

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 1, 2019 Approved minutes
6:30 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
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 6:30 p.m.

2) DISCUSSION

A. APPROVAL OF MINUTES

1) March 26, 2019 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the March 26, 2019 Board of Supervisors meeting minutes as presented. Supervisor Wilson Lambert seconded.

VOTE: 3-0

2) April 9, 2019 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the April 9, 2019 Board of Supervisors meeting minutes as presented. Supervisor Lambert seconded.

VOTE: 3-0

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

C. TREASURER'S REPORT

1) March 31, 2019 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the March 31, 2019 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 March 27, 2018 through April 23, 2019 in the total amount of \$167,010.84 as presented. Supervisor Lambert seconded.

VOTE: 3-0

3) 2018 Liquid Fuels Audit.

Township Treasurer Pani Martin presented the results of the 2018 Liquid Fuels Audit. She reported that this year the Township passed the audit without any findings.

4) New Business.

- a. PSATS Conference - Township Treasurer Martin reported that she attended the 2019 PSATS Conference. She stated it was a tremendous learning experience and she was very grateful to be able to attend.

D. TOWNSHIP MANAGER'S REPORT

1) Tax Lien Exoneration Request from Chester County Tax Claim Bureau – Parcel 4704_0002300T.

Township Manager Scott Swichar reported that the Township received a letter from the Chester County Tax Claim Bureau requesting the Township's permission to exonerate an uncollectable property tax for tax parcel identification number 4704_0002300T. A mobile home was physically removed from the lot. The total amount the County is requesting to be exonerated is \$42.94.

MOTION: Chairman Herzog made a motion to approve the exoneration of an uncollectable real estate property tax lien for tax parcel number 4704_0002300T as requested by the Chester County Tax Claim Bureau. Supervisor Joe Heffern seconded.

VOTE: 3-0

2) Ridgecrest – Landscaping Plan Presentation.

Mike Wurster, from Rouse Chamberlin, presented a landscaping change proposal for the Ridgecrest Subdivision. Mr. Wurster reported that in December, Rouse Chamberlin met with Township Manager Swichar and Township Treasurer Martin to discuss the alteration of the on-lot landscaping for the Ridgecrest Subdivision in exchange for an unallocated contribution to the Township. In February, Rouse Chamberlin presented the landscaping proposal at a Board of Supervisors meeting. At the February Board of Supervisors meeting, it was recommended that Rouse Chamberlin go before the Planning Commission to seek their approval of the proposed landscaping changes. On March 4, Rouse Chamberlin presented their proposed landscaping changes at the Township's Planning Commission meeting. At that meeting, the Planning Commission's recommendation was for them to review some other communities in the Township in support of their proposed landscaping changes. Mike Wurster reported that after the March 4 Planning Commission meeting, they did follow the Planning Commission's recommendation and they viewed the landscaping in Branford Village. The 2002 Landscaping Ordinance was in effect when the Branford Village Development was built. Mr. Wurster presented photographs of homes in Branford Village that have not maintained the original landscaping. The original landscaping is either overgrown or has been removed.

The current approved landscaping plan includes the following on-lot plantings: 4 deciduous trees, 2 evergreens, and 15 shrubs (mixture of deciduous and evergreens). The proposed on-lot landscaping changes are as follows: 1 deciduous tree, 0 evergreens, 8 shrubs and 3 perennials. Rouse Chamberlin is only seeking to change the on-lot landscaping. The open space landscaping and street trees will remain the same.

Mr. Wurster stated that Rouse Chamberlin went to the March 18 Planning Commission meeting and presented the photographs of landscaping in Branford Village and held further discussion. At that meeting, the Planning Commission passed a motion to recommend the Board of Supervisors approve the proposed landscaping changes for the Ridgecrest Subdivision. Shortly afterward, the Planning Commission issued a recommendation letter. Mike Wurster reported that he recently met with Township Manager Swichar again to further discuss the proposed landscaping changes and discuss the mechanics of how to move forward.

