

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 27, 2018 Approved minutes
6:31 PM

Members Present

Steve Herzog, Chairman
Wilson Lambert, Vice Chairman
Joe Heffern, Member
Kat DiRado, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

Mike Crotty

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

Chairman Steve Herzog called the meeting to order at 6:31 PM.

2. DISCUSSION

A. RULES OF CONDUCT

Steve Herzog stated the Rules of Conduct are posted in the back of the room.

B. EXECUTIVE SESSIONS

Steve Herzog stated the Board of Supervisors held an executive session on February 27, 2018, March 22, 2018, and March 27, 2018 regarding personnel issues.

C. APPROVAL OF MINUTES

1) February 27, 2018 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the February 27, 2018 Board of Supervisors meeting minutes as presented. Wilson Lambert seconded.

VOTE: 4-0

2) March 13, 2018 Board of Supervisors Meeting Minutes.

MOTION: Steve Herzog made a motion to approve the March 13, 2018 Board of Supervisors meeting minutes as presented. Joe Heffern seconded.

VOTE: 4-0

D. CITIZENS BY REQUEST

1) 2018 Trash & Recycling Waiver of Bill Request – 1735 West Chester Road – Bridget Doan and 2215 Strasburg Road – Paula Davis.

Ms. Bridget Doan submitted a letter to the Board of Supervisors requesting a 2018 trash and recycling waiver for 1735 West Chester Road. Bridget Doan was not present at the meeting. Ms. Paula Davis also submitted a letter requesting a 2018 trash and recycling fee waiver for 2215 Strasburg Road. Paula Davis was not present at the meeting.

MOTION: Steve Herzog made a motion to approve the waiver of the 2018 trash and recycling fee for 1735 West Chester Road and 2215 Strasburg Road. Wilson Lambert seconded.

VOTE: 4-0

2) Red Raider Marching Band Vendor Fair – Diana McLimans.

Diana McLimans requested the use of the East Fallowfield Park for the Red Raider Marching Band Vendor Fair. She briefly discussed details of this year's fundraiser. Steve Herzog asked if there were any special requests for the event. Ms. McLimans said that there are no special requirements. Ms. McLimans requested use of the East Fallowfield Park on Sunday, May 20, 2018 from 12:00 pm to 4:00 pm. The rain date is Sunday, June 10, 2018 from 12:00 pm to 4:00 pm. Ms. McLimans stated the rental fee was waived last year and asked if the rental fee would be waived again this year. Pani Martin stated there is no fee for a non-profit event.

MOTION: Steve Herzog made a motion to approve the use of the park for the Red Raider Marching Band Vendor Fair on May 20, 2018 from 12:00 pm to 4:00 pm and a rain date of June 10, 2018 from 12:00 pm to 4:00 pm waiving the normal \$50 fee and assuming that all food vendors are properly licensed. Joe Heffern seconded.

VOTE: 4-0

E. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1) Westwood & Modena Fire Department Update.

Chief John Sly (Westwood Fire Company) stated after the last meeting, he emailed breakdowns and reports to Pani Martin. He will send the financial reports for each quarter along with the monthly fire chief's fire department reports to Pani Martin.

Chief Frank Dowlin (Modena Fire Company) stated everyone should have received an invitation to Modena's Banquet. At this event, awards are given out and achievements and accomplishments are highlighted. He requested Board attendance.

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

F. TREASURER'S REPORT

1) February 28, 2018 Treasurer's Report.

MOTION: Steve Herzog made a motion to approve the February 28, 2018 Treasurer's Report. Joe Heffern seconded.

VOTE: 4-0

2) Payment Authorizations.

MOTION: Steve Herzog made a motion to approve the Payment Authorizations as presented for the period of February 28, 2018 through March 28, 2018 in the total amount of \$187,420.33. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked about check number 10712 to Barbacane Thornton. Mrs. Scott asked if the audit was done. Pani Martin stated the audit is complete and the audit report will be submitted to the DCED

by the end of the month. However, this is not the last payment to the auditor. Mrs. Scott also asked for the budgeted amount. Steve Herzog and Pani Martin stated the audit was budgeted for \$11,500. Mrs. Scott also asked if the Siana Bellwoar costs are within budget. Mrs. Martin said they are within budget. Mrs. Scott asked about the payment of \$12,500 made to each fire company. Steve Herzog stated that payment is from the new millage and payments will be made quarterly to the fire companies. Mrs. Scott asked if those at the fire companies that are handling the money are bonded. She asked if the Township has required the fire company treasurers be bonded. Solicitor Crotty said that is not a Township obligation under The Second Class Township Code. Chief Sly said the Westwood Treasurer is bonded up to two million. Chief Dowlin stated everyone is bonded in Modena. Mrs. Scott briefly discussed a past treasurer at Westwood that stole money.

