

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
November 23, 2021 Approved minutes
6:30 p.m.

Members Present

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

Township Staff Present

Scott Swichar, Township Manager
Township Solicitor
Mike Crotty

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

Chairman Lambert called the meeting to order at 6:30 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

October 26, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the October 26, 2021 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

November 9, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the November 9, 2021 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 4-0. Supervisor Kulp abstained.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

3. PRESENTATION: Dr. Donna Ott, PA for Safe Technology

Dr. Ott, A pediatric physical therapist, gave a presentation on 5G small wireless facilities and microwave exposure. She discussed Act 50, Act 129, and health conditions caused by 5G technology exposure. She stated that townships should strengthen local ordinances. They are working to educate local legislators. She stated FCC lost in federal court.

There was a board discussion about 5G small wireless facilities.

4. TREASURER'S REPORT

1) October 31, 2021 Treasurer's Report

MOTION: Chairman Lambert made a motion to approve the October 31, 2021 Treasurer's Report as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Supervisor Nielsen made a motion to approve the Payment Authorizations for the period of October 27, 2021 through November 23, 2021 in the total amount of \$489,070.79 as presented. Chairman Lambert seconded.

VOTE: 5-0.

5. TOWNSHIP MANAGER'S REPORT

1) 2022 Budget.

Township Manager Swichar stated the township had two public budget meetings. The first meeting was on October 13. That meeting was a budget work session. The second meeting on November 9 was a budget presentation. The Second Class Township Code requires the township advertise the availability of the township budget in the newspaper. The budget will be available for public inspection for 20 days. If the Board authorizes the advertisement tonight, the advertisement will appear in the newspaper on Wednesday. Budget adoption is scheduled for December 14.

MOTION: Vice Chairman Heffern moved that the Township authorize the advertisement of the availability of the 2022 budget. Chairman Lambert seconded.

VOTE: 5-0.

2) Appointment to Strategic Planning Steering Committee

Township Manager Swichar stated that Teri Dickinson submitted an application to join the committee. There are currently two vacancies. A copy of her application and resume is in the Board packet.

MOTION: Supervisor Nielsen made a motion to appoint Teri Dickinson to the Strategic Planning Steering Committee/EAC with the term ending 12/31/2021. Vice Chairman Heffern seconded.

Supervisor Kulp questioned if the appointment is for the environmental steering committee.

Supervisor Nielsen stated the appointment is for the environmental committee.

VOTE: 4-1. Supervisor Kulp voted nay.

Scott Swichar	Member 2021 to 2021	1-year term
Joe Heffern	Member 2021 to 2021	1-year term
Dennis Crook	Member 2021 to 2021	1-year term
John Nielsen	Member 2021 to 2021	1-year term
Teri Dickinson	Member 2021 to 2021	1-year term
Deane Madsen	Member 2021 to 2021	1-year term
Edmund Davis	Member 2021 to 2021	1-year term
<i>Vacant</i>	<i>Member 2021 to 2021</i>	<i>1-year term</i>
Katja DiRado	Alternate Member 2021 to 2021	1-year term

3) Ridgecrest Escrow Release No. 14 (Phase 1).

Township Manager Swichar stated the Board has a recommendation letter from the township engineer in their packet.

MOTION: Chairman Lambert made a motion that the Township approve Escrow Release No. 14 for the Ridgecrest Residential Subdivision Phase 1, in the amount of \$90,985.87. Vice Chairman Heffern seconded.

VOTE: 5-0.

4) Ridgecrest Escrow Release No. 9 (Phase 2).

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release No. 9 for the Ridgecrest Residential Subdivision Phase 2, in the amount of \$167,723.44. Chairman Lambert seconded.

Supervisor Nielsen questioned why Chris Della Penna's letter requested a reduction request instead of a release.

Solicitor Crotty stated that the reduction request is the amount they are requesting to be released.

VOTE: 5-0.

5) BAWA Fellowship Escrow Release No. 10 (Phase 1)

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release No. 10 for the BAWA Fellowship Residential Subdivision Phase 1, in the amount of \$101,544.00. Supervisor Nielsen seconded.

Supervisor Kulp questioned the status of the project.

Township Manager Swichar stated no building permits have been issued.

VOTE: 5-0.

- 6) Resolution No. 2021-27 adopting The Chester County 2021 Hazard Mitigation Plan as the official Hazard Mitigation Plan of East Fallowfield

Township Manager Swichar stated that the Township received an email from Chester County requesting that municipalities adopt the hazard mitigation plan that will allow the township to remain eligible for hazard mitigation grant funds after a federally declared disaster. The plan is a document that provides each municipality with a hazard mitigation plan framework.

MOTION: Supervisor DiRado make a motion approving Resolution No. 2021-27 adopting the Chester County 2021 Hazard Mitigation Plan as the official Mitigation Plan of East Fallowfield. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the township could declare a disaster. Would the county or federal government provide funds if just the township declared an emergency.

Township Solicitor Crotty stated the township has the ability to declare a disaster however its redundant since the county or state would have declared it anyway. It provides leeway to contract, avoid bidding requirements, or exceed CDL limits. He stated that county or federal funds would not be available if just the township declared an emergency.

VOTE: 5-0.

- 7) Resolution No. 2021-28 authorizing the Township Manager as designated agent to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act

Township Manager Swichar stated that the resolution will authorize the township manager to execute all required forms for the purpose of obtaining financial assistance for disaster relief. The township is in the process of submitting out of pocket expenses directly to PEMA. Township Manager Swichar stated he is working with the township treasurer to submit all documentation. However, PEMA requires that the township designate an agent to complete all forms.

