

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 23, 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

Bob Tucker

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

May 26, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Kulp made a motion to approve the May 26, 2020 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 5-0

A. PARK & RECREATION COMMITTEE – INTERVIEW APPLICANT – JENNIFER WRIGHT

Ms. Wright stated that she is a 16-year resident of East Fallowfield Township and works as a senior director for McKesson, a healthcare company, where she has worked for 16 years. Her husband, Al Wright, is on the Planning Commission and she has two children.

Supervisor Dirado questioned why she is interested in the Park and Recreation Committee.

Ms. Wright stated that the Township's park is an asset to the Township and strong leadership is needed for the Park and Recreation Committee.

Supervisor Nielsen questioned Ms. Wright about whether she is also interested in joining the Planning Commission.

Ms. Wright stated she is also interested in joining the Planning Commission.

Supervisor Kulp questioned Ms. Wright about what ideas she has for the Park and Recreation Committee.

Ms. Wright stated that a community survey would be useful. Questions about desired amenities or whether residents would recommend the park could be included in the survey.

Supervisor Dirado stated she likes the survey idea. She questioned Ms. Wright about how she would incorporate her ideas for the park with the Board of Supervisors vision for the park.

Ms. Wright stated she would listen to the Supervisor's ideas and the resident's ideas to see if there are any overlapping ideas.

MOTION: Vice Chairman Heffern made a motion to appoint Jennifer Wright to the Park & Recreation Committee for the term ending 2021. Chairman Lambert 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
Jennifer Wright- Member 2017 to 2021
Joe Heffern - Member 2019 to 2023

VOTE: 5-0

Supervisor Nielsen questioned if Ms. Wright could be considered for appointment to the Planning Commission after the Board of Supervisors accepts the resignation of Matt Burns.

Township Manager Swichar stated Ms. Wright's application was also forwarded to the Planning Commission. The Planning Commission will review her application and make a recommendation to the Board of Supervisors.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1. Modena Fire Company – Request for Capital Funding for 2018 Pierce Enforcer Engine

Township Manager Swichar stated the Township received a request from Modena Fire Company requesting capital funding in the amount of \$20,000 for their 2018 Pierce Enforcer Engine. The funding was budgeted in the 2020 budget. Modena Fire Company is paying more than the required amount on the loan in order to pay off the loan early. The increased payments will reduce the maturity date of the loan by four years. The maturity of the loan will be August 1, 2029.

Supervisor Nielsen questioned if the \$20,000 payment is a one-time expenditure or will be paid annually.

Township Manager Swichar stated that the contribution comes from the Fire/EMS tax. Modena Fire Company has requested that the Township pay toward the loan for the past two years and they will likely continue to request the capital contribution until the loan is paid off.

Vice Chairman Heffern questioned if the payment is a portion of the annual commitment to Modena Fire Company or an additional commitment.

Township Manager Swichar stated the payment is the annual commitment that was budgeted in the 2020 budget.

Supervisor Nielsen questioned if the 1 mill tax is split between Westwood Fire Company and Modena Fire Company.

Township Manager Swichar stated yes.

Westwood Chief John Sly stated that the Fire/EMS tax was established so that the fire companies would need to come before the Board of Supervisors to make a request and for better transparency. The capital funding is a standard annual allocation.

MOTION: Chairman Lambert made a motion to pay a second loan installment payment of \$20,000 to Modena Fire Company for the 2018 Pierce Enforcer Engine. Vice Chairman Heffern seconded.

VOTE: 5-0

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

D. TREASURER'S REPORT

1) Appointment of Temporary Treasurer.

Township Manager Swichar stated that the Township Treasurer is on medical leave. He requested that the Township consider appointing Barsz Gowie, Amon & Fultz as the temporary Township Treasurer.

Supervisor Nielsen questioned if this is the same firm that has done work in the past.

Township Manager Swichar stated yes.

Township Solicitor Bob Tucker stated the motion should include the rate previously quoted to the Township.

Supervisor Kulp questioned how much the firm charges for their hourly rate.

Township Manager Swichar stated the rate in 2019 was \$85.00/hour for junior level staff and \$150 for senior level staff.

Supervisor Kulp questioned how often their personnel came to the township office in the past.

Township Manager Swichar stated that in the past they would work approximately twice a week in the office.

