

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
January 24, 2023 Approved Minutes
6:30 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
Lisa Ionata, Township Treasurer
Township Solicitor
Mike Crotty

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

Chairman Lambert called the meeting to order at 6:30 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

January 3, 2023 BOARD OF SUPERVISORS REORGANIZATIONAL MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the January 3, 2023 Board of Supervisors reorganizational meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) December Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) December Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) December Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 5) 2022 Year End Modena Fire Company Fire Chief's Report submitted for Board and resident review.

3. TREASURER'S REPORT

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

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

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of January 4, 2023 through January 24, 2023 in the total amount of \$240,654.48 as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

Resident Christopher O'Brien questioned why he received a bill from Modena Fire Company when taxes are so high.

2) New Business.

4. TOWNSHIP MANAGER'S REPORT

1) Purchase of a Stainless Steel Body from US Municipal

Township Manager Swichar stated the Township ordered a Ford F-550 truck last year. The Township still needs to purchase the body and plow. The Board has a quote from U.S. Municipal in the amount of \$48,985.20 A proposed motion is in the board packet.

MOTION: Vice Chairman Heffern made a motion authorizing the Township Manager to sign an agreement with US Municipal for the purchase of a stainless steel body and plow for the Ford F-550 truck at the cost of \$48,985.20 under the Pennsylvania Co-Stars Program. Chairman Lambert seconded.

Supervisor Wright questioned if the Ford-F-550 will replace an existing truck.

Township Manager Swichar stated yes. The truck being replaced is over 10 years old and will be retired.

Supervisor DiRado questioned if insurance will cover the purchase. How long will the truck last.

Solicitor Crotty stated no. Normal wear and tear is not covered by insurance.

Supervisor Nielsen questioned if the truck purchase was only for cab and chassis.

Township Manager Swichar stated that the truck purchase was only for the cab and chassis. The truck should last for approximately 10 years.

VOTE: 5-0.

2) Appointment of "As needed" snow plowers.

MOTION: Chairman Lambert made a motion to appoint the following "as needed" snow plower as presented. Vice Chairman Heffern seconded.

Snow Plower

Barry Hoxter-\$20.00/hour

VOTE: 5-0.

- 3) Resolution for Chester County Municipal Grant Program assistance.

MOTION: Supervisor DiRado made a motion approving the submission of Resolution No. 2023-04 approving the filing of an application for Chester County Municipal Grant Program Assistance. Supervisor Wright seconded.

Township Manager Swichar stated that Chester County offers a grant program to fund park and trail improvements as well as for conservation easements. This resolution is for the conservation easement. For conservation easements, the program will pay for 50% of the appraised value toward the conservation easement. Mr. Swichar recommended the township apply for a conservation acquisition grant for the township owned property at 221 Wilmington Road. The township would request grant funding for 5 acres of township land. The grant will also pay for appraisals, title insurance, survey and consultant fees. This is not the typical conservation project funded by the county. The grant deadline is February 28. The next step is the board approving a resolution authorizing the submission of the grant.

Supervisor Nielsen questioned the amount of the purchase price and grant funding.

Mr. Swichar stated that the township purchased the property for \$257,000. The grant will cover the 50% of the appraised value for the portion of land to be conserved. The township is waiting to receive the appraisal. Mr. Swichar estimates that the grant would pay for approximately \$75,000.

VOTE: 5-0.

- 4) Resolution for Chester County Municipal Grant Program assistance.

MOTION: Supervisor Wright make a motion approving the submission of Resolution No. 2023-05 approving the filing of an application for Chester County Municipal Grant Program Assistance. Vice Chairman Heffern seconded.

Township Manager Swichar stated that the grant will pay for up to 50% for a park and trail improvement grant. Mr. Swichar recommended that the township apply for grant funding for the new park gazebo that was budgeted in the 2023 budget. The estimate for the gazebo is \$91,813.00. The grant deadline is February 28. The Township was not awarded the DCNR ARPA grant, so this would be another opportunity to apply for grant funding for the gazebo.

VOTE: 5-0.

- 5) BAWA Fellowship Escrow Release No. 14 (Phase 1)

MOTION: Supervisor Nielsen made a motion that the Township approve Escrow Release No. 14 for the BAWA Fellowship Residential Subdivision Phase 1, in the amount of \$10,023.75. Vice Chairman Heffern seconded.

VOTE: 5-0.

6) BAWA Fellowship Escrow Release No. 4 (Phase 2)

MOTION: Supervisor DiRado made a motion that the Township approve Escrow Release No. 4 for the BAWA Fellowship Residential Subdivision Phase 2, in the amount of \$95,555.46. Chairman Lambert seconded.

