

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 24, 2020 Approved minutes
6:34 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice Chairman
Katja Dirado, Member
Carol Kulp, Member
John Nielsen, Member

Township Staff Present

Scott Swichar, Township Manager

Township Solicitor

Mike Crotty

1. CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

Chairman Lambert called the meeting to order at 6:34 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

MARCH 10, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Dirado made a motion to approve the March 10, 2020 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

Township Manager Swichar stated that the March 24, 2020 meeting agenda and February Treasurer's Report are available for public inspection on the Township's website.

Supervisor Kulp stated that her comment on page four of the March 10 meeting minutes needs to be corrected. She stated that she had not questioned how many homes were being built at South Caln Road and West Chester Road. She stated that she had actually questioned the visibility of the temporary road at the site and where the homes would be built.

Township Manager Swichar stated that he would make the change to page four of the March 10, 2020 minutes as requested.

VOTE: 5-0

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) February Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) February Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) February Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) February Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

- 5) February Modena Fire Company EMS Report submitted for Board and resident review.

C. TREASURER'S REPORT

- 1) February 29, 2020 Treasurer's Report

MOTION: Supervisor Kulp made a motion to approve the February 29, 2020 Treasurer's Report as presented. Vice Chairman Heffern seconded.

Supervisor Kulp questioned when the Board members will sign checks.

Township Manager Swichar stated that he will contact board members to arrange a time during the week to sign the checks.

VOTE: 5-0

- 2) Payment Authorizations

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of February 26, 2020 through March 24, 2020 in the total amount of \$264,851.90 as presented. Supervisor Dirado seconded.

VOTE: 5-0

C. TOWNSHIP MANAGER'S REPORT

- 1) A Resolution to ratify, restate, and confirm the Declaration of Disaster Emergency issued on March 18, 2020

Township Manager Swichar stated that on March 18 the Township issued an Emergency Declaration of Disaster Emergency related to the COVID-19 pandemic in order to make emergency purchases and apply for aid if needed. He stated that the declaration would need to be ratified by the Board of Supervisors within 7 days. He stated that Resolution 2020-06 would ratify the existing Declaration of Disaster Emergency and continue the Disaster Emergency until the next Board of Supervisors meeting on April 28.

MOTION: Chairman Lambert made a motion that the Township approve Resolution 2020-06 ratifying, restating, and confirming the Declaration of Disaster Emergency issued in East Fallowfield Township on March 18, 2020. Vice Chairman Heffern seconded.

Supervisor Kulp questioned why the first paragraph of the Emergency Declaration states that Coronavirus cases are presumed to be positive rather than confirmed to be positive.

Supervisor Dirado stated that the result of the test would not be positive until it is confirmed by the CDC.

VOTE: 5-0

- 2) 2020 Road Paving Project

Township Manager Swichar stated that the Township budgets funds on an annual basis through Liquid Fuels to pave Township roads. He stated that construction is not currently permitted due to

the Governor's order, however the Township should consider putting the road paving out to bid and contractors will be able to bid on the project. He stated that because oil prices are low and due to the current economic climate, the Township could receive favorable bids. Township Manager Swichar stated that he recommends paving 2,558 feet on Clearfield Lane, 2,080 feet on Huntington Circle, 1,383 feet on South Caln Road, and 682 feet on Wagner Lane. The Township budgeted \$200,000 in the Liquid Fuels Fund. He stated that the portion of road to be paved on South Caln is a very small section that would not be affected by any construction at the Fieldstone development. He stated that Wagner Lane has deteriorated since last year. The total engineer's estimate to pave all four roads is \$221,040. The Township could limit the work to be completed should the bids come in higher than expected.

Supervisor Dirado questioned whether the roads that Township Manager Swichar recommends for paving are scheduled to be paved this year or deemed to be in the worst condition.

Township Manager Swichar stated that the roads he recommends for paving have not been paved for approximately 40 years and are in the worst condition.

Supervisor Nielsen questioned if the funding comes from the Liquid Fuels Fund and whether the Liquid Fuels report is up to date for 2020.

