

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 25, 2018 Approved minutes
6:31 p.m.

Members Present

Steve Herzog, Chairman
Wilson Lambert, Vice Chairman
Joe Heffern, Member
Carol Kulp, Member
Katja DiRado, Member

Township Staff Present

Scott Swichar, Township Manager
Pani Martin, Township Treasurer
Lisa Valaitis, Township Secretary

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 p.m.

2) DISCUSSION

A. APPROVAL OF MINUTES

1) August 28, 2018 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the August 28, 2018 Board of Supervisors meeting minutes as presented. Supervisor Carol Kulp seconded.

VOTE: 5-0

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

C. TREASURER'S REPORT

1) August 31, 2018 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the August 31, 2018 Treasurer's Report. Supervisor Kulp seconded.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of August 29, 2018 through September 25, 2018 in the total amount of \$201,500.75, as presented. Supervisor Kulp seconded.

COMMENTS AND QUESTIONS:

- a) Township Resident Sharon Scott asked for a description of the Thomas Subdivision/Wagner Lane Developer Escrow payment on page 13 of the Payment Authorizations. Township Treasurer Pani Martin stated she received an invoice for Wagner Lane associated with the Dave Thomas Subdivision. Solicitor Crotty stated that Dave Thomas recently requested an escrow release. When an escrow release is requested, the request goes to the Township Engineer who reviews the project to assess if it is complete. The payment was made to Chris Della Penna for engineering charges related to the Thomas Subdivision escrow release request.

VOTE: 5-0

3) 2019 Budget Discussion.

Township Treasurer Martin reported the first budget draft will be discussed at the next Board of Supervisors meeting on October 9, 2018. Township Treasurer Martin reported she has met with Police Chief Porter and Road Master Tag Gathercole to discuss the Liquid Fuels Fund and general expenses. Township Treasurer Martin said the Township's 2019 Liquid Fuels allocation will be \$296,710.63.

4) 2019 Minimum Municipal Obligation (MMO) for East Fallowfield Township – Police Pension Plan & Non-Uniform Pension Plan.

Township Treasurer Martin stated the Township is obligated to discuss the Municipal Obligation (MMO) and thereby have it noted at a public meeting. Township Treasurer Martin reported that the Township received this year's pension payment and it was \$30,000 less than what was estimated last year. Township Treasurer Martin reported she has made various calls to both the Auditor General's office and the pension company in an attempt to determine the cause of the discrepancy. She said the best the Auditor General could explain to her is that they switched the calculation method from the unit value to the pension cost method. Township Treasurer Martin said she will be looking into this further. She stated she is required to present the 2019 estimates to the Board, however until last year's discrepancy is explained, she does not feel comfortable submitting this year's MMO calculations.

D. MANAGER'S REPORT

1) Award of Trash & Recycling Contract.

Township Manager Scott Swichar conducted a presentation on the trash and recycling contract bid results. Under the current agreement, Republic Services is responsible for the tipping fees (trash disposal costs). The Township is currently responsible for the processing of recyclables through an intermunicipal agreement with the County. Township Manager Swichar discussed the results of the online resident survey conducted. More than 64% of respondents would like weekly recycling rather than bi-weekly. The reasons are the 64-gallon toter is not large enough to fit two weeks of recycling into it. Based on the survey results, changes were made in the new contract options put out to bid such as unlimited recycling collection. A larger 96-gallon recycling toter will replace the current 64-gallon recycling toter. Overflow recycling will have to be collected by the hauler. The contractor will collect white goods under the new contract. Residents will be directed to contact the Township's recycling hotline instead of contacting the hauler with questions. The contractor will distribute an informational recycling brochure on an annual basis.

Township Manager Swichar explained the different options in the bid package. The base bid is the most consistent with the current contract and service. There are seven bid alternates. Each bid option has a 3-year and 5-year option. There are also bid options with the contractor paying tipping fees and recycling processing fees and a bid option with the Township paying tipping fees and recycling processing costs.

Township Manager Swichar reported the bid opening was on September 6, 2018. The Township received bids from five companies: Republic Services, Advanced Disposal, J.P. Mascaró, A.J. Blosenski, and Eagle Disposal. Due to the various bid options, the low bidder varies on different bid options.

Township Manager Swichar stated that the Township has evaluated the bids and cost savings associated with the contractor paying tipping fees. He recommended selecting a contract option in which the Township pays tipping fees and assumes responsibility of recycling processing costs. The Township would receive a \$3 per ton tipping fee discount from Chester County Solid Waste Authority if the Township pays them directly.

