

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
October 27, 2020 Approved minutes
6:32 p.m.

Members Present

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

Township Staff Present

Scott Swichar, Township Manager
Township Solicitor
Mike Crotty

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

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

2. DISCUSSION

A. APPROVAL OF MINUTES

September 22, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Chairman Lambert made a motion to approve the September 22, 2020 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 4-0

B. PARK & RECREATION COMMITTEE – INTERVIEW APPLICANT – TERI DICKINSON

Supervisor Kulp thanked Ms. Dickinson for her interest in the Park and Recreation Committee and questioned what plans she has for the park.

Ms. Dickinson stated that she has been a 35-year resident and has four daughters. She stated she was thrilled when the Strunk property was converted into a park and think the park is a big asset to the community. She retired as a pharmacist. She is finishing her master's degree. She stated that she is interested in the underground fall out shelter. She was disappointed to see trash near the trails. She would like to see a more stringent cleanup event. She would like to see more community events such as a farmer's market.

MOTION: Chairman Lambert make a motion to appoint Teri Dickinson to the Park & Recreation Committee for the term ending 2020. Supervisor Nielsen seconded.

VOTE: 4-0

Nicholas Marsico- Member 2020 to 2024
Monica Strauser- Member 2020 to 2024
VACANT - Member 2016 to 2020
Teri Dickinson - Member 2016 to 2020

Frederick Weiss - Member 2017 to 2021
Jennifer Wright- Member 2017 to 2021
Joe Heffern - Member 2019 to 2023

C. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

D. TREASURER'S REPORT

- 1) September 30, 2020 Treasurer's Report and Payment Authorizations.

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

VOTE: 4-0

- 2) Payment Authorizations

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of September 23, 2020 through October 27, 2020 in the total amount of \$476,320.58 as presented. Supervisor Kulp seconded.

VOTE: 4-0

E. TOWNSHIP MANAGER'S REPORT

- 1) Presentation by Rob Daniels, Senior Planner at Brandywine Conservancy and A Resolution endorsing the concept of the Brandywine Water Trail as described in the Brandywine Creek Water Trail Feasibility Study

Mr. Daniels, a Senior Planner from the Brandywine Conservancy read aloud the following letter stating that the Brandywine Conservancy published the findings of a feasibility study related to the Brandywine Creek Water Trail:

The Brandywine Creek is a treasured resource evident during the current pandemic. The Brandywine Creek Water Trail Feasibility Study outlines a suite of recommendations to improve water access points, increase safety awareness, protect the rights of private landowners along the creek, promote the long-term stewardship of the resource, and provide both digital and print materials that provide increased navigational and educational information to creek users.

The study involved active participation and review from the general public through several public meetings, an online survey, and a draft report posted on our website. The study was also informed by a Study Advisory Committee made up of representatives from local municipalities, local non-profit scientific institutions and land trusts, County Emergency Services, natural resource based State agencies from both Pennsylvania and Delaware, the National Park Service, and local canoeing and kayaking outfitters.

As with the broader Brandywine Creek Greenway and its Strategic Action plan, the work, support, and partnership of our Greenway municipalities is critical in fulfilling the goals identified in the study. To that end, we formally request that the East Fallowfield Township Board of Supervisors consider endorsing the Brandywine Creek Water Trail Feasibility Study.

Mr. Daniels stated that the Board of Supervisors should consider supporting the Resolution endorsing the Brandywine Water Trail. The Brandywine Conservancy is in the next phase of the feasibility study. There is funding from William Penn Foundation to improve access points, create a website and create a trail map.

Township Manager Swichar questioned if there would be an access point in East Fallowfield Township.

Mr. Daniels stated there is access at Brandywine Outfitters. They are also working with the Borough of Modena. If East Fallowfield were to obtain public land along the creek they would be able to work with the Township to facilitate access.

Supervisor Nielsen questioned if Brandywine Outfitters is a private access point. He questioned if Brandywine Conservancy is looking at the Lauria Brothers property in Modena.