Township Manager Swichar stated that the Township is up to date with its PennDOT reporting requirements.

MOTION: Vice Chairman Heffern made a motion that the Township approve the advertisement to request bids for the 2020 road paving project to resurface the four aforementioned roads. Chairman Lambert seconded.

VOTE: 5-0

3) Purchase of LED Sign at Park

Vice Chairman Lambert stated that the Township should table the discussion of whether to purchase an LED sign to a later date due to the COVID-19 pandemic.

4) Grilling at Park Ordinance

MOTION: Supervisor Dirado made a motion to adopt Ordinance 2020-01 amending Chapter, Section 16-102 of the East Fallowfield Township Code to permit fires in Township-supplied grills. Vice Chairman Heffern seconded.

VOTE: 5-0

5) West Chester Road and South Caln (authorization to advertise bid specifications)

Supervisor Dirado and Supervisor Kulp questioned whether the Motion should be tabled since construction is not currently permitted in Pennsylvania.

Township Manager Swichar stated that Township should consider putting the project out to bid. He stated that due to the economic conditions and low oil prices, the Township might receive favorable pricing. He stated that the project is ready to go out to bid.

Supervisor Dirado stated that the Township should consider putting the project out to bid now so they can move forward when construction is again permitted in order to prevent future flooding issues at that location.

Township Solicitor Crotty stated that the bid specifications provide that the construction could be performed now until the end of the paving season. He stated that funding would come from the West Chester Road and South Caln Road Developer Fund.

Supervisor Nielsen questioned where the construction plans are located and whether the project is related to the development of Ridgecrest. He also questioned the scope of work that would be performed at the intersection.

Township Manager Swichar stated that the Township has a copy of the plan and that the intersection project is separate from the Ridgecrest Development. He stated that the Board has a copy of the estimate which details the work to be performed. He stated that South Caln Road would be regraded, inlets would be installed, and drainage improvements would be built at the intersection.

Supervisor Kulp questioned whether three inlets would be installed at the site. She stated that there is flooding at the intersection which affects nearby homeowners.

Township Manager Swichar stated that he believes that three inlets will be installed at the site.

Supervisor Dirado questioned if the Township Manager looked at the site where the flooding occurs.

Supervisor Kulp stated yes.

Township Manager Swichar stated that Ridgecrest will be constructing a swale on their property that will connect to an inlet at the intersection.

Supervisor Dirado questioned the purpose of a swale.

Township Solicitor Crotty stated a swale is a depression in the earth used for channeling stormwater.

Chairman Lambert stated the work will flatten the grading on South Caln Road in order to improve the site distance of the intersection.

Township Manager Swichar presented the engineered plans for the intersection.

Supervisor Dirado questioned the purpose of the advertisement.

Township Solicitor Crotty stated the advertisement is meant to solicit bids.

The Board of Supervisors discussed a traffic circle at the intersection.

MOTION: Supervisor Heffern made a motion that the Township approve the advertisement to request bids for the West Chester Road and South Caln Road Intersection Improvements. Supervisor Nielsen seconded.

VOTE: 5-0

6) 2275 Strasburg Road – Request for Waiver of 2020 Trash & Recycling Invoice

MOTION: Supervisor Kulp made a motion to approve the waiver of the 2020 trash and recycling fee for 2275 Strasburg Road. Chairman Lambert seconded.

Township Manager Swichar stated that Jim Cochran, the owner of 2275 Strasburg Road, submitted a letter to the Township requesting a waiver of the trash fee for 2019 and 2020. Mr. Swichar stated he was concerned about waiving the trash fee for the prior year which would set a precedent since the Township's solid waste Ordinance does not permit an appeal for the prior year.

QUESTIONS AND COMMENTS

Township Resident Ellen Kuehner, of 2213 Strasburg Road, stated that the homeowner, Jim Cochran had applied for a waiver of the trash fee in 2018 and the property is not habitable. She stated that since he had previously applied for a waiver in 2018, they thought it was permanent.