Vice Chairman Heffern questioned whether they worked part-time in the past.

Township Manager Swichar stated they worked part-time in the past.

MOTION: Vice Chairman Heffern made a motion to appoint Barsz Gowie, Amon & Fultz as the temporary Township Treasurer at the rate not to exceed \$150/hour for no more than 30 hours a week. Chairman Lambert seconded.

Supervisor Kulp questioned if the Township typically uses the staff person that charges \$85 an hour.

Township Manager Swichar stated that the Township would likely only need the accounting staff that charges \$85/hour.

VOTE: 5-0

2) Payment Authorizations.

Township Manager Swichar stated he forwarded a list of checks to the Board for the period of May 27, 2020 through June 23, 2020.

Chairman Lambert questioned the total amount of the checks.

Township Manager Swichar stated he is not sure about the total amount of the checks. He also stated he was not sure whether additional checks would need to be issued for that period.

Supervisor Dirado questioned if Township Manager Swichar could tally the total amount of the checks and then hold a special session tomorrow.

Township Solicitor Tucker stated that a special session would need to be conducted publicly.

Vice Chairman Heffern questioned if the total amount of the checks could be tallied during the meeting.

Township Solicitor Tucker stated he would tally the total amount of the checks.

Supervisor Nielsen questioned why there were two checks for Modena Fire Company for the fire subsidy.

Township Manager Swichar stated that there is a check for Westwood Fire Company and one for Modena Fire Company.

E. TOWNSHIP MANAGER'S REPORT

1) Lease Agreement of Photocopiers

Township Manager Swichar stated that the photocopier lease for the Township building expires the end of June and the photocopier lease for the police station expires in November 2020. The Township received pricing from Stratix Systems and Rothwell Document Solutions, the Township's current vendor. The Township currently pays \$262/month for both machines. The Township averages \$434.71 a month for both machines including the black and white and color printing charges.

Township Manager Swichar recommended that the Township sign a new 60 -month lease with Rothwell for \$214 a month. He stated that the Township receives excellent service from Rothwell. He stated that the quality of the machines will not decrease and that they are not sacrificing quality with the new lease agreement. The equipment for the police station will be more durable. The monthly savings to the Township will be \$96.71 a month compared to the old lease or a savings of \$5802.60 over the life of the lease term. The quote from Rothwell is \$6.07 cheaper than Stratix Systems with slightly better equipment at the Township building.

MOTION: Vice Chairman Heffern made a motion that the Township authorize the Township Manager to sign a new 60- month lease with Rothwell Document Solutions at a total monthly lease payment not to exceed \$214 for the term of the lease. Chairman Lambert seconded.

VOTE: 5-0

2) Purchase of Prefabricated Restroom Building

Township Manager Swichar stated that the Park and Recreation Board has been meeting for several months to discuss the design of the restrooms at the park. Mr. Swichar showed a picture of a restroom that is similar to the design that the Park and Recreation Board selected.

Township Manager Swichar stated that the building will have hand-stained fabricated stone at the lower 3 foot section of the building and windows in each restroom.

Vice Chairman Heffern stated that the Park and Recreation Board wanted to make sure the restroom fit into the overall scheme of the park and complimented the nearby playground equipment.

Township Manager Swichar stated that the Park and Recreation Board recommended windows in each restroom and the stimulated stone. These features increased the price of the building slightly to \$166,594. The purchase would be through the Co-stars program.

Vice Chairman Heffern asked Township Manager Swichar to discuss the grants that were received for the restroom project.

Township Manager Swichar stated that the Township received \$125,000 from DCED and an additional \$84,500 from Chester County Preservation Partnership Program. The remaining funds would come from the Township's Park and Recreation fund. Developers pay a fee of \$1,500 for each new construction project and the funds are deposited into the Park and Recreation Fund.

Supervisor Kulp questioned whether the windows will be installed high enough for privacy and whether there will be privacy features such as louvers.

Township Manager Swichar stated he is not sure the windows are operable. However, they are frosted to provide privacy.

Chairman Lambert stated that he assumes the windows will be positioned high and also provide light.

Township Manager Swichar stated that the windows will provide natural light. He was not sure if the windows will open and close, however the restrooms will have vents to provide ventilation.

