMMISSION: Peter Massaro**

Simone Collins, Stantec and Chris Della Penna met with the C.C. Conservation District on 10/11/07 regarding the forthcoming NPDES permit application. From the review of the storm water management facilities the P&RC was made aware of a DEP requirement of a no disturbance, no discharge 50 ft. buffer around any wetlands, they will discuss with the County all possible alternatives for compliance.

The P&RC thanks the Board for following up with the Health Dept. regarding the investigation of the wet area in the field on Strasburg Road and PennDot regarding the 2 headwalls on Strasburg Road.

Request for approval of Simone Collins Inv's #7559 for \$6572.50 and #7584 for \$577.50 for park design services and Inv. #7585 for \$3812.50 for meetings related to the park

design. Garth Monaghan motions to pay the following invoices upon receipt of invoices. George Broadbent 2<sup>nd</sup> to pay invoices 7559, 7584 and 7585 approx. \$10,500.00 Discussion? Bob King acknowledges and thanks the P&RC for their hard work and dedication and about the time frame. Mr. Massaro states they should be starting in March. Vote: Unanimous.

George Broadbent asks about a Boy Scout putting up a flag in the park. Mr. Massaro has an Eagle Scout Candidate to put up a flag pole area and previously spoke to who Mr. Broadbent is referring to (Don Burt). Mr. Massaro will put Mr. Burt in contact with Jeanne Berlin, P&RC secretary. Bob King comments on the flag pole sites.

The tree guide is available in the Township Office for \$3.00 and on the website for free.

The P&RC has reviewed the Abrahams plan and the information provided by Ashley Hickman of EB Walsh and recommends to the BOS that they enforce and accept the fee in-lieu Ordinance.

Recommended positions: Peter Massaro - Chairman, Joe Dietrich – Vice Chairman, Ken Hanson – Treasurer and Jeanne Berlin – Secretary.

**FRIENDS OF THE PARK:**

No report available at this time.

**EMERGENCY DEPARTMENT: Tony Sirna, Fire Marshall**

The September Emergency Service Report and Modena August and September Fire report were available on the back table for review. Buddy Rhoades comments on fire departments.

Mr. Sirna reports that he has completed the Emergency Operations update plan now current with Government standards. This is not a public document per Government standards. Mr. Sirna requests the Board to make a resolution to adopt to be filed with the County and Government. Garth Monaghan states once all Board members review the Resolution it will be adopted at the next meeting. Any request must be made to Mt. Sirna through the Township Office. Mr. Monaghan calls for any discussion/comments? None.

**ROADS DEPARTMENT:**

The September road report and vehicle service record was available on the back table for review. Buddy Rhoades comments on W. Chester/S. Caln road repair. Ron Scott Mr. Carmel road is still in need of repair.

RP Scott thanks the Board for honoring him on May 26<sup>th</sup> for 50 years of active service. Mr. Scott requests the Fire dept. be put on a line item budget in 2008 (raised to \$190,000.) and have a committee formed with 2 Fire Marshalls, 1 Supv. and residents.

Mr. Monaghan excuses himself and directs all further questions to Denny Howell, Vice Chairman.

Buddy Rhoades use the \$1500 for fire companies, police and roads, comments on the budget/real estate tax. Mr. Broadbent comments to don't allude that a real estate tax is being planned.

Mr. Broadbent asks if there are any other restrictions on the fee in lieu of fund or set up another fund? Mr. Pompo states the fee in lieu of is specifically for recreation facilities and legally the Township could not force another fund, the 2<sup>nd</sup> class Township code does authorize the Township to do up to a 3 mil real estate tax for fire protection services.

Sharon Scott disagrees with the number of houses RP Scott stated and he should add Modena houses. Mr. Scott replies that he is only talking about E. Fallowfield Township. Jim Sisk would like to see a quarter of a million a year which should come from the Fire Training Center through the County and have the County take care of all expenses to train members of all 3 fire companies.

#### **UNFINISHED BUSINESS:**

Review of Jane Dorchester's revised contract as East Fallowfield Township Historic Preservation Consultant. George Broadbent moves to accept the new contract for Jane Dorchester for the period of December through February 2008. Denny Howell 2<sup>nd</sup>. Discussion? Buddy Rhoades comments on this contract and Jane's \$12,000 contract. Mr. Broadbent states this can be reviewed but the Windshield Survey cannot be taken from the Office. Paula Coyne states the Windshield Survey did not cost \$12,000, the \$12,000 is over a 3 year period, also a DOE was submitted for Mortonville Historic District. Sharon Scott Township should table the review. Vote: Unanimous.