MOTION: Vice Chairman Heffern made a motion approving Resolution 2021-28, authorizing the Township Manager as designated agent to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Chairman Lambert seconded.

Supervisor Kulp questioned who is Robert T. Stafford.

Supervisor DiRado stated her name is not spelled correctly on the form.

Supervisor Nielsen questioned if additional paving is covered.

Township Manager Swichar stated that paving expenses will be requested.

Supervisor DiRado questioned how much funds are available.

Township Manager Swichar stated that the township had \$20,000 in expenses and the grant would reimburse 80% of expenses.

VOTE: 5-0.

8) Update on Township's Goosetown Road Property

Township Manager Swichar stated that the township owns a 33.7 acre property on Goosetown Road. Brandywine Conservancy has an easement on the property. The Township met with Brandywine Conservancy and had a discussion about developing the site so people could park there and potentially use the site for recreation. The township received an engineering estimate for \$12,000 and submitted the estimate to the Brandywine Conservancy. Mr. Swichar stated he hopes that they will pay for the engineering fees.

9) New Business.

None

6. LEGAL

1) 2021 Independent Auditor Appointment, 2021 Reorganizational Meeting and Elected Auditors Meeting.

Solicitor Crotty stated that the township needs to prepare for the reorganization meeting for 2022. The meeting needs to be held on the first Monday of the year. January 3 is the reorganization meeting. The Board will reorganize. The Board will also appoint an independent auditor. Notice must be provided.

MOTION: Vice Chairman Heffern moved that the Township authorize the advertisement of the intent to appoint BBD as its Auditor, to be considered at the Board meeting on January 3, 2022, as well as to advertise the organization meeting of the Board of Supervisors for 6:00 p.m. on January 3, 2022, and notice of the elected Township Auditor's meeting on January 4, 2022 at 6:00 p.m. Supervisor Nielsen seconded.

Township Resident Irv Zeller questioned an auditor comment made by Chairman Lambert about eliminating the auditor which is being considered at the state level.

Solicitor Crotty stated that there is a proposal to get rid of the elected auditor position. There is an elected and appointed auditor. Accounts are complicated and 95% of townships now have an independent audit conducted by a CPA firm.

Chairman Lambert stated that those townships that are very small can still use an elected auditor.

VOTE: 5-0

2) ASA Hearing.

Solicitor Crotty stated that tonight is the official hearing for the ASA. The property owner has a 19 acre property on Bailey Road. ASA provides that each township can provide a list of agricultural properties. If someone is on the list, they receive protection from eminent domain and

would be considered for grant money. There is a long process to get on the list. The Board approval is the last step. The Township Ag Board and County Ag Board had recommended approval. The Board of Supervisors approves the ASA application by Resolution.

MOTION: Vice Chairman Heffern moved that the Township approve Resolution 2021-29, with respect to the Bronson Agricultural Security Area Application. Chairman Heffern seconded.

Supervisor Kulp questioned if the government will pay them for their property.

Solicitor Crotty stated that there are strings attached to the ASA. They would not be able to do certain things to the property that would prohibit farming.

VOTE: 5-0

Supervisor DiRado questioned the use of the property.

Mr. Bronson stated the property is used for hay.

3) Temporary Construction Easement and Permanent Right of Way Easement Agreement

Solicitor Crotty stated that the easement is associated with Mortonville Road project. The engineer needs some land to do their work. Some is temporary and some work is permanent. A right of way is a right to allow public to use it. Both areas are unusable due to steep slopes.

MOTION: Supervisor Nielsen made a motion authorizing the Board Chairman to sign the Permanent Right of Way easement agreement with William and Joyce Aldrich owner of Uniform Property Parcel ID . 47-6-63. Vice Chairman Heffern seconded.

Supervisor Kulp questioned if the roadway would be widened.

Township Manager Swichar stated that the roadway would be reopened to both lanes of traffic.

4) NEW BUSINESS

None

5) PARK AND RECREATION BOARD

1) No Report Submitted.

2) Mr. Wright, Chair of the Park and Rec Board, stated that the Annual Tree Lighting event is on Saturday, December 11 at 6:00pm

6) PLANNING COMMISSION

1) No Report Submitted

7) POLICE DEPARTMENT

1) October Police Report submitted for Board and resident review.

8) PUBLIC WORKS DEPARTMENT

1) October Road Department Report submitted for Board and resident review.

9) HISTORICAL COMMISSION

1) No report submitted.

10) OLD BUSINESS

11) PUBLIC PARTICIPATION

Township resident Irwin Zeller questioned the ASA Process and whether it is related to ACT 515.

Solicitor Crotty stated that the Act 515 is now called Act 319 Clean and Green, which protects AG properties. The Act is unrelated to the ASA.

Township resident Nina Petro stated it is difficult to hear the supervisors due to their mask wearing.

Township resident Irwin Zeller stated that the meeting agenda was not available.

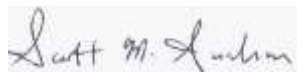
Supervisor DiRado stated that the agenda packet should be numbered.

12) ADJOURNMENT

MOTION: Supervisor DiRado made a motion to adjourn the November 23, 2021 of Supervisors Meeting at 7:56 PM. Vice Chairman Heffern seconded.

VOTE: 5-0.

Respectfully Submitted,



Scott Swichar,
Township Manager/Secretary