Township Manager Swichar discussed the current recycling market. The Township's contract renewal comes at a time of record high prices for processing recycling materials due to China's restrictive policies on accepting contaminated recycling. However, for the last few months, the cost for recycling materials has stabilized. Township Manager Swichar said that there is potential cost savings from signing an intermunicipal agreement with Chester County to have the County process recycling materials.

Township Manager Swichar stated he recommends Advanced Disposal's 3-year base bid with the Township paying tipping fees and the cost of recycling. This contract would be the least expensive option for the Township. The base bid would maintain the same level of service for residents. However, the hauler would offer unlimited recycling with a larger 96-gallon container. He also discussed the positive aspects of bid alternate number 1. He stated there is a long-term savings for the Township if the Township assumes ownership of the containers.

Township Manager Swichar stated the bid specifications provided the option for the hauler to provide ten 30-yard roll off dumpsters. This would provide a supplemental option for the once a month bulk trash disposal. This option would allow the Township to hold cleanup events during the year where residents can drop off household garbage items that will not fit in their trash container. The roll-off containers would provide for bulk item disposal overages. This is less expensive for the Township than offering bulk trash disposal more than once a month.

Township Manager Swichar state that assuming the Township awarded the base bid (where the Township pays the disposal fees and assumes the cost for processing of recycling) to Advanced Disposal would increase the cost of annual trash fee to at least \$261.22. As they move forward in the 2019 budget process, they will have a more accurate 2019 projected annual trash fee.

Township Manager Swichar said that as they get further into the budget process, they will look closer at reducing administrative costs. Township Manager Swichar reported they are looking into County billing and including the trash bill on the tax bill. There was a discussion about the means of reducing the hardship to residents due to the increased annual trash bill.

Supervisor Katja DiRado asked what service specifically is increasing the annual cost to residents. Township Manager Swichar stated there are several reasons for the cost increase. The current \$210 covers the hauler costs but does not adequately cover the administrative costs associated with trash management. There are also huge increases in recycling costs. The Township used to receive money for recycling and now it costs the Township money to process recycling. There are currently certain trash collection duties that are assumed by the Township that will be the hauler's responsibility under the new contract. Township Manager Swichar stated the \$210 trash fee is one of the lowest trash fees in Chester County.

COMMENTS AND QUESTIONS:

- a. Township Resident Erwin Zeller asked why there would be an administrative fee. Does the \$261.22 annual trash bill calculation include the administrative fee. Chairman Herzog stated the administrative fee is included in the \$261.22 which includes all costs associated with trash. Chairman Herzog stated it is common for municipalities to cover their administrative costs in the residential trash fee. Chairman Herzog stated the bulk of the administrative costs for trash is billing costs. Delinquency also needs to be factored into the annual trash fee. Chairman Herzog said that permit fees also have administrative costs included in the total fee.

- b. Township Resident Thomas Nash asked if the current contract allows for residents to have multiple recycling containers. Township Manager Swichar stated under the new contract, you could have two bins. The new contract specifies unlimited recycling and we would encourage residents to leave additional recycling that does not fit in their bin out for pickup. A resident could put out their own additional bin as well. It would be in the haulers best interest to provide an additional recycling toter in this case. Township Manager Swichar said that he projects that the new recycling bin will be large enough for most residents. Chairman Herzog stated it is common for haulers to require residents to pay for the additional bin. Township Treasurer Martin said that under the current contract, the hauler is not required to pick up additional and only one toter was allowed. When the recycling market was profitable, the hauler was willing to give out additional recycling toters.
- c. Township Resident Sharon Scott stated she did not approve of a \$50 increase in resident annual trash fees. She said she finds that increase to be too high. Township Treasurer Martin stated that trash collection costs are supposed to be self-sustaining. The Township should not be paying for trash collection nor should it be making a profit on trash collection. Mrs. Scott said the residential trash fee increase is outrageous.
- d. Township Resident Erwin Zeller asked why the trash fee is not included in the tax bill which would make the trash bill tax deductible. Is there a reason these expenses are separate? Chairman Herzog said that the trash could be included in the tax. However, the trash fee is more transparent when billed separately. Mr. Zeller also asked what residents will do with the current trash toters. Chairman Herzog said the current hauler, Republic Services, will collect the current trash toters and new toters will be dispersed by the new hauler.
- e. Township Resident Dennis Crook asked in regard to tipping fees, if the Township is restricted to the Lanchester Landfill. Township Manager Swichar said that according to the Chester County Plan and the bid specifications, East Fallowfield Township's dedicated landfill is the Lanchester Landfill. Township Manager Swichar said this is certainly something to talk to the County about in the future.

