

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 27, 2021 Approved minutes
6:34 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice Chairman
John Nielsen, Member
Carol Kulp, Member
Katja DiRado, 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 6:34 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

June 22, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Chairman Lambert made a motion to approve the June 22, 2021 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 5-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

3. PRESENTATION-SHEILA FLEMING-BRANDYWINE CONSERVANCY (POSSIBLE ACQUISITION OF LAURIA BROTHERS PROPERTY)

Sheila Fleming stated that the Brandywine Conservancy is considering acquisition of the Lauria Brothers property. East Fallowfield Township is a member of the Brandywine Conservancy. The proposed project is in Strategic Action Plan EFT-3. She stated that the property is owned by Connell Limited Partnership. The property is a brownfield. The Township could negotiate with the landowner to provide public access to the land via a lease agreement or easement. This would avoid potential liability issues.

Brandywine Conservancy would research brownfield status and help with negotiations with the landowner. Brandywine Conservancy could pursue funding through William Penn Foundation. The benefit to the Township would be access to the river for passive recreation. There are limitations to the property due to a clay liner that is on the property. Brandywine Conservancy will approach William Penn Foundation in August and would like to pitch the idea to them as a possible project. If funded, the project would begin in April 2022 and continue until April 2024. Brandywine Conservancy would be looking for expertise from the various township boards. The cost to the township would be minimal if anything. The project could also provide opportunity for cleanup projects and riparian buffer plantings. Modena Borough would be included in the project.

Township Manager Swichar stated that the project is consistent with the Township's Comprehensive Plan.

Supervisor Nielsen questioned if Chester County Planning Commission is still working on Mill Trail and whether she spoke with Modena Borough. He questioned if they have been in touch with the property owner.

Ms. Fleming stated that a feasibility study was completed three years ago for a loop trail around the steel mill. The study incorporated South Coatesville and Modena. There is an area in Modena that is already used for vehicles. She stated that Brandywine Conservancy would not approach the owner until they are aware that the municipality would support the project.

Ms. DiRado questioned if a bike trail or horse trails are feasible.

Ms. Fleming stated that a bike trail is a possibility. A horse trail is open to negotiation.

Vice Chairman Heffern stated he supports the project.

Chairman Lambert stated the Township should consider an open space management plan.

Ms. Fleming stated she will discuss the acquisition idea with William Penn Foundation.

4. PRESENTATION-PAT BUSH-UPDATE ON COATESVILLE AREA PUBLIC LIBRARY

Ms. Bush, treasurer of the Coatesville Area Public Library stated she wants to interact more with the Township outside of budget season and provide regular updates. She provided an explanation of how their library is funded. She stated she appreciates the support of East Fallowfield Township. The Coatesville library is heavily used by the community. The library relies on fundraising for revenue. The library is expanding its Board and is looking for prospective board members.

5. PRESENTATION- DISCUSSION ON PEOPLE'S HALL (BOARD OF TRUSTEES)

Tonya Thames Taylor, a Board member of People's Hall provided an update on People's Hall. People's Hall received an estimate in 2020 for \$11,800 to make interior plastering repairs. People's Hall is using private funds to pay for insurance. Ms. Taylor stated she has a deed from 1845. She stated that the building is in dire need of repair. The building needs to be in good condition to help them with fundraising.

Vice Chairman Heffern stated he is concerned about the deed. He supports the organization. He requested that Recorder of Deeds locate the deed on file. His concern is that a third party could have a claim to the building after it is fixed up. He wants to understand who the building is deeded to and ensure the public has access to the building.

There was a discussion about the deed.

Solicitor Crotty stated he shares concerns about the deed and whether the person who would receive township money actually owns the property. He stated that the Township should consider a typical financial security agreement and money would be released to the contractor after work is inspected. Public access would need to be included in the agreement. The money could be provided to People's Hall in the form of a grant. The Township would inspect the work and then provide reimbursement.

Supervisor DiRado questioned if the COVID money could be used to conduct a title search for the property.

Solicitor Crotty stated no.

Ms. Taylor stated that People's Hall should be designated and receive historical designation to strengthen their grant applications.

Solicitor Crotty stated that he can provide a draft grant agreement and circulate it for board approval at a future meeting.

