

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 26, 2023 Approved Minutes

Members Present

Wilson Lambert, Chairman
Joseph Heffern, Vice-Chairman
Katja DiRado, Member
Al Wright, Member
John Nielsen, Member

Township Staff Present

Scott Swichar, Township Manager
Chad Osborn, Chief of Police
Lisa Ionata, Treasurer

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

Vice Chairman Heffern called the meeting to order at 6:31 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

AUGUST 22, 2023 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor DiRado made a motion to approve the August 22, 2023 Board of Supervisors meeting minutes as presented. Chairman Lambert 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.

C. PRESENTATION: SWEARING IN OF PART-TIME POLICE OFFICER JAMES GRAJEWSKI
Invocation by CHAPLAIN ANNALIE KORRENGEL and swearing in by JUDGE NANCY GILL

3. TREASURER'S REPORT

- 1) August 31, 2023 Treasurer's Report.

MOTION: Supervisor DiRado made a motion to approve the August 31, 2023 Treasurer's Report as presented. Supervisor Wright seconded.

VOTE: 5-0.

2) Payment Authorizations.

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of August 23, 2023 through September 26, 2023 in the total amount of \$362,557.49 as presented. Supervisor DiRado seconded.

Supervisor Nielsen questioned the Power DMS purchase.

Treasurer Ionata stated that the purchase is for police software and that the purchase will be refunded through a grant.

VOTE: 5-0.

3) 2024 Minimum Municipal Obligation (MMO) for East Fallowfield Township - Police Pension Plan & Non-Uniform Pension Plan.

Treasurer Ionata stated that the MMO is an annual deposit into the police and non-uniformed pension. 2024 estimates are from the W-2's for 2023. The police plan is a defined benefit plan and non-uniformed plan is a defined contribution. Only plan member administrative fees are paid for the non-uniformed pension since payments are made throughout the year through payroll. The police MMO is a lump sum every year.

4) Unclaimed Property Claim with the Pennsylvania Treasury (Informational)

Treasurer Ionata stated that the Township had money in unclaimed property with the state and the Township was reimbursed recently.

Township Manager Swichar stated that the Township recovered \$4,421.25 in unclaimed property. Mr. Swichar stated that the township always seeks opportunities to bring in new revenues.

5) Vice Chairman Heffern stated that the 2024 Budget Workshop is on October 10, 2023 at 6:30PM

4. TOWNSHIP MANAGER'S REPORT

1) Agreement with Pennoni for Engineering Services Related to Traffic Calming in Newlinville

Township Manager Swichar stated that the Township received \$250,000 in grant funding this year for traffic calming measures in Newlinville. The Township received \$150,000 from the DCED MTF fund and \$100,000 from the DCED LSA grant. No matching funds are required for the grant. Mr. Swichar stated that he asked Pennoni to draw up a concept plan which will be presented tonight. Traffic calming is a high priority in the Newlinville Village Master Plan.

Mike Schneider, of Pennoni, provided an overview of the concept plan. The project will be completed on Route 82 approaching Newlinville Road. Traffic calming landscaped medians will be installed as well as radar detection signage. Landscape medians will slow traffic. The intersection of Newlinville Road and Route 82 will have curbing installed and it will be better defined by bumping out the curb. Impervious coverage will be removed. Route 82 is a state road so Pennoni will go to PennDOT for permitting.

He stated that the project is a 5-6 month permitting project. However, construction would likely happen in the spring of next year.

MOTION: Vice Chairman Heffern made a motion to approve an agreement with Pennoni Inc. in the amount of \$46,500 for engineering and design services related to traffic calming in Newlinville. Supervisor Wright seconded.

Township resident, Rick Nelms, questioned whether the engineering expense will come from the grant and why the state is not paying for the project.

Mr. Schneider stated that the grants are coming from the state.

VOTE: 5-0.

2) Trash & Recycling Collection Contract.

Township Manager Swichar stated that the contract with Waste Management expires the end of this year. The Township put the program out to bid early in the summer. As expected, the pricing was much higher than the existing contract with Waste Management. A.J. Blosenski was the apparent low bidder for both the three-year and the five-year contract. Whitetail Disposal was the second lowest bidder for the three year and five year contract. The board received references from both companies in their board packet and representatives from both companies are here tonight to discuss why they should be awarded the contract.

Jim Clark, of A.J Blosenski provided an overview of his company which was purchased by Waste Connections in 2022. He stated that when Waste Connections purchased A.J. Blosenski, there was a much bigger emphasis on safety and drivers are now driving less hours than before. Their territory is now much smaller. He stated that the cost savings for a 3 year contract is about half a million less than Whitetail. They are located in Honeybrook. He stated that he expects there will be no service changes starting on January 1, 2024. Every truck will have a tablet and a camera inside the vehicle.

