

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 28, 2021 Approved minutes
6:32 p.m.

Members Present

Joe Heffern, Vice Chairman
Carol Kulp, Member
John Nielsen, 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.

There was an executive session held on September 14, 2021, regarding personnel issues

2. DISCUSSION

A. APPROVAL OF MINUTES

September 14, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the September 14, 2021 Board of Supervisors meeting minutes as presented. Supervisor Kulp seconded.

VOTE: 2-0. Supervisor Kulp abstained.

Solicitor Crotty stated the minutes will be tabled until the next meeting since three total votes are needed to pass a motion.

August 24, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: The August 24, 2021 Board of Supervisors meeting minutes were tabled until the next meeting.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

3. TREASURER'S REPORT

1) August 31, 2021 Treasurer's Report

MOTION: Supervisor Kulp made a motion to approve the August 31, 2021 Treasurer's Report as presented. Supervisor Nielsen seconded.

VOTE: 3-0.

2) Payment Authorizations.

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of August 25, 2021 through September 28, 2021 in the total amount of \$392,192.01 as presented. Supervisor Nielsen seconded.

VOTE: 3-0.

3) 2022 Minimum Municipal Obligation (MMO) for East Fallowfield Township - Police Pension Plan & Non-Uniform Pension Plan.

Township Treasurer Joseph Breslin stated that the township is required to report the minimum municipal obligation to the Board of Supervisors. The township currently operates two pension plans. The minimum municipal obligation for the 2022 Township Police Pension plan is \$64,010. The 2021 year minimum municipal obligation for the police pension plan was \$64,075. Nine participants are in the police plan. Seven participants are active. The 2022 minimum municipal obligation for the non-uniformed pension plan is \$21,989. The 2021 minimum municipal obligation for the non-uniformed pension plan was \$15,684. There are 14 Participants in the non-uniformed plan. PMRS indicated that the pension is 99% funded. The Township will receive approximately \$76,000 in pension state aid in 2021.

4. TOWNSHIP MANAGER'S REPORT

1) New Policy for Body-Worn Cameras

Township Manager Swichar stated that the policy provides officers with guidelines on how and when to use body cameras. The policy contains a small change on page 6 of the policy regarding storage. The revised policy provides that files should be stored for 75 days. The exception is when incidents are more serious, and in that case, storage of video will be for two years and one day. The solicitor approved the changes.

Vice Chairman Heffern questioned whether incidents involving use of force involves any type of force.

Chief Porter stated yes. The force could be verbal or physical.

Supervisor Nielsen questioned if facial recognition software will be used.

Chief Porter stated facial recognition is not currently used but will be used in the future.

Supervisor Nielsen stated he is against facial recognition software.

MOTION: Vice Chairman Heffern made a motion to approve the East Fallowfield Township Police Body Worn Camera Policy. Supervisor Nielsen seconded.

VOTE: 3-0.

2) Contract Extension with Waste Management for collection of trash and recycling

Township Manager Swichar stated that the Township's 3-year contract with Waste Management expires the end of 2021. The Township has the option to extend the agreement for an additional two one-year terms. The contract cost for 2022 is \$428,182. The Township acknowledges that there have been issues with Waste Management, but they have been responsive to their concerns. The Township submitted a grant proposal to DEP last month that would provide recycling bins to every resident. Should the township receive the grant, the township's trash program would be strengthened and all haulers would be on a more equal playing field when the contract goes out to bid. Township Manager Swichar stated he recommends the township sign a one-year extension.

Supervisor Nielsen questioned if the residents could contact Waste Management directly to report a problem and if there is a local dispatcher they could reach. He asked what happens if the resident calls to complain over the weekend. He questioned why the township needs to track problems.

Township Manager Swichar stated that if residents would contact Waste Management directly, then the township would not be aware of the issues and it would be harder to correct problems. The Township does respond to resident issues over the weekend. Mr. Swichar stated that the townships across Chester County are all experiencing issues.

Solicitor Crotty stated problems are tracked so that when the contract goes out to bid, the township could disqualify a certain provider. The township would be in the dark if they are not aware of problems.

Township Manager Swichar stated that the contract allows the township to withhold payments from the hauler. They cannot enforce the contract if they are not aware of the problems.

MOTION: Vice Chairman Heffern made a motion to approve a one-year extension of the existing contract with Waste Management for collection of trash and recycling. Supervisor Kulp seconded.

There was a question from a township resident about recycling containers.

Vice Chairman Heffern stated the township hauler currently owns the containers. The Township applied for a grant to purchase recycling bins for every resident in the township. The new bins would provide leverage for the next contract.

