

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 27, 2022 Approved Minutes
6:35 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice Chairman
Katja DiRado, Member
John Nielsen, Member
Al Wright, 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 6:35 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

AUGUST 23, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the August 23, 2022 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 4-0. Supervisor DiRado abstained.

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.

Supervisor Nielsen stated that Valley Township is 48% of Westwood's EMS calls and that East Fallowfield Township is 13% of Westwood's EMS calls.

TREASURER'S REPORT

- 1) August 31, 2022 Treasurer's Report.

MOTION: Vice Chairman Heffern made a motion to approve the August 31, 2022 Treasurer's Report as presented. Chairman Lambert seconded.

Supervisor Nielsen questioned whether all 404.310 legal bills have been paid. He questioned worker's compensation payments, PEMA/FEMA expenses, water bills at the police station, and medical supplies for the police department.

Solicitor Crotty questioned expenses under advertising.

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of August 24, 2022 through September 27, 2022 in the total amount of \$258,842.96 as presented. seconded. Vice Chairman Heffern seconded.

Supervisor Wright questioned if the payments are typical for the month.

Treasurer Breslin stated that \$51,000 in fire relief aid is being distributed to both fire companies.

VOTE: 5-0.

3) 2023 Minimum Municipal Obligation (MMO) for East Fallowfield Township - Police Pension Plan & Non-Uniform Pension Plan.

Treasurer Breslin stated that the minimum municipal obligation for uniformed police is \$63,184.00. The minimum municipal obligation for the non-uniformed pension is \$21,527.00.

Supervisor Nielsen questioned the MMO calculation.

Treasurer Breslin stated that the calculation for non-uniformed is 6%.

3. TOWNSHIP MANAGER'S REPORT

1) Trash & Recycling Collection Contract.

Township Manager Swichar stated that the township's trash and recycling collection program went out to bid over the summer. Bids were opened on September 6. The township received only one bid from Republic Services. The board has a copy of the pricing from Republic Services. The pricing is substantially higher than what the township is currently paying. Republic Services pricing for 2023 is \$976,279 on the base bid. Inflation has caused pricing to spike and this is not the best time to go out to bid. The township has the option to renew with Waste Management for one more year. He recommended that the township reject the bid from Republic Services. The Township will need to go out to bid next year. Mr. Swichar stated that he expects there will be more competition next summer and pricing may be more favorable.

MOTION: Vice Chairman Heffern made a motion to reject the bid from Republic Services for the residential solid waste and recycling collection contract. Supervisor DiRado seconded.

Chairman Lambert discussed the non-curb-side collection of trash on Jane Street.

There was a board discussion regarding trash on collection on Jane Street.

Supervisor DiRado questioned if Solicitor Crotty could investigate a rebate.

VOTE: 5-0.

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

Township Manager Swichar stated that the Township has one option year left with Waste Management. The 2023 contract price is \$451,736.

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 Wright seconded.

Supervisor Wright questioned if Waste Management would try to get out of the contract early.

VOTE: 5-0

- 3) PECO Green Region Open Space Program Grant Application for Pollinator Garden

Township Manager Swichar stated that the grant program provides grants up to \$10,000. The Township's proposed memorial garden would be eligible for funding under this grant program. There is a 50% match requirement.

MOTION: Supervisor DiRado made a motion to approve Resolution No. 2022-14, authorizing application to the 2022 PECO Green Region Open Space Program for a grant in the amount of \$7,500 for a memorial pollinator garden. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if Mr. Swichar received a list of potential volunteers.

Township resident Mike Domboski questioned the purpose of a memorial pollinator garden.

Mr. Swichar stated the garden would memorialize Tag Gathercole. The garden would consist of plants that attracts bees and butterflies.

VOTE: 5-0

- 4) Purchase of 221 Wilmington Road (10.9 acre lot, UPI 4-7-47)

Township Manager Swichar stated that in February, the Township approved a resolution authorizing the \$300,000 from American Rescue Plan Act (ARPA) to be used for future recreation and open space as well as a future municipal complex. This motion would allow the township manager to sign an agreement of sale and make payments and complete all paperwork related to the sale. He stated that the township will submit a preservation grant to Chester County

in February 2023 as its likely the township will not need all 10.9 acres as buildable land. He stated that he expects that about 5 acres could be used as open space. If the grant application is successful, the township should see a portion of the purchase coming back to the township in the form of a county grant.

Supervisor Nielsen questioned the amount that the township could expect to receive from a grant.

Township Manager Swichar stated approximately \$75,000.

MOTION: Supervisor Wright made a motion authorizing the Township Manager and Board Chairman to sign an agreement of sale to purchase 221 Wilmington Road at a cost of \$257,000 from the Township's ARPA Fund and to take any and all necessary actions to consummate the transactions contemplated by the Agreement of Sale and related documents including, but not limited to, the execution and recording of the Agreement of Sale and documents, and the payment of the monies to the Sellers. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned the purpose of ARPA funding and what would happen if someone donated land to the township. Could the township legally sell land. Has the Building Committee provided feedback. Is there any consideration to place a building at the park.