Mr. Swichar stated that the 2024 contract price for A.J. Blosenski is \$727,176 and the 2024 contract price for Whitetail is \$911,258.13. The three year price from A.J. Blosenski is \$2,337,959 and the three year price from Whitetail is \$2,821,300.

Misty White, Township resident questioned the 2023 cost for Waste Management.

Mr. Swichar stated the 2023 contract cost for Waste Management is \$451,736. Waste Management was not the low bidder on this contract.

Solicitor Crotty stated that the Township has been in a good position for the past five years, being locked into the contract with Waste Management and has beaten out two spikes in pricing. The price will increase no matter which company is selected.

Vice Chairman Heffern questioned A.J. Blosenski's level of service and the risk to the Township. He questioned if they would accept a default provision in the agreement.

Mr. Clark stated that the company is bonded and that the agreement specifies certain penalties.

Solicitor Crotty stated that they could add a provision that if for any reason there are service issues that reach a certain level, the township could put the trash contract out to bid and cancel the contract. He would want to make the provision broader than what is currently in the agreement.

There was a board discussion on the topic.

Paul Brady, of Whitetail Disposal, provided an overview of his company. They have been competitors of Blosenski for ten years. They are a local company unlike Waste Connections which is a national company. 85% of their trucks are automated. Whitetail's second low bidding price is consistent with the other bidders. He questioned what will happen if trash is not picked up. Decisions are not local. Whitetail trucks all have cameras and GPS. He stated that there will not be any service related issues if they are chosen.

Supervisor Wright questioned why Jane Street was not bid on by any of the bidders and whether they could provide curbside collection for residents on Jane Street.

Mr. Brady stated that there were safety concerns on that street. That area could not be collected with automated trucks.

Mr. Clark stated there were safety concerns as well.

There was a board discussion about Jane Street.

Neshaminy Hilton, Township resident questioned the price difference between the two companies.

Township Manager Swichar stated that the trash fee is currently \$310. The Township projects that the 2024 trash fee will increase to \$450 with A.J. Blosenski and \$520 with Whitetail. This is an estimate. Township residents will receive new trash containers provided by the hauler and the Township will provide recycling containers paid for by grant funding from DEP. Whitetail will cost approximately \$70/year in 2024 more than A.J. Blosenski.

Supervisor Wright questioned the three year versus three year plus two optional year bid. Will the trash fee stay consistent for the three or five year period.

Township Manager Swichar stated the Township will need to reevaluate the trash fee every year as fees increase. The five year Blosenski bid is the cheapest. It is a board decision whether to lock in for 5 years. Whitetail's 5 year bid was higher on year 2 and year 3 of the bid. He does not recommend a five-year contract with Whitetail. Pricing for trash contracts could fluctuate in the future. He stated there is no risk in awarding the 2 option additional years since both parties need to agree to the two additional option years.

Solicitor Crotty stated that he recommends an agreement with 6 months' notice to terminate inclusive of service to Jane Street.

Supervisor Nielsen questioned if they are obligated to go with the low bidder. He questioned if there is a fuel surcharge provision.

Solicitor Crotty stated that they are obligated to go with the lowest responsible bidder.

Mr. Swichar stated that there is no fuel provision.

MOTION: Vice Chairman Heffern made a motion to accept the three plus two year bid from A.J. Blosenski for the East Fallowfield Township residential solid waste and recycling collection contract and to authorize the Township Manager to execute a contract under the Bid Documents and Specification issued by the Township subject to East Fallowfield's solicitor's ability to add a default provision and service is inclusive of Jane Street. Supervisor Nielsen seconded.

VOTE: 5-0

3) Fee Schedule Resolution 2023-17.

Township Manager Swichar stated that the Township adopted a revised stormwater management ordinance last fall. The ordinance set forth a simplified approach versus a full review depending upon the amount of impervious and earth disturbance.

The Township does not make a profit on fees. The proposed revisions to the fee schedule will ensure that the township is not losing money. Fees pay for actual costs of stormwater reviews by the engineer and administrative costs.

MOTION: Supervisor Wright made a motion to approve Resolution 2023-017 approving the revised Township Fee Schedule revising the stormwater management fee. Supervisor Nielsen seconded.

VOTE: 5-0

4) Brandywine Creek Greenway Mini-Grant Program

Township manager Swichar stated that the grant pays for mostly park and trail related projects. He recommended that the Township apply for funding to enhance the pollinator garden that was installed this year, add educational signage at the garden, install a permeable ADA-accessible walkway through the garden, install benches, and install lighting at the Township's gazebo.

