

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 25, 2007
APPROVED**

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

IN ATTENDANCE: Garth Monaghan, Chairman; George Broadbent, Member; Mark K. Espie, Treasurer; Vince Pompo, Solicitor; Chris Della Penna, Township Engineer; Denise Miller, Secretary.

APPROVAL OF MINUTES: George Broadbent moves to approve the meeting minutes from June 27, 2007. Garth Monaghan 2nd. Garth calls for any clarifications or corrections. None
Vote: Unanimous.

FINANCIAL REPORT: Larry Maulo of Maulo and Company, the Townships independent auditors, to discuss the 2006 audit. The 2006 audit is a clean opinion for the finances. General Fund had \$2,492,423.00 of revenue and the General Fund had expenditures of \$2,347,000.00 and \$60,000.00 of transfers to other funds. The income over expenses was \$84,000.00 and the fund balance for the General Fund at the end of the year was \$587,796.00. Capital Projects had income of \$19,952.00, nothing spent out of this fund. And \$764,564.00 of fund balance at the end of the year. Highway aid fund had \$192,325.00 of income, \$175,651.00 of expenses, income over expenses of \$16,674.00 and a \$109,704.00 of fund balance. In all the funds the income was slightly over the expenditures and basically the Township followed their budget plan. At the end of the year cash receivables, taxes received was \$1,809,866.00. The Township had \$8,365,410.00 of fixed assets, land buildings, infrastructure furniture, after depreciation, the total assets were \$10,175,276.00, the total obligation was \$96,603.00 and the fund balance was \$10,078,673.00 of which \$8,365,410.00 is invested in fixed assets and land. The unrestricted fund balance was \$838,995.00. The Township is financially sound. The Township revenues were 50% from taxes, 34% for services and comparing to other Townships, you are basically in the same general range from what comes in from taxes. Taxes may be a little lower than some others that have real estate taxes. Mr. Maulo asks for any questions.

CORRESPONDENCE:

The Township accepted the resignation of Linda Hart effective last week. The Township is currently advertising and accepting applications that will be reviewed and a qualified applicant will be hired. Garth Monaghan moves to accept the resignation of Linda Hart. George Broadbent 2nd. Any discussion. Vote: Unanimous.

Garth Monaghan moves to begin the process of interviewing to select a replacement for her position. George Broadbent 2nd. Vote: Unanimous.

TREASURER'S REPORT: Mark Espie stated for the period ending June 30, 2007 we had available cash in the General fund of \$479,113.58, with additional liquid assets in our escrow account of \$897,892.07 and State Liquid Fuels Fund \$189,626.08 and Capital Projects \$785,062.18. Bringing total liquid assets to \$2,351,693.91. At this time the Treasurer is requesting payment authorizations from the General Fund of \$147,541.74, the escrow of \$10,415.50 and the Liquid Fuel fund of \$48.66. Bringing total payment authorizations to \$158,005.90. For the period ending June 30, 2007 the General Fund had a operating deficit of \$20,586.96 and the Park & Rec. had available balances of \$501,974.11 and that is included in Part 2 of the report. Any questions? Mr. Broadbent questions the expenses under General Government page 2, what is the reason it is showing 117% of the budget? Mark Espie explains Workers Comp. is charged in there and then once information from the Insurance Co. it will be spread back among the different categories and broken down. Garth Monaghan moves to accept the Treasurers report. George Broadbent 2nd. Vote: Unanimous.

Garth Monaghan moves to authorize the Treasurer to make payments as described in the amount of \$158,005.90. George Broadbent 2nd. Vote: Unanimous.

SOLICITOR'S REPORT:

West Chester Road and S. Caln Road project: Road construction improvement agreement entered into between the developer of Manchester Farms, Dewey Homes and East Fallowfield Township which involves a funding mechanism which was set up among 5 different developers to fund the improvements of the intersection. The agreement would be at an initial installation of flashing yellow light, erection of a vertical condition of S. Caln Road and then the installation of a full service traffic light. A escrow of money was set up, Dewey has the responsibility to do the design of the improvements and eventually the construction of the improvements as well as permitting the improvement by Penn Dot. Once the money is available the Township will notify Dewey and then they have an obligation to move forward. Moser (North Woods) has an independent obligation prior to the issuance of the 27th building permit to construct the flashing yellow light.