MOTION: Supervisor Dirado made a motion that the Township authorize the Township Manager to purchase an ADA-accessible prefabricated restroom building from Ely Associates Inc. for the Township Park through the Co-Stars purchasing program in the amount of \$166,549. Vice Chairman Heffern seconded

VOTE: 5-0

3) Wagner Lane Subdivision-Landscaping Plan. Presentation by David E. Rentschler of JMR Engineering

Township Manager Swichar introduced Mr. Rentschler, of JMR Engineering, representing the developer for the Wagner Lane subdivision. Mr. Swichar stated that Mr. Rentschler will provide an overview of proposed changes to the landscaping plan.

Mr. Rentschler stated that there are almost \$43,000 in escrow funds. The developer, Dave Thomas built a 6-lot subdivision off Wagner Lane. The money was sitting in escrow because the developer never finished the landscaping. There is \$13,140 in escrow for landscaping that was not installed. The developer is proposing to give the money to the Township and ask for a waiver from installing street trees. The developer is concerned about the survivability of planting the street trees.

Supervisor Nielsen questioned if the development is located at Wagner Lane or at Stottsville Estates.

Mr. Rentschler stated that Google Earth reflects it is located on Chelsea Drive off Wagner Lane. He stated that the street names may have changed since the initial plans were developed.

Supervisor Nielsen stated that there are no trees on Chelsea Lane, however Wagner Lane is wooded.

Supervisor Dirado questioned why new trees would not do well in a location where there are many trees.

Mr. Rentschler stated when you plant new trees in the shadows of existing trees, they would not receive adequate sunlight. There is also a concern whether existing residents would want new trees.

Chairman Lambert questioned if the street trees would finish the development.

Mr. Rentschler stated that the Board could consider using the money to plant trees at another location in the Township.

Chairman Lambert questioned why the Township should forgo trees since they were included in the original plans.

Vice Chairman Heffern stated that the Board should receive a recommendation from the Planning Commission.

Supervisor Nielsen stated the location is heavily forested and new trees might not do well in that location.

Chairman Lambert questioned why the Planning Commission included the landscaping in the original plans in the first place.

Mr. Rentschler stated that the Township subdivision plan required the landscaping.

Supervisor Kulp questioned whether many trees have grown over ten years.

Mr. Rentschler stated yes. He stated there is \$16,530 in escrow for landscaping and inspection that could be provided to the Township in lieu of planting the trees. \$42,777.51 is the total amount in escrow.

Supervisor Nielsen stated he would like to see the money go toward trees at the park.

Vice Chairman Heffern questioned whether the money could go toward trees at the park and be guaranteed by the developer. However, the Planning Commission should make a recommendation.

Mr. Rentschler stated that the \$26,000 would still be tied up in escrow. The \$16,530 could be used anywhere. However, the developer is retired and is looking to close out the escrow fund

- 4) 2020 Road Program. Approval of Additional Paving Work (495 feet) on Youngsburg Road (near Dennis Run) by DiRocco Brothers.

Supervisor Nielsen questioned the location of the road work.

Township Manager Swichar stated the paving would be on Youngsburg Road, near Dennis Run. The nearest cross street is White Tail.

MOTION: Supervisor Nielsen made a motion to approve additional paving work on Youngsburg Road by DiRocco Brothers for a cost of \$11,970. Chairman Lambert seconded.

VOTE: 5-0

- 5) Payment Authorizations.

Township Manager Swichar questioned Township Solicitor Tucker whether he tallied the payments.

Solicitor Tucker stated the total amount of the checks is \$48,394.78.

MOTION: Vice Chairman Heffern a motion to approve the Payment Authorizations for the period of May 27, 2020 through June 23, 2020 in the total amount of \$48,394.78 as presented. seconded. Supervisor Dirado seconded.

VOTE: 5-0

- a. No New Business

F. LEGAL

1. Arcelor Mittal's Application for renewal of Pennsylvania DEP Residual Waste Permit

Solicitor Tucker stated that Arcelor Mittal submitted an application for renewal of its residual waste permit and the permit was received by the Township on June 16. Solicitor Tucker recommended that the Township engineer review the application and make any comments.

Supervisor Nielsen questioned if the permit application changed since the last renewal.

Solicitor Tucker stated that the last application was from 2011 and that the Township objected to the application at that time.

Township Manager Swichar stated the prior solicitor was involved in the objection process.

