

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 25, 2020 Approved minutes
6:33 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice-Chairman
Katja DiRado, 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 6:33 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

July 28, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Chairman Lambert made a motion to approve the July 28, 2020 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

Vice-Chairman Heffern stated that he did not attend the July 28, 2020 meeting. The meeting minutes should be edited to reflect that he was not at the meeting and that only four Supervisors voted rather than five.

Township Manager Swichar stated he will make the revisions.

VOTE: 3-0, Vice Chairman Heffern Abstained.

A. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

B. TREASURER'S REPORT

- 1) July 31, 2020 Treasurer's Report.

MOTION: Supervisor DiRado made a motion to approve the July 31, 2020 Treasurer's Report as presented. Chairman Lambert seconded.

VOTE: 4-0

2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of July 29, 2020 through August 25, 2020 in the total amount of \$374,534.72 as presented. Supervisor DiRado seconded.

VOTE: 4-0

C. TOWNSHIP MANAGER'S REPORT

1) Wagner Lane Subdivision-Landscaping Proposal. Presentation by David E. Rentschler of JMR Engineering

Township Manager Swichar stated that the matter was previously discussed at the July Board of Supervisors meeting and had been tabled until the August meeting so that Board members could visit the site.

David E. Rentschler, of JMR Engineering, representing the developer, stated that the site is heavily wooded. He stated that one option for the Board to consider is to plant the trees at the site or give the remaining escrow funds to the Township.

Supervisor DiRado questioned if half of the trees could be planted in the development and the Township would receive half of the remaining escrow monies.

Supervisor Nielsen questioned if Township Engineer Chris Della Penna had recommended that the trees be planted at the storm basins.

Mr. Rentschler stated that he thought Mr. Della Penna approved of the storm water basins. He stated that they cannot plant at the stormwater basins since they are now private property.

Township Manager Swichar stated that Mr. Della Penna had mentioned that one of the storm basins did not have trees planted at the site, however he had not made a recommendation on whether trees should be planted at the site. Mr. Swichar stated that \$14,530 is remaining in escrow for landscaping.

Township Solicitor Mike Crotty questioned if trees would need to be cut down in order to plant new ones.

Supervisor DiRado stated there is room in the right of way to plant more trees. She stated she inspected the site with Chairman Lambert and that she recommends planting half of the trees and the other half of the escrow monies be used for the Township park.

Chairman Lambert stated that he visited the site with Supervisor DiRado. They spoke with residents in the development. He stated that planting of trees was left to the residents. He stated that he is not comfortable ruling against the Planning Commission. He questioned how many trees were removed compared to how many were planted. He stated that if Wagner Lane is extended to Timacula Lane, then the whole area could be scenic.

Supervisor Nielsen stated he spoke to the Planning Commission and they felt that if the developer did not fulfill its obligation to plant the trees, then it would send the wrong message. He questioned why the trees were not planted in the first place.

Supervisor DiRado stated that the Township should plant half the trees at the park and the other half in the development. She stated that the Township should explore at another time why the developer did not plant the trees.

Vice Chairman Heffern questioned if the residents in the development wanted the trees.

Chairman Lambert stated that residents in the development used their own money to plant trees. Another resident questioned how many trees were removed.

Supervisor DiRado stated that she did not feel any trees would need to be torn down in order to plant more trees.

Vice Chairman Heffern questioned if the developer is willing to plant half the trees and give the remaining funds to the Township.

Mr. Rentschler stated that the developer is just looking to close out the escrow account. The bank has been trying to close the account due to inactivity. The developer sold off the lots to individual owners over several years. He stated that the developer would be willing to plant half the trees in the development and the remaining funds would be provided to the Township.

Supervisor DiRado stated that the trees could be planted around the playground and restrooms for shade.

Mr. Swichar stated there is \$14,530 in escrow and when inspection costs are deducted, \$13,140 is remaining.

Mr. Rentschler stated that some of the inspection fees would likely come back to the Township as well.

Mr. Rentschler stated that the developer should agree to plant half of the trees.

MOTION: Supervisor DiRado made a motion to approve the revised landscaping plan, proposal #3 to split the cost of the escrow of \$14,530, half to Wagner Lane and half to the Township for trees in the park. White Ash trees will be excluded. Chairman Lambert seconded.

Mr. Rentschler questioned whether the trees should be planted in the barest spots of the right of way.

Chairman Lambert stated yes.

VOTE: 3-1, Supervisor Nielsen voted nay.

2) Weed Control Program for 2020 –Weeds, Inc. Contract.

