

Schuylkill Township
Board of Supervisors Public Work Session
Thursday September 17, 2020 6:30 p.m.

The September monthly meeting was duly advertised and held electronically through the GoTo Webinar application via telephone and the internet

The Schuylkill Township Board of Supervisors held their virtual public work session on Thursday, September 17, 2020 via GoToWebinar . This is an informal meeting to discuss township related business with the public without making any motions or voting on any discussed items.

In attendance were Supervisors Martha Majewski, Susan Guerette, Mark Donovan, and Bob Cooney. Also attending were Township Solicitor, William J. Brennan, Esq., Township Manager, E.J. Mentry and Township Secretary, Madeline Harbison. Supervisor Fred Parry was absent. Addressing the Board were Ms. Karen Guerrero-Member, Schuylkill Township Environmental Advisory Council, Mr. Raphael Henin-Schuylkill Township Fire Marshal & Fire Chief, Valley Forge Volunteer Fire Company, and Mr. Rick Beittel, President-Valley Forge Volunteer Fire Company. The meeting was chaired by Supervisor Majewski.

Supervisor Majewski called the meeting to order at 7:00 p.m. and announced that an executive session was held this evening to discuss potential litigation. Mr. Mentry gave a brief overview of the virtual meeting protocols and reminded attendees that question and comments could be submitted at any time during the meeting via the question submittal box on the webinar dashboard. The submittals would be read aloud at the appropriate time in the meeting.

Amendment to Schuylkill Township Burn Ordinance (EAC Recommendation) – Supervisor Majewski read the proposed amendment to the Township’s existing burn ordinance **Chapter 122. Burning, Open, §122-2 Exceptions** and called for comments from the Board.

H. The exceptions described in E. and F. are limited as follows:

- 1. There shall be a responsible person of 18 years of age or older in attendance by the fire at all times during the burning;*
- 2. There shall be an extinguishing agent present and readily available during the burning;*
- 3. Burning shall be prohibited if:*
 - a. the air quality index is greater than 101 (the air quality index is in the Unhealthy for Sensitive Groups range or above) as provided by meteorological organizations, such as Wunderground.com and airquality.weather.gov, or*
 - b. the U.S. Drought Monitor (USDM) map shows that Schuylkill Township is experiencing a drought (D0 rating or greater);*
- 4. An open or contained burning which interferes with the reasonable enjoyment of life or property of a neighbor or is located within 150 feet of a property line, is prohibited.*

The limitations apply to all types of outdoor fires, and include contained fires, ring fires, or barrel fires.

Mr. Brennan advised the Board that in his opinion some of the language in the proposed amendment is broad and open to interpretation which may lead to difficulty in enforcement. . Supervisor Donovan noted that some of the proposed restrictions are already included in the present ordinance language and covered under the International Fire Code which the Township has adopted. The Chair invited Ms. Guerrero, sponsor of the proposed amendment, and Mr. Henin and Mr. Beittel to address the Board. Ms. Guerrero noted that she would be amenable to changing or deleting some of the ambiguous wording, and gave a brief history of the impetus for her proposed amendment which was an issue with her neighbor over the perceived improper use of a fire pit. Discussion ensued regarding the materials being burned during the incident and Ms. Guerrero’s response at the time of the burning. Mr. Henin advised the Board that in

instances such as Ms. Guerrero recounted, the appropriate action would be to call 9-1-1 at the time of the incident; the call would be routed to the fire company which would investigate the situation immediately. If a call is placed after the perceived violation occurs, there is nothing to investigate. Mr. Henin added that if illegal burning is taking place, the fire company will take appropriate action. Further discussion ensued regarding limitations on fire pit sizes. Mr. Rick Beittel, President-Valley Forge Volunteer Fire Company commented that the size of the fire pit does not control the smoke issuing from the fire; it is the materials being burned which contribute to the noxiousness of the smoke, i.e., leaves, yard waste and trash produce thick, black smoke whereas firewood does not. Supervisor Majewski asked Mr. Henin and Mr. Beittel for comments on the proposed amendment to the ordinance; discussion ensued regarding the proposed setback of 150 feet for a fire pit. Mr. Mentry advised the Board that the minimum lot size in the Township was 100 feet and that inclusion of the 150-foot provision would eliminate the ability for a fire pit for a significant number of properties in the community. Supervisor Cooney suggested using reasonable setbacks from structures rather than property lines. Mr. Mentry mentioned that the Fire Code already has restrictions in place regarding open burning setbacks from combustible materials. Further discussion ensued regarding appropriate setbacks. Mr. Henin advised the Board that the fire company would support and enforce what the Board ultimately put in place. The Board concurred that 25 feet from a combustible material was sufficient. Ms. Guerrero asked if additional restrictions could be put in place specific to houses. Supervisor Cooney asked if the real issue behind the requested amendment was the materials being burned, is the reason for the amendment health and safety or is it to keep neighbors from being annoyed by smoke? Mr. Henin said the specific problem behind the proposed amendment as stated by Ms. Guerrero was the materials being burned. Supervisor Cooney added that he agreed with doing something for health and safety reasons but cutting back on the rights of all residents because of one who is breaking the rules makes it a challenge. Mr. Brennan again commented on the subjectivity of the proposed amendment language. Air quality and drought condition provisions were discussed; the conclusion being that these areas are already sufficiently legislated. The Supervisors concurred that the proposed amendment to the Township's open burning ordinance was redundant at this time as the Township's current regulations already address the proposed changes. The Board tabled the matter to a future date uncertain and Ms. Guerrero was advised to follow the recommendation of the Fire Marshall to call 9-1-1 for future occurrences of illegal burning; if that does not work, Ms. Guerrero was invited to address the Board again on the issue.