VOTE: 4-0

3) Resolution for Disposition of Records.

MOTION: Steve Herzog made a motion to approve Resolution 2018-09 approving the destruction of accounting files per the provided list per the PA Municipal Records Manual Retention Schedule. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked if the files listed for disposition on the resolution are accounting files. Steve Herzog stated they are accounting files. Mr. Herzog stated the records listed for disposition are trash reconciliations, accounts payable files, old bank deposits, and recycling center records. It's all records prior to 2010.

VOTE: 4-0

4) Temporary Office Help Extension – Record Retention/Filing Project.

Pani Martin reported they have a new Randstad employee in the office and she is working out fantastically. Ms. Martin also reported she negotiated Randstad down to \$23 per hour. Steve Herzog asked if this extension will enable the project to be completed. Pani Martin stated there are still 25-30 boxes in the attic to be reviewed.

MOTION: Steve Herzog made a motion to authorize hiring of a temporary administrative assistant through Randstad at the rate of \$23 per hour to work up to 30 hours per week max through April 25, 2018. Wilson Lambert seconded.

VOTE: 4-0

5) Supplementation of Code.

Pani Martin stated the purpose of supplementation of code is to add the 2016 and 2017 ordinances into the official Township Codification book. This will add the 2016 and 2017 ordinances to the Township's online codification and allow them to be searchable. Pani Martin said the supplementation is budgeted for under codification for \$15,000.

MOTION: Steve Herzog made a motion to approve General Code's supplemental estimate to codify the 2016 and 2017 Township Ordinances at a quoted rate between \$1,720 to \$2,170. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Steve Herzog asked what the price range is for. Pani Martin said the cost estimate is based on the number of pages required.

- b. Kat DiRado asked if this could be delayed until an editorial and legal analysis could be done for the entire Code. Pani Martin stated she brought this back before the Board because it was delayed from last year. Ms. Martin stated a recodification estimate would not include the new ordinances. Solicitor Crotty said adding these ordinances now might lower the editorial and legal analysis cost.
- c. Siti Crook asked if there is a difference between a recodification and an editorial and legal analysis. Ms. Crook said she understood the problem to be that there are inconsistencies within the code. Steve Herzog said that the budgeted amount is for a recodification and analysis of the code.

VOTE: 4-0

6) Township Newsletter – Content Needed.

Pani Martin said they are looking to move forward quickly with a spring newsletter. Once we provide them with content, it takes six weeks to produce a newsletter.

G. LEGAL

1) Bawa Fellowship Preliminary Plan Subdivision Application.

Solicitor Crotty stated there was a proposed motion regarding the Bawa M. Fellowship application on the agenda, however it needs to be tabled until the next meeting. The Planning Commission recommended approval of both the waiver requests and the revised preliminary plan application. After the last round of reviews, and discussion with the Planning Commission, the developer was going to update some things in the plans. On March 16, 2018 those revised plans were submitted to the Township. The Township Engineer requested the motion to approve preliminary plan approval be tabled until he could finalize his written recommendation. The applicant has submitted an extension request until April 10, 2018.

- a. The Planning Commission's Letter to the Board of Supervisors regarding Bawa M. Fellowship Waiver Requests was presented for Board review.
- b. The Planning Commission's Letter to the Board of Supervisors regarding Bawa M. Fellowship Request for Revised Preliminary and Final Land Development was presented for Board review.

2) Ridgecrest Plan Release.