VOTE: 5-0.

7) Resolution to Approve Township Employee Job Descriptions.

Township Manager Swichar stated that the board has the authority to make changes to the job descriptions. The current job description provides that the chief will work 75% in the field and 25% in the office. Based on feedback from the police chief, he made the change on page 75. The proposed revision removes the percentage and gives the police chief the discretion to decide how much of his job will be spent in the office versus the field.

Supervisor DiRado questioned if the change is bullet #4.

Township Manager Swichar stated yes.

MOTION: Supervisor DiRado made a motion to adopt Resolution No. 2023-06 approving the revised job description for Chief of Police. Vice Chairman Heffern seconded.

VOTE: 5-0.

8) Purchase of Gazebo

Township Manager Swichar stated that the township had budgeted \$60,000 in the 2023 ARPA fund to purchase the gazebo. The Township has already received a \$10,000 grant from the Brandywine Conservancy. That grant must be expended by this summer.

MOTION: Supervisor Wright moved that the township purchase a gazebo and installation from River Valley Recreation at a cost of \$91,813.00 from the Township's ARPA Fund under the Pennsylvania Co-Stars Program. Vice Chairman Heffern seconded.

Supervisor DiRado questioned the size of the gazebo and whether the gazebo could be enclosed. She questioned the warranty.

Township Manager Swichar stated that size of the gazebo will be 36 foot around. He is not sure whether an enclosure is available.

Supervisor Nielsen questioned the location.

Township Manager Swichar stated that the location would need to be the concrete circle near the playground due to ADA accessibility. He is exploring whether a new concrete circle could be built. The warranty is 10 years on the structure.

VOTE: 5-0.

9) New Business

5. LEGAL

1) Draft Ordinance #2023-01 Amending Section 27-1702 (2) (I) Keeping of Large Animals

Solicitor Crotty stated that the existing size limit is two acres for keeping chickens and the planning commission is recommending that the size be reduced to 1 acre.

Supervisor DiRado stated that ½ acre not in an development would be sufficient.

Supervisor Wright stated the Planning Commission did its due diligence and recommended 1 acre minimum.

MOTION: Supervisor Wright moved that the Township authorize the advertisement of Ordinance #2023-01, Amending Section 27-1702 (2) (I), Keeping of Large Domestic Animals as Pets for adoption. Vice Chairman Heffern seconded.

Supervisor DiRado stated that she is concerned the ordinance will be appealed and the chickens should be allowed on a smaller parcel of land.

Supervisor Nielsen stated that the ordinance is better than what was in place before.

Chairman Lambert stated that the planning commission decision was well thought out.

VOTE: 5-0.

2) Collective Bargaining Agreement with Teamsters and East Fallowfield Township

Solicitor Crotty stated that the 3-year agreement would run from January 1, 2023 until December 31, 2025. The agreement provides for different salary increases during successive years. Salary increases are 5%, 4%, and 4%. One additional holiday will be provided and CDL requirement is within 6 months from date of hire.

MOTION: Vice Chairman Heffern moved that the Board approve and authorize the execution of the Collective Bargaining Agreement between East Fallowfield Township and the Teamsters, in the form as presented. Supervisor DiRado seconded.

Supervisor Nielsen questioned why the contract expires the end of the year.

Solicitor Crotty stated that agreements run on a calendar year as rate increases can be better budgeted on a calendar year.

Supervisor Wright questioned why the agreements run on a three-year period.

Solicitor Crotty stated that if the agreement was one year, then the negotiations would be happening continuously. There is too much uncertainty with agreements that run for more than 3 years.

VOTE: 5-0.

3) A Resolution Updating the ARPA Account Agreement with Meridian Bank

Township Treasurer stated that the paperwork had not been completed when the account was initially set up.

MOTION: Supervisor DiRado moved that the Township approve Resolution 2023-07 authorizing the Board of Supervisors to sign the ARPA account agreement with Meridian Bank. Vice Chairman Heffern seconded.

VOTE: 5-0.

4) Draft Ordinance #2023-02 restating the Township's municipal contribution to PMRS pursuant to the Collective Bargaining Agreement for non-uniformed employees in Teamsters Local 312.

MOTION: Supervisor Wright moved that the Township authorize the advertisement of Ordinance #2023-02 restating the Township's municipal contribution to PMRS pursuant to the Collective Bargaining Agreement for non-uniformed employees in Teamsters Local 107. Chairman Lambert seconded.