The grant requires a 1:1 match. Since the Township received a \$7,500 grant from PECO for the garden, he hopes to use those funds as a match for this grant. The Township is waiting on estimates from the road foreman.

Supervisor Wright questioned if the work could be done by volunteers.

Township Manager Swichar stated that some of the work could be accomplished with volunteer help.

MOTION: Vice Chairman Heffern made a motion authorizing the Township Manager to submit a grant application to the Brandywine Creek Greenway Mini Grant Program in the amount of \$12,000 for installation of gazebo lighting/outlets and for educational signage, benches and a permeable walkway for the pollinator garden at the Township Park. Supervisor Dirado seconded.

VOTE: 5-0

Supervisor Nielsen stated that the Township is located in the Brandywine Greenway.

5) Update on DEP Recycling Technical Assistance Program (Informational)

Township Manager Swichar stated that Township applied for a grant earlier this year for technical assistance to complete a feasibility study to have a transfer station for recycling materials at the property which is owned by the Central Chester County Recycling Authority. The property is located on IMS Drive. DEP approved the request for \$7,500. The Township worked with Central Chester County Recycling Authority on the grant application. The Board has a scope of work in their packet.

Supervisor Wright questioned where the recycling is taken and whether there is a cost savings partnering with other municipalities.

Township Manager Swichar stated that the recycling is taken to a facility in Birdsboro, Pennsylvania, owned by Mascaro. The study will help determine if there could be a cost savings.

Supervisor Nielsen questioned what is taken to Lanchester.

Township Manager Swichar stated that trash is taken to Lanchester Landfill. The current contract specifies that recycling is taken to Birdsboro per the agreement with Chester County.

- 6) New Business: none

5. LEGAL

- 1) Motion to Amend Agenda to add the Weaver Mulch Extension Letter

Solicitor Crotty stated that Weaver Mulch had a lot line change approved in May. They were ready to record the plans, but more than 90 days elapsed since the date approved by the Board. The applicant needs a motion by the board that we are waiving the 90 day post approval. This was not on the original agenda. The second motion would authorize Scott Swichar to write the letter.

MOTION: Supervisor Wright made a motion to amend the agenda. Vice Chairman Heffern seconded.

VOTE: 5-0

- 2) Weaver Mulch Authorizing Extension Letter

MOTION: Supervisor Wright made a motion to waive the 90 day requirement for Weaver Mulch to allow Scott Swichar to sign. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if there are any changes to the plan.

Solicitor Crotty stated no.

VOTE: 5-0

- 3) Budget Process - Informational Update Only.

Solicitor Crotty stated that the first budget workshop is October 10. The budget is required to be approved by December 31. The budget needs to be advertised 20 days before adoption. The budget must be advertised by December 6 to be adopted on December 26.

Treasurer Ionata stated that the budget schedule provides that the budget is scheduled for adoption at the second meeting of November.

- 4) Stormwater Management Agreement for 2290 West Chester Road

Solicitor Crotty stated that there is a stormwater management agreement for a single family home

that is to be built. The agreement has been reviewed by the Township Engineer. There is a stormwater Management agreement for the applicant to sign so that the owner maintains the stormwater management facilities.

MOTION: Supervisor DiRado moved that the Board approve the Stormwater Management Agreement for 2290 West Chester Road in the form as presented, and authorize the plans to be released for recording. Vice Chairman Heffern seconded.

VOTE: 5-0

5) Application for Addition to Agricultural Security Area (Richard Rasmussen, Jr.)

Solicitor Crotty stated that the Township received an application for an addition to the Township's ag security area for properties owned by the Rasmussens. Portions of the property are in Newlin Township and the other portions of the property are in East Fallowfield Township. The application was submitted directly to Newlin Township. The first step is to advertise the application for 20 days to see if anyone else wants to be included in the Ag Security area. After the 20 day period, a second advertisement would be authorized at the second meeting in November to authorize a hearing to include the Rasmussen property into the Township's ASA. The ASA protects against condemnation and greater ability to get conservation easements. It is not Clean and Green. This is step 1 that we received the application.

Supervisor Wright questioned if there is a minimum lot size.

Solicitor Crotty stated no. It is in the aggregate.

Vice Chairman Heffern questioned the timing.

Solicitor Crotty stated if the Township waits 180 days, then it is deemed approved. Even if that was done, the Township would still need to take action to get them on the County record. With that option, the homeowner would need to wait 6 months to get onto the ASA.