Township Manager Swichar stated the grant pays for 90% of the cost of the bins.

Township resident Robin Romanelli questioned if the township residents would give the trash cans back if a new hauler started in the township. She questioned if she needs a new trash can.

Vice Chairman Heffern stated typically yes. The Township purchases the containers.

VOTE: 3-0.

- 3) Approval of Additional Paving Work on Caln Road, Park Avenue, Frog Hollow Road DiRocco Brothers General Contractors.

Township Manager Swichar stated that the township's 2021 road paving program is complete. Wilmington Road, Park Avenue (to Route 82), Montgomery Drive, West Moreland, and Rokeby Road were paved. He stated that after the road paving was complete, Tropical Storm Ida hit the township and caused damage to Frog Hollow, Caln Road, Park Avenue, and damaged the repairs that had just been made on Rokeby Road. Manager Swichar stated the Township had already made the repairs and he is requesting that the repairs be retroactively approved by the Board.

MOTION: Vice Chairman Heffern made a motion to approve additional paving work on Caln Road, Park Avenue, and Frog Hollow Road at a cost of \$12,500 and additional stone material for Rokeby Road at a cost of \$2,500 by DiRocco Brothers General Contractors from the Township's Capital Fund. Supervisor Nielsen seconded.

Township resident Robin Romanelli questioned the process for how roads are selected and whether there is a list for 2022. She questioned how many miles of roads there are in the township.

Township Manager Swichar stated the road foreman selects the roads to be paved based upon a schedule. Roads are selected based on priority. There is approximately 75 miles of roadway in the township.

Solicitor Crotty stated the list of roads is not finalized until 2022 so they can be assessed in the spring.

Township resident Deborah Herman questioned which roads were repaired.

Township Manager Swichar stated repairs were made on Frog Hollow, Caln Road, Park Avenue, and Rokeby Road. The entire road was not repaired.

VOTE: 3-0.

- 4) Intergovernmental Agreement with Valley Township for Sharing a Leaf Vacuum

Township Manager Swichar stated that the Central Chester County Recycling Authority approached the township over the summer about donating their leaf vacuum. There are five members of the Central Chester County Recycling Authority: South Coatesville, Valley, City of Coatesville, and Modena. All five municipalities use the leaf vacuums owned by the Central Chester County Recycling Authority. They requested that the township take a leaf vacuum and jointly own it with Valley Township. The Authority does not want to own or insure the vacuums any longer since they are trying to save money. The vacuum is a 2014 old dominion model trailer. Valley Township will house the leaf vacuum. The agreement states that the township will share the expense. The Board has a copy of the agreement in their board packet.

MOTION: Vice Chairman Heffern made a motion to approve Resolution No. 2021-23 approving an intergovernmental agreement with Valley Township for shared use of a leaf vacuum. Supervisor Kulp seconded.

Supervisor Nielsen questioned if the contract is five-year years. He questioned if we use similar equipment to clean out storm drains. He questioned if Valley Township will be using them to clean up leaves from the side of the road.

Solicitor Crotty stated the agreement is for five years. The contract will automatically continue year to year unless one party gives notice.

Township Manager Swichar stated the township already uses the leaf vacs to clean out the storm drains.

Township resident Deborah Herman questioned the cost.

Township Manager Swichar stated the leaf vac will be donated. The Township will incur the cost of insuring the piece of equipment. He estimates the trailer will cost a couple hundred dollars a year to insure.

VOTE: 3-0.

5) BAWA Fellowship Release No. 9 (Phase #1)

Township Manager Swichar stated that the Board has the recommendation letter from the township engineer in their meeting packet.

MOTION: Vice Chairman Heffern made a motion that the Township approve Release No. 9 for the BAWA Fellowship Subdivision in the amount of \$59,230.00. Supervisor Nielsen seconded.

Supervisor Kulp questioned the status of the project.

Township Manager Swichar stated only site work has been done. No building permits have been issued yet.

Solicitor Crotty stated \$940,000 is left in financial security.

VOTE: 3-0.

5. LEGAL

1) Budget Process - Informational Update Only.

Solicitor Crotty stated the budget must be adopted by December 31, 2021. The budget must be done 20 days before that date. December 28 is the last meeting in December. The budget should be finalized by December 8. The Township is still waiting for final guidelines from the Treasury Department on stimulus money which is expected some time in October.

2) A Resolution for Valley Township ACT 537 Plan

Solicitor Crotty stated the 537 plan is a sewage plan that each municipality must pass to tell PA DEP how the municipality will deal with sewage. Valley Township has about 6 properties in East Fallowfield that are in the Valley Township system. Valley is selling its system to PA American Water. They need a Resolution to approve their 537 plan. The reason the systems are located in Valley Township is because there are fringe units that are East Fallowfield. Valley Township sent the property owners a letter to the affected property owners.

