

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 23, 2023 Approved Minutes
6:30 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice Chairman
Katja DiRado, Member
Al Wright, Member
John Nielsen, Member

Township Staff Present

Scott Swichar, Township Manager
Lisa Ionata, Treasurer
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

April 25, 2023 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the April 25, 2023 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 3-0. Supervisor DiRado abstained. Supervisor Nielsen arrived at the meeting after the vote.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

C. PRESENTATIONS

1. PRESENTATION-RESOLUTION OF COMMENDATION TO POLICE OFFICER RICH McALLISTER

MOTION: Vice Chairman Heffern made a motion to approve Resolution No. 2023-15 commending Officer McCallister for his heroic life-saving efforts during an Easter morning fire in Parkesburg. Chairman Lambert seconded.

Police Chief Chad Osborn provided an overview of the incident and the efforts of Police Officer McAllister that led to the rescue.

VOTE: 5-0.

3. TREASURER'S REPORT

1) April 30, 2023 Treasurer's Report

MOTION: Chairman Lambert made a motion to approve the April 30, 2023 Treasurer's Report as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of April 26, 2023 through May 23, 2023 in the total amount of \$323,073.79 as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

3) Results of Financial Operations for 2022 (Presentation)

Treasurer Ionata presented an overview of all Township funds.

Supervisor DiRado questioned if the presentation is on the website.

Supervisor Nielsen questioned why the ARPA funds reflect a deficit in 2022.

Solicitor Crotty stated that the ARPA funds must be committed by the end of the 2024 and spent by the end of 2026.

Treasurer Ionata stated that there was not an expense budget for ARPA in 2022.

4) Authorization to Open a Free Checking Account with Fulton Bank

MOTION: Vice Chairman Heffern made a motion authorizing the Township to open a free checking account with Fulton Bank to be used for cash deposits, replenishment of petty cash, and ACH transfers from Fulton Bank to Meridian Bank. Chairman Lambert seconded.

Supervisor Nielsen questioned if a lot of residents are conducting cash transactions.

Treasurer Ionata stated yes. She stated that mostly burn permits are paid with cash. She stated that Meridian Branches are far away and that ACH transactions would be used to move funds from Fulton to Meridian Bank. There is currently one account open with Fulton.

Supervisor Nielsen questioned how much money would be kept in the Fulton account.

Treasurer Ionata stated that \$1,000 is the minimum. As cash is being deposited into Fulton Bank it will then be moved into the Meridian Bank account.

VOTE: 5-0.

4. TOWNSHIP MANAGER'S REPORT

1) Appointments to the Open Space, Recreation, and Environmental Resources Plan Task Force

Mr. Swichar stated that the Township had its first task force meeting last night. Supervisor DiRado expressed interest in joining the task force.

Supervisor Nielsen questioned how residents will be notified about the survey. He stated that the comprehensive plan survey was mailed to residents in 2015.

Township Manager Swichar stated that the survey will be advertised on the website, Township Facebook page and posted on the kiosk.

MOTION: Vice Chairman Heffern moved that the Township appoint Katja DiRado to the Open Space, Recreation and Environmental Resources Plan Task Force. Chairman Lambert seconded.

MOTION: Supervisor Nielsen made an amended motion to include himself. Vice Chairman Heffern seconded.

VOTE: 5-0.

MOTION: Chairman Lambert made a motion that the Township appoint Nina Petro to the Open Space, Recreation, and Environmental Resources Plan Task Force. Vice Chairman Heffern seconded.

VOTE: 5-0.

2) Sale of 2009 Chevy Impala (VIN# 2G1WS57M691217668) - Resolution No. 2023-16.

Township Manager Swichar stated that the vehicle is an old police vehicle.

MOTION: Vice Chairman Heffern made a motion to approve Resolution No. 2023-16 authorizing the sale of a 2009 Chevy Impala as presented. Supervisor Nielsen seconded.

VOTE: 5-0.

3) Appointment of Nicklous Giunta as a Full-Time Laborer in the Public Works Department

Township Manager Swichar stated that the proposed start date is May 30, 2023.

MOTION: Vice Chairman Heffern made a motion to hire Nicklous Giunta as a full-time laborer in the public works department at a rate of \$24.00/hour. Supervisor Nielsen seconded.

VOTE: 5-0.

4) Purchase and Installation of Cameras at Township Park

Township Manager Swichar stated that the cameras would provide surveillance of the parking lot.

MOTION: Vice Chairman Heffern made a motion to authorize the Township Manager to sign an agreement with KIT Communications for the purchase of a camera system in the amount of \$7,167.00 from the Township's ARPA Fund to monitor the parking lot perimeter at the Township Park. Chairman Lambert seconded.

Supervisor DiRado questioned if the cameras system is the same as the existing camera system.

Township Manager Swichar stated yes. The camera system runs on the same software.

Supervisor Nielsen questioned if there are any issues with the existing camera system.

Township Manager Swichar stated that KIT Communication has been very responsive to any issues.