Rouse Chamberlin offered \$1,428 per lot to the Township if the landscaping changes are approved. If every lot accepts the reduced landscaping package, the total contribution to the Township would be approximately \$100,000. Mike Wurster stated the model home is excluded. He reported that Rouse Chamberlin has sold nine homes with the original approved plant package. If the landscaping proposal is approved by the Board of Supervisors, Rouse Chamberlin will allow these nine homeowners to choose either the original plant package or the proposed new plant package. Phase 1 has 27 lots and the contribution would be paid to the Township in one lump sum. Phase 2 has 43 lots and Rouse Chamberlin would post the full amount of their contribution with their security, and it would be reduced on a permit basis. There was a discussion between the Board of Supervisors, Mike Wurster, and Mike Honan regarding the change in on-lot landscaping. Solicitor Mike Crotty explained the next steps Rouse Chamberlin would need to take to move forward in the process.

MOTION: Chairman Herzog made a motion to approve the preliminary revised landscaping plans presented by Rouse Chamberlin for Phase 1 and Phase 2. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Township Manager Swichar asked if the number of lots in Phase 1 that would have the new landscaping may change from the 18 lots originally quoted. Mike Wurster stated that is correct. Township Manager Swichar also asked if the number of lots in Phase 2 will remain at 43 lots. Mike Wurster stated that is correct. Township Manager Swichar asked what the timeline is for building permits for Phase 2. Mike Honan stated he anticipates starting improvements for site work for Phase 2 in late fall and lots will be offered for sale. Mike Honan said he estimates he will be pulling permits in the fourth quarter of 2019.
- b. Township Resident Ellen Kuehner asked what the total acreage is for the Ridgecrest Development. Mike Honan did not know the exact number of acres. Township resident Ellen Kuehner asked what the total number of lots are. Mike Wurster stated there are 70 lots in the Ridgecrest Subdivision and there is a lot of open space. Lots are approximately one-third of an acre. Ellen Kuehner asked about the ratio of open space to build out in the Ridgecrest Subdivision. Mike Honan stated it is common now to have smaller individual lots and more open space within a subdivision. There is a substantial amount of open space in this subdivision.

VOTE: 3-0

3) Update on East Fallowfield Township Schools.

Township Manager Swichar presented an update on the schools in East Fallowfield Township. Township Manager Swichar reported he recently spoke to Dr. Taschner who is the Superintendent of the Coatesville Area School District. He reported that Dr. Taschner confirmed that the South Brandywine Middle School will close at the end of this year. That site will become the South Brandywine Elementary School. The current South Brandywine Middle School students will be attending the North Brandywine Middle School. Township Manager Swichar stated that Dr. Taschner is open to showing the East Fallowfield Township Elementary School building to the Township Manager and Board of Supervisors. Township Manager Swichar stated he is planning to meet with Dr. Taschner again in June. Township Manager Swichar stated the estimated timeline for closing the East Fallowfield Elementary School is five years.

4) Resolution 2019-14 to Approve Lease Purchase Financing for Two Chevrolet Tahoes.

Township Manager Swichar stated the purpose of Resolution number 2019-14 is to approve a lease with Fulton Bank for two Chevrolet Tahoes. The Board of Supervisors previously approved the purchase of these

two vehicles at the March 12, 2019 Board of Supervisors meeting. In March, an interest rate of 4.24% for five years was locked in. Township Manager Swichar reported that he just requested that Fulton Bank approve a lower interest rate and they offered a revised interest rate of 3.99%. The reduced interest rate equates to an overall savings of \$500 over five years. The annual payment will be \$22,938.14. The Resolution will approve the Master Lease with Fulton Bank and grant Township Manager Swichar the authorization to sign documents related to the lease financing. The vehicles are being obtained through the Co-Stars Program.

MOTION: Chairman Herzog made a motion to approve Resolution No. 2019-14 authorizing lease purchase financing with Fulton Bank for the leasing of two (2) 2019 Chevrolet Tahoes. Supervisor Heffern seconded.

