

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
December 18, 2018 Approved minutes
6:31 p.m.

Members Present

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

Township Staff Present

Scott Swichar, Township Manager
Pani Martin, Township Treasurer

Township Solicitor

Bob Tucker

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) November 27, 2018 Board of Supervisors Meeting Minutes.

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

VOTE: 3-0

B. PRESENTATION

1) Act 537 Draft Plan Update – David Porter, Herbert MacCombie Consulting Engineering, Inc.

David Porter, Engineer with Herbert MacCombie Consulting Engineering, Inc., presented a recap of the history of the Township's Act 537 Plan. David Porter explained that an Act 537 Plan is a technical planning process that the state legislature enacted in 1966 requiring all municipalities have adequate sewage disposal for residents and businesses. The original Act 537 Plan was done through the County. East Fallowfield Township updated that original Act 537 Plan in 1982. Subsequently, the Township updated the Act 537 Plan and submitted it to DEP. DEP had comments and MacCombie's office helped the Township revise the Act 537 Plan and resubmit the plan to DEP in the early 2000's. DEP had comments on this Plan and it sat at DEP. David Porter stated in 2013, DEP agreed to permit the Township to use data that was obtained through that original planning effort. David Porter said that during this most recently planning effort, he met with the Township's Planning Commission and Board of Supervisors several times. David Porter stated that this culminated in a public meeting with residents from areas in the Township that looked like they needed an adequate sewage disposal system according to the needs assessment survey results. The resident response to the public sewer alternative was overwhelmingly negative. If public sewer is not being provided by a municipality, the DEP requires a municipality to implement a septage management program as part of Act 537 Plan approval. A septage management program requires private property owners to have their septic systems periodically pumped and inspected. David Porter discussed inspection requirements and procedures as well as how an on-lot septic system works. He advised that the Township would need to consider hiring

additional staff or subcontracting the administrative work and the inspection of on-lot septic systems. Fees would also need to be considered.

He presented a summary of last summer's Act 537 Plan. He stated items 1-5 are the Needs Identification Survey results. There were two tiers in the surveys. The different malfunction classes are color coded and follow DEP guidelines. In addition to the results and classifying each on-lot system, they relied on the County's data from permitting and repairs of on-lot systems. They overlaid the County records with the Needs Assessment Survey results and most results were consistent between the County and the Needs Assessment Survey results. The results were tabulated and summarized in the Needs Report. Certain areas that have confirmed, suspected or potential malfunctions are the systems that may have issues. They looked at these results and compared it to the overall Township results, which gave us an idea of what areas of the Township they need to keep an eye on and where a public sewer alternative should be explored. Based on Board and public feedback, the Board was inclined to go with a septage management system.

David Porter proposed the next step be to meet with DEP, finish the Act 537 Plan and proceed through the 30-day comment period. David Porter stated meeting with DEP before formally submitting the Act 537 Plan would allow the Township to determine if DEP would accept a septage management system option. The second option would be to go through the 30-day comment period and directly apply to DEP.

The Board of Supervisors discussed the option of having the Act 537 Plan completed, advertised and submitted to DEP versus meeting with DEP prior to formal submission. David Porter stated that the DEP will either approve an Act 537 Plan or return it with comments which would delay the process significantly. David Porter also commented that if the Township does not have its Act 537 Plan completed, and a developer submits a Sewage Facilities Planning Module to the DEP, the DEP could deny the Sewage Facilities Planning Module until the Act 537 Plan is complete. Chairman Herzog stated implementing a septic management program is phase 1 of the Act 537 with the idea that down the road, the Township will revisit the need for public sewer. At some point, DEP may force the Township to implement public sewer in areas of the Township. David Porter stated that PA American Water owns and operates public sewer in the Township and can make a bona fide contribution to homeowners.

David Porter stated that in the Act 537 Plan, they need to identify how the Township will implement a septage management program. He has a quote of \$6,000 for a software package that can be used for a septage management program. DEP is also requiring an annual report from municipalities on the compliance system for a septage management program.

The Board authorized David Porter to work with Township Manager Swichar to move the Act 537 Plan forward. David Porter stated he will work on getting the document ready, meet with DEP, send the proposed Act 537 Plan to outside agencies for input, and hold a 30-day comment period.

C. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

D. TREASURER'S REPORT

- 1) November 30, 2018 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the November 30, 2018 Treasurer's Report. Supervisor Lambert seconded.