Supervisor DiRado questioned how long the file is saved.

Township Manager Swichar stated that the file records footage for 30 days.

Solicitor Crotty stated that the footage is accessed when needed. The Township does not constantly monitor the video feed.

Township Manager Swichar stated that the police have monitors in their office where they periodically monitor activity.

Supervisor Nielsen questioned if someone could obtain video footage from the park if needed.

Solicitor Crotty stated that obtaining video footage is subject to the criminal record information act.

Supervisor DiRado questioned if facial recognition is used.

There was a board discussion on facial recognition, how video footage is used, and retention of video.

VOTE: 5-0.

- 5) Approval for Alcohol/Beer Sales at Township's 2023 Summer Concert Series
Township Manager Swichar stated that the board approved beer and alcohol at township's summer concert last year. There were no issues to report.

MOTION: Supervisor DiRado made a motion to authorize the sale and approve the consumption of beer and wine at the township's 2023 summer concert series from approved vendors with a certificate of insurance naming the Township as an additional insured. Vice Chairman Heffern seconded.

VOTE: 5-0.

- 6) Growing Greener Plus Grants (Informational)

Township Manager Swichar stated that DEP is accepting applications for the Growing Greener grant program. He will be meeting with the Township's MS4 Engineer, Herbert MacCombie this month to discuss the program. The Township could use this grant program to address some of the proposed BMP's in the TMDL plan that was approved last year. The purpose of the TMDL plan is to reduce sediment loads to the streams.

- 7) New Business (None)

5. LEGAL

- 1) Approval for Waiver from Woodland Replacement Requirements for 2401 Strasburg Road (UPI 47-4-19)

Solicitor Crotty stated that there is a waiver request from the woodland replacement requirements. The lot is a flag lot. The subdivision/land development ordinance requires 1 tree and 2 shrubs for every 300 feet of disturbance. The applicant is requesting in their partial waiver request that 10 trees of 3" caliber, 30 trees of 1-2" caliber, and 100 shrubs be planted. Strict interpretation of the Ordinance would require 121 trees and 242 shrubs be planted. The reason for the waiver is the vast amount of the disturbance is the driveway access to the dwelling. Solicitor Crotty stated that if they had to plant 121 trees and 242 shrubs there would not be the physical space to plant these trees and shrubs.

Supervisor Wright questioned why the waiver request is not going to the Planning Commission.

Solicitor Crotty stated that it is not a subdivision.

There was a board discussion about the waiver request.

MOTION: Supervisor Wright made a motion to close the debate. Vice Chairman Heffern seconded.

VOTE: 3-1. Supervisor DiRado abstained. Supervisor Nielsen voted Nay.

MOTION: Chairman Lambert made a motion to approve the revised landscaping plans for 2401 Strasburg Road subject to the following requirements in the May 15, 2023 Howell Engineering waiver request. Supervisor Wright seconded.

There was a Board discussion on the matter.

Supervisor Nielsen stated that the meaning of hardship is vague.

Supervisor DiRado stated that she does not have enough information to vote on the matter.

VOTE: 3-1. Supervisor DiRado abstained. Supervisor Nielsen voted Nay.

2) Approval of Subdivision Application – Weaver Mulch, LLC – 47-4-93 and 47-4-93.4

Solicitor Crotty stated that no improvements are being proposed. This is a lot line change where acreage from one parcel is being swapped to another parcel. There is a review letter from the County in the board's packet stating that the proposed subdivision is consistent with Landscapes. The engineering review letter is dated May 23, and states that a waiver is outstanding for a historic resources study. Everything else was addressed. The Planning Commission met and provided a recommendation for approval.

Mike Domboski, Chair of the Planning Commission stated that the Planning Commission supports the application contingent upon all requirements in the engineer's review letter.

Supervisor DiRado questioned the need for the lot line change.

Mike Domboski stated that more land is being shifted to the residential property.

There was a board discussion about the subdivision.

Supervisor Nielsen questioned the County Planning Commission letter comments. He questioned if the applicant falls under the land preservation program.

Solicitor Crotty stated that the County stated that the applicant should contact PennDOT for the right of way, consider deed restricting sensitive areas and narrow driveway access to Strasburg Road. The property is under Clean and Green.

David Weaver, owner of Weaver Mulch, stated that no changes are proposed to the driveway.

MOTION: Vice Chairman Heffern moved that the Township approve the preliminary/final subdivision plans for the Weaver Mulch Application, per the form of the written decision prepared by the Township Solicitor. Supervisor Wright seconded.

Supervisor DiRado questioned which are the sensitive areas.

Solicitor Crotty stated that the County Planning Commission commented that they should consider deed restriction on the sensitive areas, which include wooded areas.

Mr. Weaver stated that there is a pond and creek on the property.

VOTE: 4-1, Supervisor Nielsen voted Nay.

- 3) Ordinance 2023-03 Adopting Revised East Fallowfield Township Stormwater Management Ordinance

Solicitor Crotty stated that the engineer increased requirements for stormwater. The ordinance makes sure the simplified approach is available. The Ordinance requires 1,000 square feet of impervious and 5,000 square feet of earth disturbance to require stormwater management.