Solicitor Crotty stated that the township is able to sell township property but must follow certain procedures.

Township Manager Swichar stated that the Committee made a motion to recommend the property. The County will not allow the township to place a building at the park due to a deed restriction.

There was a board discussion about building a municipal complex at the township park.

Supervisor DiRado questioned if the land where the police station is located could be sold.

Supervisor Nielsen questioned if the municipal complex would include the public works complex.

Township Manager Swichar stated that it is his opinion that the public works complex should remain where it is.

VOTE: 5-0

5) Borough of Modena Comp Plan

Township Manager Swichar stated that the Borough of Modena is completing a comprehensive plan. The township may review the plan and make comments on the plan. Chester County is the consultant on the plan.

MOTION: Supervisor Wright made a motion requesting that the Township's Planning Commission review the Borough of Modena Comp Plan. Supervisor Nielsen seconded.

Supervisor DiRado questioned the purpose of the comp plan and discussed a potential fire station.

Mr. Crotty stated that a comprehensive plan details the township from a planning and zoning perspective. There are steps need to enact a comprehensive plan. A fire station might be discussed with the Township's building committee.

There was a board discussion about a fire substation.

VOTE: 5-0

6) Sale of Public Works 2005 John Deere 410G Backhoe Loader

Township Manager Swichar stated that the township purchased a new backhoe this year. There is no need to hold onto the old backhoe.

MOTION: Vice Chairman Heffern made a motion to approve Resolution No. 2022-15 authorizing the sale of a 2005 John Deere 410G Backhoe Loader as presented. Chairman Lambert seconded.

Supervisor Wright questioned the \$2,000 estimate of the backhoe.

VOTE: 5-0

7) Childhood Cancer Awareness Week (October 9-October 15)

Township Manager Swichar stated that the Township was contacted by a nonprofit organization about spreading the word about childhood cancer. The township drafted a resolution proclaiming October 9-15 as Childhood Cancer Awareness Week. The goal is to increase awareness of childhood cancer.

MOTION: Supervisor DiRado made a motion to approve Resolution No. 2022-16 recognizing October 9 - October 15 as Childhood Cancer Awareness Week in East Fallowfield Township. Supervisor Wright seconded.

Supervisor DiRado questioned how the township will advertise this week.

Township Manager Swichar stated that the resolution will be placed on the township website and Facebook. The township will contact Chester County. The township is not promoting any specific organizations, but rather promoting childhood cancer awareness week.

VOTE: 5-0

1) New Business: none

4. LEGAL

1) Budget Process - Informational Update Only.

Solicitor Crotty stated that the budget process will soon kickoff. December 31 is the deadline to approve the budget. The second meeting in November is the target meeting to finalize the budget.

Supervisor Wright questioned the advertising window.

Solicitor Crotty stated that the budget needs to be advertised for 20 days. A budget needs to be adopted by December 31.

2) 2401 Strasburg Road Stormwater Management Agreement

Solicitor Crotty stated that the township used its form stormwater management agreement. Based on recommendations from the Planning Commission and solicitor's recommendation, inspections will be completed by the landowner, who must certify that they completed the inspection as opposed to the township completing the inspection. This agreement is under the old ordinance, but this agreement includes the new recommendations of having the landowner complete the inspections. The benefit to the landowner is that the township does not need to enter their property.

Supervisor DiRado questioned how the township will know the inspection was completed and questioned if a building permit is required.

Solicitor Crotty stated that as part of the township's MS4 certification, a certification will need to come from the landowner approximately every five years, and the township expects that it would receive a complaint from a neighboring property owner if there is an issue. The township could still inspect and enforce compliance. The stormwater plans were reviewed and approved by the township engineer. There is a building permit that is required.

MOTION: Vice Chairman Heffern moved that the Board approve the Stormwater Management Agreement for 2401 Strasburg Road in the form as presented, and authorize the plans to be released for recording. Chairman Lambert seconded.

Supervisor Nielsen questioned where the property is located.

VOTE: 5-0

3) Allan Myers Subdivision - 410 Doe Run Road

Solicitor Crotty stated that the Board already approved the subdivision. The applicant needs to get all signatures in hand. The need for the pump and haul is that the applicant is installing a septic disposal system. The county required a pump and haul agreement that they will pump the tank and post money with the township.

Chairman Lambert questioned if there are any changes.

Solicitor Crotty stated that it is common for DEP and the County to require such an agreement.

MOTION: Vice Chairman Heffern made a motion to approve the release of the plans for recording, subject to the condition that they enter into a pump and haul/holding tank agreement satisfactory to the Township and to be recorded after recordation of the Plans. Supervisor Nielsen seconded.

VOTE: 5-0

4) Draft Ordinance #2022-03 Amending the Township's Stormwater Management Ordinance

Solicitor Crotty stated that the Ordinance is prepared by the sewer engineer. DEP requires that the ordinance be updated periodically. The updates are updates to the existing ordinance. There are several options to choose for when stormwater facilities are needed. The Planning Commission recommended a threshold of 10,000 square feet of earth disturbance and 2,000 square feet of impervious coverage. The county provides a range. The other change is the planning commission's recommendation that inspections be completed by the landowner. The solicitor recommends that the ordinance not have a right of entry provision. The law indicates you need permission to enter the property. The ordinance was prepared by the sewer engineer with the additions that the planning commission recommended as well as the solicitor's recommendation regarding the right of entry.