The Board may want to rethink the condition to address the safety issue. There is one temporary grading easement from the adjoining property owner in order to do the physical grading that is necessary, the document has been prepared. Mr. Pompo suggests to looking into the project and the escrow money. Mr. Monaghan shows Mr. Pompo the email from Senators Dinniman's Office that Penn Dot has approved a full traffic signal.

PAWC sewer project: Mr. MacCombie, Township sewer consultant, states the latest revisions made by PAWC are in compliance of revisions the Township requested. Mr. MacCombie wrote a letter to the Township with his opinion that the project in a position to preliminary move forward. 3 properties will need to be serviced by grinder pumps to service their basements. The property at the NW corner of 17th and Robin will need a grinder pump to service the property in its entirety. Mr. MacCombie is concerned that regular plastic pipe is not satisfactory with regards to the depth of some of the lines. PAWC need easements from 4 properties that they have notified. All of the houses can be served from the first floor except for the one on the corner. If you already have first floor service, there is no change at all and if you have basement service and don't want to have a grinder pump, you could have a sewage ejector in your basement to get the sewage up

to the first floor. Mr. Broadbent asks how much are the grinder pumps? Approximately \$8,000 to \$9,000 with future electric and maintenance costs.

Mr. Lentowski basically concurs with everything that Mr. MacCombie's has indicated and will get the number of properties to be serviced by grinder pumps.

Mr. Pompo recommends the agreement starts at an action point of when the Supervisors say they agree with the alignment which will be 18 months from tonight. George Broadbent moves to grant final approval to the preliminary plans dated July 11, 2007 sheet #12 of the sewer alignment Garth Monaghan 2nd. Discussion? Resident asks PAWC to send affected residents a very clear and detailed letter explaining what will be happening. Mr. Lentowski will submit information to the Township for the upcoming newsletter and a timeline. Vote: Unanimous.

PAWC water issue: The Board decided not to construct a water line on Strasburg Road. PAWC has agreed to direct the \$350,000.00 project elsewhere as long as it remains a water project and involves future additional connections. Proposed line to provide Oakland Rd, Woodland Ave. area or to Wellington Hunt Development. Mr. Monaghan defers any action until the potential residents are notified. Mr. Pompo recommends that PAWC's counsel draft an agreement to have a time period run similar to the sewer.

Mr. Robert King of Misty Patch Road: Mr. Monaghan states Mr. King is looking for some relief that he has to incur in order to make the connection between his home and the lateral that was installed on Misty Patch Road to PAWC's sewer line due to the depth. Mr. King that if the line was placed lower in the road the encasement in concrete would not have been necessary and could have been pipe within a pipe. PAWC did not take Mr. MacCombie's recommendation to put the line deeper. Mr. Lentowski will call Mr. King to try and resolve his situation.

Application of South Brandywine School Zoning Variance: Expansion of the School and to construct a separate Elementary Building located on the same property. The School is looking for relief from the Township Landscape requirements from certain replacement requirements for wetland disturbance under the rationale that they don't have room on the property to install the required landscaping as per the Ordinance and they need to keep a clear line of sight for the safety of the students. Mr. Pompo asks for direction from the Board as to their opinion. Deborah Rush states the School has not come before the Planning Commission yet. Mr. Monaghan defers any more discussion until the School goes before the Planning Commission. Mr. Pompo will inform the School's council not to proceed with the Zoning Hearing until they go to the Planning Commission. Mr. Monaghan would like clarity on whether the school is asking for on-site water or public water.

Verizon Agreement: Maximum franchise fee of 5% of the gross revenues. Verizon provided a map that shows of an initial service area and an extended service area. Todd Darlington, representing Verizon, states 90-95 % of the Township is service out of Coatesville exchange (by the end of the year) and the rest out of Parkesburg. Mr. Pompo states the provision in the contract is for 5 years and the Township asks for 3 years, Verizon believes they will have everyone with the ability to connect within 3 years but will not put the 3 years in the agreement. Mr. Pompo has submitted to the Board of list of 13 areas where he has not been able to reach an agreement in the Franchise Agreement.

These areas have been entered into with other Municipalities as groups and some as individuals. Mr. Broadbent asks once the agreement is in place when can the residents expect service? Mr. Darlington responds that the initial service would be most likely by the end of the year.

POLICE: Copies of the July report, current Modena and E. Fallowfield incident reports are available on the back meeting room table, also at the Township office for review. Mr. Monaghan comments on a letter the police department received on a job well done at the Town Walk in Mortonville.

Motion to hire Ms. Gina Ciminera as a PT officer subject to the terms and conditions of existing police contract. Ms. Ciminera,s hiring is conditional on her being certified as a police officer by the PA MPOETC: Garth Monaghan motions to hire Ms. Gina Ciminera as soon as she is properly certified. George Broadbent 2nd. Questions? Chris Makely asks if Ms. Ciminera is being hired to patrol Modena and how many hours is PT. Mr. Broadbent believes it is 35 hrs. for 6 months. Mr. Monaghan assures that it is to cover staffing issues. Milby Thornington comments on police budget and hiring police. Vote: Unanimous.

PARK & RECREATION COMMISSION: Peter Massaro, Chairman
The P&R is requesting a waiver of LSDO 621.C.3 a & b of the Subdivision Ordinance for the E. Fallowfield Community Park Phase 1: Garth Monaghan moves to waive LSDO 621.C.3 a & b of the Subdivision Ordinance. George Broadbent 2nd. Discussion? Vote: Unanimous.

Simone Collins: No invoices at this time. The P&R has prepared a response to Simone Collins's 5/25/07 letter and are awaiting their comments.

Grant Status: A 6/2/08 extension letter has been mailed to the county and they are awaiting their response. Denise Miller confirmed the mailing. Mr. Monaghan authorizes Mr. Massaro to contact the County regarding the status of the extension letter.

Tree Guide: A proof was received for review, no action taken at this time.

T-Mobile: T-mobile has requested to erecting a tower on Park land. The P&R recommend that the Board do not allow this to occur.

PLANNING COMMISSION: Deborah Rush, Chairperson

Fire Hydrants: Mr. Monaghan asks Mr. MacCombie about Fire Hydrants in the Township that do not work. Mr. MacCombie will get an answer from PAWC and get back to the Board. Mr. Lentowski will also check into this issue. John Sly states the Fire Dept. test hydrants during training. Debra Rush states the water/sewer pump at Strasburg Hunt is a problem.

The Planning Commission recommends the most current Open Space design as submitted by Tom Comitta on April 24, 2007: Garth Monaghan moves to accept the Planning Commission's recommendation and send the Open Space Design Revisions to the Planning Commission for review. George Broadbent 2nd. Discussion. Vote: Unanimous.

Stormwater Management: The Planning Commission agrees to the waiver for Storm water Mgt. Section 621.C3 a&b of the Subdivision Ordinance for the East Fallowfield Community Park Phase 1.

The Planning Commission recommends that the Board approve the revisions to PAWC's Act 537 Plan: Mr. MacCombie presents 2 letters regarding PAWC's Act 537 plan for the Township to send to Mr. DeBalko of PAWC. Mr. Monaghan also authorizes Mr. MacCombie to talk with Ted Reid at PAWC. George Broadbent moves to accept the recommendation of the Planning Commission for the revisions of the Act 537 Plan. Garth Monaghan 2nd. Discussion? Vote: Unanimous.

The Planning Commission recommends to approve the final subdivision for the Johnston Property contingent upon several conditions: The Johnston Subdivision is 23 acres with 5 new four-bedroom homes plus one existing four-bedroom home with on-lot water and sewer. Mr. Della Penna states that all the conditions in his 6/29/07 letter are completed. Mr. Vic Kelly agrees to escrow the fee in of lieu money. Garth Monaghan moves to accept the Planning Commissions recommendation contingent on all requirements being met. George Broadbent 2nd. Discussion?
Vote: Unanimous.

HISTORIC COMMISSION: Paula Coyne

Request to send the Modena Fire Police a \$150 donation for their traffic control at the Mortonville Village walk.

The Historic Commission recommends the final plan for the Johnston Property with the new plans providing 15 feet more buffer for the house on the eastern boundary.

EMERGENCY DEPARTMENT:

A resident contacted Tony Sirna for permission to conduct a fire display on his property.

Mr. Sirna stated to have a fire/rescue vehicle on site and insurance.

June's Emergency Service report is available on the back table.

June's Fire Chief's Report is available on the back table.

ROADS DEPARTMENT:

June's road report is available on the back table for review.

A resident asks if Frog Hollow Road will have more speed bumps. A traffic engineer determined the location of the bumps. Chris Makely what constitutes where speed humps go. Mr. Monaghan explains it's a response to the community complaining about speeding. Mr. Makely would like a plan on speed humps.

BUILDING OFFICIAL/ZONING/CODE ENFORCEMENT:

March to current. \$73,833.64 total – Township \$47,991.87 – Keystone \$25,841.77.