Supervisor Nielsen questioned how much is in the budget for community contributions.

Township Manager Swichar stated that \$8,000 is in the 2021 budget for community contributions. The Board should decide how to designate the funds.

Supervisor DiRado questioned if the Township could encourage residents to donate to People's Hall.

Solicitor Crotty stated that the Township can announce the grant agreement and provide a link to the People's Hall website. The Township should not promote individual donations.

Township Manager Swichar stated that the Township already informs residents that it provides donations on the township Facebook page.

Supervisor Kulp questioned if Park Day is happening this year.

Ms. Taylor stated that they sold books at Park Day and conducted a fundraiser through Park Day. The Huston Foundation provided funding to stabilize the inside ceiling.

Township Manager Swichar questioned if People's Hall looked at African American Cultural Action Fund for funding. He questioned whether the price of the estimate increased since it was obtained prior to the pandemic.

Ms. Taylor stated she looked at the African American Cultural Action Fund for funding. They are currently working on an Underground Railroad Proclamation.

Solicitor Crotty stated he will need an updated estimate for the work.

Ms. Taylor stated she would provide an updated estimate.

6. TREASURER'S REPORT

1) June 30, 2021 Treasurer's Report

MOTION: Vice Chairman Heffern made a motion to approve the June 30, 2021 Treasurer's Report as presented. Chairman Lambert seconded.

Township Manager Swichar stated that building permit revenue is \$233,503 for the first 6 months of 2021. Last year was a record setting \$223,000. He stated that township staff should be commended for their hard work in processing the large number of building permits.

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of June 23, 2021 through July 27, 2021 in the total amount of \$217,634.40 as presented. Supervisor Nielsen seconded.

VOTE: 5-0.

3) Consider action to transfer all township banking accounts from Fulton Bank to Meridian Bank effective immediately.

MOTION: Chairman Lambert made a motion to move forward with transferring township banking services from Fulton Bank to Meridian Bank. Vice Chairman Heffern seconded.

Treasurer Joe Breslin stated that the Township interviewed five banks. The Township currently banks with Fulton Bank. The fees are approximately \$8,000 a year. The Township receives only 10 basis points in interest. Meridian Bank provides 10 basis points in interest, but 40 basis points will cover expenses. Meridian will insure deposits. The Township will need to leave a balance at Fulton for outstanding balances.

Township Manager thanked Joe Breslin for his efforts in evaluating the banking services.

Solicitor Crotty stated that the Township will need a Resolution naming Meridian Bank as its depository. He will provide a Resolution for board consideration at the next meeting.

Chairman Heffern thanked Mr. Breslin for his efforts.

Township Manager Swichar stated that the Township is looking at \$8,000/year in savings.

Supervisor Nielsen questioned if the accounts will remain the same. Will the truck leases remain the same.

Treasurer Breslin stated the accounts will remain the same. The credit card is branded the same.

Township Manager Swichar stated they will evaluate the leases separately.

VOTE: 5-0.

7. TOWNSHIP MANAGER'S REPORT

1) Resignation of Strategic Planning Steering Committee Member George Devine

Township Manager Swichar stated that the Committee is looking to recruit new members now that the EAC is part of the committee. The Township received emails from George Devine and David Fiorenza asking to resign.

MOTION: Supervisor Nielsen moved that the Township accept the resignation of Strategic Planning Steering Committee Member George Devine. Vice Chairman Heffern seconded.

VOTE: 5-0.

2) Resignation of Strategic Planning Steering Committee Member David Fiorenza

MOTION: Supervisor Nielsen moved that the Township accept the resignation of Strategic Planning Steering Committee Member David Fiorenza. Vice Chairman Heffern seconded.

Scott Swichar	Member 2021 to 2021	1 year term
Joe Heffern	Member 2021 to 2021	1 year term
Dennis Crook	Member 2021 to 2021	1 year term
John Nielsen	Member 2021 to 2021	1 year term
<i>George Devine</i>	<i>Member 2021 to 2021</i>	<i>1 year term</i>
Deane Madsen	Member 2021 to 2021	1 year term
Edmund Davis	Member 2021 to 2021	1 year term
<i>David Fiorenza</i>	<i>Member 2021 to 2021</i>	<i>1 year term</i>
Katja DiRado	Alternate Member 2021 to 2021	1 year term

VOTE: 5-0.