Vice Chairman Heffern questioned whether 2019 was the first year that the Township included the trash fee in the Township property tax bill.

Township Manager Swichar stated yes.

Vice Chairman Heffern stated that Mr. Cochran did not receive a separate trash bill for 2019 after receiving one for many years and that he may have thought his trash fee was still being waived. He stated that he understands Mr. Cochran's position since the Township had changed the billing system in 2019.

Township Solicitor Crotty stated that Mr. Cochran's trash fee was waived in 2018 and the Ordinance requires that the applicant appeal the fee on an annual basis. He stated there is a valid excuse why Mr. Cochran did not pay his 2019 bill given that the billing system changed in 2019. He does not have a legal objection to granting a waiver for the two years.

Supervisor Dirado questioned if Mr. Cochran would need to apply for a waiver every year.

Township Manager Swichar stated yes.

Supervisor Heffern questioned whether the owner of a property not containing a home would receive a trash bill.

Township Manager Swichar stated that if a residential home is not on the property, then the owner would not be charged a trash fee.

Supervisor Heffern questioned whether the property could be reclassified to reflect that the property is not habitable.

Township Manager Swichar stated that the County Assessment reflects that the property has a dwelling.

Township Solicitor Crotty stated that the homeowner may want to seek a reassessment of the tax bill from the County Assessor.

Supervisor Dirado questioned if the homeowner agrees to have their 2019 trash bill for 2275 Strasburg applied to their 2020 bill for 2265 Strasburg Road.

Township Manager Swichar stated that the Township would be able to provide a refund of the 2019 trash fee directly to the homeowner. He stated the Township could ask the County to remove the 2020 trash fee from the Township Tax Bill at the direction of the Board of Supervisors.

Mrs. Kuehner stated she would appeal directly to the County to change the status of the property if necessary.

Township Solicitor Crotty stated that Mrs. Kuehner would need to appeal any tax assessment to the County directly since the Township does not own the property.

Supervisor Nielsen questioned if a waiver request is needed every year for the property.

Chairman Lambert stated yes.

AMENDED MOTION: Supervisor Kulp made a motion to approve the waiver of the 2020 trash and recycling fee and refund the 2019 trash and recycling fee for 2275 Strasburg Road. Chairman Heffern seconded.

VOTE: 5-0

D. LEGAL

1) Jensen – Land Development Waiver Request for Driveway Slope

Township Solicitor Crotty stated that the applicant, Paul Jensen, made a waiver request under the Subdivision and Land Development Ordinance. He stated that the applicant previously received variance approval to build a single-family home, however the contractor exceeded the allowable slope for the driveway which does not comply with the Land Development Ordinance. The driveway slopes away from the road. The Township engineer and building inspector do not object to the waiver request.

Supervisor Nielsen questioned if the driveway is paved.

Township Solicitor Crotty stated yes.

Supervisor Nielsen questioned if runoff is being increased on adjacent properties.

Ryan Jennings, of Unruh, Turner, Burke, and Frees, representing the applicant, stated that the applicant's engineer David Rentschler, of JMR Engineering, LLC, prepared an as-built plan as requested by the Township.

Mr. Rentschler, of JMR Engineering, LLC, stated that the driveway slopes toward the lot. The waiver is for the driveway slope. The Ordinance allows a maximum slope of 15%. However, the contractor mistakenly exceeded 15%. The Township required an as-built survey of the driveway which confirmed that a small section exceeded 15%.

Supervisor Nielsen questioned the size of the section of driveway that exceeds 15%.

Mr. Rentschler stated that 36 linear feet exceeds the maximum slope of 15%.

Mr. Jennings stated that the driveway is 114 linear feet and less than one-third of the driveway is above the allowable slope. The portion that exceeds the allowable slope is in the middle of the driveway.

Mr. Rentschler stated that the driveway slopes into the stormwater management system.

Supervisor Nielsen questioned if there is a retention basin on the property.

Mr. Rentschler stated yes. He stated there is an inlet that feeds an underground bed. He stated that the property owner is unable to obtain a use and occupancy permit and move into the home unless the variance is granted.