VOTE: 3-0

5) Authorization of Township Manager to Sign the Life Insurance / AD&D and STD Policy with Nationwide.

Township Manager Swichar reported the Township currently pays \$15,593.40 per year for a short-term and long-term disability policy with The Standard and for a life insurance accidental death and dismemberment policy through Mutual of Omaha. Township Manager Swichar reported that they received several quotes on policies. One quote that they received was from Longley Insurance for \$13,687.44 for a Nationwide policy. He stated the Nationwide policy matches the existing coverage. The Township would save \$1,905.96 annually by switching to Nationwide.

MOTION: Chairman Herzog made a motion to approve the Township Manager to sign the Township's Life Insurance/Accidental Death and Dismemberment and Short-Term Disability Policy with Nationwide. Supervisor Heffern seconded.

VOTE: 3-0

6) Lease Purchase of Ford F-650 Dump Body & Snow-Plow Package.

Township Manager Swichar reported that they budgeted for a new dump truck and snow-plow in the 2019 Liquid Fuels Budget. Township Manager Swichar discussed the Public Works Department's two trucks that will be retired. He reported the Township received Co-Stars pricing for a Ford F-650 at a total price of \$105,798 with an annual interest rate of 3.99%. The vehicle cost is \$58,725 and the dump body and snow-plow package cost is \$47,073.85. Township Manager Swichar stated the interest rate is the same for a four-year lease or a five-year lease. Township Manager Swichar recommended the five-year lease. The annual lease payment is \$22,884.64 for the five-year lease. The first year's payment would come out of the Liquid Fuels Budget. Township Treasurer Martin stated there is \$52,000 - \$54,000 budgeted for this vehicle in Liquid Fuels.

MOTION: Chairman Herzog made a motion to lease/purchase a Ford F-650 from Hondru Ford and a Dump Body & Snow-Plow package from U.S. Municipal under the Pennsylvania Co-Stars Purchasing Contract in the amount of \$105,798. Supervisor Lambert seconded.

VOTE: 3-0

E. LEGAL

1) Property Violation – Informational Only. Assisting Zoning Officer in Pursuing Violation.

Solicitor Mike Crotty reported they have been working with Code Officer Rob McLarnon in pursuit of property violations of both the Township Code and the Blighted Property Ordinance.

2) Ordinances – Dumpster/POD Ordinance Recommendation for Board Approval. Presented for Board's Initial Consideration. No Action Required.

Solicitor Crotty discussed the proposed Dumpster/POD Ordinance that was recommended for approval by the Township Planning Commission. Solicitor Crotty stated the proposed ordinance regulates portable temporary

storage units and dumpsters that are placed on properties. Dumpsters and pods are not permitted on public roads or in Township rights-of-way. Dumpsters must be emptied once every two weeks. There are exceptions for commercial properties that are addressed in the ordinance. Solicitor Crotty stated the steps are to send the proposed ordinance out for review and advertisement for a hearing upon Board of Supervisors approval. The Board of Supervisors tabled this discussion and will address this at the May 14 Board of Supervisors meeting.

3) Bawa M. Fellowship Subdivision and Land Development: On-Lot Sewer Management Agreement.

Solicitor Crotty reported that the Bawa M. Fellowship Subdivision is in the process of obtaining state approvals from DEP and other state agencies. As part of this approval process, DEP now requires a back-up for on-lot septic systems and the back-up is in the form of an On-Lot Sewer Management Agreement which provides for an on-lot system fail. In the event of an on-lot system failure, the Homeowners Association or the development is required to take care of the sewage. The On-Lot Sewer Management Agreement gives the Township rights and the ability to enforce this requirement if necessary.

MOTION: Chairman Herzog moved that the Board approve the form of the On-Lot Sewage Management Agreement for the Bawa M. Project in the form as submitted, for its submission and review by DEP. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Ellen Kuehner asked how many units will be in the Bawa M. Fellowship Development. Mr. Charles Ginty stated there will be 23 units. Township resident Ellen Kuehner also asked if open space has been allocated in this subdivision. Solicitor Crotty estimated 80% of the land has been allocated to open space.