3. BAWA Fellowship Release No. 6 (Phase #1)

Township Manager Swichar stated there are two escrow releases. Letters from Township Engineer Chris Della Penna are in the Board packet.

MOTION: Vice Chairman Heffern made a motion that the Township approve Release No. 6 for the BAWA Fellowship Subdivision in the amount of \$59,046.00. Chairman Lambert seconded.

VOTE: 5-0.

4. BAWA Fellowship Release No. 7 (Phase #1)

MOTION: Supervisor Kulp made a motion that the Township approve Release No. 7 for the BAWA Fellowship Subdivision in the amount of \$28,109.10. Vice Chairman Heffern seconded.

VOTE: 5-0.

5. Appointment of Bill Lewis to Full-time Laborer

MOTION: Supervisor DiRado made a motion to approve changing Bill Lewis's part-time position as public works laborer to full-time with no increase in hourly wage at this time. Chairman Lambert seconded.

Supervisor Nielsen questioned if he will join the Teamsters Union.

Township Manager Swichar stated that membership in the union is not compulsory. He was required to obtain his CDL as a condition of his employment. He did successfully obtain his CDL. The full-time position was in the 2021 budget.

Supervisor Kulp questioned if there is no increase in hourly wage for change to part-time to full-time.

Township Manager Swichar stated that the hourly rate does not increase due to the motion. His union contract specifies that hourly wage increases only after six months. He has not been an employed for 6 months.

6. LEGAL

1. 505 Fairview Road Subdivision Plan Final Approval for Signature/Recording

Solicitor Crotty stated that the subdivision is to change and shift lot lines. He stated that there is a form of decision that states that the township engineer reviewed the application and recommends that the plan be approved. There are four waivers and there are no objections. The first waiver is the plan scale. The second waiver is the submission of a conservation plan. The third waiver is an improvements construction plan. There is no construction here. The fourth waiver is for concrete monuments. The red areas will be shifted to the parcel on left. The remainder will be split into two pieces. Instead of placing concrete monuments, they will place iron pins. The iron pins will be placed along the driveway. The proposed form of decision has the conditions. There is no need for financial security.

Jeffery Diem, Engineer for the applicant, stated that Roberts Family has 180 acres that are being subdivided into four lots. An 85 -acre lot will be transferred to Brandywine Conservancy, 50 acres will stay with the original owner and 8 acres will be sold to a neighbor. The new acres will add up to 8 acres. No development is proposed. Brandywine Conservancy already has land adjacent to the property known as the Laurels.

Supervisor DiRado questioned if access to the Laurels will be on the northern side.

Mr. Elser, attorney for the applicant, stated service road access will be off of Fairview Road.

Supervisor Nielsen questioned if the access road is an existing road.

Mr. Elser stated yes.

Supervisor DiRado questioned who is purchasing the additional property and whether he will attempt to subdivide.

Mr. Elser stated Scott Richards is purchasing the property. The 8 acres cannot be subdivided. He will not gain a right to build on the 8 acres.

MOTION: Chairman Lambert moved that the Township approve the preliminary/final subdivision plans for the Roberts Family Holdings Application, per the form of the written decision prepared by the Township Solicitor. Vice Chairman Heffern seconded.

VOTE: 5-0.

2. PARK AND RECREATION BOARD

1) October Concert in the Park Event

MOTION: Supervisor DiRado made a motion to authorize the Township Manager to sign an agreement with Showstoppers at a cost not to exceed \$3,800 to manage entertainment for an October Concert in the Park Event. Chairman Lambert seconded.

Township Manager Swichar stated that Showstoppers is an event management company. They will make sure that the sound equipment is installed and book the acts.

Supervisor Kulp questioned if the contract is for one event.

Township Manager Swichar stated there is one event with two performers. Cindy McChord and Flamin' Caucasians will perform.

Supervisor DiRado questioned if the event is in place of Park Day.

Township Manager Swichar stated that the event would be held in place of Park Day. The hope is a live music event could be held throughout the year.