MOTION: Vice Chairman Heffern made a motion that the Township approve a request from Paul Jensen at 1005 Doe Run Road for a waiver of the Subdivision and Land Development Ordinance for a private driveway slope. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS

Supervisor Dirado questioned whether the items that Township Engineer Chris Della Penna requested in his field report to be repaired were in fact completed.

Mr. Jennings stated that all issues were already addressed or will be addressed.

Chairman Lambert stated that the Township Engineer noted in his report that the steep slopes in the area create hardships for property owners.

VOTE: 5-0

- 2) Approval of a septic road crossing easement between Lila M. Blatt, property owner of 170-175 Mink Hollow Road and East Fallowfield Township

Township Solicitor Crotty stated that the property owners own land on both sides of the road and in order to install a septic system on the property they would need to install the septic system on the other side of the road. The easement agreement would allow them to install the system under the Township's road. The septic road crossing agreement has been signed by all parties as is ready for the Board's consideration.

Supervisor Nielsen questioned what specifications are needed for repairing the roadway after the road is opened and who inspects the roadway. He questioned whether the applicant could create a horizontal bore under the roadway.

Township Manager Swichar stated that he was not sure if a horizontal bore could be installed. He stated that the applicant applied for a Township road opening permit and that the Building Inspector would inspect the repair work on the roadway to ensure it met proper specifications.

Dana Parker, of Keller Williams Real Estate Exton, representing the property owner, stated that in the road crossing easement agreement, the property owner is responsible for repairing the roadway to its current condition. The excavator would decide how the excavation would be completed and the road crossing permit has not yet been obtained.

Supervisor Kulp questioned if Mink Hollow Road had been paved recently and whether it would be repaired correctly.

Mr. Parker stated yes.

MOTION: Supervisor Kulp made a motion that the Township approve a Septic Road Crossing Easement between Lila M. Blatt, landowner and East Fallowfield Township in the form as presented and authorize the Board of Supervisors Chairman and Township Manager/Secretary to sign all related documents. Vice-Chairman Heffern seconded.

VOTE: 5-0

- 3) Approval of a Mutual Aid Agreement

Township Solicitor Crotty stated that the prospect of a Mutual Aid Agreement would allow the Township's Police Department to call in police officers from other participating municipalities to assist with emergency calls. There are numerous municipalities that are considering the agreement. He stated that the final form of the agreement would be ready within a few weeks. He stated that the Township is not mandated to send police officers to other municipalities.

Supervisor Nielsen questioned whether East Fallowfield Township would be responsible for paying officers who are performing work in other municipalities.

Solicitor Crotty said yes.

Supervisor Nielsen questioned whether the State Police would continue to provide service in municipalities such as West Bradford Township. He questioned whether the State Police would be a party to the agreement.

Solicitor Crotty said yes. He stated that the State Police would be a party to the agreement in terms of providing service to other municipalities. He stated that under the agreement the Police Chief would call the State Police or neighboring jurisdictions should the need arise.

Supervisor Kulp questioned what would happen if an officer was hurt.

Solicitor Crotty stated that Police Officers would remain employees of their respective department and covered under the Township's Insurance Policy.

Supervisor Nielsen questioned if the agreement is effective only if there is an Emergency Declaration in place.

Solicitor Crotty stated that agreement would be in place if there is an Emergency Declaration in place related to the Coronavirus.

Supervisor Kulp questioned if the Chief is on board with the agreement.

Solicitor Crotty stated he did not hear back from Chief Porter.

Supervisor Dirado stated that the Chief is most familiar with his own department's staffing.

Supervisor Heffern questioned if the Township Manager and Police Chief have the discretion not to sign the final agreement.

Solicitor Crotty said yes.

Supervisor Dirado stated she thinks it is a good idea to have the mutual aid agreement in place in case a department loses an officer due to the Coronavirus. She stated there would be a negative staffing impact if an officer was sick due to the Coronavirus.

MOTION: Supervisor Dirado made a motion that the Board approve Resolution 2020-07 and authorize the Township Manager and Police Chief to sign the Mutual Aid Agreement in the form as presented. Vice Chairman Heffern seconded.

VOTE: 5-0

4) Essential Personnel Letter

Solicitor Crotty stated due to the Governor's Order, only essential personnel are permitted to travel. He prepared a letter designating staff as essential personnel in case the Township's staff are stopped by law enforcement.

QUESTIONS AND COMMENTS

Supervisor Dirado questioned if the road crew are considered essential personnel.

Township Manager Swichar stated that the road crew and administrative staff are essential personnel.

Supervisor Heffern questioned if the police need an Essential Personnel Letter.

Supervisor Nielsen questioned if the Township's Building Inspector, Rob McLarnon is coming into the office and whether building permits are being issued.

Township Manager Swichar stated that the Township is accepting applications and reviewing plans, however they are unable to issue building permits.

E. PLANNING COMMISSION

1. No Report Submitted

F. POLICE DEPARTMENT

1. February Police Report submitted for Board and resident review

G. PUBLIC WORKS DEPARTMENT

1. February Road Department Report submitted for Board and resident review

H. HISTORICAL COMMISSION

1. No report submitted

I. NEW BUSINESS

None

J. OLD BUSINESS

None

K. PUBLIC PARTICIPATION

- a) Jess David, speaking on behalf of her mother Robin Romanelli, stated that her mother is purchasing a new construction home at 14 Derry Lane, in East Fallowfield Township. She stated that her mother is waiting for a certificate of occupancy for her new home so she can move into the property. She questioned if she should hold off on closing on the property.
- b) Solicitor Crotty stated that builder should work with the state to obtain a waiver.
- c) Township Manager Swichar stated that the Township is working with homeowners to obtain conditional use and occupancy permits.

- d) Robin Romanelli stated that she had reached out to Township Manager Swichar numerous times and had not heard back from him.
- e) Township Manager Swichar stated that he is aware of Ms. Romanelli's situation and the first time he received an email from her was that morning. He stated that the Township is actively working to complete conditional use and occupancy permits for her and the other residents.
- f) Supervisor Dirado questioned if her application for the conditional occupancy permit could be moved to the top of the list.
- g) Township Manager Swichar stated there are three residents that are requesting the conditional use and occupancy permit and the Township has made it a high priority to issue the permits for all the applicants.
- h) Township Manager Swichar stated that two public comments were received directly by email. He read into the record the email from Township resident, John Riley:

We are walking frequently these days using trails through the Town Forest and along the perimeter of the town forest. We love the little foot bridges and paths are beautiful. In one place between Brook Crossing and Branford there is a down sloping trail causing a very wet area on the trail to the East Fallowfield Park near the fishing pond. In fact, it looks like a natural stream is trying to find its way from one side of the foot trail to the other. Looks like work has been done in this spot as there is evidence of digging and some filling in with clean fill being done.

Could the township install a culvert pipe under the foot trail to allow the water to flow from one side to the other?

Township Manager Swichar stated that the area of the park is wet due to the nearby wetlands. There is an existing boardwalk over portions of the wet area, however he has not noticed a stream. He stated that he would further examine the area.

- i) Supervisor Dirado stated that the area should be looked at when the area is wet.
- j) Township Manager Swichar read into the record an email from Township resident, Christy Rucker:

Hello, you may already be planning to talk about this... The Declaration of Emergency says: "any and all emergency plans." Are these plans already established? What are they? Thanks so much, Christy Rucker

Township Manager Swichar stated that the Township has an Emergency Management Plan and the Township's Emergency Management Coordinator submits an updated plan to the County every two years.

L. ADJOURNMENT

Chairman Lambert stated that an executive session to discuss personnel matters would immediately follow the Board of Supervisors meeting.

MOTION: Vice Chairman Heffern made a motion to adjourn the March 24, 2020 Board of Supervisors Meeting at 8:00PM. Supervisor Lambert seconded.

VOTE: 5-0

Respectfully Submitted,

Scott Swichar,
Township Manager/Secretary