

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 26, 2008
Approved**

THE MEETING WAS CALLED TO ORDER AT 6:00 PM BY CHAIRMAN GEORGE BROADBENT followed by Silent Meditation and Pledge of Allegiance.

IN ATTENDANCE: George Broadbent, Chairman; Chris Makely, Vice Chairman; Garth Monaghan, Member; Mark Espie, Treasurer; Steve Soles, Solicitor; Chris Della Penna; Twp. Engineer; Denise Miller, Secretary.

Mr. Broadbent asks the audience to turn all cell phones on vibrate. And during the comment period and after a motion you will be able to comment once, not multiple times.

On behalf of the Board of Supervisors Chief Mango presents Ofc. David Marquette a Meritorious Service Award for his work in catching 2 arsonists.

Mr. Broadbent informs the audience that prior to this meeting an Executive meeting was held regarding pending litigation, land acquisition matters and personal/staff issues.

PLANNING COMMISSION:

The Pelham Place: Debra Rush, PC Chairman, states the PC recommends that The Pelham Place move forward with their living wall system and informs the Home Owners Association (HOA) they will be responsible for the maintenance of the wall and put it in the HOA documents and it also has to be inspected once a year.

Jeff Bodo, Project Manager for D. L. Howell & Assoc., states the points Ms. Rush made were included in the revised drawings and will be on the HOA documents.

Chris Della Penna, Twp. Engineer, comments that in his Feb. 13, 2008 letter he recommends that the revised HOA documents be reviewed by the Twp. Solicitor for approval and also comments that in accordance with their design calculations they made reference to having a qualified structural engineer on site during construction to oversee construction of the wall. Mr. Bodo states DeLuca Homes has agreed to both of those conditions. Mr. Makely asks Mr. Della Penna if the slope and fence issue been addressed. Mr. Della Penna states it has.

Planning Commission (PC) Voting Procedures: Advertise in the Daily Local for one day, advertise on the Twp. website for two weeks, applications will be interviewed at the following months PC meeting, PC to make a decision within sixty days, pass the decision onto the BOS for their approval, after chosen he/she will begin their term the next PC meeting. Mr. Broadbent moves to adopt the voting procedures for the PC vacancies as presented by the PC letter. Mr. Makely 2nd. Discussion? Mr. Makely asks if there could be changes. Sharon Scott opposes PC voting procedures. Vote: Unanimous.

Mr. Broadbent suspends the Twp. Meeting at 6:58 pm for about 1 hour to start the T-Mobile Conditional Use (CU).

Steve Soles opens the Conditional Application for T-Mobile Northeast LLC for the construction of a wireless communications facility. The Application is seeking a CU Approval for constructing a wireless communication facility consisting of approximately an 80 ft. Monopole on the property located at 450 Doe Run Road. It is the burden of the Applicant to present evidence to the Board that the proposed use satisfies the objective requirements of the CU Ordinance. The Courts

of PA have upheld that CU must be granted unless the Applicant fails to meet the burden or there is sufficient evidence that there a high degree of probability that the use will cause a substantial threat to the community.

Mr. Soles enters exhibits for the record.

Don Petrosa, representing T-Mobile Northeast LLC, presents their expert witnesses.

Mrs. Grey swears in residents that would like to be part of the Hearing.

Mr. Soles closes the meeting for the night at 8:02 pm.

Stenographic notes of testimony of the public hearing were taken by Jennifer Grey, Official Court Reporter, and will contain all resident's comments and be available in the Township Office during regular business hours once it is completed.

The regular meeting starts again at 8:10 pm.

APPROVAL OF MINUTES:

1) George Broadbent moves to approve the December 19, 2007 Conditional Use Hearing Meeting Minutes for Kathy O'Brien-Drapikowski and Marc Drapikowski. Chris Makely 2nd. Discussion? Garth Monaghan was not present at the meeting. Vote: Passes.

2) George Broadbent moves to approve the December 19, 2007 minutes. Chris Makely or Garth Monaghan were not present at the meeting. Garth Monaghan 2nd. Comments? Vote: Passes.

3) George Broadbent motions to approve the January 7, 2008 BOS re-org minutes. Chris Makely 2nd. Discussion? Garth Monaghan abstains. Vote: Passes.

4) George Broadbent moves to approve the January 7, 2008 BOS minutes. Chris Makely 2nd. Comments? Garth Monaghan abstains. Vote: Passes.

5) George Broadbent moves to approve the January 19, 2008 meeting minutes. Chris Makely 2nd. Discussion? Vote: Unanimous.