MOTION: Vice Chairman Heffern make a motion adopting Ordinance 2023-03 implementing the revised East Fallowfield Township Stormwater Management Ordinance. Chairman Lambert seconded.

VOTE: 5-0

- 4) Stormwater Facilities Maintenance Agreement – 2975 Strasburg Road.

Solicitor Crotty stated that the form of agreement is required by ordinance. The owner must sign an agreement with the Township.

MOTION: Vice Chairman Heffern moved that the chairman be authorized to execute the stormwater management facilities maintenance agreement for 2975 Strasburg Road in the form as presented. Supervisor Wright seconded.

VOTE: 5-0.

6. PARK AND RECREATION

- 1) No Report Submitted

7. PLANNING COMMISSION

- 1) No Report Submitted

8. POLICE DEPARTMENT

- 1) April Police Report submitted for Board and resident review.

2) Approving New Policies for Police Department.

MOTION: Supervisor Wright made a motion to approve the following new policies for the Police Department: Fair and Impartial Policing; Interview, Interrogation, and Access to Counsel; Search and Seizure; Field Training and Evaluation; Oath of Office; and Secondary Employment. Vice Chairman Heffern seconded.

Manager Swichar stated that Field Training was incorrectly listed twice on the proposed motion.

Solicitor Crotty stated that Response to Resistance should be removed from the proposed motion as it is currently under review by the solicitor.

VOTE: 5-0.

3) Purchase of Two (2) Speed Display Boards

MOTION: Supervisor Nielsen made a motion to approve the purchase of two speed display boards from RadarSign in the amount of \$7,545.00 from the Township's ARPA Fund. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if there is a picture of the device in the board packet. East bound on Strasburg speed limit is 45mph. The speed limit is 35 mph past Weaver's Mulch in the opposite direction. He questioned if PennDOT could be contacted to review the conflicting speed limits.

Chief Osborn provided an overview of the speed display boards.

Chairman Lambert questioned whether there is a speeding problem on Strasburg Road.

VOTE: 5-0.

4) Purchase of Software Packages from PowerDMS

MOTION: Vice Chairman Heffern made a motion to approve the purchase of PowerPolicy, PowerTime, Power FTO, for a subscription period of two years from POWERDMS at a cost of \$26,426.77 from the Township's Capital Fund. Supervisor Nielsen seconded.

Township Manager Swichar stated that the software packages will be covered under the Pennsylvania Commission on Crime and Delinquency grant.

Supervisor Nielsen questioned if the software is for the police department.

Township Manager Swichar stated yes.

VOTE: 5-0.

5) CODY Evidence Barcoding

PROPOSED MOTION: Supervisor Wright made a motion to approve the purchase of Barcoding from CODY for a subscription period of 2 years at a cost of \$6,495.00 from the Township's Capital Fund. Vice Chairman Heffern seconded.

Supervisor DiRado questioned if the software will be covered under the Pennsylvania Commission on Crime and Delinquency grant.

Township Manager Swichar stated yes.

VOTE: 5-0.

9. PUBLIC WORKS DEPARTMENT

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

10) HISTORICAL COMMISSION

- 1) Appeal of an Historic Commission Decision for 6 Park Avenue- 47-7-9.2 (Denial of a Roof Permit)

Solicitor Crotty stated that Ms. Beach is seeking to install a metal roof on her class 1 historic farmhouse. The Historic Commission wants a cedar shake roof on the property.

Joe McCormick, Chair of the Historic Commission provided an overview of the zoning code.

There was a board discussion on the matter.

Solicitor Crotty stated that there are three options The applicant could lay out additional information, think about it and come back next month or the board could make a decision tonight. The board could also seek more information and make a decision at the June meeting. There are experts in historical matters that could provide more information. Solicitor Crotty stated a letter from those consultants explaining the impact of cedar shakes versus a metal roof would be helpful to the Board of Supervisors.

Vice Chairman Heffern stated that the roof is already a combination of designs. He would like to know whether the lack of uniformity affects the consultant's decision.

MOTION: Chairman Lambert moved to table the matter to the second meeting in June. Vice Chairman Heffern seconded.

Nina Petro, Township resident, questioned if grants are available for the property.

Solicitor Crotty stated that the Chester County Historical Society may have grant options.

VOTE: 5-0.

2) 470 Buck Run (Informational)

Solicitor Crotty stated the matter is being reviewed by the Historical Commission.

3) OLD BUSINESS

None.

4) NEW BUSINESS

None.

5) PUBLIC PARTICIPATION

Isabel Araujo, township resident, commented on board proceedings.

6) ADJOURNMENT

MOTION: Supervisor DiRado made a motion to adjourn the May 23, 2023 of Supervisors Meeting at 8:52 pm. Supervisor Nielsen seconded.

VOTE: 5-0.

Respectfully Submitted,



Scott Swichar,
Township Manager/Secretary