VOTE: 3-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of November 28, 2018 through December 18, 2018 in the total amount of \$315,377.86 as presented. Supervisor Joe Heffern seconded.

VOTE: 3-0

3) Writs of Execution - Portnoff.

Chairman Herzog stated the Writs of Execution are for delinquent trash accounts. He also stated that there are three properties listed on the Writs of Execution.

MOTION: Chairman Herzog made a motion to sign the Writs of Execution, as presented. Supervisor Lambert seconded.

VOTE: 3-0

E. MANAGER'S REPORT

1) Job Descriptions and Employee Handbook Discussion.

Township Manager Swichar presented an update on the employee handbook and job descriptions. He said that he has sent a draft copy of the employee handbook to the Board of Supervisors for review. He stated that he has met with employees to review their job descriptions. Township Manager Swichar stated he is finishing the job descriptions and he will be meeting with the employees for one more review. He expects to have the employee handbook presented for the Board of Supervisors to review and approve at the January 7, 2019 Reorganizational meeting.

2) Resolution to Authorize Transfer of Funds from the General Fund to Capital Projects Fund.

Township Manager Swichar recommended a transfer of \$140,000 from the General Fund to the Capital Projects Fund by the end of the year. He reported that the Township is projected to end 2018 with a \$140,628 surplus which shows that the finances were well managed by the department heads. Township Manager Swichar stated the reason for the transfer is that there is \$273,252 in projects budgeted next year and the transfer will help cover these project costs. With the transfer of \$140,000, the General Fund will end with 18% in General Fund Reserves which equals two months of operating revenue.

MOTION: Chairman Herzog made a motion to approve Resolution No. 2018-28 authorizing the transfer of unencumbered monies in the amount of \$140,000 from the General Fund to the Capital Fund to fund capital and infrastructure projects. Supervisor Heffern seconded.

VOTE: 3-0

3) Resolution Designating Emergency Service Providers for East Fallowfield Township.

Township Manager Swichar stated that Chester County requested the Township pass this resolution which lists the emergency service providers operating in the Township and what type of equipment they have. Chairman Herzog stated the fire companies operating in East Fallowfield Township are Westwood and Modena.

MOTION: Chairman Herzog made a motion to approve Resolution 2018-27 designating emergency service providers for East Fallowfield Township, as presented. Supervisor Lambert seconded.

VOTE: 3-0

F. LEGAL

1) Trash Billing.

Solicitor Bob Tucker stated the purpose of the motion is to approve an amendment to the Agreement of Services with Chester County and authorize the advertisement of an intergovernmental cooperation ordinance. Township Manager Swichar stated he sent the agreement to the County; however, the County is under the impression they may not need this agreement.

MOTION: Chairman Herzog moved that the Township approve the form of Amendment 2 to the Agreement of Services with Chester County dated January 27, 2016, authorizing the County to undertake collection of trash billing, and to authorize the advertisement of an Intergovernmental Cooperation Ordinance to effectuate the same. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog stated this change will take billing responsibilities away from MuniBilling and therefore the Township. This will eliminate trash billing calls coming into the Township and the need for Portnoff's collection services Therefore this billing change will save the Township money.
- b. Supervisor Lambert asked if the trash billing was still going to be quarterly. After June 1, a 10% fee is assessed. However, residents have until December 31 to pay in full without further penalty.

VOTE: 3-0

G. PLANNING COMMISSION

- 1) No Report Submitted.

H. POLICE DEPARTMENT

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

I. PUBLIC WORKS DEPARTMENT

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

J. HISTORICAL COMMISSION

- 1) No Report Submitted.

K. NEW BUSINESS

- 1) 97th Annual Education Conference & Trade Show – Supervisor Attendance and Appointing the Voting Delegate. Conference Dates are April 14 – 17, 2019.

Chairman Herzog stated the PSATS Conference will be coming up in April and needs to be on the Board of Supervisor's radar. If any of the Board wants to attend the conference, they could be appointed as a voting delegate for the Township. Supervisor Lambert volunteered to be the voting delegate for the Township in 2019.

L. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:10 p.m. Supervisor Lambert seconded.

VOTE: 3-0

Respectfully Submitted,

A handwritten signature in blue ink that reads "Lisa Valaitis". The signature is written in a cursive style with a large initial "L".

Lisa Valaitis,
Township Secretary