Supervisor Kulp questioned the purpose of the residual waste permit.

Solicitor Tucker stated he was not sure, however that the Township could provide any comments related to the permit.

Supervisor Nielsen stated that the permit is only for waste from Arcelor Mittal rather than outside sources. He requested that the Board see the prior correspondence related to the Board's objection of the 2011 application.

Township Manager Swichar stated he would provide the information to the Board of Supervisors.

Supervisor Dirado stated she would like to see what DEP requires for the permit.

Solicitor Tucker stated this information is in the application.

Township Manager Swichar stated he will forward a link to the application.

Supervisor Nielsen questioned if DEP is a state agency.

Township Manager Swichar stated that DEP is a state agency that oversees the permitting process.

Supervisor Kulp questioned the type of waste that is being disposed at the facility.

Chairman Lambert stated the waste consists of slag. It is a byproduct of steel.

There was a Board discussion about the type of waste being disposed of at the site as well as Arcelor Mittal's application.

2. Upset Tax Sale – Lot and commercial garage on Route 82 – Parcel Number 47-4-54

Solicitor Tucker stated the Township received a notice for repository sale for tax parcel 47-4-54.

Supervisor Nielsen questioned if there was a tax lien or sheriff sale.

Township Manager Swichar stated that the property was not sold at a judicial sale. The property is 520 Doe Run Road. The property is a commercial garage.

Supervisor Dirado questioned if the property was a tree service business.

Supervisor Nielsen stated the property was a garage. The property has been sitting vacant for many years. He questioned the last time the Township received taxes for the property.

Township Manager Swichar stated that the County is requesting that the Township provide notice that they do not object to the sale. He was unsure the last time the property received taxes.

Supervisor Dirado questioned whether the property owner did not pay taxes. She questioned if there are any environmental issues.

Solicitor Tucker stated there was a prior tax lien sale, but the property did not sell.

MOTION: Supervisor Nielsen made a motion to execute the Notice for Repository Sale for tax parcel number 47-4-54. Chairman Lambert seconded.

Supervisor Kulp questioned how many years the property has been vacant. She questioned the name of the owner

Supervisor Nielsen stated approximately 25 years. The owner is Kozacheson Brothers.

VOTE: 4-1, Supervisor Kulp voted Ney. She stated she does not have enough information.

G. PLANNING COMMISSION

1. No Report Submitted
2. Resignation of Planning Commission Member Matt Burns

Vice Chairman Heffern moved that the Township accept the resignation of Planning Commission Member Matt Burns. Supervisor Nielsen seconded.

VOTE: 5-0

H. POLICE DEPARTMENT

1. May Police Report submitted for Board and resident review.
2. Discussion with Chief Porter about anti-racism training and police policy on use of force.

Chief Porter stated he provided the policies on use of force to Township Manager Swichar and asked that they be provided to the Board of Supervisors.

Supervisor Nielsen questioned whether the policies on use of force are mandated by the state.

Chief Porter stated that policies are developed by Pennsylvania Law Enforcement Accreditation Commission (PLEAC) however the Township modifies policies as appropriate. He stated that the policies have been reviewed and approved by prior Boards.

Supervisor Nielsen stated he does not want residents to have a negative view of the police.

Chief Porter stated that 16 hours of trainings are provided to officers every year. Use of Force training is provided at the County Training Center as well.

Supervisor Dirado questioned the morale of the department.

Chief Porter stated that the community strongly supports the Township Police Department. He stated that he has been in touch with a resident who is interested in a Black Lives Matter march through Brooks Crossing. He will further discuss the idea with the resident.

Township Manager Swichar questioned if additional trainings will be offered given recent events. Chief Porter stated that use of force training will be emphasized.

Supervisor Nielsen questioned if body cameras or in-car cameras are used by the police department.

Chief Porter stated that body cameras are in the budget and he is waiting for information on obtaining grant funding to pay for 50% of the cost. In-Car police cameras are already installed.

Supervisor Dirado questioned how Chief Porter will address safety on election night.

Chief Porter stated the police department is well staffed to address election night.

Supervisor Nielsen questioned if the County Constable will provide security during election day.

Chief Porter stated that the Constable should be at the polling place. He will find out who is the new constable

Vice Chairman Heffern questioned whether the 2003 policy on deadly force is the latest update.