Solicitor Crotty stated the Ridgecrest Development plan is a 72-unit development that was approved several years ago. The Board is not being asked to approve a 72-unit development at this time. When it was approved, it had a number of conditions such as the agreements that are now ready for approval. There was a legal issue with the land ownership which has now been resolved. The plans have been revised to reflect the most current property owners of the site. Nothing else has been changed on the plans. Solicitor Crotty stated approving release of the plans and four agreements is what is before the Board for consideration. There is a clean review letter from Chris Della Penna which was received yesterday. The four reports to be considered for approval are the Stormwater Management Agreement, Façade Easement Agreement, Development Agreement, and Financial Security Agreement.

MOTION: Steve Herzog moved that the Township re-affirm the execution of the Development Agreement, Financial Security Agreement, Façade Easement Agreement and Stormwater Management Agreement for the Ridgecrest Development, in the form as presented. Joe Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Sharon Scott asked if it continues to be a 72-unit development. Solicitor Crotty stated yes. She asked who the current land owner is. Rouse Chamberlin's attorney stated the owner is W.S. Ridgecrest LLC. Rouse Chamberlin is the developer. Mrs. Scott asked if this development is the one that Vince Pompo is currently working on. Solicitor Crotty stated no, Vince Pompo is not involved with this development. Mr. Pompo is working on the Fieldstone Development. Mrs. Scott asked what the address of the proposed development is. Steve Herzog stated it is located at the corner of West

Chester Road and South Caln Road. Mrs. Scott asked if the plan is available for public viewing. Solicitor Crotty stated the Township will have a copy of the plan.

- b. Erwin Zeller asked if the escrow is included under the Financial Security. Solicitor Crotty stated that is correct and the escrow amount is determined by the developer and reviewed by the Township Engineer. Mr. Zeller also asked if escrow is held in an interest-bearing account. Solicitor Crotty stated that is part of the Financial Security Agreement and the escrow is held with a bank that is also signatory to the Financial Security Agreement. The balance gets reduced as the project moves forward. The Township Engineer does reviews of the project and recommends release of escrow from that account.

VOTE: 4-0

3) Township Manager.

MOTION: Steve Herzog moved that the Township hire Scott Swichar as its Township Manager, at a salary of \$100,000, and benefits as set forth in the conditional offer of employment issued by David Woglom. Joe Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked for a summation of Mr. Swichar's resume, term of appointment and if the Board feels that Mr. Swichar's employment will help stabilize the tax rates. Steve Herzog stated that Mr. Swichar is currently the Deputy Manager of Bristol Township and he's running the day to day operations of that Township. He also worked for a non-profit organization and has grant writing experience. He was also a Borough Manager for Marcus Hook. David Woglom is from the Meyner's Center, which the Township paid for recruitment of a Township Manager.
- b. Sharon Scott asked how much the Township paid David Woglom. Steve Herzog said the cost was not to exceed \$6,000. Solicitor Crotty stated the manager will have a contract and be an at-will employee. Mrs. Scott asked who put the contract together. Mike Crotty stated that David Woglom put the contract together and he reviewed it and made revisions. Sharon Scott discussed information on the internet that she found regarding both David Woglom and Scott Swichar. Mrs. Scott discussed a newspaper article she read about a legal action involving a 20+ year employee that was allegedly forced to retire in Bristol Township where Mr. Swichar is employed. Solicitor Crotty stated that Mr. Swichar was not involved in that action. Steve Herzog reported there was a very detailed background check conducted on Mr. Swichar. Any issues would have turned up in that background check and no problems were found. Joe Heffern requested Sharon Scott provide documentation on the case she discussed. Solicitor Crotty said there is an article on the internet about a 20+ year employee of Bristol Township that requested Family Medical Leave. The form was held back on someone's desk. Mrs. Scott stated they set him up, victimized him, and tried to make him quit. Mrs. Scott objected to paying or having either Mr. Woglom or Mr. Swichar involved in the Township. She stated the Board of Supervisors are puppets of the powers that be. Steve Herzog requested that Chief Porter escort her out of the meeting. Mrs. Scott left the meeting.
- c. Erwin Zeller asked what retirement benefits the manager will have. Mr. Herzog said he will have a defined contribution account of his choosing and contributions will be 4% of his salary. Mr. Herzog said these costs are in the budget.

VOTE: 4-0

4) Historic Resources Guidelines: Discussion Only.

