

**EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
December 19, 2007  
UNAPPROVED**

**MR. BROADBENT CALLS THE MEETING TO ORDER AT 6:35 followed by Silent Meditation and Pledge of Allegiance.**

**IN ATTENDANCE:** Denny Howell, Vice Chairman; George Broadbent, Member; Mark Espie, Treasurer; Steve Soles, Solicitor; Denise Miller, Secretary.

**APPROVAL OF MINUTES:** George Broadbent moves to approve the November 28, 2007 minutes. Denny Howell 2<sup>nd</sup> with corrections previously given to the Secretary. Discussion? Vote: Unanimous.

**CORRESPONDENCE:**

Gene Ortiz with the PA Environmental Council gave a brief description of an advisory council and is available for any resident question at 1-215-592-7020 X103. Buddy Rhoades comments on Open Space in East Fallowfield.

Mr. Broadbent makes a few announcements: The Township has 1 Planning Commission and 2 Administrative Appeals Board vacancies and instructs Denise Miller to advertise for all vacancies, The township rec'd a letter from Senator Dinniman stating East Fallowfield received their 2006 performance grant for \$3,432.00, the twp. also had 287 tons of recyclables that were collected in 2005, the Board of Supervisors meeting will be held the 4<sup>th</sup> Tuesday at 6:30 PM, but the January 7<sup>th</sup> meeting will be at 6 PM.

Mr. Gathercole states Nancy Fromack, of the Chester County Recycling Authority, states the Twp. recyclables are not going where they should be going, also there will be a recycling meeting in the twp. meeting room on January 29, 2008 at 3 pm.

**SOLICITOR'S REPORT:**

Steve Soles has a request to dedicate the roads in Stone Creek. Westrum has taken care of the outstanding items in Chris Della Penna's, Township Engineer, report and agreed to reimburse the Township for \$3,860.99 for the liquid fuels tax that the Township would have received. Westrum also is requesting an escrow release of \$425,974.91, they are in agreement to hold back \$20,513.71 until all items are reviewed and paid by the developer. The current escrow to be released is \$405,461.20. Mr. Della Penna will do a new escrow release request.

Mr. Broadbent asks if Stone Creek is the development with the restricted open space issue? Steve Soles says he believes the affected lots were sold at a reduced price and disclosed to the sellers during marketing. Bill Leonard, representing Westrum development, states Richmond American is the builders of the lots and this has nothing to do with Westrum.

Buddy Rhoades states money should be withheld because of the affected lots.

Paul Patton, Westrum Development, states all improvements were completed as per approved plan. Bob King asks where is the documentation from Don McDermott, Zoning Officer, regarding his meeting with the builder regarding donating a lot so the homeowners could build on their lots? Chris Makely states without Mr. McDermott present the Twp. cannot issue the escrow request. Mr. Soles advises the Board that under Section 510 since the roads have passed inspection and are strictly sound the Township has 15 days from the report to act, and if they don't act the roads will be deemed dedicated and the twp. will lose the ability to have a maintenance bond and additional liquid funds money presented, offered by the developer. Mr. Soles advises the Board that there is a difference of opinion between the Board and the Applicant. The MPC permits a certain amount of time from the issuance of the engineer report to act. If the Township does not act or acts contrary to that it will be deemed dedicated in which case the roads will by operation of law be dedicated. If the twp. is going to make the decision to try and resolved the issues it has to be done in the time period or the roads will be deemed dedicated to the Township.

George Broadbent motions to accept the dedication of the roads in Stone Creek (Robins Cove) Development. Denny Howell 2<sup>nd</sup>. Mr. Soles introduces documents for the dedication into record; A maintenance bond in the amount of \$208,040.00 approved by the Twp. Engineer. Deeds of dedication to effectuate the legal transfer of title, maintenance agreement for 18 months, Westrum has agreed to guarantee the structural integrity of the roads, as required under the law and an additional declaration of lot owner obligations. Comments? Ryan Ray suggests to take 7 days before paying the escrow request.

George Broadbent calls for a vote: Vote: Unanimous.

Mr. Broadbent asks Westrum representatives if they have any inclination to resolve the issue that is affecting some residents because of restricted open space in their yard?

Mr. Patton states they do not feel it is Westrums responsibility. Chris Makely states their was a issue with the footprint being enlarged on the plans that led to the problem with the space in the yard. Mr. Broadbent acknowledges that he has heard this.

