

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
May 26, 2020 Approved minutes
6:32 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice Chairman
Katja Dirado, Member
Carol Kulp, Member
John Nielsen, Member

Township Staff Present

Scott Swichar, Township Manager

Township Solicitor

Mike Crotty

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

Chairman Lambert called the meeting to order at 6:32 PM.

2. DISCUSSION

B. APPROVAL OF MINUTES

April 28, 2020 BOARD OF SUPERVISORS MEETING MINUTES

Supervisor Dirado stated that her comment in the New Business section of the April 28, 2020 minutes should be corrected to reflect that only vehicle and equipment expenditures should be reduced rather than personnel expenses.

Township Manager Swichar stated the change would be made.

MOTION: Vice Chairman Heffern made a motion to approve the April 28, 2020 Board of Supervisors meeting minutes as corrected. Supervisor Dirado seconded.

VOTE: 5-0

A. PARK & RECREATION COMMITTEE – INTERVIEW APPLICANT – Joe Heffern

MOTION: Supervisor Nielsen made a motion to appoint Joe Heffern to the Park & Recreation Committee for the term ending 2023. Supervisor Dirado seconded.

Nicholas Marsico- Member 2020 to 2024
Monica Strauser- Member 2020 to 2024
VACANT - Member 2016 to 2020
VACANT - Member 2016 to 2020
Frederick Weiss - Member 2017 to 2021
VACANT - Member 2017 to 2021
VACANT - Member 2019 to 2023

VOTE: 5-0

C. 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.
5. April Modena Fire Company EMS Report submitted for Board and resident review.

D. TREASURER'S REPORT

- 1) April 30, 2020 Treasurer's Report.

MOTION: Vice Chairman Heffern made a motion to approve the April 30, 2020 Treasurer's Report as presented. Chairman Lambert seconded.

Supervisor Dirado questioned whether there was a County grant under expenses, account number 357.01 and whether the grant was matched. The amount was approximately \$3,000.

Township Treasurer Martin stated that the Township received a \$3,500 grant in 2019, however this revenue was not budgeted for 2020. However, if the Township receives grant funding it would be reflected in actual revenues.

Supervisor Nielsen stated that the 2019 revenue may have been a reimbursement from the County for the Township's Official Map.

Treasurer Martin stated that the grant reimbursement from the Vision Partnership Program was for the official map.

VOTE: 5-0

- 2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of April 29, 2020 through May 26, 2020 in the total amount of \$147,390.38 as presented. Supervisor Kulp seconded.

VOTE: 5-0

E. TOWNSHIP MANAGER'S REPORT

- 1) A Resolution amending the 2020 Fee Schedule to include a processing fee for credit card transactions

Township Manager Swichar stated that the proposed Resolution would update the 2020 fee schedule. The proposed change is on page 14 of the fee schedule. The Township has been absorbing the processing fees for credit cards which are approximately 3%. Prior to the COVID-19 crisis, credit card transactions were infrequent. Mr. Swichar stated that if the Resolution is passed, then the credit card user would incur the processing fee for their credit card transaction.

Township Treasurer Martin stated that Nationwide Payments is the company that processes credit card companies. She stated that she will provide updated processing fees to Township Manager Swichar as they are not always charging a standard 3%.

Township Manager Swichar stated that he contacted other municipalities in Chester County to see if they charged processing fees back to the credit card user. He stated that most municipalities charged the fee back to the user.

MOTION: Vice Chairman Heffern made a motion that the Township approve Resolution No. 2020-10 amending the Fee Schedule to include a processing fee for credit card transactions. Chairman Lambert seconded.

VOTE: 5-0

2) Ridgecrest Escrow Release No. 4 for Phase 2 dated 4/1/2020, reducing \$51,533.14

Township Manager Swichar stated that the release is for site work and stormwater construction. The Township Engineer provided a letter recommending the release of the funds.

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release No. 4 for Phase 2 of the Ridgecrest Residential Subdivision, in the amount of \$51,533.14 Chairman Lambert seconded.

Supervisor Nielsen questioned how many more escrow releases are remaining for Ridgecrest.

Township Manager stated the information is available in the Township office.

VOTE: 5-0

3) 2020 Road Paving Project.

Township Manager Swichar stated that the Township had budgeted \$200,000 in the Liquid Fuels budget. The estimate for the proposed roadwork is \$221,040. The Township received 8 bids and the low bid is from Dirocco Brothers. The Township Engineer recommends that the Township award the low bid of \$143,770.00 to Dirocco Brothers.

MOTION: Supervisor Nielsen made a motion that the Township award the low bid in the amount of \$143,770 to Dirocco Brothers, Inc. for the 2020 paving project. Supervisor Kulp seconded.

VOTE: 5-0

4) South Caln/West Chester Road Improvement Project

Township Manager Swichar stated the proposed project would provide drainage and regrading improvements to the intersection. The project had gone out to bid in April. The Township had estimated construction costs at \$291,844. The Township had received five bids and the low bid of \$284,754.80 was from MECO Constructors. The Township's traffic engineer, T.P.D. provided a letter recommending the Township accept the low bid from MECO Constructors.