SOLICITOR REPORT: Steve Soles

1) Mr. Soles asks the Board for a motion to adopt Ordinance 2008-01 Amending E. Fallowfield Township Ordinance 97-06 establishing Timber Harvesting regulations by requiring the operator to post the escrow rather than the landowner. George Broadbent moves to adopt 2008-01. Garth Monaghan 2nd. Discussion? Sharon Scott recommends to change the wording to read: to require the contractor/operator and/or land owner to post the escrow. Mr. Broadbent states if the landowner is doing the work that they would be the contractor.

Mr. Makely states if you would like to make a comment you must state your name and if you want it on the record or not. Chris Makely 2nd. Vote: Unanimous.

2) Mr. Soles informs the Board of the final plans and amendment submitted for the Cardinal Drive Water Main Extension. Dave Lentowski, representing PAWC, submits an approval letter from Jamie MacCombie, Twp. Sewer Engineer. Mr. Broadbent asks how many grinder pumps will be needed. Mr. Lentowski believes it to be 13. Mr. Makely asks what the time frame is to begin work. Mr. Lentowski states approx. Spring/Summer of this year.

George Broadbent motions to give approval for the East Fallowfield Township Sewer Line Extension prepared for PAWC by Gannett Fleming dated February 2008 with no noted revision date and consisting of 13 sheets. Chris Makely 2nd. Discussion? Sharon Scott asks about Twp. cost for this project and why are all residents paying for hookup for a certain part of the Twp. Mr. Makely asks if the motion should be changed to include all the street names. Mr. Soles replies that within the Plans all the street names are included so they are covered. Mr. Makely also states the Twp. receives \$1,000.00 from PAWC per sewer hookup. Vote: Unanimous.

3) George Broadbent moves to adopt the First Amended Water and Wastewater Service and Asset purchase Agreement between the Township of East Fallowfield and Pennsylvania American Water. Garth Monaghan 2nd. Discussion? Vote: Unanimous.

4) Chester County has awarded the Township \$300,000.00 towards the Beagle Club property. There is also a grant pending with the State of Pennsylvania. Bob King would like to know how much the Twp. has to pay towards the grant and where is the money coming from. Mr. Monaghan states it is \$180,000.00 of the offered price of 1.8 million. Mr. Makely states the money the Twp. has to pay will come from the P&R escrow account and other park accounts.

5) Mr. Soles informs the Board that he has no objections to approving the 2008-04 Resolution. Chris Makely motions to adopt 2008-04 for the Terms and Conditions for the Twp. Community Park, Phase 2 grant. Garth Monaghan 2nd. Discussion? Sharon Scott asks what is the commitment of the Twp? Mr. Massaro states it would be 10% of the grant. Mr. Massaro explains Resolution 2008-04 is for the construction of the meadow trail that is not affordable at this time under the existing grant monies. Vote: Unanimous.

6) Garth Monaghan moves to amend the existing Ordinance to apply the fee of \$50.00 for all contractors that work in the Township. Chris Makely 2nd. Discussion? Sharon Scott asks what the original Ordinance is and is lawn care included? Mr. Broadbent states this will have to go through a review period. Vote: Unanimous.

7) The 3 options for the Providence Hill basin issue are; do nothing, fill in the basin or put an underground drainage area in the existing space. The option will be between the homeowners and the developer and also at the developer cost. Mr. Soles states that the Board cannot make the developer do any of the options. Mr. Armentas asks if the existing basin is no longer collecting water, what impact will it have on the homes below? Chris Della Penna states the basin is designed to hold and infiltrate everything up to a 100 year storm. In speaking with the engineer during the design period Mr. Della Penna asked what if the basin overflowed. He was told there is a small spill way in an inlet and hard pipe to the road way below and that would protect the property below. Mr. Armentas would like Mr. Della Penna to do a letter on what the basin functions are and what the options are. Mr. Makely asks that the letter be sent to the Board first.

Mr. Makely excuses Steve Soles at 9:17 pm.

Buddy Rhoads asks if there are any legal issues pending that will affect the Twp. budget? Mr. Soles states he is not aware of any at this time.

CORRESPONDENCE:

Storm water book marks were available on the back table for residents to take.

CITIZENS BY REQUEST:

- 1) The Board is in receipt of a letter from Dennis Crook (re: the PC appointment) and upon recommendation from the Twp. Solicitor the Board will not read it at this time but if Mr. Crook attends the next meeting he can read it himself. Mr. Broadbent states that steps have been taken to prevent someone being appointed with out the PC recommendation from happening again.
- 2) Letter submitted by Jim Sisk – Mr. Makely states the Board has to sign a letter to the DEP.

CORRESPONDENCE:

1) George Broadbent moves to appoint Mark Espie as a Part Time employee, serving the function of Treasurer, converting his current status as contractor to status of PT employee at his current rate of \$36.00/hr. retroactive to January 1, 2008. Chris Makely 2nd.

Discussion? Sharon Scott asks what the contract was and what the hours are going to be. Mr. Broadbent states it was an hourly wage contract for Mark to function as treasurer and the Board will set the hours. Mark will also be eligible for the 5% retirement fund.