George Broadbent moves to release escrow release for \$405,461.20. Denny Howell 2<sup>nd</sup>. Further Discussion? Dennis Crook asks how could the open space get by the planning stage? Mr. Patton speculates that the homeowners enlarged the lot and built to the maximum building envelope to get bigger houses and states the public improvements have been completed and inspected and accepted by the engineer after reviewing the MPC mandates that release the funds. After no further comments Mr. Broadbent calls for a vote. Vote: Unanimous. Mr. Soles states for the record that Mr. Della Penna will revise the escrow release.

**TREASURER'S REPORT:** Mr. Espie sets up the phone with Garth Monaghan from his home. Mr. Soles states that Mr. Monaghan is participation over the phone as allowed under the Pennsylvania law.

Mark Espie reads the November 28, 2007 treasurer's report. George Broadbent moves to accept the treasurer's report and authorize payments per report. Denny Howell 2<sup>nd</sup>. Discussion? Vote: Unanimous.

The difference from the 2008 budget from what discussed at the Saturday workshop and the one presented tonight is 10% for non-police employees has been added, earned income has been reduced to \$876,000.00 for next year and a reduction of staff, 2 people.

George Broadbent states they cannot pass a budget with a deficit and it will continue to be worked on. Mr. Broadbent's recommendation is that if the budget is brought forward the way it now, it be reopened in January. Mr. Broadbent does not believe in charging a real estate tax without making as many cuts to the budget as can be made.

George Broadbent moves to accept the treasurer's budget for 2008 as presented and reopen it at the next meeting for review. Garth Monaghan 2<sup>nd</sup>. Discussion? Debra Rush asks if the PC will still have a secretary? Mr. Soles advises the Board to not speak about specific jobs. Ms. Rush states that a PC secretary is very much needed. Buddy Rhoades thanks Mr. Espie and the Board for having workshops on Saturday and their work on the budget and asks the Board to consider Senior Citizens when thinking about a real estate tax. Barry "Tag" Gathercole, Road Foreman, states if he loses a road worker they may not be able to take care of State roads and also states the road crew is not over budget and invites all residents to call him with any problems/concerns. Earl Emel asks the board to reconsider cutting a road crew worker.

Mr. Monaghan would like to set a date for the next work session. After discussion, the Board agrees to December 29<sup>th</sup> at 9 am. Mr. Broadbent calls for a vote to approve the budget with the intension to reopening it. Vote: Denny Howell abstains. Garth Monaghan yea. George Broadbent yea. Vote passes.

George Broadbent excuses Garth Monaghan at this time.

#### **PLANNING COMMISSION:**

Deborah Rush recommends a flow chart of all application procedures and updates the Board that the C-ville School District has to come back to the Planning Commission.

Deborah would like to get a plaque for Roger Brown who stepped down from the Planning Commission. Ryan Ray volunteers to pay for a plaque for Roger.

#### **POLICE DEPARTMENT: Chief Mango**

The November Police and Citation report is available on the back table and also will be available in the Township office during regular hours.

3, 569 incidents in E. Fallowfield for 2007. (619 increase from the previous year) and 31 incidents in Modena for November

The suspects for the recent burgerlies and arsons have been apprehended.

Chris Makely what extent is the right to know concerning residents knowing when police are on duty and can the cumulative hours of police be given out? Mr. Soles states the

police cannot risk the public safety by having someone know who or when police are on duty.

Mr. Soles does not know off hand regarding the police cumulative hours.

**ROADS DEPARTMENT:**

The November road and vehicle service reports are available on the back table, also in the twp. office during business hours.

Mr. Broadbent commends the road dept. on all their work they do.

**HISTORIC COMMISSION:** Paula Coyne

In Nov. Mrs. Coyne stopped a truck from going over the Mortonville Bridge and would like something put on the front page of the website that you cannot cross the Mortonville Bridge or Copes Bridge with over 15 tons and also notify W. Marlborough. Mr. Broadbent asks Mrs. Coyne to draft a letter.

Buddy Rhoades comments on overweight trucks going over Twp. Bridges. Ed Porter asks why doesn't E. Fallowfield have a certified DOT officer. Barry Gathercole comments he believes it is a 2 week course for a certified DOT.

Mr. Broadbent has a request from Mrs. Rush to move the Pelham Place up on the agenda. The Pelham Place Development is requesting to utilize mechanically stabilized earth systems (MSE) as a substitute to the proposed concrete retaining walls located along the rear of Lots 10-12 and 67-69. Jeff Bodo, D.L. Howell & Assoc. Project Manager, has been in communication with Mr. Della Penna, in October, and forwarded information on what they want in regards to the walls, Mr. Della Penna gave his approval. They will have a structural engineer, signed and sealed with the license in Pennsylvania who design the walls and will be submitted to the Township for review and approval prior to construction. Mr. Bodo does not feel they should have to go back to the Planning Commission. Chris Makely states in speaking with Chris Della Penna he said the two affected land owners were not informed. Sam Carlo, Director of Land Dev. for Deluca Homes, states he sent certified letters to all purchasers.