Mr. Daniels stated that the owner of Brandywine Outfitters charges a fee to access the Brandywine Creek. He stated that they are not looking at the Lauria Brothers site. The Borough of Modena has acquired land near the moat house and is looking to acquire another parcel that will provide access to the river.

Supervisor Kulp questioned if the trail will go on private property and how much this will cost.

Mr. Daniels stated the creek is a navigable waterway. Creek access can only be obtained through permission of a private party or through public lands along the creek. He stated that private property will need to be respected. He stated that there will not be a cost to the Township unless the Township decides to provide access to the creek.

MOTION: Chairman Lambert made a motion to approve Resolution no. 2020-12 to endorse the concept of the Brandywine Water Trail as described in the Brandywine Creek Water Trail Feasibility Study, which would provide for improved access, safety education, and navigational tools for recreational users of the Brandywine Creek. Supervisor Nielsen seconded.

Chairman Lambert stated he believes in the work of the Brandywine Conservancy. He stated that because of the Conservancy he realizes how much the forest floor has changed due to invasive plants that have taken over.

VOTE: 3-0, Supervisor Kulp abstained.

2. Authorization of Township Manager to Sign the Life Insurance / AD&D and STD Policy with OneAmerica.

Township Manager Swichar stated the Township currently has Nationwide Insurance for life insurance and disability. The Township was notified by Nationwide that they are exiting the employee benefits business. The Township shopped around for a new policy and found one that mirrors the existing policy but offers a 13% savings. The new plan with One America would save the Township \$1,669.92/year. The new policy would go into effect on December 1.

Supervisor Nielsen questioned which employees are covered under the policy.

Township Manager Swichar stated that current township employees are covered under the plan. The plan covers 7 full-time officers, 3 public works employees and 2 full-time office staff. 12 total employees are covered under the plan. Township Manager Swichar stated the policy covers Life, AD&D and Long-term disability.

Supervisor Kulp questioned if the new plan offers a better deal.

Township Manager Swichar stated yes.

MOTION: Vice Chairman Heffern 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 OneAmerica. Supervisor Kulp seconded.

VOTE: 4-0.

3. 2021 Township Budget Updates

Township Manager Swichar stated the Township met on October 13 to review the first draft of the proposed 2021 Township budget. A second workshop is scheduled for November 10. At the November 10 meeting, the budget will be reviewed again in detail. The budget will then be presented to the Board of Supervisors on November 24. The Board could consider advertising the budget on November 24. Budget adoption is scheduled for December 22.

Township Manager Swichar stated that no tax increase is proposed. Township revenues in the 2020 draft budget are \$2,471,966. Township expenditures are \$2,470,209.72. 2021 budgeted revenues are \$510,964 less than the 2020 budgeted revenues. A large part of the decrease is because the Township proposes moving the FIRE/EMS portion of the budget to its own separate fund. This move is to increase transparency and to be consistent with DCED reporting. When the Township backs out the Fire/EMS revenue, the Township projects a decrease of \$145,964 in revenue for 2021. This is mostly attributed to projected decreases in earned income taxes and expected delinquent real estate taxes. The Township's 2021 budget proposes to use \$30,000 of General Fund reserves in 2021 to balance the budget.

The Township should not be concerned about using reserve balance. The Township has a substantial reserve balance. However, the 2021 budget proposes cutting expenditures due to the economic downturn. The proposed budget proposed eliminating the full-time Treasurer position as a cost-savings measure.

Supervisor Kulp questioned the cost savings of eliminating the full-time position.

Township Manager Swichar stated the full-time position costs the Township approximately \$100,000 a year.

MOTION: Chairman Lambert made a motion to eliminate the full-time Treasurer position in the 2021 Township Budget as a cost savings measure. Supervisor Nielsen seconded.

VOTE: 4-0.

F. LEGAL

Solicitor Crotty stated that the financial security letter of credit for BAWA has been received by the Township. The Township is still waiting for the other required agreements. Once the required agreements are received, they will be turned over to the County for recording. No official action is needed.

Supervisor Nielsen questioned how long it would take.