Bob King asks about Mark's responsibilities. Mr. Broadbent states currently it will be as treasurer but may change in the future. Ed Turner asks if the twp. needs the \$52,000 expense for a treasurer. Mr. Broadbent states yes. Vote: Unanimous.

2) Motion to re-appoint Paula Coyne, Dr. Elkins and Scott Wybranski to the Agricultural Security committee: Mr. Monaghan states the Agricultural Security Committee sends approval to the County for someone who wants to put their land in Agricultural Security. Mr. Monaghan moves to re-establish the Agricultural Security Committee. George Broadbent 2nd. Buddy Rhoades comments on the Agricultural Security Committee members all being from the same area. Mr. Makely calls for any interested candidates. Sharon Scott would like to be on the Agricultural Committee.

Vote: Chris Makely nae, George Broadbent and Garth Monaghan yea. Vote: Passes.

2) The Twp. received \$5,680.22 from PEMA for work done at Mortonville/S. Creek Road from the 2006 storm.

3) George Broadbent motions to have the Secretary dispose of 2002 employee pay stubs, 2000-2003 employee time cards, and 2001 trash deposit slips. Garth Monaghan 2nd. Discussion? Sharon Scott asks if there is an account receivable set up for trash bills sent out. Mr. Broadbent states anything that would be in litigation would be held and not destroyed. Vote: Unanimous.

4) Policy for Municipal equipment sharing during an emergency: Mr. Broadbent suggests meeting with EMS, Tag, S-ville and Modena. Mr. Broadbent motions to authorize the Road Master to assist the neighboring twp's in the event of an emergency with the twp. equipment operated with twp. employees should the resources be available and give him the authority to make the decision on whether to assist or not. Chris Makely 2nd. Discussion? Buddy Rhoades comments that equipment can be rented when broke down. Sharon Scott objects to Tag having full authority. Mr. Makely will make available the list of the State Roads that run through other twps. that are reimbursable. Bob King Tag should inform at least 1 Supervisor. Mr. Broadbent clarifies that Tag's authority is only in an emergency. Vote: Unanimous.

TREASURER'S REPORT: Mr. Espie gives the January 31, 2008 budget report.

Phase I Park bids received read lowest to highest. Lechmanik Inc. \$548,200.00, Melchiorre Construction \$680,000.00, Road-Con \$704,133.00, Horst Excavating \$776,830.00, Out of Site Infrastructure \$789,400.00, S.A. Macango \$1,085,484.00.

George Broadbent moves to accept the treasurers' report and authorization to pay from the General Fund according to the report given. Garth Monaghan 2nd. Comments?

Vote: Unanimous.

Chris Makely motions to approve Lechmanik Inc. of West Chester to award the contract of \$548,200.00. George Broadbent 2nd. Comments? Peter Massaro states the award is not official until the County Rep. reviews the bids. Mr. Makely amends his motion based upon the condition of approval from the County to award Lechmanik of West Chester for \$548,200.00. George Broadbent 2nd. Comments? Bob King asks if the 3 other line items included in the price. Mr. Broadbent states yes. Vote: Unanimous.

POLICE: Chief Mango

January to current police report. Other police matters tabled at this time. Chief Mango gets a police call and leaves the meeting.

ROADS DEPARTMENT:

January road report and vehicle service report were available on the back table. Buddy Rhoades comments on roads to be worked on and submits a list to the Board. Mr. Makely reads the most recent road report submitted by the road foreman and states there is \$125,000.00 in liquid fuels.

PARK & RECREATION COMMISSION: Peter Massaro

Mr. Massaro recommends to the Board to award the contract to Lechmanik for \$427,400.00 (not the total bid amount) plus alternate #1 and alternate #2 and leave out alternate #3. George Broadbent motions to rescind the previous motion regarding the park. Chris Makely 2nd. Vote: Unanimous. Chris Makely motions to award Lechmanik of West Chester the amount of \$427,400.00 based upon the Final Approval from the County to move forward on the construction of the park. George Broadbent 2nd. Discussion?

Mr. Massaro recommends to the Board to award alt. #1 and #2 also to Lechmanik. Mr. Massaro recommends to not award alt. #3 at this time because a DCNR grant due April 25th will be applied for. Mr. Broadbent amends the motion to include alt. #1 \$14,900.00 and alt. #2 \$27,500.00 to be paid from the County/State Grant and the Twp. obligation paid out of the fee in lieu of money. Chris Makely 2nd. Vote: Unanimous.

George Broadbent motions to authorize the treasurer to pay out of the general fund Simone Collins invoice #7678 \$1,326.14, invoice #7742 \$13,257.15, invoice #7781 \$590.30 and #7783 \$22,811.84. Chris Makely 2nd. Comments? Vote: Unanimous.