MOTION: Chairman Herzog moved to award the contract for residential solid waste collection and recycling collection to Advanced Services in the amount of \$1,115,185, subject to the contractor's satisfaction of all conditions precedent to the award of the contract. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Supervisor Lambert asked what the length of term is for the contract. Solicitor Crotty stated this motion is for the 3-year term.
- b. Township Resident Sharon Scott asked if Advanced Disposal services any other local municipalities. Township Manager Swichar stated they service the Borough of South Coatesville.
- c. Township Resident Erwin Zeller stated the annual rate calculation of dividing the total contract cost by the number of residence does not equal the proposed annual trash total being charged residents. Chairman Herzog stated the reason the calculation does not work is because the cost is for three years and the cost of the Township paying tipping fees is not factored into the calculation.

VOTE: 5-0

2) Intermunicipal Agreement between Chester County and Participating Municipalities to Provide Processing and Marketing of Recycling Materials.

Solicitor Crotty stated that in order for the Township to enter an agreement with Chester County to provide processing and marketing of recycling materials, the Township needs to approve an ordinance. All intermunicipal agreements need to be approved by ordinance. Solicitor Crotty said he will prepare an ordinance. This ordinance will need to be advertised and the ordinance and agreement will be presented for approval at the next Board of Supervisors meeting on October 9, 2018.

MOTION: Chairman Herzog made a motion to approve the advertisement of an ordinance on October 9 at 6:30 p.m. to accept Chester County's Intermunicipal Agreement with East Fallowfield Township to provide processing and marketing of recycling materials. Supervisor Heffern seconded.

VOTE: 5-0

3) New Business.

- a. DCED Greenways, Trails and Recreation Program Grant for Park Improvements – Township Manager Swichar reported that the Township received verbal notification that the Township received a \$125,000 grant from the DCED Greenways, Trails and Recreation Program. He said the Township applied for a \$250,000 grant in the summer for a public bathroom and playground to be added to the park. He is waiting for the written letter confirming the grant award to arrive.
- b. Movie Night in the Park – Township Manager Swichar reminded everyone that Movie Night in the Park is this Saturday, September 29 at 7:30 p.m. The family friendly movie is "The Sand Lot." The event is free to the community. Township Manager Swichar said the event would be a great opportunity for residents to come out and enjoy the park.
- c. Park Day – Township Manager Swichar reminded everyone that East Fallowfield Township's Park Day is on Saturday, October 13 from 10 a.m. to 4 p.m. David's Drive is this year's presenting sponsor. Some additional sponsors are Allan Meyers and PECO. He stated the Township is still looking for vendors for the event.

E. LEGAL

1) Junior Supervisor Program – No Clearances Required.

Solicitor Crotty stated that at the previous Board of Supervisors meeting, a question arose about whether Township staff and/or Supervisors would need to obtain clearances in order to participate in the Junior Supervisor Program. As a follow-up to that question, internships and other similar programs do not require clearances. Solicitor Crotty recommended that Township Manager Swichar obtain clearances. The next step is for Township Manager Swichar to reach out to local schools to determine how to implement the program.

2) SPCA Contract – Discussion Only.

Solicitor Crotty asked Township Manager Swichar if he has received a revised contract from the SPCA. Solicitor Crotty stated it was his understanding that the SPCA has removed some of the provisions such as the 3% escalator clause. Township Manager Swichar reported he has not received the revised contract yet.

3) Zoning Ordinance Update – Discussion Only.

Solicitor Crotty stated that Planning Commission Chairman Dennis Crook provided revisions to him on the draft electronic signs and billboards ordinance. Solicitor Crotty will make the revisions, recirculate the draft and attend a future Planning Commission meeting for further discussion. Solicitor Crotty said the Planning Commission also discussed looking further into group home regulations.

4) SALDO - Ridgecrest Fire Hydrant Agreement.

Solicitor Crotty stated it is common practice for PA American Water Company to request a township be the applicant for new public fire hydrant agreements for new subdivisions. The developer will be putting in the hydrants before the streets are dedicated. Therefore, the Township cannot comply with PA American Water Company's request. Solicitor Crotty explained the way to address this is to have the Township sign the PA American Fire Hydrant Agreement. The Township should sign a separate side agreement with Rouse

Chamberlin where they take all responsibility for the hydrants until the roads are dedicated and authorizes PA American Water Company to install the fire hydrants.