Solicitor Crotty stated that the bank has been slow. It has taken awhile for the letter of credit to be produced.

G. PLANNING COMMISSION

- 1) No Report Submitted

H. POLICE DEPARTMENT

- 1) September Police Report submitted for Board and resident review.
- 2) Township Manager Swichar stated that the police chief was not able to make the Board meeting to discuss election security. He stated he will speak with the chief regarding the issue.

Supervisor Nielsen stated he attended a meeting regarding election security. The Township does not have a constable who is the peacekeeper at the election polls. He stated that whoever is the poll watcher should have a direct line to the police department. The police are not supposed to be within 100 feet of the election place. He heard that a police officer was too close to the polling place during the primary election.

Vice Chairman Heffern stated that the Township is grateful that the police are available however they want to make sure there is not an overbearing presence.

Township Manager Swichar stated he will discuss the issue with the police chief. According to Pennsylvania Election Law, police are not allowed to get closer than 100 feet to the polling place.

Chairman Lambert stated that safety is important.

Supervisor Kulp stated she spoke with three people regarding signs that were stolen from their lawn. One individual left their keys at the scene where the sign was stolen.

I. PARK AND RECREATION BOARD

- (1) Report on Township's 2020 Recreation Survey by Monica Strauser

Park and Recreation Board Chairman Monica Strauser stated there were 216 responses to the survey. The majority of the respondents were users of the park. Users of the park tend to use the park weekly. However, the remainder of respondents use the park once a month or only during events. She stated that survey question #3 revealed what features respondents liked the most. She stated the survey revealed what people did not like. Parking was the #1 complaint. Question #5 revealed what features should be added. The top three choices were more trails, a butterfly garden, and a stocked pond. Ms. Strauser stated that question #6 questioned how likely respondents would be to attend an outdoor event given the current pandemic. She stated most people would prefer not to attend an event. Question #7 revealed that 70% of respondents would likely attend a farmer's market. Respondents also favored a food festival and concert ideas. The survey also asked respondents if they would like to volunteer. The Park and Recreation Board followed up with respondents that stated they were interested in joining the Board or becoming a volunteer. Teri Dickinson was one of the 12 people that responded through the survey that stated they were interested in joining the Park and Recreation Board.

The Park and Recreation Board will focus on events such as a farmer's market as well as facility maintenance. There should be a standard of care and maintenance plan for the park. Parking is a concern for the park. The Township should explore other parking opportunities.

Solicitor Crotty stated that the idea of a farmer's market was explored a few years ago.

Ms. Strauser stated that Mr. Swichar received feedback about the possibility of a farmer's market in the past, however the consultant he spoke with stated that the Township was not a good fit. The Park and Recreation Board believe the farmer's market is an idea worth exploring. Ms. Strauser looked at the

Chester County Department of Agriculture website. A list of qualifications, area farmer's markets, and vendor information are listed on the county website.

Supervisor Nielsen stated that Chester County Planning Commission has a publication that lists all farmer's markets.

Township Manager Swichar stated that he had reached out to Growing Roots in the past. They had looked at the Township and determined that walkability is a concern and that nearby farmers are already selling the produce at farm stands. The Township should consider having the farmer's market as a public service.

Ms. Strauser stated she is not looking at profitability of a farmer's market. She will look at whether farmers are interested in participating.

Supervisor Kulp questioned who would oversee a farmer's market since it would be time consuming.

Ms. Strauser stated an event staff would need to be created however the idea needs to be explored further.

Ms. Strauser stated that the Park and Rec Board had passed three motions. Two are pertaining to the trees and one pertains to the restroom facility. Ms. Strauser stated that the Park and Rec Board proposed tree guards and zip ties for the new trees. The tree guards cost \$381.92. The zip ties are \$9. Ms. Strauser questioned if all purchases need to be brought to the Board of Supervisors.

Township Manager Swichar stated he will work with Park and Recreation on purchases under \$500.

Ms. Strauser reviewed the new tree care schedule for the new trees. She stated that Arbor Glenn should handle the watering of the trees. Ms. Strauser questioned how she should work with the Board of Supervisors.