MOTION: Chairman Lambert make a motion to approve Program #1 for \$2,238 for the 2020 vegetation control behind the guard rails on township roads and to authorize the Township Manager to sign the contract. Vice Chairman Heffern seconded.

Township Manager Swichar stated that at the last Board meeting, the Board had tabled a motion to approve a vegetation control contract for the guardrails. The Board had requested a list of where the guard rails are located and wanted to know how many miles of guard rails are in the Township.

He stated that there are approximately 5 miles of roads that have guardrails. He stated that he provided the Board with a list of locations in their board packet.

Supervisor DiRado questioned if chemicals would be used.

Township Manager Swichar stated yes.

Supervisor Nielsen stated he is concerned that many of the guard rails are located near waterways. He stated he would prefer an alternative to chemicals, and it is not necessary. He stated that he wants to know the justification for using the chemicals. Mr. Nielsen stated that he is investigating environmentally friendly approaches to weed control.

Chairman Lambert stated that every Township is spraying Round Up on guard rails. He stated there are thousands of torts and the Township should not create more hazards if motorists cannot see the guard rail. He stated he understands Mr. Nielsen's position, however the Township has a responsibility to promote road safety.

Supervisor Nielsen stated that the worst roadway is Newlinville Road, however you can still see the guard rail.

Vice Chairman Heffern stated he is concerned that someone could have an accident if they do not see the guard rail. However, he is concerned about environmental issues. He is inclined to vote in favor of the vegetation control.

Supervisor DiRado questioned if the weeds near the five miles of guard rails could be cut.

Vice Chairman Heffern stated he is concerned about the risks to workers who would be cutting weeds on the side of the road.

Chairman Lambert stated that cutting five miles of roadway would be labor intensive. He stated that the Township should consider and continue to explore other environmentally friendly alternatives

Solicitor Crotty stated that the Township needs to take care of roads, but it should be done safely. There are risks with chemical sprays or exposing road workers. The Township should have a plan to maintain weeds in the roadway.

Supervisor DiRado stated she has never seen the Township workers cut the side of the road by hand.

Chairman Lambert stated that the guard rails would need to be cut by hand. A mower is used on the banks but cannot be used near the guard rails.

Supervisor Nielsen stated he had reached out to PennDOT regarding a low growing cover that could be planted near the guard rails. He stated that he would like to see a test program be conducted. The Planning Commission should consider looking at the program further. Greco is the last name of the person he spoke with at PennDOT. He stated he would vote aye to the motion this year given that the Board will look for alternatives to spraying next year. Joe Perzan is looking at a Scenic Byways Ordinance and perhaps natural weed control could be included in the Ordinance.

Township Manager Swichar stated he would be willing to discuss the program with PennDOT.

VOTE: 3-1, Supervisor DiRado voted nay.

- 3) Approval of the 2020-2021 Chester County Consortium bid for Sodium Chloride.

MOTION: Supervisor Nielsen made a motion to approve the 2020-2021 Chester County Consortium Bid to Eastern Salt Company for Sodium Chloride for \$51 a ton. Supervisor DiRado seconded.

Township Manager Swichar stated that historically the Consortium pricing has been \$10 cheaper than Co-Stars. West Bradford Township put the program out to bid in July and the bid opening was on August 6. Eastern Salt Company was the low bidder at \$51 a ton. The Township is not required to purchase a minimum amount of salt like Co-Stars and the Township can purchase more than the anticipated amount.

VOTE: 4-0

- 4) Authorizing and approving a professional services agreement with Traffic, Planning, and Design (T.P.D) for engineering services related to Mortonville Road repairs.

Township Manager Swichar stated that the Township had received a \$1 million grant from PennDOT and a \$730,000 grant from DCED. He stated that the Township had initially proposed a soil nail wall to stabilize the site and embankment. The Township had originally estimated the cost of repair to be \$1.3 million. The Township has been meeting with PennDOT and T.P.D to discuss the proposed soil nail wall. The Township's traffic engineer, T.P.D is now recommending the more conventional rip-rap armor wall instead. He stated that the rip-rap armor wall would be less costly as the estimated cost is \$1.1 million. The proposed rip-rap armor wall would entail less bureaucracy from PennDOT. The proposed contract from T.P.D. provides estimated engineering expenses of \$96,000. This represents approximately 10% of the project cost. He stated he is comfortable after speaking with Earth Engineering the geo-technical sub-contractor, that the project will be successful.

Supervisor DiRado questioned why there would be less bureaucracy with the rip-rap armor approach and whether it is because of environmental regulations.