VOTE: 3-0

4) Police Association Memorandum of Understanding (MOU).

Solicitor Crotty stated that the proposed Police Association Memorandum of Understanding has been approved by the union side of the agreement and is ready for Board of Supervisor consideration.

MOTION: Chairman Herzog moved that the Board approve and authorize the execution of the Memorandum of Understanding between the Township and the Township Police Officers' Association, in the form as presented. Supervisor Heffern seconded.

VOTE: 3-0

F. STRATEGIC PLANNING STEERING COMMITTEE

Township Manager Swichar stated that Township resident David Fiorenza is interested in joining the Strategic Planning Steering Committee. David Fiorenza would be the seventh member appointed to the Strategic Planning Steering Commission. The current resolution allows up to seven members to serve on the committee. Supervisor Heffern asked Mr. Fiorenza what municipal / borough consulting he has done. Mr. Fiorenza said he worked for Phoenixville, Kennett Square and a few other locations. He has worked interim borough management. He teaches public sector full time at Villanova University and he has also worked for a company called Local Government Management Services. Mr. Fiorenza has lived in East Fallowfield Township for 29 years and he would like to contribute to the Township.

MOTION: Chairman Herzog made a motion to appoint David Fiorenza to the Strategic Planning Steering Committee with a term ending December 31, 2019. Supervisor Lambert seconded.

VOTE: 3-0

G. PLANNING COMMISSION

- 1) No Report Submitted.

H. POLICE DEPARTMENT

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

I. PUBLIC WORKS DEPARTMENT

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

J. HISTORICAL COMMISSION

- 1) No Report Submitted

K. PUBLIC PARTICIPATION

- 1) Township Resident Ellen Kuehner discussed the ongoing feral cat issue in East Fallowfield Township. She reported that she tried to reconnect with the Director of the Spayed Club to continue to move forward with implementing a feral cat program. She said the Director of the Spayed Club sent her a proposal on October 22 and she emailed the proposal to the Board on October 23. The grant was then awarded. Between January and March, there was a communication breakdown and the Director of the Spayed Club allocated the grant money to a different project. Chairman Herzog stated the Board of Supervisors did not receive the proposed plan. Ellen Kuehner introduced Liz Grabeal, a cat trapper and volunteer at Cat Angels. Liz Grabeal discussed the process of trapping, spaying, and neutering feral cats. Liz Grabeal stated she has trapped over 1,000 cats in the past 15 years. Liz Grabeal also discussed how the process would work with the Spayed Club. The Spayed Club would have supplied traps for the cats and vans to transport the cats. Ellen Kuehner stated she is not sure at this time if the Spayed Club would still be interested in working with East Fallowfield Township. Township resident Katie Torrente discussed her role in trapping stray and feral cats in her neighborhood and taking the cats to the SPCA. Township resident Katie Torrente stated that a neighbor moved and left three cats behind. These cats quickly multiplied, and a stray cat problem escalated quickly. Ellen Kuehner said it is a geometric progression from season to season and babies have babies within a year. Ellen Kuehner stated she is unsure at this point if it is possible to resurrect a plan with the Spayed Club. If this is not possible, then she would like to put a new plan in place to handle feral cats. Township resident Ellen Kuehner also discussed a need for a search bar on the Township website. Solicitor Crotty stated there is a search bar on the Township website called "Advanced Search." Ellen Kuehner requested an apology be written and issued to the Spayed Club. Chairman Herzog stated the Board of Supervisors appreciate Ellen Kuehner's efforts and a proposed plan is needed to move forward. Ellen Kuehner said that she would encourage neighborhood participation. There was a discussion about the need to spread awareness and education to the entire region.

L. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:37 p.m. Supervisor Lambert seconded. VOTE: 3-0

Respectfully Submitted,



Lisa Valaitis,
Township Secretary