

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 24, 2024 Approved Minutes

Members Present

Wilson Lambert, Chairman
John Nielsen, Vice Chairman
Katja DiRado, Member
Al Wright, Member
Mike Domboski, Member

Township Staff Present

Scott Swichar, Township Manager
David Fiorenza, Township Treasurer
Chad Osborn, Police Chief
Township Solicitor
Mike Crotty

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

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

2. DISCUSSION

A. APPROVAL OF MINUTES

AUGUST 13, 2024 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor DiRado made a motion to approve the August 13, 2024 Board of Supervisors meeting minutes as presented. Supervisor Wright seconded.

VOTE: 5-0.

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.

C. PROPOSED ORDINANCE 2024-01 PROHIBITING THE USE OF SINGLE-USE CARRY OUT PLASTIC BAGS, POLYSTYRENE FOOD CONTAINERS, AND SINGLE-USE PLASTIC STRAWS BY COMMERCIAL ESTABLISHMENTS

MOTION: Vice Chairman Nielsen made a motion adopting Ordinance 2024-01 prohibiting the use of single-use carry out plastic bags, polystyrene food containers, and single-use plastic straws by commercial establishments. Supervisor DiRado seconded.

Supervisor Wright stated that ban makes sense in a lot of places, but not in East Fallowfield since it only affects two business owners. He requested that the ban on single-use straws be removed from the proposed ordinance. He stated there were 15 residents that emailed the board who were opposed to the proposed ban on single-use plastics.

Kathy Cook, of Chester County Plastic Pollution Task Force, commented on the proposed ordinance. She stated that all plastics are still on the earth now.

Shane Cloyd, Township resident commented on the proposed ordinance.

Carol Kulp, Township resident, discussed the cell tower ordinance and 5G rollout.

Solicitor Crotty stated that the Township cannot regulate 5G.

Chairman Lambert discussed a comment made by the owner of Triple Fresh.

Mike Petro, owner of Triple Fresh, discussed concerns related to the proposed ordinance.

Jay Mento, Township resident, discussed concerns related to the proposed ordinance.

Dennis Wishneski, Township resident, commended on the proposed ordinance.

Neshaminy Hilton, Township resident, commented on the proposed ordinance.

Connie McLaughlin, Township resident, commented on the proposed ordinance.

Colleen Rasmussen commented on the proposed ordinance.

There was a board discussion on the topic.

Bruce Lane, Township resident, commented on the proposed ordinance.

Vice Chairman Nielsen stated that local businesses will donate reusable bags to the affected businesses to help with implementation of the ordinance.

Supervisor DiRado commented on the dangers of plastics in the body.

AMENDED MOTION: Supervisor Wright made a motion to table the motion. Supervisor Domboski seconded the motion.

VOTE: 3-2. Chairman Lambert, Supervisor DiRado, and Vice Chairman Nielsen voted nay. Motion failed to pass.

VOTE ON THE MOTION: 3-2. Supervisor Domboski and Supervisor Wright voted nay. Motion Passed.

3. TREASURER'S REPORT

- 1) August 31, 2024 Treasurer's Report.

MOTION: Supervisor Domboski made a motion to approve the August 31, 2024 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 August 14, 2024 through September 24, 2024 in the total amount of \$409,866.18 as presented. Supervisor DiRado seconded.

VOTE: 5-0.

- 3) 2025 Minimum Municipal Obligation (MMO) for East Fallowfield Township - Police Pension Plan & Non-Uniform Pension Plan.

Treasurer Fiorenza stated that the chief administrative officer informs the township of any expected financial obligations for this coming year. MMO is the 2025 bill based on valuation done every year by PMRS. The township budgeted for 2025 and pays the bill in 2025.

4. TOWNSHIP MANAGER'S REPORT

- 1) Appointment of Township Treasurer David Fiorenza

Township Manager Swichar stated that he recommends the hiring of David Fiorenza as township treasurer.

MOTION: Supervisor Wright moved that the Township appoint David Fiorenza to serve as full-time 2024 Township Treasurer at an hourly rate of \$40.00 subject to him becoming bonded. Supervisor DiRado seconded.

VOTE: 5-0.

- 2) Appointment of Assistant Township Treasurer Lisa Ionata

Township Manager Swichar stated that Ms. Ionata is a wealth of knowledge and is willing to provide assistance during the transition. Mr. Swichar recommended that she stay on board until at least the end of the year.

MOTION: Supervisor Wright moved that the Township appoint Lisa Ionata serve as part-time assistant Treasurer at an hourly rate of \$45. Supervisor Domboski seconded.

Shane Cloyd, Township resident, questioned how many hours she would work.

Township Manager Swichar stated approximately 5 hours a week.

VOTE: 5-0.

3) BAWA Fellowship Escrow Release No. 18 (Phase 1)

Township Manager Swichar stated that there is a recommendation letter from the township engineer in the packet.