Township Manager Swichar stated that a soil nail wall would require extensive review by the structure's division of PennDOT. The Township would not be able to put the project out to bid on PennBID if the soil nail wall is chosen.

Supervisor DiRado questioned why a soil nail wall will have more bureaucracy. She also questioned which approach will hold up longer.

Township Manager Swichar stated the engineer informed him that the project would last 100 years, and a soil nail wall would last 100 years.

Chairman Lambert questioned the size of the rip rap and whether the rip rap would be encased in fencing.

Township Manager Swichar stated that the rip rap size is R6. The armor gate would be used over the rip rap. There would be a sandbag coffer dam and environmental permits would be needed.

Supervisor DiRado questioned if environmental permits would be needed for the soil nail as well. She questioned if the rip rap armor wall had been used by the Township previously and whether a portion of the wall fell.

Township Manager Swichar stated that environmental permits would likely be needed for a soil nail wall as well. He stated that the Township had installed rip rap armor in a separate location,

and it has been working successfully. He stated that he was not aware of a section that fell. He would discuss this further with the engineer.

Chairman Lambert stated he believes the damage was from erosion. He will get an answer and report back to the Board.

Vice Chairman Heffern stated that he believes the damage was caused by erosion. He questioned if the work would be covered by warranty.

Township Manager Swichar stated that any guarantees would be addressed in the bid specifications.

Solicitor Crotty stated that the agreement with T.P.D provides a standard of care from an engineering perspective. The Township would demand in an agreement that the contractor do the work correctly as well.

Supervisor Nielsen questioned who would perform inspections of the work.

Township Manager Swichar stated that Traffic, Planning and Design and their Geo Technical subcontractor would perform inspections.

Supervisor DiRado questioned the project time frame and how homeowners on the street would be affected.

Township Manager Swichar stated the time frame for construction is four months. Project completion is the spring 2022. The engineer would need to come up with a plan so that homeowners are not affected.

Solicitor Crotty stated that conditions 4A, B, and C should be stricken on page 7-8 of the agreement. These provisions limit T.P.D's liability and should be removed.

Supervisor Nielsen stated that the Township is using T.P.D's subcontractor.

Supervisor DiRado questioned if the contractor will check for wetlands and turtle habitat before the project starts.

Solicitor Crotty stated that the Township would obtain certifications prior to construction.

Township Manager Swichar stated that the project entails less engineering and more work to obtain permits and clearances.

Supervisor DiRado questioned if the Township is insured if the roadway and embankment sustain damage from a major flood. She questioned if the repair would hold if the embankment sustained a massive flood. She questioned if the wall would be anchored to the ground. She questioned if concrete would be poured over wall.

Solicitor Crotty stated the Township's insurance would not cover damage from a major flood. The courts would be involved and there would likely be a lawsuit if repairs were not successful.

Township Manager Swichar stated the embankment would be sealed from flood waters with geotextile fabric. The rip rap and armor would be installed as well. He stated that the contractor would remove unstable soil and fill it in with R6 rip rap. The armor would hold the rip rap in place.

Chairman Lambert stated that the result would be exposed rip rap and concrete would not be used for the project. He stated that tons of stone would be used, and it would become a structure.

Supervisor Nielsen stated he has seen a similar structure at White Clay Creek.

Solicitor Crotty stated that a picture of a similar project can be viewed by Googling 'gabion cage.'

Supervisor Nielsen questioned if grant monies are being used.

Township Manager Swichar stated that the \$730,000 DCED grant will be used for engineering expenses. The \$1 million PennDOT grant will be used for construction.

Supervisor DiRado stated that residents should be notified about the construction.

MOTION: Supervisor Nielsen made a motion authorizing and approving a professional services agreement with Traffic, Planning and Design (T.P.D), striking out paragraph four, at an amount not to exceed \$96,000 for engineering services related to Mortonville Road repairs. Supervisor DiRado seconded.

VOTE: 4-0

5) Public Sewer/Public Water/Site Work Installation (General Contractor) for Township Park Restroom project

Township Manager Swichar stated that the bid opening for the Township's park restroom project was on August 11, 2020. The Township received five bids for general contracting. The Township requested bids for installing a well at the site which was the prime bid as well as an alternate bid for installing public water.

Eagle Contracting is the low bidder for both options. A letter from the sewer engineer recommending the award of the low bid for the installation of public sewer and public water to Eagle Contracting, Inc. is in the Board's packet. Eagle Contracting's low bid to install public sewer and public water is \$144,683. Eagle Contracting's low bid to install public sewer and well water is \$108,183.

MOTION: Chairman Lambert moved that the Township award the low bid (Alternate Bid) in the amount of \$144,683.00 to Eagle Contracting, Inc. for Public Sewer/Public Water/Site Work installation for the Township's Park Restroom project. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned why Herbert Maccombie recommended the low bidder. He is not making any accusations or accusing anyone. However, he wants to know if Mr. Maccombie has any interest in any of the entities.

Township Manager Swichar stated that Eagle Contracting is the low bidder. The bid was a public bid. He stated that he is not aware that Mr. Maccombie has any relationship with the low bidders.

Solicitor Crotty stated that the bidders were required to disclose any conflicts or interests. Eagle Contracting did not disclose any interests with Township officials in the anti-collusion affidavit.

Supervisor DiRado questioned what would happen if there was a conflict that was not disclosed.

Solicitor Crotty stated they would perjure themselves and be subject to Pennsylvania State Ethics Commission. Herbert Maccombie is subject to state ethics act.

Supervisor DiRado questioned when the restrooms will be ready.

Township Manager Swichar stated that the restroom should be complete by October.

Supervisor DiRado questioned if future electrical upgrades could be made.

Township Manager Swichar stated that the electrical upgrades will accommodate future electrical upgrades.

VOTE: 4-0

- 6) Electrical Installation Site Work for Township Park Restroom project.

MOTION: Supervisor Nielsen made a motion that the Township award the low bid (Alternate Bid) in the amount of \$22,542.00 to Leni Electric for electrical installation work for the Township's Park Restroom project. Supervisor DiRado seconded.

Township Manager Swichar stated that the Township received three bids for electrical upgrades to accommodate the restrooms. Lenni Electric was the low bidder on the project. The Township Sewer Engineer recommended the award of the low bid of \$22,542 to Lenni Electric for electrical installation of public sewer. Lenni Electric's low bid was \$24,339 for electrical upgrades for well water installation.

Township Manager Swichar stated he had worked with Lenni Electric on professional projects at another municipality.

Supervisor DiRado questioned if Lenni Electric could install a charging station for alternative energy at the park in case there is a power outage at the park.

Vice Chairman Heffern stated that a charging station would entail a new bidding process.

Township Manager Swichar stated that if the power went out at the restroom, the grinder pump would stop, however the Township could close the restroom. The Township will be on the lookout for grant opportunities as well.

VOTE: 4-0

- 7) Newlinville Village Master Plan (Visioning Workshop scheduled for September 30 at 5:00PM).

Township Manager Swichar stated that the pandemic slowed down the process for the Newlinville Master Plan. The Visioning Session is on September 30 at 5:00PM. The meeting will be on a Wednesday. The Township will do a targeted mailing and notify local residents about the meeting. The meeting will be advertised on the website and Facebook page.

- 8) New Business

Supervisor Nielsen stated he received mailings from the Office of Consumer Advocate. He stated there are several public hearings related to rate hikes for Pennsylvania American Water. He questioned if the public hearings as well as the link to the Office of Consumer Advocate could be posted on the Township website.

Township Manager Swichar stated yes.

D. LEGAL

1. A Resolution Updating the Master Agreement with Fulton Bank.

Solicitor Crotty stated that the Township banks with Fulton Bank. The Township needs to update the contact information and sign a new master agreement. The Resolution will authorize the Board Chairman Lambert and Township Manager Swichar to sign the new master agreement.

MOTION: Chairman Lambert moved that the Township approve Resolution 2020-12 authorizing the Chairman of the Board of Supervisors to sign the new master agreement with Fulton Bank. Vice-Chairman Heffern seconded.

VOTE: 4-0

- a. Brandywine Valley Veterinary Hospital (Special Exception application).

Solicitor Crotty stated that Brandywine Valley Veterinary Hospital filed an application for special exception. The Planning Commission recommended that it be approved. Special Exception is an allowed use subject to meeting certain criteria in the Township Ordinance. The matter will go before the Zoning Hearing Board who acts as the judge. The Board of Supervisors can appear before the Zoning Hearing Board if they wish to take a position.

Supervisor DiRado questioned what the exception is.

Solicitor Crotty stated the applicant proposes to expand the facility and remove a residential unit. The site has two apartments currently as well as a treatment facility.

Township Manager Swichar stated the Zoning Hearing Board meeting is on September 9.