NEW BUSINESS:

Resolution 2007-03; Final Minor Subdivison - to accept Brook Crossing Open Space: J.B. Dilsheimer representing Dilsheimer Communities. They would like to give the Township 30 plus acres of open space at Brook Crossing. Mr. Dilsheimer gave Chris Della Penna a map that shows the dam area that's supposed to be mowed and what the Township is responsible for. Mr. Pompo informs the Board that there are 2 separate but

connected actions, one to approve the final minor subdivision prepared by Brook Crossing Development Corp., which subdivides out from the open space wooded community, 2 storm water basins and an area around the gazebo and the other action would be to approve a Resolution 2007-03 which gives the Board action to accept the deed of dedication of the 32.193 acres, that portion of the land on the subdivision plan with the exception of the stormwater basins and the gazebo. The Subdivision plan was reviewed by the Township Engineer and a clean letter was submitted.

Elliott Berton of Steven L. Sugarman's office representing Brook Crossing HOA, requesting that the motion on the table be amended and asking the Township to take the basins. In order for the HOA to do maintenance of the basins the contractor has to step over Township land also the walking trail also runs right on top of one of the basins. The water going into basin 2 (top) is almost exclusively coming from the Township land. The HOA is asking that the proposal be amended and that the basins be included and accepted for dedication by the Township, this is in addition to and entirely separate from other issues they have with Dilsheimer. Mr. Pompo brought the correspondence from Mr. Sugarman as well as a letter from an Engineer to the Board and asked for direction. On the issue concerning the maintenance on the entrance sign and the landscaping at the entrance, Mr. Pompo asked the Board about carving that out and owned by the Association, after discussion the Board's direction was they would prefer to keep as part of the Township ownership but the Board was agreeable to entering a maintenance agreement with the HOA that would allow the HOA the right to maintain it. Mr. Berton states the HOA is prepared to maintain basin 1 (front) if the Board takes basin 2. Deborah Rush, PC Chairperson, is concerned that the Planning Commission never heard about the issues with the basins. A resident asks if the basins were put in because of the development. It was confirmed that they were. Tom Madonna states the HOA is concerned about the majority of water from the streets coming into the basins, which is dumping into the park and their engineer's recommendation is that the Township should take them, based on what he saw. Mr. Della Penna states if there is deficiency in the plan versus what was approved, it's the developer's responsibility to correct. Mr. Dilsheimer states they are working on the HOA punch list to be completed by approx. August. Dilsheimer's engineer disagrees with the HOA engineer, the basins were built per approved plan, there has been no evidence that the basins are failing, it was requested to be dry so they put in an under drain and a pipe to make it dry. The Board agrees it is premature to accept the basin. Siti Crook asks who pays the taxes on the acreage to be donated. Mr. Pompo comments it will be part of the park so the Township will immediately apply for it to be tax exempt. Milby Thornington comments on the basins.

Mr. Madonna states they have been maintaining the walking trail and the majority of those areas that incumbent Brook Crossing based on how their Covenant was approved; when upon accepting the dedicated land will the township maintain the same upkeep on the walking trails? Mr. Pompo states if the Covenant says they are to do the maintenance they still have to do it no matter who owns it. Mr. Dilsheimer says typically the Covenant does not provide that.

Per Mr. Della Penna's March 19, 2007 letter all comments have been addressed.

Garth Monaghan moves to approve the Minor Subdivision Plan as presented. George Broadbent 2nd. Vote: Unanimous.

Mr. Monaghan moves to accept Resolution 2007-03 the dedication of the land offered by the developer to be included as part of the Community Park. George Broadbent 2nd. Discussion? Vote: Unanimous.

Jeffrey Nixon representing Terra Firma Investors: Mr. Nixon would like clarity on the zoning for 1801 West Chester Road. (Formally 1765 W. Chester Road.) All his documentation including the title search and tax information indicated this property was and continued to be a commercial property which was the compelling reason they decided to purchase the property. Mr. Nixon also has proof this property was operating as a commercial property in 2002.