MOTION: Vice Chairman Nielsen made a motion that the Township approve Escrow Release No.18 for the BAWA Fellowship Residential Subdivision Phase 1, in the amount of \$105,504.30. Chairman Lambert seconded.

VOTE: 5-0.

4) Advertise Public Hearing on October 22, 2024

Township Manager Swichar stated that the township has a draft open space, recreation and environmental resources plan. He thanked everyone who provided their input to develop the plan. Mr. Swichar stated that the Township's Planning Commission has reviewed the plan and supports the plan. They are not recommending any changes. The plan was also reviewed by the Chester County Planning Commission as part of the Act 247 review. There were several non-substantive suggested corrections. The EAC also requested that the plan include a minor revision regarding the naming of a stream. The township has made those changes. The plan was also sent to neighboring municipalities for their review; however the township did not receive any comments. The Township would need to advertise a public hearing in order to adopt the plan.

Vice Chairman Nielsen questioned when any changes to the plan could be made. The EAC has recommended that the plan not include the brownfield site on Mortonville Road for potential open space acquisition.

Township Manager Swichar stated that any changes could potentially be made at the public hearing.

Solicitor Crotty stated that the township should advertise the plan in more final form, so the board may want to table the plan tonight so that everyone is looking at the same document. The Board could vote to advertise at the October 8 meeting. If the board votes to advertise on October 8, then it would be ready for the November 22 meeting.

Supervisor Wright stated that the proposed change by the EAC is a substantive change. He questioned how the change is processed.

Solicitor Crotty stated the change could be made either tonight or at the October 8 meeting. The change to the plan should be ready before the plan is advertised.

Supervisor Wright questioned if the Open Space Task Force should make a recommendation.

Township Manager Swichar stated that the recommendation to approve the draft was made by the Planning Commission.

MOTION: Chairman Lambert moved to table the motion. Supervisor DiRado seconded.

VOTE: 5-0.

5) Agreement with T.P.D for Engineering Services to Repair Drainage Pipe on Saw Mill Road

Township Manager Swichar stated that the township has a failing culvert pipe that goes across Saw Mill Road. It has caused some sinking on the roadway and needs to be replaced. The Township's traffic engineer has completed the environmental clearances, wetland reports, and bog turtle survey. The next step is to complete the final engineering, design, and utility coordination and prepare the bid documents for the project. The estimate for engineering is \$29,500 based on the current fee schedule.

Supervisor Wright discussed the high cost and need for the project.

Township Manager Swichar stated that the cost is high due to the need to complete environmental clearances since the pipe crosses a stream.

MOTION: Supervisor Domboski made a motion to approve an agreement with Traffic, Planning, and Design, Inc. at an amount not to exceed \$29,500 to complete final engineering design and bidding documents related to a damaged drainage pipe on Saw Mill Road. Supervisor DiRado seconded.

VOTE: 5-0.

6) Road Map of Township Goals and Priorities for 2025-2029

Township Manager Swichar stated that the Township has been working on a roadmap of township goals and priorities. The purpose is to help us better prioritize and let the public know the goals for next year and for the next 5 years. There are goals for the police department, communications, goals for a new municipal complex, and goals for digitizing township government and improving township infrastructure.

Mr. Swichar recommended placing the document on the township website and Facebook page so that the community can review. The township could approve the document at the next meeting.

MOTION: Supervisor Wright made a motion to table the proposed motion to approve the Road Map of Township Goals and Priorities. Chairman Lambert seconded.

VOTE: 5-0.

7) New Business

5) LEGAL

1) Approval of Subdivision for 75 &77 Fellowship Drive (UPI's 47-7-250 and 47- 7-251)

Solicitor Crotty stated that the plans are for a subdivision, two lots are merging into one lot. The application has been reviewed by the Planning Commission, township engineer and county planning commission. There is a draft decision before the board.

MOTION: Supervisor Domboski moved that the Township approve the subdivision plans for 75 &77 Fellowship Drive contingent upon the applicant addressing all of the Engineer's comments, per the form of the decision presented by the Township Solicitor. Chairman Lambert seconded.

Vice Chairman Nielsen questioned if Fellowship Drive is a private road and whether the parcels are tax exempt.

Solicitor Crotty stated yes. He stated that it does not appear parcels are tax exempt. They are taxable.

VOTE: 5-0.

2) Zoning Hearing Board Application Received for 5 Primus Farm Lane (Informational)

Mr. Crotty stated that the township received a variance application for 5 Primus Lane. This is a mushroom farm that has operated as a mushroom farm for many years. They are putting in a concrete pad to dry out the mushrooms. They are asking for variance from setbacks. There are no residential homes nearby.

3) Fieldstone/Pelham Place Updates (Informational)

Mr. Crotty stated that the township has received the punch list from the township engineer. The punch list contains the items not completed by the developer. The solicitor is pursuing the complaint for not completing the items.

Robin Romanelli questioned why the residents have not received an update and why the HOA is not sharing the punchlist with the residents.

Mr. Crotty stated that he has been giving an update to the board at every meeting. The Township is waiting for comments from the HOA. They are preparing legal filings in their office before the developer will be served. The punchlist is shared with the HOA not every

single resident.

6) PARK AND RECREATION BOARD

- 1) East Fallowfield Township Flea Market on October 12, 10:00am-12:00pm at the Township Park (Informational)

Supervisor DiRado questioned if the tables are free.

Jenn Wright stated that the tables are free, however the township is at capacity.

- 2) A Playground Safety Inspection was conducted by certified playground safety inspector on September 13. Waiting for report (Informational)

Mr. Swichar stated that the playground safety inspection was conducted by a certified safety inspector at no cost and the township is waiting for the report. Some minor upgrades and repairs will be made based on the comments received. The township added playground mulch to the playground.

- 3) Report Submitted

7) PLANNING COMMISSION

- 1) No Planning Commission Report Submitted.
- 2) Resignation of Planning Commission Member Joe Perzan

MOTION: Supervisor Domboski moved that the Township accept the resignation of Planning Commission Member Joe Perzan. Supervisor Wright seconded.

Michael Domboski	Chairman	2024 to 2027
Deborah Stoff	Vice Chair	2024 to 2027
Guido Guintini	Member	2022 to 2025
Joseph Heffern	Member	2023 to 2026
Ray Smith	Member	2022 to 2025
Vacant	Member	2023 to 2026
Sue Monaghan	Member	2022 to 2025

Supervisor Wright questioned if Joe Perzan could be recognized for his efforts.

VOTE: 5-0.

8) POLICE DEPARTMENT

- 1) August Police Report submitted for Board and resident review.
- 2) Written Offer Letter of Employment

MOTION: Supervisor DiRado made a motion to tender a conditional offer of employment to Patrick Gaffney to serve as part-time police officer at an hourly rate of \$27.12 (2024 rate), pursuant to Act 57 and per the terms contained in the conditional offer letter dated September 24, 2024. Vice Chairman Nielsen seconded.

Chief Osborn stated that the position would replace a part-time officer that resigned. The current staff level is being maintained.

VOTE: 5-0.

- 3) Retroactive Purchase of Video Manager EL Cloud from Motorola Solutions

MOTION: Supervisor DiRado made a motion approving a purchase from Motorola Solutions for the retroactive purchase of Video Manager El Cloud Software and Hosting in the amount of \$7,035 from the Township's Capital Fund. Chairman Lambert seconded.

Chief Osborn stated that Watchguard and Motorola contain body camera footage. The physical server is failing. Motorola is recommending cloud based storage to maintain footage. Half the expense is a setup fee and half is an annual fee related to the number of cameras they have.

VOTE: 5-0.

- 4) Accomplishments of Local Law Enforcement Support Grant (Informational Presentation)

Chief Osborn gave a presentation on the \$53,500 Local Law Enforcement Support Grant that was administered by the Pennsylvania Commission on Crime and Delinquency for upgrades to the police department's technology.

Members of the public asked questions.

Supervisor DiRado questioned if the software interfaces with other departments in order to share information. She questioned if old records will be scanned in.

Chief Osborn stated that the software is not shared with other departments, however other departments are using them. The old policy manual was re-written. The old policy manual was archived into PowerDMS.

Supervisor Wright questioned record retention of body camera footage.

Chief Osborn stated their body camera video will be retained and purged after a statutory agreed time.

Vice Chairman Nielsen questioned if facial recognition is being used with body cameras.

Chief Osborn stated no. The Township could input evidence into the state's JNet facial recognition system if necessary.

9) PUBLIC WORKS DEPARTMENT

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

10) HISTORICAL COMMISSION

- 1) Report submitted.

Township Manager Swichar stated there is an online survey for the open space plan.

11) NEW BUSINESS

Supervisor Domboski questioned if the township will begin to identify contractors to build a website.

12) PUBLIC PARTICIPATION:

There was a resident question on the status of Mortonville Road and Mortonville Road bridge.

Solicitor Crotty stated that the solicitor has put the contractor and traffic engineer on notice for failures that occurred. Their office is pushing them to make the needed fix.

Township Manager Swichar stated that the township is waiting to receive an estimate from the township engineer to begin the engineering.

Robin Romanelli questioned if there is money left in escrow for Fieldstone.

Solicitor Crotty stated that there have been no releases by the Township and our perspective is that escrow money is remaining.

Nina Petro discussed policing needs in Londonberry.

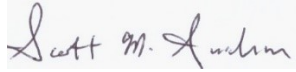
Shane Cloyd discussed a possible petition to overturn the single-use plastics ordinance.

13) ADJOURNMENT

MOTION: Supervisor Domboski made a motion to adjourn the September 24, 2024 of Supervisors Meeting at 8:27 PM. Chairman Lambert 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