MOTION: Vice Chairman Heffern made a motion to approve Resolution No. 2021-24 approving the Valley Township Act 537 Plan Amendment in the form as presented. Supervisor Nielsen seconded.

Supervisor Kulp questioned if the affected properties are on septic.

Solicitor Crotty stated the owners are on public sewer and will stay on public sewer.

Township resident Deborah Herman stated that her water smells.

Township Manager Swichar stated that her water system is owned by Pennsylvania American Water. He suggested that she contact Pennsylvania American Water.

Solicitor Crotty stated that if there was a problem with the water line there would a sunken hole in the yard. The water lines are pressurized.

VOTE: 3-0.

6. PARK AND RECREATION BOARD

1) PECO Green Region Open Space Program Grant Application

Township Manager Swichar stated that at the last meeting there was a discussion about submitting a grant application to PECO to purchase a new park gazebo. The PECO grant will pay up to \$10,000. The cost of the gazebo is \$41,000. The Township would be responsible for the matching funds. The PECO grant program requires the Resolution as part of the grant application.

MOTION: Vice Chairman Heffern a motion to approve Resolution No. 2021-25, authorizing application to the 2021 PECO Green Region Open Space Program for a new park gazebo in the amount of \$10,000. Supervisor Nielsen seconded.

VOTE: 3-0.

Vice Chairman Heffern questioned the location of the gazebo.

Township Manager Swichar stated that the gazebo would be placed in the park near the playground. He stated that the Township will have a concert in the park on October 2. There will be a children's concert followed by the band, Flamin' Caucasians, who will perform rock n' roll music. There will be food vendors at the event.

7. PLANNING COMMISSION

- 1) No Report Submitted

8. POLICE DEPARTMENT

- 1) August Police Report submitted for Board and resident review]

Chief Porter stated that two part-time officers will need to be replaced. One resigned and another was deployed.

Supervisor Nielsen questioned if the position is held when they are deployed.

Chief Porter stated that their position will be held. There was a discussion about recruitment.

9. PUBLIC WORKS DEPARTMENT

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

10. HISTORICAL COMMISSION

- 1) No report submitted.

11. NEW BUSINESS

None

12. OLD BUSINESS

13. PUBLIC PARTICIPATION

Township resident Robin Romanelli stated there are major issues in the Fieldstone development. She requested that the escrow payments not be released.

Solicitor Crotty stated that there was a meeting with the HOA, township manager and himself. Mr. Crotty requested the HOA provide the township with a list of property issues affecting individual homeowners, public HOA issues such as sidewalks and the third list of issues would be for items where the township is taking dedication. There is a breakdown in the financial security agreement showing public improvements that need to be made. The developer would first request a release of financial security after they complete an improvement. The engineer would then inspect the work and recommend a release only after the work is completed. Dedication comes at the end when everything is done to the township's satisfaction. The Township will only reinspect the curbs if they are being dedicated to the township. The Township is requesting the list of issues that will then be given to the township engineer. The engineer will have a chance to review the list and respond to the issues.

Township resident Audrey Madonna questioned what issues falls under HOA. At what point can she make improvements to her yard.

Solicitor Crotty stated that development has HOA declarations that spell out what the HOA is responsible for. He stated that the HOA should create three separate lists. The engineer will review the lists and the township will schedule a meeting with the builder. The township does not provide a warranty regarding the quality of the work when it issues permits. If something on the property is affecting water flow, the property owner would be cited. The job of the inspector is to make sure that specifications of the subdivision land developments plans are being met.

There was a discussion related to the issues at Fieldstone.

Supervisor Kulp stated that she sent an email to the Board concerning court orders from the FCC and the environmental health trust suing the FCC related to 5G towers and health risks. She stated that FCC failed to provide evidence that 5G is safe.

Solicitor Crotty stated the issue is before the FCC. They were not suing the FCC. They were suing the carrier before the FCC. He stated that the township does not get involved in this issue.

Supervisor Kulp stated that it was the FCC that was being sued by the Environmental Health Trust over the 5G issue.

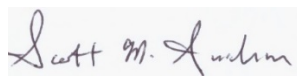
There was a discussion about 5G towers in the township.

14. ADJOURNMENT

MOTION: Supervisor Nielsen made a motion to adjourn the September 28, 2021 of Supervisors Meeting at 8:28 PM. Vice Chairman Heffern seconded.

VOTE: 3-0.

Respectfully Submitted,



Scott Swichar,
Township Manager/Secretary