Supervisor Kulp stated that there is \$268,571.50 available in the developer fund for the project. She questioned how the remaining balance of the \$16,183.30 would be funded.

Township Manager stated that the remaining balance could come from the Liquid Fuels Fund or the Township's Capital Fund.

Supervisor Kulp questioned if the project could be funded by Liquid Fuels.

Township Manager Swichar stated that PennDOT would reimburse for certain parts of the project.

MOTION: Vice Chairman Heffern made a motion that the Township award the low bid of \$284,754.80 to MECO Constructors, Inc. for the South Caln/West Chester Road Improvement Project. Supervisor Kulp seconded.

VOTE: 5-0

5) Summer Seasonal Employment: Recommendation to Hire Seasonal Public Works Employee

Township Manager Swichar stated the Township hires seasonal grass cutters every year. He stated that Jesse Kelly worked for the Township last year and did a terrific job.

MOTION: Supervisor Dirado made a motion to hire Jesse Kelly for part-time seasonal work in the Public Works Department at a rate of \$14.50/hour for the 2020 summer season. Supervisor Nielsen seconded.

VOTE: 5-0

6) Resignation of Public Works Laborer-Greg Leonard

Township Manager Swichar stated that Mr. Leonard has been a valued employee for 22 years. After the pandemic is over, he hopes he can thank him in-person at a board meeting.

Supervisor Nielsen questioned whether Mr. Leonard will be replaced.

Township Manager Swichar stated that he wants to examine the Township's finances before replacing him. Mr. Leonard offered to come back as a seasonal employee.

MOTION: Supervisor Nielsen made a motion to accept the resignation of Full-time Public Works Laborer, Greg Leonard, effective on July 9, 2020. Supervisor Dirado seconded.

VOTE: 5-0

7) June 2 Primary Election Day Polling Places (Informational)

Township Manager Swichar stated that primary election day is June 2 and that there is no change in the polling places. The polling place for Precinct 225 is Hepzibah Baptist Church. The polling place for Precinct 230 is East Fallowfield Elementary School.

8) New Business

Chairman Lambert stated that he forwarded an email from township resident Sheryl Sarosi regarding road issues on Youngsburg Road. He stated he wants to make sure the issues are addressed.

Township Manager Swichar stated he is aware of the email and will discuss the issues with the road foreman, Tag Gathercole.

Supervisor Nielsen questioned if Robin Romanelli accepted the position with East Fallowfield Township.

Township Manager Swichar stated that Ms. Romanelli was hired to complete minutes for the Planning Commission. He is working closely with Ms. Romanelli to get her oriented to the role.

F. LEGAL

1) Complaint against Modena Fire Company

Solicitor Crotty stated that a former volunteer from the Modena Fire Company had contacted East Fallowfield Township about the financial practices of Modena Fire Company. There was a meeting held with personnel at Modena Fire Company. Solicitor Crotty, Chairman Lambert, Vice-Chairman Heffern, and Township Manager Swichar were part of the meeting. Mr. Crotty stated that Modena Fire Company discussed some of the changes they made to their financial practices including how they provide gift cards to volunteers. They also hired an independent consultant to manage their books. The Township will continue to monitor the issue.

Township Manager Swichar stated that Modena Fire Company was invited to be part of the call, however they had not called in.

Solicitor stated that any questions could be forwarded to the Township.

2) Stormwater Management Agreement – 39 Horizon Drive.

Solicitor Crotty stated that a stormwater management agreement was received for 39 Horizon Drive. Applicants are required to complete an agreement per the stormwater ordinance. He stated that Township Manager Swichar had noted a change in the agreement to include the property address in the motion.

MOTION: Vice Chairman Heffern made a motion to approve the form of the Stormwater Management Agreement for 39 Horizon Drive subject to a revision to the agreement to include the property address in the document. Supervisor Kulp seconded.

Township Manager stated that the applicant's engineer and applicant are on the call.

VOTE: 5-0

3) Arcelor Mittal's Application for renewal of Pennsylvania DEP Residual Waste Permit

The Township received notice of intent to submit an application for an NPDES permit. The Township will submit the application to Chris Della Penna after the application is received.

G. PLANNING COMMISSION

1. No Report Submitted

H. POLICE DEPARTMENT

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

I. PUBLIC WORKS DEPARTMENT

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

J. HISTORICAL COMMISSION

1. No report submitted

K. OLD BUSINESS

L. PUBLIC PARTICIPATION

1. Michael Gill, of Buckley, LLP stated that he represents Township resident James Sisk, who owns a property on Route 82. Mr. Gill is not asking the Township to support a grant application as originally proposed. In 2013, Mr. Sisk had proposed to the Township developing his 72-acre property zoned Office Industrial to build affordable housing/workforce housing. He stated that the proposed housing is not low-income housing, but rather workforce housing. He stated that the Township's Comprehensive Plan identifies workforce housing as a need. Mr. Sisk's 2013 concept plan called for 430 units on 72 acres. 50% would be developed and 50% would remain open space. Mr. Gill requested permission to engage with Township staff, Township engineer and the solicitor to discuss what type of amendments need to be made to land use ordinances. The applicant would then present to the Township a development plan.