Al Wright, Chair of the Park and Recreation Board stated that events in the future would not cost \$3,800. This event would be larger than future summer concert events. The Park and Recreation Board is looking at having food and drink vendors. The rain Date is October 3.

Township Manager Swichar stated that there is no extra charge for the rain date. He stated that the Township received \$10,000 a year in sponsorship for Park Day. The Township would approach past sponsors to support the Concert in the Park event.

Supervisor DiRado questioned the date of the event.

Solicitor Crotty questioned if they are responsible for licensing rights pertaining to music.

Mr. Wright questioned what measures need to be in place if there is a beer vendor at the event.

Solicitor Crotty stated the vendor should have insurance and must name the township as an additional insured. The Township should obtain a rider from its insurance company.

Mr. Wright stated the Park and Recreation Board is looking at having a Trunk or Treat event and movie night.

Supervisor Kulp questioned if the money comes from Park and Recreation Fund.

Township Manager Swichar stated yes.

VOTE: 5-0.

2) PLANNING COMMISSION

- 1) No Report Submitted

3) POLICE DEPARTMENT

- 1) New Policy for Body-Worn Cameras

MOTION: Chairman Lambert make a motion to table the motion. Vice Chairman Heffern seconded.

Supervisor Nielsen stated he is an opponent of facial recognition software for body cameras.

VOTE: 5-0.

- 2) June Police Report submitted for Board and resident review

3) PUBLIC WORKS DEPARTMENT

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

4) HISTORICAL COMMISSION

- 1) No report submitted.

5) NEW BUSINESS

Supervisor DiRado questioned if the Township could get a butterfly and bee garden if they know a master gardener.

Mr. Wright requested that Supervisor DiRado provide the information to the Park and Recreation Board so that they can review the information. He stated they would walk the park and review areas where a garden could be placed.

Supervisor Kulp questioned whether the small cell wireless Ordinance information went to the Planning Commission. She stated the Board voted for the revised cell tower ordinance to go to the Planning Commission.

Solicitor Crotty stated small cell tower legislation will go in effect in September. It allows deployment of more small towers in the Commonwealth. He stated that the Township was not

able to regulate cell towers based on earlier legislation. The new legislation allows local government to regulate aesthetics and establish right of way fees.

Mr. Crotty stated that under Telecommunications Act, the Township could be sued by the cell tower provider in federal court if enacting an ordinance to regulate the 5G cell towers.

There was a discussion about regulating small cell wireless.

Supervisor Kulp stated she attended a COG Meeting and there was a discussion about how to house strays without using the SPCA. She stated they would want a letter of intent.

Township Manager Swichar requested the information.

Chairman Lambert updated the Board of Supervisors on the New Township Building Committee. The Committee has met several times. The Township located various parcels that would work as a township building. The realtor stated that the project is a massive undertaking. Construction costs are currently three times higher. The South Brandywine Middle School site is a possible parcel. He stated the Board of Supervisors might want to consider an official letter be sent to the School Board requesting that they subdivide and purchase several acres of their property.

Township Manager Swichar stated that CASD Superintendent, Mr. Hanna, informed him that the School District will be conducting a facilities maintenance plan.

Chairman Lambert stated there are four acres on Route 82. The realtor will reach out to the property owner. There are 5 acres owned by St. Josephs School. Township Manager Swichar will reach out to them again. The Committee will look at developing a schematic test fit to determine where a township building could be placed.

Solicitor Crotty stated that a letter of interest should be drafted.

Township Manager Swichar stated he would draft the letter.

Chairman Lambert stated there is a grant available from DCED that will evaluate police staffing. The study will not cost anything with the DCED grant.

Township Manager Swichar stated that DCED would supply a list of consultants. The Board would need to approve the submission of an application to DCED by motion in order to apply for the staffing study.

6) OLD BUSINESS

7) PUBLIC PARTICIPATION

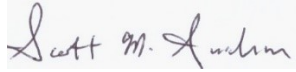
None

8) ADJOURNMENT

MOTION: Supervisor DiRado made a motion to adjourn the July 27, 2021 of Supervisors Meeting at 9:01 PM. Vice Chairman Heffern seconded.

VOTE: 5-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Scott M. Swichar". The signature is written in black ink on a light-colored background.

Scott Swichar,
Township Manager/Secretary