Township Manager Swichar stated that the Board of Supervisors does not need to vote on these issues.

Supervisor Nielsen stated the purchases are individually less than \$500. There is a communication problem. He questioned who will do what.

Chairman Lambert stated that the road crew will do the tree maintenance.

Township Manager Swichar stated that the Township will make sure the trees are maintained properly.

Supervisor Heffern stated that Ms. Strauser is looking for guidance on how proposals should reach the Board of Supervisors.

Solicitor Crotty stated that the Maintenance schedule should be provided to Tag Gathercole and the road crew. Expenditures of money should be funneled through the Township Manager. Larger scale projects should be placed on the board agenda. Routine maintenance should go through the road crew and the Township would purchase the materials. The Board approves expenditures by approving the payment authorizations.

Ms. Strauser questioned if the Board of Supervisors will need to approve of a plan for the road crew to complete a project.

Ms. Strauser questioned if she should email the maintenance plan to the Township Manager.

Township Manager Swichar stated yes. He stated he will forward the plan to Tag Gathercole and discuss it with him.

Ms. Strauser stated that the Park and Recreation Board wants baby changing tables, signage if there is an issue, and a security system at the park. She stated that the Park and Rec Board wants a 360 degree view, video of the entrances and 24X7 recording.

Ms. Strauser questioned if these issues are appropriate for Board discussion.

Solicitor Crotty stated the some of operational issues will be managed by the road crew. The Board would decide whether to keep the restroom open seven days a week.

Ms. Strauser questioned if the road crew will be responsible for restroom cleaning.

Chairman Lambert stated probably. He questioned who would lock the restrooms on a weekend.

Township Manager Swichar stated there would be time locks.

Supervisor Nielsen questioned if the office cleaning staff could clean the park restroom as well.

Township Manager Swichar stated he would look at that further. Seasonal staff works Monday through Friday.

Ms. Strauser questioned Mr. Swichar if there would be a baby changing table at the restrooms. She questioned if the Township would have a data retention policy for video recording at the restroom. She questioned whether PA Open Records Manual applies only to police captured video or all video recordings. She questioned if there is a policy for township video storage.

Mr. Swichar stated the Township intends to purchase baby changing tables.

Solicitor Crotty stated that he would question who is viewing the video and defer to the police chief if the video is being used by the police

Township Manager Swichar stated that if video is captured at the park, that is different than body camera footage for the police. The decision on how long to store video would be an internal decision.

Supervisor Heffern stated that Chief Porter would be in the best position to decide storage of video.

J. PUBLIC WORKS DEPARTMENT

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

2) HISTORICAL COMMISSION

No report submitted.

3) OLD BUSINESS

Supervisor Nielsen stated that he recommends that the Strategic Planning Steering Committee go dormant. There will not be a meeting next month.

4) PUBLIC PARTICIPATION

Carol Halloway, a resident of 15 South Forty Lane sent a packet to the Township titled 15 South Forty Lane. She discussed an issue regarding a private drive for three homes. She has discussed issues with the Township since she believes her road a private driveway. She discussed that a homeowner is using the private roadway and intends to build a driveway at their property. She requested a letter from the Township requesting that the homeowner not trespass on the private road.

Township Manager Swichar stated that the Township has not received an application to build a driveway.

Solicitor Crotty stated the Township can not decide private property issues.

There was a discussion among the Board of Supervisors regarding the private road issue and recourse that the homeowner needs to take.

David Smith, of 3310 Strasburg Road, stated he is asking for an easement to the driveway.

5) NEW BUSINESS

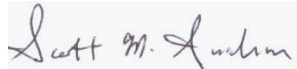
None.

6) ADJOURNMENT

MOTION: Vice-Chairman Heffern made a motion to adjourn the September 22, 2020 of Supervisors Meeting at 8:22 PM. Chairman Lambert seconded

VOTE: 4-0

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Scott M. Swichar", is written on a light-colored rectangular background.

Scott Swichar,
Township Manager/Secretary