Solicitor Crotty asked if there has been further input from the Historical Commission on the Historic Resources Guidelines or if the Board had discussed this further at the March 13th Board of Supervisors meeting. Steve Herzog said the Board wishes to put this on hold for now. They will discuss it further with the Historical Commission before pursuing.

5) Tractor Bid.

Solicitor Crotty reported that Tag Gathercole would like to purchase a tractor from a non-COSTARS vendor. Solicitor Crotty stated that in accordance with The Second Class Township Code, unfortunately, the Township can't bid on an online auction, especially if the cost is above the threshold of \$23,100 at which public bids are required. Solicitor Crotty stated he prepared a public notice and form for bidders to submit to the Township for Board consideration to purchase a New Holland TL90 DT tractor. The specifications are in the bid notice. This is to replace the tractor that was destroyed by fire.

MOTION: Steve Herzog made a motion to advertise the bid for the purchase of a New Holland TL90 DT tractor per the specifications in the bid notice. Wilson Lambert seconded.

VOTE: 4-0

6) Planning Commission Ordinance Amendment Recommendations:

Solicitor Crotty reported he met with the Planning Commission to prepare draft ordinances. Mike Crotty said there are six draft ordinances recommended for approval by the Planning Commission. The Board of Supervisors opted to review the drafts and put these back on the next meeting agenda for consideration. Mike Crotty discussed the ordinance drafts as follows:

- a. Blighted Property Ordinance – Solicitor Crotty stated the blighted property ordinance will establish standards to keep the exterior of residents' properties in a safe and appropriate condition. It addresses landscaping, vehicles, garbage, swimming pools, fence requirements, and unsafe structures.
- b. Day Care Centers/Day Care Homes – Solicitor Crotty reported he provided two versions of this ordinance to the Planning Commission: a clean version and redline version. Day care centers and day care homes are both in the current ordinance but they aren't addressed consistently. This needs to be corrected. This ordinance will no longer allow a day care center, which is a commercial business, to be allowed in any of the residential (R-1, R-2, and R-3) zoning districts.
- c. Shooting Ranges – Amendments to the Shooting Range Provisions – Solicitor Crotty explained that over time the shooting range provisions were lost in the Township Code and the amended ordinance reestablishes these provisions to ensure safety. The amended ordinance deals with two types of shooting ranges: accessory/shooting ranges on someone's property and commercial shooting ranges.
- d. Dumpsters/Pods – Solicitor Crotty is continuing to work with the Planning Commission on preparing a draft ordinance amendment to address dumpsters and pods.
- e. Rental Properties – Solicitor Crotty is continuing to work with the Planning Commission on preparing a draft ordinance amendment for rental properties.
- f. Signs/Electronic Signs – Solicitor Crotty is continuing to work with the Planning Commission on a draft ordinance amendment for signs and electronic signs.

H. PLANNING COMMISSION

1) Official Map Update & Discussion on PECO Properties Regarding Trail System & Use Plans.

Dennis Crook said as part of the official map project, the Task Force is looking at the Multi-Use zoned properties in the northwestern part of the Township for a trail system. At the last Planning Commission meeting, they discussed a possible trail system following the PECO power lines. Mr. Crook said he has been speaking to PECO and the Chester County Economic Development Council about the possibility of a trail. Other

municipalities have made agreements with PECO to use the power lines to create a walking/biking trail system. He asked Solicitor Crotty if he has had any experience with this. Solicitor Crotty stated he has done many of these trail easements but not with PECO. Mike Crotty advised that there would eventually be required costs for this. Surveying of the land would need to be done. However, there are grants available through the County and State.

2) 2017 Planning Commission Annual Report.

Mr. Crook presented the 2017 Planning Commission Annual Report. He thanked the Board of Supervisors for hiring a township manager. This was a high priority recommendation in the Comprehensive Plan.

3) PMPEI's 2018 Train – the – Trainer Program.

Dennis Crook reported to the Board of Supervisors that they are still looking at dates to schedule another Master Planner course. Mr. Crook also stated that he is interested in participating in the PMPEI Train-the-Trainer Program. If he completed the course, the Township would then have an in-house trainer. He asked the Board of Supervisors if the Township would reimburse him for this program. Steve Herzog said the Township could probably reimburse him depending on cost. There is a budget for training expenses.