The P&R recommend to the Board to have the park closed during construction for public safety. The park playground equipment has been delivered and is in storage. The P&R are accepting landscape architectural proposals for the park due March 4th. The Friends of the Park is holding their Easter egg hunt on March 15, 2008 at 2:00 pm at East Fallowfield Elementary School. The full information will be available on the Twp. website.

Sharon Scott asks about the P&R losing \$400,000.00 in grants. Mr. Massaro explains that they did not lose \$400,000.00 in grant money but that the Twp. is a recipient of \$400,000.00 and the grant needs to move forward before it expires.

EMERGENCY DEPARTMENT:

November 2007, December 2007 and January 2008 reports were on the back table.
Westwood Fire Chief's report and January EMS report on the back table.

HISTORIC COMMISSION:

The Historic Commission has found that the C-ville School Application has no impact on historic properties in the area.

Chief Mango returns to the meeting: Chief Mango states the police had 401 calls in E. Fallowfield and 39 in Modena for the month of January. Increase of 150 calls from January 2007. Milby Thornington comments on the number of police calls. Chief Mango when you have more cops you have more complaints, there will be a decrease of complains in months to come because of the staffing reduction.

Chief Mango will be submitting a General order for training for the police officers. Mr. Makely added to state that the Chief is also responsible for the budgetary restraints and if the Board accepts the General Order does it give the Chief full rein over all training involved. Chief Mango states only with the specific categories.

Mr. Makely states in the 410 line item the police dept. is running over in a few of the salary categories and also over in the PT officers. Chief Mango states after he received direction from the Board at the end of January he then made the cuts and the numbers should work themselves out in a month or two.

Chief Mango states he is not comfortable with the payroll format. Mr. Makely would like to design a new sheet for the police to use.

Chief Mango explains that the PT officers have been cut, no FT officers will work over time and the police hours will be 4pm – 4am and one from 6am - 6pm and the two possible officers going out for surgery will not be replaced.

Sharon Scott asks if every Township/Borough pay the \$3,000 fee. Chief Mango states only members of the WCCERT. Mrs. Scott also asks if Modena is paid up in their police invoices. Mr. Espie and Mr. Makely states they are not and a call will be made to Mrs. Pluck, Modena Borough, to see where the check is.

Buddy Rhodes comments on renegotiating the Modena Police Contract.

Historic Commission Continued: George Broadbent is not in favor of forming the Historic Commission unless the members are present.

Buddy Rhoades comments on the Historic Commission members living in one area of the Township.

UNFINISHED BUSINESS:

- 1) Garth Monaghan moves to re-establish the Agricultural Security Committee. George Broadbent 2nd. Discussion? Sharon Scott would like to be on this Committee.

- 2) George Broadbent moves to appoint Milby Thornington to the Administrative Appeals Board. Chris Makely 2nd. Discussion? Vote: Unanimous.

- 3) Garth Monaghan will send Triple Fresh a letter regarding the washing of grates in the grass.
- 4) The Supervisors will meet with the surrounding Municipalities to come up with an equipment sharing policy.
- 5) The 1st submission of the P&RC County Grant will be resubmitted in the next 2 weeks.
- 6) The Twp. Secretary will cancel the 3 unused Nextel phones.

NEW BUSINESS:

1) George Broadbent moves to accept the Conditional Use extension until March 8, 2008 for the C.C. Public Safety Training Facility. Garth Monaghan 2nd. Comments. Sharon Scott asks what is this wasn't accepted. Mr. Monaghan states it would be deemed approved.
Vote : Unanimous.

2) George Broadbent moves to accept the 90 day extension until April 13, 2008 for the Land Development Plan Review for the Coatesville Area School District. Garth Monaghan 2nd.
Comments? Vote: Unanimous.

3) George Broadbent moves to approve the Treasurer to release escrow request #17 Phase 2 for Manchester Farms for \$10,908.60 from the General Fund, leaving a balance of \$529,090.08. This has been approved by Chris Della Penna, Twp. Engineer. Garth Monaghan 2nd.
Comments? Vote: Unanimous.

4) George Broadbent moves to approve the Treasurer to release escrow request #21 Phase 1 for Manchester Farms for \$4,308.90 from the General Fund, leaving a balance of \$238,594.38. This has been approved by Chris Della Penna. Garth Monaghan 2nd.
Comments? Vote: Unanimous.

5) George Broadbent moves to approve the Treasurer to release escrow request #5 for \$23,657.41 from the General Fund, leaving a balance of \$0. Approved by Chris Della Penna. Garth Monaghan 2nd. Comments? Vote: Unanimous.

ADJOURNMENT:

Meeting adjourned at 12:20 am by Chris Makely. George Broadbent 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller
Secretary