Chief Porter stated the 2003 policy is the latest policy adopted. He was not sure if there are more recent updates.

I. PUBLIC WORKS DEPARTMENT

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

Supervisor Dirado questioned if the Township will be using natural foam to kill weeds in the park.

Township Manager Swichar stated that the Township is not considering the natural foam application at the park because the residual activity on weeds that emerge after application is limited.

Supervisor Dirado stated the cheapest method is cutting the weeds.

There was a discussion among the Board about the dangerous effects of chemical weed killers.

J. HISTORICAL COMMISSION

1. 40 Loop Road Application (Informational)

Township Manager Swichar stated that Joe McCormick submitted a letter to the Board of Supervisors about 40 Loop Road. The Historical Commission met about the property last week. The property is a Class 1 Historical Property. The applicant completed roof work without a permit. The permit application is deficient as it does not list the actual scope of work. The Historical Commission recommends that the code enforcement officer should return the application to the applicant and that the application be refiled. Mr. Swichar stated that the Township will return the application to the applicant and issue a notice of violation for failure to comply.

Supervisor Nielsen stated he is friends with the homeowner of the property. He stated that a tree damaged the tree. The applicant replaced the roof with asphalt shingles which were previously on the roof. Mr. Nielsen stated that since the roof was damaged by a tree, a more common-sense approach is needed, instead of a historical restoration.

Supervisor Dirado questioned why a building permit was needed for the roof.

Township Manager Swichar stated that the roof and structural beams had to be replaced and that a permit was needed. He stated that the building inspector only allowed water proofing of the roof, however the homeowner installed shingles as well. He stated that the Township had worked extensively with the homeowner.

Supervisor Nielsen and Vice Chairman Heffern stated that they wish to recuse themselves from voting on any matters related to this property due to their personal connection to the homeowner.

K. OLD BUSINESS

L. NEW BUSINESS

Supervisor Dirado questioned if the July Board meeting would be in-person since the County will go green.

Township Manager Swichar stated that an in-person meeting is an option for the Board to consider. Social distancing would be difficult in the small meeting room.

Solicitor Tucker stated that the Township has the right to have an in-person meeting or continue the virtual option.

Supervisor Nielsen stated that if the meeting is held in-person, the room should have a separate exit and entrance.

Chairman Lambert stated that the Township should see what other municipalities are doing.

Supervisor Nielsen questioned how the office will operate and whether the temporary township treasurer will operate remotely.

Township Manager Swichar stated that he will see what other municipalities are doing and that the temporary township treasurer could perform most of their tasks remotely.

Supervisor Kulp questioned if the Township receives funding from Chester County for COVID-19.

Township Manager Swichar stated no money has not been received from the County. PEMA will provide reimbursement for out of pocket expenses such as office cleaning and hand sanitizer.

Supervisor Nielsen questioned if a drive-in movie is still being considered.

Township Manager Swichar stated the Park and Recreation Committee is evaluating the possibility of a drive-in movie.

Supervisor Dirado questioned whether there would be any events for Fourth of July.

Township Manager Swichar stated no.

Supervisor Nielsen questioned if the grills will be installed at the park.

Township Manager Swichar stated yes.

M. PUBLIC PARTICIPATION

Township Manager Swichar read a written question posted by Township resident, Dave Colman

“With a long 4th of July weekend coming the fireworks are going to be a nightmare, does the Township have any restrictions at all? It has started already. It’s something that needs to be addressed in the future also. Thank You Dave Coleman”

Township Manager Swichar stated that the Township only prohibits fireworks at the park or on Township property.

Supervisor Heffern questioned if there is a statewide prohibition of fireworks.

Solicitor Tucker stated if there is a prohibition, then its being violated.

There was a discussion among the Board of Supervisors regarding the legality of fireworks and gunfire at night.

Supervisor Dirado stated that a public bulleting regarding fireworks safety should be posted on the Township website.

Township Manager Swichar stated that he would post a safety message on the Township website.

There was a discussion among the Board of Supervisors about the 2018 legislation related to fireworks.

N. ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the June 23, 2020 Board of Supervisors Meeting at 8:17 PM. Chairman Lambert seconded.

VOTE: 5-0

Respectfully Submitted,

Scott Swichar,
Township Manager/Secretary