MOTION: Vice Chairman Heffern moved that the Township authorize the advertisement of Ordinance #2022-03, amending the Township's Stormwater Management Ordinance which was adopted on September 23, 2014 as Ordinance 2014-02, and adopting amendments as required by the 2022 Chester County Model Act 167 Stormwater Management Ordinance subject to changes recommended by solicitor and Planning Commission. Supervisor Wright seconded.

Supervisor Wright stated that the Planning Commission reviewed the Ordinance in detail.

Supervisor Nielsen questioned whether existing best management practices are grandfathered.

Solicitor Crotty stated that pre-existing goes back to 2014. Anything under 2014 would not come under the cumulative provision.

VOTE: 5-0

5) Informational: Special Exception and Extension Zoning Hearing Board Ruling (520 Doe Run Road)

Solicitor Crotty stated that the Zoning Hearing Board approved a special exception and extended a prior ruling for 520 Doe Run Road.

Township Manager Swichar stated the special exception for expansion of a nonconforming building. The ZHB approved prior commercial use.

Supervisor Nielsen questioned the address.

Solicitor Crotty stated that Ridgecrest is finishing up its development. They will be dedicating the roads to the township and post an 18 month dedication bond. Chris Della Penna has a punch list of items for Ridgecrest to complete. They still have items to complete.

There was a board discussion on the dedication and HOA process.

6) PARK AND RECREATION BOARD

1) Park and Recreation Board Report Submitted by Teri Dickinson

Teri Dickinson, Chair of the Park and Recreation Board, stated that the park and recreation board voted on four recommendations. The board is recommending plant identification markers for the memorial pollinator garden, a new Christmas tree at the park. A commercial grade toddler spring rider, and trash/recycling containers at the park.

MOTION: Supervisor Dirado made a motion to purchase the toddler spring rider double seater as shown in figure two at the price of \$1,653. Supervisor Wright seconded.

There was a board discussion about the toddler spring rider.

VOTE: 5-0

There was a board discussion about recycling bins at the park.

2) Teri Dickinson stated that Trunk or Treat is on Friday, October 28, 5:00pm-7:00pm and there is a fall cleanup event at the park on Saturday, November 9 at 9:00 am. The Christmas Tree Lighting is Saturday, December 3 with a rain date of December 10. Time to be decided.

Supervisor Nielsen provided an update on the E.A.C., local climate action plan activities, naming of the creek, and a single use plastic ordinance.

There was a board discussion on a single use plastic ordinance.

Supervisor Nielsen questioned if the Township could change the name of the SPSS/EAC to EAC.

Township Manager Swichar stated that he would prepare a resolution for the next meeting to change the name.

1 PLANNING COMMISSION

1) No Planning Commission Report Submitted.

2) Resignation of Planning Commission Member Robin Romanelli

MOTION: Vice Chairman Heffern moved that the Township accept the resignation of Planning Commission Member Robin Romanelli. Supervisor Wright seconded.

Chairman Heffern stated that the township should consider paying Planning Commission members for their service.

There was a board discussion on paying the Planning Commission members.

PC Chairman Domboski stated that Sue Monaghan needs to be removed as Vice Chair as Jennifer Wright added as Vice Chair.

There was a board discussion on the rental ordinance.

Michael Domboski	Chairman`	2020 to 2023
Sue Monaghan	Vice Chairman	2020 to 2023
Alfred Wright	Member	2019 to 2022
Robin Romanelli	Member	2019 to 2022
Joe Perzan	Member	2019 to 2022
Vacant	Member	2022 to 2025
Jennifer Wright	Member	2022 to 2025

VOTE: 5-0

POLICE DEPARTMENT

- 1) August Police Report submitted for Board and resident review.
- 2) Resignation of Part-Time Police Officer Christopher Koehnlein

MOTION: Vice Chairman Heffern moved that the Township accept the resignation of part time police officer Christopher Koehnlein. Chairman Lambert seconded.

VOTE: 5-0

1) PUBLIC WORKS DEPARTMENT

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

2) HISTORICAL COMMISSION

- 1) No report submitted.

3) OLD BUSINESS

Supervisor Nielsen stated that scaffolding was installed at People’s Hall and work should be completed before the winter.

4) NEW BUSINESS

Supervisor DiRado discussed rewilding lawns and ordinance changes to address.

There was a board discussion on rewilding lawns.

10 PUBLIC PARTICIPATION:

Township resident, Steve Bauer had questions regarding South Brandywine Middle School and Woodward Road in Modena Borough. He questioned why there are no gas stations in the township.

11 ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the September 27, 2022 of Supervisors Meeting at 8:55 PM. Chairman Lambert seconded.

VOTE: 5-0.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Scott M. Swichar", is displayed on a light gray rectangular background.

Scott Swichar,
Township Manager/Secretary