Everything around this property is R3. Mr. Della Penna states according to the Township map it is zoned R1. They are now looking to get a lot split to build two houses on 1.6 acres, if they don't get this they will probably take it to the Commonwealth Court to fight for the commercial use. The board will make the determination as to the zoning and send a letter to Mr. Nixon. Mr. Broadbent asks without debating the commercial status, is building 2 houses as residential the way you would go? Mr. Nixon states that is what they would like to do. Mr. Pompo states that the property was zoned commercial before the rezoning in 2002 and in 2002 it became the same as North Woods, when North Woods plans were filed originally it was before the 2002 zoning and by the time it was rezoned, it was rezoned the same as the North Woods property R1. Mr. Della Penna states the reason the lots in North Woods are so small is because they went through Conditional Use to reopen for the design option. Mr. Pompo states if Mr. Nixon can show that this property was used for a computer service and it's not abandoned, the law abandonment greatly favors the landowner. Then they are entitled to continue the non-conforming use. Mr. Broadbent goes over the options; Once it is determined if the property is R1 or R2, they need to go to the Zoning Hearing Board (ZHB) to get a variance to have smaller lots, if they wanted to go the commercial route, you can go before the ZHB to have them determine what the correct use of the property is under commercial status. Mr. Monaghan states the Township will determine the zoning and send Mr. Nixon a letter as to his options.

CITIZEN PARTICIPATION:

Siti Crook would like to know if the Township received a reply from the County. Mr. Monaghan states the Township has not received anything as of this date and he will call tomorrow. Mrs. Crook asks if there is a time limit on when the County can reply. Mr. Pompo states this kind of request is not part of their duties so they don't have a deadline. Mrs. Crook asks if a Township Manager would have caught the inconsistencies of the Zoning Book. Mr. Monaghan states they would have been in the meetings. Mrs. Crook asks Mr. Pompo what would happen if she put someone in her property. Mr. Pompo states the Township could give fines to her.

Mrs. Crook requests the Board form an ad-hoc committee to investigate to have a Township Manager and to hire a Manager at the end of a fixed period of time. Mr. Monaghan states Attorney Neil Morris previously suggested a Township Manager. George Broadbent moves to authorize Mr. Pompo to draft an Ordinance for a Township Manager. Mr. Monaghan 2nd.

Mr. Monaghan calls for any comments? Milby Thornington public discussion on a choice for a Township Manager, 5 Supervisors or stay the same. Chris Makely possible to put a Township Manager on the ballot? Mr. Pompo states you cannot put things on the ballot unless there is a statute that states you can put it on the ballot. Ed Porter states the form to have 5 Supervisors will be submitted tomorrow and comments there are Townships with 5 Supervisors and a Manager.

Would the Board wait until after the January reorganization meeting and then move forward and not vote until then? Mr. Monaghan suggests starting the discussion now. Mr. Broadbent states in order to hire a Manager an ad-hoc committee has to be formed made up of a diverse cross section of the Township with a search and an intensive interview process by the committee and the Board. Mr. Pompo states the Board could put a question on the ballot for 5 Supervisor's, but there is not a meeting between now and when you have to file.

PUBLICATION PARTICIPATION:

Resident states he is still being flooded over his bridge by the Pelham Place and asks if the Township has heard anything from FEMA. Mr. Monaghan states nothing yet and will get in touch with Mr. McDermott.

Milby Thornington states the Township Agenda on the web was blank, also states his neighbor said the enforcements, codes person, drove around following him saying he had to take his yard sale signs down. Chris Makely status of The Beagle Club? Mr. Monaghan states the Township has talked with the Natural Lands Trust and The Brandywine Conservancy about purchasing, through grant money, as passive open space for the Township. The property has been evaluated and appraised and are waiting for Natural Lands Trust to call. Meeting for the Modena 90 day review? Mr. Broadbent states the update will be part of the regular meeting and numbers will be provided. Keystone status? Met with a company on Monday, a proposal will follow. Dean Vanhorn does Mr. McDermott's contract terminate with Keystone? Mr. Monaghan answers yes.

Mr. Vanhorn also states he had no issues with Mr. McDermott.

Mr. Kreckler of 735 Baron Crest regarding the basin in his back yard holding water, water foul and mosquitoes. Mr. Monaghan spoke with someone from the County and he said the basin was designed to be a wet basin. (page 4 of the plans) Chris Makely and Conrad DeAbreu also comment on the how the basin was built. Conrad also comments on the fence that is in the right of way. Brinton Station HOA is looking for relief of their setbacks. Someone will get back to the HOA.

ADJOURNMENT:

Garth Monaghan motions to adjourn at 11:00 pm. George Broadbent 2nd. Vote: Unanimous.

Respectfully Submitted,

Denise Miller
Secretary