MOTION: Chairman Herzog moved that the Township approve the signature of the PA American Fire Hydrant Agreement, and the Fire Hydrant Agreement with Rouse Chamberlin, associated with the Ridgecrest Development. Supervisor Lambert seconded.

VOTE: 5-0

5) SALDO – Ridgecrest – Escrow Release Request – Acknowledgement Only.

Solicitor Crotty reported Rouse Chamberlin has started to work on the Ridgecrest Development. As they do the work, they will be submitting escrow release requests to the Township. Rouse Chamberlin has submitted their first escrow release request. The request has been submitted to the Township Engineer and he will inspect the work and make a recommendation on the amount of escrow to release.

6) SALDO – Longview/Fieldstone/Pelham Place – Professional Consultant Review Fee Escrow.

Solicitor Crotty reported that the new developer for the Fieldstone Development, Tri-Corner Communities, has submitted a check to replace of the current professional consultant review fee escrow that Longview had submitted. The motion on the table is to approve the release of Longview's professional consultant review fee escrow and replace that with the check provided by Tri-Corner Communities. Solicitor Crotty stated there is an issue with the accounting (number) that Longview has presented. It appears they may be mixing their professional consultant review fee escrow with the West Chester Road & South Caln Road improvements escrow. Therefore, Solicitor Crotty recommended tabling this until further investigation can be conducted.

F. PLANNING COMMISSION

1) Planning Commission Report.

Planning Commission Chairman Crook discussed the business conducted at the last Planning Commission meeting. He said the Planning Commission reviewed a special exception application submitted by Chris and Amy O'Connor to replace a mobile home on their property. They also discussed a 3.8-acre subdivision in the R-1 Zoning District with Jerry and Amy Poe. Additionally, the Planning Commission discussed the draft electronic signs and billboards ordinance. Planning Commission Chairman Crook also spoke about the upcoming Chester County 2020 Breakfast discussion scheduled for October 3. Planning Commission Chairman Crook asked Solicitor Crotty for a status on the Official Map. Solicitor Crotty reported the proposed Official Map Ordinance has been sent to neighboring municipalities and to the Chester County Planning Commission. We are waiting on feedback. The hearing is scheduled for October 23, 2018.

G. POLICE DEPARTMENT

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

H. PUBLIC WORKS DEPARTMENT

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

I. PARK & RECREATION COMMITTEE

1) Park & Recreation Committee Update.

Township Manager Swichar reported that Elise Berlin has resigned from the Park and Recreation Committee. With the resignation, the Park & Recreation Committee is now down to one member. Township Manager Swichar said he is actively trying to recruit new members.

- 2) No Report Submitted.

J. HISTORICAL COMMISSION

- 1) No Report Submitted.

K. PUBLIC PARTICIPATION

- 1) Township Resident Sharon Scott asked what the total cost is for the park project (public bathroom and playground). Township Manager Swichar stated the total budget cost is for \$275,000 for both the public bathroom and playground. Chairman Herzog stated with the grant award of \$125,000, the project will be revised and the playground would be dropped from the project plan. Mrs. Scott also asked if the Chester County 2020 Breakfast is open to the public. Planning Commission Chairman Crook responded by stating the breakfast is open to the public and there is a \$25 fee.
- 2) Supervisor DiRado asked Township Manager Swichar if he could do another resident survey about the type of restrooms they want for the Park. Chairman Herzog said they will need to determine feasibility first. Township manager Swichar said he will involve residents.
- 3) Township Resident Erwin Zeller asked if a percentage of the taxes go to the Park & Recreation Committee. Solicitor Crotty said that taxes do not go to the Park & Recreation committee. Chairman Herzog explained that the Park & Recreation Committee's money come from the fee in lieu of paid by developers by lot.
- 4) Township Resident John Nielsen asked if the Board was aware of any further action regarding the petition signed by the Horizon Drive residents. Chairman Herzog stated they looked into the situation and there is no legal means to prevent farm equipment from using Horizon Drive. Township resident Mr. Nielsen said Mr. McLaughlin had called him regarding tree cutting in the area. Chairman Herzog said that would be a private matter. Mr. Nielsen stated the residents on Horizon Drive are unhappy with the situation. Sharon Scott said it was her understanding that Mr. Hannum purposely kept a berm at the end of the road to prevent vehicle access. She also stated Mr. Weaver had previously used another route to access the property for farming. Chairman Herzog said this is a private matter and not a public Township matter.

L. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 8:20 p.m. Supervisor Kulp seconded.

VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary