

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
March 28, 2007**

**THE MEETING WAS CALLED TO ORDER AT 6:05 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 K. Espie, Treasurer; Vince Pompo, Solicitor; Denise Miller, Secretary.

Mr. Monaghan turns the meeting over to Chief Mango.

Awards Presentation for Officer Brian Simmons and EMT Scott Weaver, a contract medic by Brandywine Health Services and stationed at the Pomeroy Fire Company, for the March 5, 2007 accident presented by Representative Art Hershey and Chief Mango.

On March 5, 2007 the police, fire and EMS units were dispatched to a report of a vehicle, driven by Mr. Bash of Sadsbury, into a pond at Weaver's Mulch on Strasburg Road, just east of Stottsville.

Chief Mango thanks Mr. Weaver, his family, friends and civilians who before the EMT and police officer arrived went out to the pond in a paddle boat (supplied by MR. Weaver) and rescued Mr. Bash and CPR was started and then Mr. Bash was transported to Brandywine Hospital, while at Brandywine they were able to find some vital signs and later transferred to Temple University Hospital.

Chief Mango reads letters from The Board of Supervisors and then calls for a brief break to let Mr. Weaver's family and friends leave.

**CITIZENS BY REQUEST:**

Resident Sharon Scott: Mrs. Scott motions to amend Police Cooperation Agreement. Ms. Scott also states it has been recognized that a new white pickup truck with emergency management decals on tailgate was delivered last week to Leid's (Boro Street Foreman) Garage, 13 Woodland Ave., Modena, next to Modena Boro Garage. Requests a copy of Mr. Monaghan's Oath of Office.

Chris Makely: Feels the Police Agreement is a bad decision, why this matter was not brought before a public and states Mr. Monaghan told him that East Fallowfield Police currently back-up on Modena calls many times, but spoke with Chief Lou Wilson, of South Coatesville, who told him that this is not the case.

Milby Thornington: Has concern with Don McDermott's insurance that is for March 9, 2007 to April 09, 2007, did he have insurance before March 9, 2007 and clarification on bill.

**APPROVAL OF MINUTES:**

George Broadbent motions to approve February 28, 2007 minutes. Garth Monaghan 2<sup>nd</sup>.  
Vote: Unanimous.

Ed Porter: Was the discussion on the IPMC regarding never being mentioned again in the minutes and read it if so.

Mr. Broadbent reads from the February 28, 2007 minutes; Mr. Porter wants to clarify that as long as George Broadbent and Garth Monaghan are in office the IPMC will not be brought up again. Mr. Monaghan states that is correct.

Mr. Doan: When did the Board deviate from the practice of reading the minutes of the previous meeting, what assurance can the Board give anyone that the minutes are correct, are they a permanent record that cannot be altered.

Mr. Monaghan states they are only changed if they are amended at the next meeting.

Mr. Doan: Mr. Doan asks Mr. Pompo if it is required that the minutes are read? Mr. Pompo states there is no requirement in the law. The minutes of the meeting are the official document of any official action taken by the Present Supervisors so they are taken very seriously that's why the first agenda item of a meeting is to approve the minutes from the prior meeting. The minutes are the minutes of the Board, they are not the minutes of the public. The Board has an opportunity to review the minutes as well as Mr. Pompo and make sure what official action is accurately reflected. Once the minutes are approved by the Board then they are required to be permanently maintained in a minute book. Once the minutes are approved if anyone from the public feels something is incorrect they can make public comment to the Board.

Mr. Broadbent states the Township is working to change that the minutes are an unalterable format that will be published.

Milby Thornington: States he understands the minutes should be glued in the minute book.

Mr. Pompo states he assumes the Township complies to the law and if it doesn't he will assure that it does.

Sharon Scott: Suggests the minutes be put in the back with unapproved at the top. And asks Denise Miller to inform the residents if the minutes are staple in the minute book.

Mrs. Miller states they are stapled. Sharon Scott states that is wrong and wants the minutes to reflect that prior minutes have not been appropriately placed in the minute book.

Moving forward a few copies will be placed in the back.

Vote: Unanimous

**TREASURER'S REPORT:** Mark Espie stated for the period ending February 28, 2007 we had available cash in the General fund of \$686,759.30, additional assets in our escrow account of \$850,739.61 and State Liquid Fuels Fund \$109,692.00 and Capital Projects \$764,564.35 bring total liquid assets to \$2,411,755.26. At this time the Treasurer is requesting payment authorization from the General Fund in the amount of, \$187,164.04, the escrow account of \$2,750.40 and the Liquid Fuel fund of \$6.42. Bringing total payment authorizations \$189,920.86  
For the period ending February 28, 2007 the General Fund had an operation surplus of \$282,091.37. Any questions?

Mr. Broadbent moves to approve the treasurer's report as stated. Garth Monaghan 2<sup>nd</sup>. Discussion? Mr. Broadbent asks if we are on budget for the rest of the year?  
Mr. Espie states the reason the surplus is so large at this time is because the majority of the residents pay their trash fee in January.

Bob King: Mr. King asks if the park fee in lieu of money it is separately on the budget. Mr. Espie states it is under the escrow amount and currently the fee in lieu of account has \$293,980.14 and can only be used for Park and Recreation.

Vote: Unanimous.

**SOLICITOR'S REPORT:**

Brook Crossing Development: There is a minor sub-division plan pending that would allow for the sub-division that would take a portion of the open space for Brook Crossing and make that a part of East Fallowfield Community Park. Mr. Pompo provided the township (today) with a letter from the HOA attorney's for Book Crossing essentially asking the Board to reconsider its decision with respect to whether to take the storm water basins. Basin 1 and 2 in the Brook Crossing Development, also included a report from an engineer hired on behalf of the HOA.

Mr. Pompo would like to have a discussion at the next meeting.

Section 621 .C.3 of the Subdivision Ordinance: Mr. Pompo was asked at the last meeting how this request should be handled and processed. Mr. Pompo states the plans that would show how the storm water would be handled, if indeed this request were granted and also showing on them the request for the waiver would be appropriately be handled by having those review by the Township Engineer as in the normal land development process taking them to the Planning commission, for their recommendation and then bring that to the Board for an official review and then action by the Board on that request as well as the land Development.

Mr. Monaghan explains the waiver that Chris Della Penna is recommending is not one that is going to release more storm water into Dennis Run or any other creek its going to be a different way to handle it with different calculations, its not going to wash sediment into the stream.

The concern is, if there is a tremendous amount of earth movement there is going to be a very vulnerable period when a heavy rain could cause a lot of problem.

When the Simone Collins, Landscape Agricultural Firm, was contracted they subbed out the drawing work to Vollmer Associates who also did Brook Crossing and Brandford. They came back with several basins, lot of tress to be taken down to create the basins.

Zoning Hearing Board: April 9, 2007 for Russell Schaible concerning a parcel located on Strasburg Road that consists of approx. 5 acres, 2 existing houses on the un-subdivided parcel. Mr. Schaible would like to subdivide the land into two different parcels; one parcel for each house, however with the amount of slopes, flood plains, a pond, underground cable easement and existing driveway easement that's on the property once all of these are taken from the lot area there is not enough net lot to make 2 compliant lots. The Zoning Hearing Board is being asked for variances from those provisions to allow the sub-division.

Mr. Pompo asks the Board if they have any position the Township is taking before the Zoning Hearing Board.

Lot 1 .84 acres is and Lot 2 is 1.7 acres. (2131 Strasburg Road).

Mr. Broadbent's concern is they would be setting a prediance with the Township where people could just start to divide up large lots and concern regarding 2 driveways being in this area..

Mr. Pompo asks if the concesis of the Board if they would like Mr. Broadbent's concern to be raised at the Zoning Hearing Meeting? Mr. Monaghan states yes.

1765 West Chester Road: Alleged prior commercial use. Recently sold parcel and the new owners are interested in coming to some agreement with the Township as to what type of uses would be permitted on that parcel. The parcel was in the past zoned commercial, it is no longer zoned Commercial. It was changed as part of the 2002 Zoning (R1) changes in East Fallowfield.

This parcel is a cut out of Thompson North Development (on the North side of West Chester Road).

Jeff Nixon, representing Terra Firma Investors, LLC, believe they have a right to a continued commercial not withstanding the change in zoning and list as a commercial property because it has been a continued non-conforming commercial use even after the

2002 zoning change and has tax information as MU. The property owner has used as a commercial business up until 2005.

The things they are considering include Retail store, offices, bank/Financial Institutions, personal service establishment such as beautician, barber shop or shoe repair, restaurant without drive-through service, bakery, catering facility, daycare center, Church or religious institution, East Fallowfield Municipal Use, Emergency Services, gift and antique shop.

Mr. Nixon would not like to discuss this matter any further at this time but would like to schedule a meeting with the Zoning Board if possible.

Mr. Monaghan asks Mr. Pompo is he is satisfied that the property is commercial?

Mr. Pompo states from the information submitted to him, they have shown as of the date that the zoning change there was a business on the property when it was zone commercial and that business was a computer repair service. If there was lawful non-conforming use it would be of that type of character and quality of non-conforming use and if at the right stage they were able to prove all this the best they could get on the property would be that character or quality of a non-conforming use or one of a lesser impact not one of a greater impact.

**POLICE DEPARTMENT: Chief Pete Mango**

Motion to approve the purchase of a ENRADD Wireless speed timing device for \$3,995.00: This device is approved by PennDot for use and will provide the police the ability to use anywhere and use wirelessly. The process used now is painted white lines on the roads.

Chief Mango requests the Board consider a motion to purchase a ENRADD Wireless system from YIS/Cowden Group in York for a total price of \$3,995.00 that includes training and calibration for the first time.

Mr. Monaghan asks, how frequent does this device need to be calibration and is it done here? Chief Mango believes its 60 or 90 days required by the State and the calibration will be done here when they come out to do the stop watches or if would have to be taken there depends on how the contract is worded.

George Broadbent moves to approve the purchase of the ENRADD Wireless speed timing device. Denny Howell 2<sup>nd</sup>. Discussion?

Bob King: Does it make a difference on which way the traffic is going, will it stand up in a court of law? Chief Mango states it doesn't make a difference as long as you visualize the vehicle and it has been proven that it will stand up in court.

Chief Mango states the warranty the 1<sup>st</sup> year is 100% parts, labor, pick up and delivery. 2<sup>nd</sup> through the 4<sup>th</sup> year is discounted labor rate plus parts, \$15.00 pickup and delivery. The device works completely wirelessly, there is no human intervention at all.

Chief Mango talked with Lieutenant Byerly from Caln Police and has offered to have an officer at 5:30 the next Township meeting and set it up in front of the station.

Mr. Makely: Will the speeding fines generate enough money to pay for the equipment. Chief Mango states the Township only gets half of the first block which is between \$12.50 and \$30.00.

Sharon Scott: What the budget is for fines? Mr. Espie states \$20,000.00.

Peter Massaro: Questions when did we lose sight of the police force providing us with safety and decided it was here for providing us revenue and asks to move forward and continue.

Vote: Unanimous.

Motion to approve Ordinance 2007-03 – An Intergovernmental Cooperation Agreement for the provision of police services by East Fallowfield Township to the Borough of Modena: Chief Mango requests the Board consider approving Ordinance 2007-03 – Cooperation agreement with the Boro of Modena. Chief Mango feels it's very important that they have involvement in Modena as far as providing protection because Modena is a central part of this Township and if this doesn't work out we have the opportunity to back out in November.

Mr. Howell asks Mr. Monaghan and Mr. Broadbent if they have serious plans to take over Modena and South Coatesville as part of East Fallowfield? Mr. Broadbent states absolutely not on his part.

Ed Porter: Grants are not in the contract and it's important to talk with Chief Wilson before the Board makes any decisions because he has lots of information regarding the situation.

Chief Mango states he doesn't deny that Chief Wilson has a lot of information but would look carefully at the validity of some of that information.

Sharon Scott: Informs the Board that Chief Mango falsified an application and she will have evidence coming.

Buddy Rhoades: Suggests all 3 Supervisors sit with Modena council and see what kind of problems they have had with S. Coatesville, also states he know there are no grants with Andy Dinniman and Art Hershey for the police and he basically doesn't want to take Modena on.

Ed Porter: States that he has talked with Chief Lou Wilson of S. Coatesville and he said the things Modena was trying to get the Police Force to do they weren't civilly allowed to do, there were things they were asked to do that they can't do as police officers so it caused a lot of conflict.

Mr. Broadbent has concerns regarding \$1000.00 per month, there is not an out clause and what if we get a lot of nuisance calls.

Chief Mango states that he has talked with the State Police and he has the authority that if they get into a major case, such as a homicide, it would be turned over to the State Police.

John Schlagel: Infavor of the police agreement.

A special meeting will be scheduled to continue negotiations.

Denny Howell excuses himself for personal reasons.

**PARK & RECREATION COMMISSION: (Chris Della Penna on behalf of the P&R)**

950 Form: Peter Massaro would like to know if the 950 form for release of fee owner has been executed by Brook Crossing. Denise Miller states it has been executed.

Request by Vollmer Associates for Change order for HOP for East entrance:

During January 9, 2007 meeting, a request was made for additional funding of \$3,500 due to unforeseen changes (sight line caused relocation of entrance) in the HOP permit for the East entrance of the park. This request was re-submitted to the Township on March 7<sup>th</sup>, 2007. The P&R is requesting that this change order be approved and executed.

Garth Monaghan motions to authorize change form. George Broadbent 2<sup>nd</sup>.

Vote: Unanimous.

Request by Simone Collins for payment of the January invoice: Invoice # 0007111 for \$25,433.47 for services rendered in January 2007. The P&R Commission approves this invoice and requests payment be authorized.

Denny Howell states this will not be paid by taxes or to make a tax.

Garth Monaghan motions to approve payment. Denny Howell 2<sup>nd</sup>. Discussion.