Chairman Lambert stated that any plan for subdivision or development would need to be brought first to the Planning Commission. He stated that the process needs to be transparent.

Mr. Gill stated that he was aware that a plan should be brought to the Planning Commission. However, he requested preliminary meetings with staff and consultants to determine feasibility. He stated that it is not unusual for a landowner to first speak with the Township before expending resources.

Vice Chairman Heffern questioned which Township personnel the applicant wants to meet with.

Mr. Gill stated that he would want to meet with the Solicitor, Township Engineer, and Township Manager.

Vice Chairman Heffern stated he has no problem with the applicant talking to those individuals however, the path forward still is through the Planning Commission.

Township Treasurer Martin stated that a deposit is required for escrow accounts when interacting with Township professionals.

Chairman Lambert stated that as long as the applicant is paying to speak with Township professionals, then he would have no problem if the applicant spoke with the professionals.

Supervisor Nielsen questioned if Jim Sisk is the developer and whether he has development experience. He questioned if Mr. Gill was the attorney in 2013

Mr. Gill stated that Mr. Sisk would be the developer, however, he might partner with another developer for the construction phase. He stated that he does not have experience at this level. Mr. Gill stated that he was the attorney in 2013.

Supervisor Dirado questioned Mr. Gill about whether he was aware of the letter that Mr. Sisk sent to the Board of Supervisors. She also questioned if there is a conflict of interest with Mr. Sisk serving on the Newlinville Task Force and also proposing a development project.

Mr. Gill stated yes. He stated that he would speak with Mr. Sisk about a potential conflict of interest.

Chairman Lambert questioned Mr. Crotty if the Board of Supervisors is deliberating or debating the merits of the proposed development.

Solicitor Crotty stated the Board does not have the plans and is only discussing the process to move forward.

Supervisor Dirado questioned whether the solar panel that Mr. Sisk discussed in his letter is part of the grant package.

Mr. Gill stated he does not know.

Mr. Domboski stated that he would need to see an official submittal from the applicant in order to comment on the proposed development. He stated that Office Industrial Zone currently has nine properties, and if Mr. Sisk develops four of those, there might not be enough space. He might be agreeable to increased revenue from a potential project.

Mr. Gill questioned if there is a standard form to use for escrow.

Solicitor Crotty stated that the standard fees are in the fee schedule.

Township Treasurer Martin stated that she does not know the amount of the fee for pre-discussions.

M. NEW BUSINESS

Supervisor Dirado questioned the cost of the electric car charger and whether there is funding in the park and recreation fund. She questioned if the Township is planning a Fourth of July event.

Township Manager Swichar does not recall the cost of the car charging station. He stated the Township events are on hold due to the current pandemic.

Supervisor Kulp questioned if a private company such as an electric car manufacturer would pay for an electric car charging station rather than the Township incurring the expense.

Township Manager Swichar stated that the cost of electricity would be paid for by the user of the car charger. A grant from DEP would cover the cost of the car charger but not the cost of installing the actual charger.

Supervisor Dirado stated that Blink chargers located at Wegman's Grocery Store is a private company that provides vehicle charging.

Supervisor Dirado questioned if the Township could have a drive-in movie night in June, July and August.

Township Manager Swichar stated that the Township's Park and Recreation Board discussed having a drive-in movie night.

Vice Chairman Heffern stated that the company that was hired in the past might be able to do it. He questioned if the Park and Recreation Board would discuss this topic.

Supervisor Dirado stated that a fruit and vegetable stand is next to Thorndale Inn.

Vice Chairman Heffern stated that a member of the Park and Recreation Board supports farmer's markets. He questioned if the Township could move forward with Park Day due to the pandemic.

Solicitor Crotty stated that there was a presentation about three years ago on Farmer's Markets. He stated that he might still have the guidebook and will look for it.

Vice Chairman Heffern questioned if the restroom will be near the playground.

Township Manager Swichar stated yes. The Park and Recreation Board is currently selecting the finishes and colors for the park restroom.

Supervisor Dirado questioned when the trees will be installed at the park.

Supervisor Nielsen questioned if the grills have been installed at the park.

Township Manager Swichar stated that he is working with the Park and Recreation Board to select the trees and the trees will be installed in the Fall. The Township purchased grills but has not yet installed them.

There was a discussion among the Board about the stay at home order and quarantine.

N. ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the May 26, 2020 Board of Supervisors Meeting at 7:33 PM. Chairman Lambert seconded.

VOTE: 5-0

Respectfully Submitted,

Scott Swichar,
Township Manager/Secretary