Garth Monaghan joins the meeting via phone.

Mr. Soles asks if they could record some document with the recorder of deeds that would show the improvement change?

Mr. Broadbent states Mr. Della Penna's letter says the 1 to 1 slope is not allowed in the Twp. Ordinance. Mr. Bodo says if you continue to read the Ordinance B3 or 4 says if it's greater than 1-2 then a retaining wall shall be constructed per the approval of the engineer.

George Broadbent motions to give preliminary final approval for The Pelham Place pending a clean letter from Chris Della Penna and a review by the Planning Commission. Garth Monaghan 2<sup>nd</sup>. Denny Howell abstains. Vote passes. Garth Monaghan is excused from the meeting. (via phone)

**PARK & RECREATION COMMISSION: Peter Massaro**

Mr. Massaro gives a P&RC report, which is available in the twp. office during regular business hours for public review.

Mr. Massaro asks the Board to submit the NPDS Permit (not final) to the prospective office to start the review process. George Broadbent gives his ok.

The Highway Occupancy permit is planned to be submitted by the end of the week.

The P&RC recommends to the Board to allow the Park construction go out to bid and asks Mr. Pompo's office to advertise the bid once he reviews the documents he received today and well as Mr. Della Penna's final review. George Broadbent moves to allow the Park documents be put out to bid. Comments? Vote: Unanimous.

Mr. Massaro asks the Board to accept the new P&RC Roster effective January 1, 2008. Peter Massaro, Chairman; Joseph Dietrich, Vice Chairman; Jeanne Berlin, Secretary; Ken Hanson, Treasurer; Members, Jan Bowers, Brian Carling, Cheryle Hanson,; Non-voting member, Joe Bradley. George Broadbent accepts.

Mr. Broadbent asks if the play equipment and storage issue is resolved? Mr. Massaro had contact with Play World Structures (George Ely Associates, Distributor) and decided to go look at their equipment in other Townships.

Mr. Gathercole states the recycle shed could possibly be used for park equipment storage. Mr. Gathercole would also like to go and look at the other Township park equip. Mr. Massaro will send him a list of other Townships that have Play World equip.

**FRIENDS OF THE PARK:** No report at this time.

**EMERGENCY DEPARTMENT:** No report at this time.

**UNFINISHED BUSINESS:**

George Broadbent moves to adopt Ordinance 2007-09 – An Ordinance amending Ordinance 2003-03 to include the Township's Municipal Trash and Recyclable contractor from the noise Ordinance. Denny Howell 2<sup>nd</sup>. Discussion? Vote: Unanimous.

**NEW BUSINESS:**

Motion to approve escrow release Phase 1 #20 for Manchester Farms for \$1,591.00 leaving a bal of \$242,903.28., this has been approved by Chris Della Penna. George Broadbent moves to authorize the treasurer to pay from the general fund. Denny Howell 2<sup>nd</sup>. Comments? Vote: Unanimous

Motion to release escrow release Phase 2 #16 for \$67,138.60 leaving a bal. of \$539,999.59, this has been approved by Chris Della Penna. George Broadbent moves to authorize payment request #16 in that amount from the general fund. Denny Howell 2<sup>nd</sup>. Discussion? Vote: Unanimous.

**CITIZENS BY REQUEST:**

Dennis Crook submits a hard copy of his previous email to Mr. Broadbent regarding a program from the PA Chiefs of Police Association.

Jene Jones on behalf of her father Albert Mammarella regarding his letter about water running down 17<sup>th</sup> Avenue and turning to ice in front of his driveway. Mr. Gathercole states he did go out with PAWC to look at the situation and believes this could be coming from underground springs in Caln Township. PAWC took water samples to test for chemicals.

Buddy Rhoades would like an update on the Beagle Club. Mr. Broadbent answers there is no update as of yet and comments on Jane Dorchester's contract and the \$12,000 contract Paula Coyne signed

George Broadbent thanks Denny Howell for all his years of service as a Supervisor.

**ADJOURNMENT:**

George Broadbent motions to adjourn at 10:00 pm. Denny Howell 2<sup>nd</sup>. Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Secretary