Not at this time. Vote: Unanimous.

Community Park Design regarding Section 621.C.3.a b: Vince Pompo told P&R to have their engineer plan based on having the waiver in it and take it to the Planning Commission and then to the Board.

Motion to consider for adoption Ordinance 2007-03 East Fallowfield Park Rules (Revises Ordinance 2006-01): Garth Monaghan motions to advertise for adoption with the revision of Item A – unless permission is obtained by Township.

Denny Howell 2nd. Vote: Unanimous.

**ROADS DEPARTMENT:**

The February 2007 road report and vehicle service records are available in the Township Office during regular business hours.

**BUILDING OFFICIAL/ZONING/CODE ENFORCEMENT:**

10 permits – Township fee received of \$10,568.78. A copy is available in the Township Office during regular business hours.

**NEW BUSINESS:**

Motion to release Hunter’s Ridge, Phase 1 payment request #17 for \$2,070.00:

Garth Monaghan motions to approve Treasurer to release payment request #17.

George Broadbent 2<sup>nd</sup>. Discussion? None at this time. Vote: Unanimous.

Motion to release Hunter’s Ridge, Phase 2 payment request #10 for \$8,940.00:

Garth Monaghan motions to release payment request #10 for \$8,940.00. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Motion to approve extension of time for preliminary plan approval for The Bonsall Farm Estates Subdivision from April 3, 2007 to July 2, 2007: Garth Monaghan motions to grant preliminary plan approval. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

**CITIZEN PARTICIPATION:**

Mr. Doan: How the post cards and catering for the meeting at the East Fallowfield School was authorized by the Board and what meeting was it discussed?

Mr. Monaghan states the request was made to purchase the post cards and then they were mailed out and it was discussed in December and January.

Mr. Doan reads the December minutes and asks when \$2500.00 voted on to spend.

Mr. Pompo states this money was approved for payment when the Treasurer’s report was approved.

Mr. Monaghan comments that when the Historic Commission or any other group wishes to post something to residents of the Township they do. Example is when Park & Rec. want to send out a newsletter, they don’t come for Board approval they send one out. And the post cards were a mailing to inform the residents but did not get to all residents in time we used the bulk mail rate and it they sat at the Post Office.

Mr. Broadbent states that they authorized the meeting for the Referendum and that became this meeting that this Township participated in.

Sharon Scott: Requests minutes from the October, November and December Historical meetings and asks Mr. Pompo did Paula Coyne signed the Window Shield Survey contract? And shouldn’t the Supervisors have signed it.

Mr. Monaghan will find out tomorrow.

Mr. Thomas Torhan of 105 Riverside Lane: Mr. Torhan would like to know the status of the restricted open space issues at Stone Creek Development regarding if they will get any relief to the 8-9 homes affected.

Mr. Della Penna states that Don McDermott, Township Building Insp., had a meeting with the Developer and they said they have no obligation to the homeowners because he built the houses according to the plans and there was no violation on his part so it falls back to the property homeowners.

Is there a way the Board could do something for the homeowners so they could do reasonable improvements to the back of their houses.

Chris is willing to write a letter telling them what could be done.

Mr. Della Penna suggested some kind of variance and all the homeowners could get together and do a variance to reduce cost.

Mr. Pompo asks whether there was any other areas of the property that restricted open space could be shifted to in order to compensate for what is one the individual properties.

Mr. Della Penna has looked at the plan and there is no additional surplus open space.

Mr. Pompo states if this is going to the Zoning Hearing Board, they will have to have an application for each property, if everyone affected filed an application at one time they all could be heard at the same time, which would theatrically reduce the cost.

Mr. Thoran would like to know if the \$1500.00 fee could be waived?

Mr. Pompo: When you repeal the open space design the maintained 25 foot requirement is still in the Ordinance today. The amount of restricted open space under the repealed Ordinance was material to how many units the developers got, Mr. Pompo would say to allow an encroachment into the restricted open space would not be permissible.

If the Township could consider repealing the Ordinance that as an additional 25 feet to that open space as a setback, then that's something the Board could consider.

Another issue is that, Former Building Inspector, Ed Ginder wrote a letter to Mr. Thoran and gave him permission to build a deck/patio.

Mr. Pompo requests the plans. Mr. Della Penna will provide the individual plot plans.

Mr. Thorington: What is the status on the Beagle Club land?

Mr. Monaghan states if the Beagle Club property is purchased by 2-4 people who want to preserve it in the mostly open condition, but want to live there, the hope would be to enter into an easement with the Conservancy so it would be guaranteed to stay that way.

**ADJOURNMENT:**

Garth Monaghan motions to adjourn at 9:10 pm. George Broadbent 2<sup>nd</sup>. Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Secretary