MOTION: Supervisor Nielsen moved that the Township advertise notice of receipt of the Rasmussen ASA application, noting that it is available for review at the Township building for public inspection and that the Township will accept any proposed papers related to modifications to the Township Ag Security Area within fifteen (15) days. Supervisor Wright seconded.

VOTE: 5-0

6) PARK AND RECREATION BOARD

- 1) Teri Dickinson, chair of Park and Rec Board stated that Trunk or Treat on Saturday, October 21, 5:00pm-6:30pm. Hannah Lamb, an Eagle Scout candidate is building a lower level free library for children's books.

Supervisor DiRado questioned the placement of the free library.

1 PLANNING COMMISSION

- 1) No Planning Commission Report Submitted.
- 2) Residential Rental Ordinance (Informational)

Mike Domboski, chair of the Planning Commission stated that the Planning Commission met on September 11 to discuss a draft rental ordinance. The majority of those attendees were against the draft ordinance. The draft ordinance was a recommendation in the 2015 comprehensive plan. The current draft ordinance is a rough draft.

Solicitor Crotty stated that it is legal to have a rental ordinance under the second-class township code and under general health and safety. County and states or federal agencies do not regulate interactions between landlords and tenants. There are international property maintenance codes that are only effective if they are adopted and enforced by the municipality. An inspection provision is included in the draft. The current Blighted property ordinance only deals with issues outside the property. The general concept with a rental ordinance is that there is a degradation of the interior and exterior of the rental property that affects the neighbors.

Vice Chairman Heffern questioned protections for the landlord.

Solicitor Crotty stated that the township does not want to be heavy handed. The idea for the ordinance is that there is contact information for the landlord and that issues can be fixed. The Township cannot make money on the permit. The permit cost must be at or below the cost to the Township.

Supervisor Wright questioned if the rental ordinance would bring more tax revenue into the township.

Solicitor Crotty stated that rental inspection program would only ensure that the resident in the rental is properly paying the EIT. List of tenants is not subject to Right to Know.

Supervisor Wright stated that the number of rental units is unknown. He questioned use and occupancy permits, whether mobile home park falls under the rental inspection ordinance, and frequency of inspections.

There was a board discussion on the issue.

Vice Chairman Heffern stated that the issue tonight is whether the Board of Supervisors want to continue to look at this issue.

Colleen Rasmussen commented on the draft rental ordinance.

Terry Malany, Township resident commented on the draft rental ordinance.

Rick Nelms, Township resident commented on the draft rental ordinance.

Mike Domboksi, stated that the Planning Commission is in favor of a rental ordinance. The Planning Commission's intent would be for application to have general information on the owner. A maintenance code would be referenced for health and safety reasons. Another draft would be developed that would be reviewed by the Planning Commission.

There was a board discussion on the matter.

Township resident Neshaminy Hilton commented on the draft rental ordinance.

Colleen Rasmussen commented on the draft rental ordinance.

Angela Lombardo, Township resident commented on the draft rental ordinance.

Robert Schwegler, Township resident, commented on the draft rental ordinance.

MOTION: Chairman Lambert moved to recommend that the Planning Commission keep looking at and consider a draft ordinance for rental fees so that it is still on their table and they are still looking at it. Vice Chairman Heffern seconded.

VOTE: 4-1. Supervisor Wright voted nay.

POLICE DEPARTMENT

- 1) August Police Report submitted for Board and resident review.
- 2) Approving New Policy for the Police Department

MOTION: Supervisor DiRado made a motion to approve the following new policy for the Police Department: Fitness and Wellness. Vice Chairman Heffern seconded.

Chairman Lambert stated that the Township is on its way to accreditation.

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 a stream on Oaklyn Road has been formally named as Shale Run. The Open Space meeting is on Thursday at 7:00PM. He stated that people should look at the Homegrown National Park website to be a better steward of their own land,

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

4) NEW BUSINESS

None.

10 PUBLIC PARTICIPATION:

Misty White, Township resident and Fieldstone Village discussed dedication and whether a bond exists for her development.

Township Manager Swichar stated that the Township reached out to the developer demanding a meeting to discuss issues with the development. They are waiting to hear back to confirm a date.

Solicitor Crotty stated there is a surety bond in place. If the developer owns the roads, then they are responsible for maintaining them. The surety bond is the backup. Tri-Corner is the third successor in line.

There was a board discussion on the topic.

Rick Nelms, Township resident commented on the Fieldstone development asked a question about repair of a road sign.

11 ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the September 26, 2023 of Supervisors Meeting at 10:00 PM. Supervisor DiRado seconded.

VOTE: 5-0.

Respectfully Submitted,



Scott Swichar,
Township Manager/Secretary