- b. Holland Day Care (720 Buck Run Road)

The Township's Zoning Officer received complaints that there were animals on the property. The animals would have been allowed as an accessory to a residential use however they are not allowed as an accessory to daycare use. The Zoning Officer determined that there was no one to care for the animals during the weekend. A Zoning Determination will be issued stating that animals are not permitted. The owner can appeal to the Zoning Hearing Board or ask for a variance or challenge the interpretation.

2. PLANNING COMMISSION

No Report Submitted

3. POLICE DEPARTMENT

- a. July Police Report submitted for Board and resident review.
- b. Request for Approval to Hire Part-Time Police Officer Alexander Fleming III at \$20 per hour.

MOTION: Supervisor DiRado made a motion to hire Alexander Fleming III for the position of part-time Police Officer effective August 26, 2020, at the hourly rate of \$20 per the Collective Bargaining Agreement and contingent on him passing MPOETC testing requirements. Vice-Chairman Heffern seconded.

Supervisor Nielsen questioned if this position would replace a full-time resignation.

Township Manager Swichar stated that a part time officer resigned last month.

Supervisor DiRado questioned the number of full time and part time officers in the police department.

Township Manager Swichar stated there are seven full-time officers including the police chief.

Supervisor Heffern questioned if the Police Chief recommended the hire.

Township Manager Swichar stated yes.

Supervisor Nielsen stated that Chief Porter discussed a Black Lives Matter march at a board meeting and questioned if it took place.

Township Manager Swichar stated he was not sure,

Supervisor DiRado questioned if Chief Porter discussed police policies at a board meeting.

Township Manager Swichar stated police policy was discussed at a meeting over the summer. There are four part-time police officers including Alexander Fleming. The Police Secretary is not included in the count.

Supervisor DiRado questioned if Chief Porter would be available at the September meeting to discuss whether any recent news developments have affected East Fallowfield Township.

Supervisor DiRado questioned if Alexander Fleming is a local resident.

Township Manager Swichar stated he is not sure.

VOTE: 4-0

2. PUBLIC WORKS DEPARTMENT

July Road Department Report submitted for Board and resident review.

3. HISTORICAL COMMISSION

4. OLD BUSINESS

Vice-Chairman Heffern stated that the Township picked a tentative date of September 26 for movie night. The movie would begin at 6:50PM. The Park and Recreation Board looked at having a drive-in movie. However, they no longer think a drive-in movie is necessary. The Township will use small pins to delineate spaces and socially distance residents by keeping them apart. He stated that at most movie nights, attendees are usually more than six feet apart. The next Park and Recreation Board meeting will be at the park. He questioned whether the Township could replenish funds in the Park and Recreation fund by using open space for a horse show or polo match event.

Supervisor Nielsen stated that the Township should let residents know that restrooms will not be available at Movie Night.

There was a discussion among the Board about the types of trees that could be planted at the Township park. There was a discussion about different events that could be held at the Township's Community Park.

Supervisor DiRado questioned the results of the Park and Recreation survey and whether the pond could be expanded.

Vice Chairman Heffern stated that there were comments in the survey about not spending too much money as well as stocking the pond.

Supervisor Nielsen stated that the Township should consider forming an Environmental Advisory Council. Chester County has 15 Townships that have an Environmental Advisory Council.

There was a discussion among the Board members, Solicitor, and Township Manager about the possibility of an Environmental Advisory Council.

Solicitor Crotty stated that the Planning Commission could consider expanding its mission by increasing its membership. This might be a more efficient approach.

Supervisor DiRado questioned if the advisory committee would be a subcommittee.

Solicitor Crotty stated no. The Planning Commission could expand its membership.

5. PUBLIC PARTICIPATION

Township resident Ronald Lee, of Buck Run Road questioned if the Township would address a property in the Township that is an eyesore. He stated that he is not sure of the property address, however the property is next to 270 Buck Run Road.

Solicitor Crotty stated that the property is likely 260 Buck Run Road. The owner is Ercildoun Farm Corp.

Township Manager Swichar stated that the homeowner should call him or complete a written complaint.

6. NEW BUSINESS

Supervisor DiRado questioned what the Township is doing since the Census is ending a month early.

Township Manager Swichar stated that he had posted census information on the Township's Facebook page, website, and E-news.

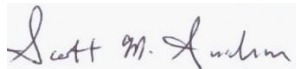
There was a discussion among the Board about how to increase participation in the Census.

7. ADJOURNMENT

MOTION: Supervisor DiRado made a motion to adjourn the August 25, 2020 Board of Supervisors Meeting at 9:00PM. Vice Chairman Heffern seconded

VOTE: 4-0

Respectfully Submitted,



Scott Swichar,
Township Manager/Secretary