#### **NEW BUSINESS:**

Motion to approve a ninety-eight (98) extension from Oct. 1, 2007 until January 7, 2008 to render a decision on the Bonsall Farm Estates Preliminary Subdivision Plan: George Broadbent moves to approve a ninety eight extension from Oct. to Jan. 7<sup>th</sup>. Denny Howell 2<sup>nd</sup>. Discussion? Vote: Unanimous.

Review of Ordinance 2003-09 to see if it applies to York Waste's start time of 4 am: Mr. Pompo states the contract or Ordinance does not have any start time set. Fred Olson, York Waste, states they now have 5 trucks in the Township and starting at 5 m would be acceptable for him but during a holiday week they need to start at 3-3:30 am because the landfills close at 11 am. Chief Mango states complaints specially came from Brook Crossing, because of the design of the development noise travels and suggests the Board amend the Ordinance to allow an exception for Township Contractors from those hours. Absent that happening, the Ordinance stands and there is a violation. Mr. Broadbent agrees to the 5 am start and asks Mr. Olson to look at the truck operations in the Township. Buddy Rhoades comments on the trash situation. Mr. Pompo states he would change the Ordinance to exempt out the Township Contractors and then a one page addendum to start at 5 am during the week and 3 am during a holiday week. Mr. Broadbent suggests to restrict the exemption to the Township Waste Hauler only. Mr. Pompo will draft the needed paperwork and bring to the next meeting.

Motion to approve Resolution 2007-07 – Deferred compensation Program for Township Employees: A 457 plan, similar to a 401K, to non-uniform employees with no cost to the Township. Employees also can contribute to the plan. George Broadbent moves to adopt Resolution 2007-07, the deferred compensation program. Denny Howell 2<sup>nd</sup>. Discussion? Vote: Unanimous.

George Broadbent would like Mr. Pompo to provide the Township with a contract to use all the time. Mr. Pompo will provide a standard non-construction type contract. Buddy Rhoades comments on a standard contract.

George Broadbent would like to have a new draft for the Modena Police Contract for 2 years for the next meeting. Buddy Rhoades would like to see the draft when completed and comments on contract terms. Sharon Scott objects to a 2 year contract.

**CITIZENS BY REQUEST:**

Siti Crook: political signs stolen throughout the Township also her UPS delivery was sent to the wrong address and never recovered. Chief Mango states he directed his officers to arrest anyone caught stealing a sign and if caught they would be charged with theft. Sharon Scott states Dr. Lyons took her sign down when she ran. George Broadbent states to not mention names on the record.

Buddy Rhoades speaks as area chair about other signs that disappeared.

**PUBLIC PARTICIPATION:**

Fire Department: Denny Howell states if you cancelled all benefits it would keep costs down and talks about how a tax can change.

Chris Makely clarification on the positions of auditor and tax collector. Mr. Pompo states even if you have an outside auditing firm technically you should have a board of auditors ex: if a Supervisor was also a road master the board of auditors would set his salary. Mr. Pompo states the earned income tax is under the local tax enabling act the local tax collector collects real estate tax. Sharon Scott was the document presented at the 1<sup>st</sup> budget workshop put in a book. Denise Miller states yes it was. Mr. Broadbent states the next budget workshop will be November 17<sup>th</sup> at 9 am.

Milby Thornington comments on Modena police contract and their budget. Mr. Broadbent states the Township is trying to negotiate a higher price. Sharon Scott can Modena initiate a Borough tax for police service above their real estate tax? Mr. Broadbent is unaware of their tax status.

Chris Amentas of Providence Hill: .25 of their rear lots had overgrown weeds, when he did a walk, with the Proj. Manager of Rouse Chamberlain, he was told that a small structure would be placed there to collect water. There is an enormous water collection basin. (Several thousand sf.) Mr. Amentas states this is a public health risk. Mr. Broadbent asks if Mr. Amentas saw sight plans. Mr. Amentas states his wife was shown a drawing that generally showed that there was a storm water easement in that area, but not

explaining what kind or the dimensions. Mr. Amentas asks the Township to make this matter known to Rouse Chamberlain. Mr. Broadbent asks how long was the water standing? Amy Nemchik took pictures on Oct. 27<sup>th</sup> and Oct 28th and the water was still sufficiently filled. Mr. Broadbent states he will have Chris Della Penna, Township Engineer, take another look at the drawings. Mr. Pompo states the questions are; was this shown on the plan and is it working right and if that is the case, it's part of the development. Mr. Nemchik states they were deceived and defrauded, regardless of if it was built and operating to plan it's quite clearly a safety hazard. Buddy Rhoades comments on other basins. Chris Makely comments on Baron Crest and Brook Crossing basin problems. Mr. Broadbent states all retention basins go to the County for approval.

**ADJOURNMENT:**

Denny Howell motions to adjourn at 9:25 pm. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Secretary