VOTE: 5-0.

6) PLANNING COMMISSION

- 1) No Planning Commission Report Submitted.

7) POLICE DEPARTMENT

- 1) December Police Report submitted for Board and resident review.
- 2) A Resolution approving an Intermunicipal Agreement with Parkesburg Borough for Use of Live Scan Machine and Holding Cell

Solicitor Crotty stated that when someone is arrested, they need to be Fingerprinted through Live Scan. The Township does not currently have the Livescan. The intermunicipal agreement provides that Parkesburg Borough will provide the service to the Township. The cost is \$1,500/year.

MOTION: Supervisor DiRado moved that the Township approve Resolution 2023-08 authorizing the Township Manager to sign an intermunicipal agreement with Parkesburg Borough in the form as presented. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if just fingerprints are taken and whether facial recognition or biometric technology is used.

Police Chief Osborn stated that photographs would be taken as well. He described the arrest process. The cost of a live scan device is approximately \$100,000.

There was a board discussion on the topic.

Township Manager Swichar stated the live scan will address a deficiency listed in the DCED report and address officer safety.

Chairman Lambert questioned whether a person convicted of a crime could be required to pay for costs associated with the Live Scan.

VOTE: 4-1. Supervisor Nielsen voted nay.

3) An Agreement to Purchase CODY Pathfinder Software

MOTION: Chairman Lambert made a motion approving an agreement with CODY for the purchase of CODY Pathfinder RMS. Vice Chairman Heffern seconded.

Township Manager Swichar stated that the Township currently uses CODY for reporting. The current version is no longer supported for updates. The new version is a cloud-based version and would eliminate the need for a new server. He stated that the Township would receive preferred pricing if they move forward with the purchase now.

Supervisor Wright questioned if this is different than a time keeping system.

Chief Osborne stated the software is a reporting system for arrest and police call for service. The current system is being discontinued in 2025. The new program is a web-based system that would negate the need for a new server.

Vice Chairman Heffern questioned if the \$5,900 is to transfer everything from the server to the cloud and whether the server could then be disposed of.

Chief Osborn stated yes.

VOTE: 5-0.

8) PUBLIC WORKS DEPARTMENT

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

9) PARK AND RECREATION BOARD

- 1) Teri Dickinson, chair of the park and recreation board, provided an overview of a potential American Kennel Club event. The event would be hosted by the Trail Blazers Agility Club. She would like to have an outdoor event at the park in the fall. She questioned if they need to pay a fee. The current fee schedule only requires a fee for use of the pavilion. The group will not require use of the pavilion.

There was a board discussion on the AKC event.

Solicitor Crotty questioned the size of the AKC event. Fire Police should be coordinated directly with the Fire Departments. From a legal perspective, he recommends a deposit of approximately \$500. They should also have insurance naming the township as an additional insured. A layout plan should be provided. Parking and fire police should be addressed. The Township will need a participant waiver and release and the Township should be included so that they do not sue the township. He stated that fire police should be involved with the event.

There was a board discussion on a proposed field fee.

Ms. Dickinson recommended a \$100 field use fee, \$100 refundable deposit for each day. The event is two days long. The total deposit would be \$200 and fee for field use would be \$200.

The board discussed a \$500 refundable security deposit and a \$100/day fee for the field.

Solicitor Crotty will develop a form agreement for the AKC agreement.

Milby Thorington, of Rescue and Recover provided an overview of a National Rescue Dog Day event at the township park. The proposed date is May 20. Mr. Thorington provided an overview of the proposed event.

Ms. Dickinson recommended that the board consider allowing the group to hold the event. There was a board discussion about the proposed event.

Solicitor Crotty stated that he will develop a form agreement for the proposed Rescue and Recover event.

10) HISTORICAL COMMISSION

No new business

11) OLD BUSINESS

12) NEW BUSINESS

Supervisor Nielsen stated that he met with the public works department. He had a conversation with the staff about the recycling center. He had a ride-along with a staff member and discussed various issues in the Township.

There was a board discussion on the topic.

13) PUBLIC PARTICIPATION:

Terry Malany, 435 Misty Patch Road complained about her neighbor across the street. She stated that her neighbors leave the containers curbside at all times.

There was a board discussion on the matter.

Mr. Swichar stated the problem has been ongoing. However, he will refer the matter to the code inspector.

14) ADJOURNMENT

MOTION: Supervisor Nielsen made a motion to adjourn the January 24, 2023 Board of Supervisors Meeting at 9:06 PM. Supervisor DiRado 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