I. POLICE DEPARTMENT

1) February Police Department Report submitted for Board and resident review.

2) New Police Vehicle – Chevrolet Tahoe - Chief Porter reported that the new police vehicle should be here soon. He just got the VIN number for the vehicle.

J. PUBLIC WORKS DEPARTMENT

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

2) Memorial – Bench Donation to East Fallowfield Park.

Pani Martin reported someone reached out to the Township about donating a memorial bench for the Township Park. It would be a new bench with a memorial plaque.

3) Weed Control Program for 2018 – Weeds, Inc. Contract.

Steve Herzog requested Tag Gathercole discuss what was done with weed control in the past. Tag Gathercole said the last two years, the program for the guard rails (non-selective) has not been done. The brush and broadleaf and park programs have been done yearly. Kat DiRado said that she reviewed the literature and the materials are hazardous for humans, animals and fish. Tag Gathercole said it is only sprayed up against the guard rails and it only goes one to two feet. Mr. Gathercole said Steve Herzog asked how it worked not doing the guardrails in the past. Tag Gathercole recommended doing the guard rails this year. They have had to weed whack the guard rails at least three times during the year if they don't approve the guard rail program.

MOTION: Steve Herzog made a motion to approve Program 1, 2, 3 and for the 2018 Weed Control Program through Weeds, Inc. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

a. Wilson Lambert stated guardrails are a liability. They have to be safe.

b. Kat DiRado asked if there is an organic option offered that could be used. Tag Gathercole said that he did not know.

VOTE: 3-1 (Steve Herzog, Wilson Lambert, and Joe Heffern voted yea. Kat DiRado voted nae.)

4) Skid Loader Purchase Request.

Pani Martin stated this is in the budget under Liquid Fuels. Tag Gathercole said the Township has never owned a skid loader so this is not an equipment replacement. He said he has looked at several skid loaders and got several quotes through COSTARS. He presented the best one to the Board of Supervisors. Tag Gathercole discussed what a skid loader is and what it would be used for.

MOTION: Steve Herzog made a motion to purchase a new Case SV280 Skid Steer per the COSTARS quote through Croft Tractor & Equipment, Inc. for \$44,976.00 using funds from the Liquid Fuels Fund Balance. Wilson Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Erwin Zeller asked if this is a forklift. Steve Herzog said no. Mr. Zeller asked what a skid loader would be used for. They would use it to pick up debris off the sides of the road. Mr. Gathercole said a skid loader would save the Public Works Department a lot of time.
- b. Kat DiRado asked if a skid loader could lift/move fallen trees or could lift a car. Tag Gathercole said that a skid loader can't do those tasks.
- c. Erwin Zeller asked if Liquid Fuels money comes from the State. Steve Herzog said that is correct.

VOTE: 4-0

5) Dedicated Roads.

Tag Gathercole informed the Board of Supervisors that the following three roads in the Township are not dedicated: Mary Ann Lane, Wilmont Circle, and part of Wagner Road (where Dave Thomas built.).

6) Road Improvements.

Mr. Gathercole also discussed road improvements. He said the winter has been tough on the roads. Newlinville Road and Hannum Drive are in bad shape and need work. Mr. Gathercole said he will go out with the Township Engineer next week to survey the Township roads.

K. PARK & RECREATION COMMITTEE

- 1) No Report. Committee has five vacancies.

L. HISTORICAL COMMISSION

- 1) February 7, 2018 Historical Commission meeting minutes submitted for Board and resident review.

M. PUBLIC PARTICIPATION

- 1) Dennis Crook spoke to the Board of Supervisors about a census request he has been working on per a request from the office. He asked the Board of Supervisors if they would like the Planning Commission to work on it. After discussing the census request, Mr. Crook said the Planning Commission will look at it further.
- 2) Chief Porter asked about the status of the four-way stop sign at the intersection of West Chester Road and South Bailey Road. Solicitor Crotty said that they are doing the survey to figure out what work is permitted.

3. ADJOURNMENT

MOTION: Steve Herzog made a motion to adjourn the Board of Supervisors meeting at 7:57 pm. Wilson Lambert seconded. VOTE: 4-0

Respectfully Submitted,

Lisa Valaitis

Lisa Valaitis,
Township Secretary