Valley Forge Volunteer Fire Co. Equipment and Operations

Mr. Mentry advised the Board that the Township has in its files the original fire company Equipment Purchase Agreement (the "Agreement"). One of the topics to be addressed this evening is an update to the Agreement; towards that end the Township is requesting a complete equipment inventory. Secondly, the Board would like to discuss the Fire Relief Allocation funds distributed by the state to gain an understanding of how those funds are used by the fire company. Mr. Henin advised the Board that the fire company is limited by the state in the use of these funds; they may only be used for training, insurance, and certain life/safety equipment for firefighters. Mr. Beittel advised that the fire company's Treasurer, Mr. Kim Colket, would be the best person to address this question as he oversees the allocation of these monies. Mr. Henin added that the annual amount received from the state fluctuates as the Fire Relief disbursement is funded by a tax on out-of-state insurance companies doing business in Pennsylvania and that number changes from year to year. The money is kept separate from other fire company operating funds and must be accounted for in a bi-annual audit. Supervisor Guerette opened the discussion of a utility vehicle for which the fire company is request a release of capital equipment funds from the Township stating that she was not clear on why the vehicle would cost \$80,000. Mr. Henin said that the proposed vehicle is a Ford F-350 with a utility body, i.e., a work truck, to replace the current utility vehicle. The utility vehicle is used to carry equipment such as hoses and fire police traffic control items. Mr. Henin advised the Board that fire company took a very economical approach on this purchase and \$80,000 is conservative when you consider the after-market specialty add-ons such as light and siren packages. Supervisor Majewski asked about the disposition of the vehicle being retired from the fire company fleet. Mr. Henin explained that the current Fire Chief's vehicle, a 2011 Tahoe donated to the fire company by the Township when it was retired from

the police fleet, has reached its EOL. The current utility vehicle, a 2013 Chevy 150, will become the Chief's vehicle. The Tahoe will be sold. Mr. Henin shared the fire company's vehicle replacement plan and explained how the equipment needs have changed over the years with advances and efficiencies in both the technology available and local resources such as less need for tankers because of the greater number of fire hydrants in the Township. Mr. Henin also explained how the age of a fire engine can affect the Fire Company's ISO Public Protection Classification rating. The purpose of the replacement schedule, Mr. Henin went on to say, is to ensure that no major capital expenditures, such as engine replacements, take place in the same or immediately consecutive years. Discussion ensued on the uses of the various vehicles. Mr. Henin informed the Board that it was his understanding that an arrangement had been made that retired Township police vehicles would be donated to the fire company. Mr. Mentry and the Board said they were not aware of any such arrangement other than the one-time donation of the 2011 Tahoe and asked for details. Mr. Henin said that it was discussed with a former Supervisor 6 or 7 years ago and the fire company's equipment replacement plan uses this agreement in its projections. Mr. Mentry advised the Board that the police department is retiring a Tahoe in October if they would like to consider giving it to the fire company. Supervisor Majewski asked which of the listed vehicles would fall under the Equipment Agreement; Mr. Henin said the Township has provided funds for 4 engines. Supervisor Cooney asked for an explanation of some of the future replacement costs; Mr. Henin replied that they were calculated using appreciation formulas provided by various fire companies in the area. He went on to say that these figures are the basis for "soft" increases in the Township's funding contributions to the fire company. Mr. Brennan asked for some guidance on the updating of the Equipment Purchase Agreement. Mr. Beittel said the essence of the original agreement was to protect the Township's investment in fire company equipment, but the fire company would be willing to consider any additional requirements of the Township.

Proposed "Tree" Ordinance – Mr. Mentry informed the Board that the Planning Commission recommended adoption of the tree ordinance conditioned upon the consideration of inclusion of comments to the extent possible from the Chester County Planning Commission and the Township Solicitor. Mr. Brennan advised the Board that the majority of his comments were stylistic rather than substantive; there were some areas that had to be further investigated such a lot sizes and enforcement. Mr. Brennan said that he would complete his edits and forward a draft to the Township Manager for review prior to the October 7th Board meeting.

Additional Business/Discussion Items

Valley Park Municipal Park – Supervisor Majewski informed the Board that the natural trail in the park has been cleared and is accessible.

Ashenfelter Road Water Main Project – Mr. Mentry reported that Aqua is planning a water main installation on Ashenfelter Road from Diamond Rock Road to S. White Horse Road to tie into existing water mains (about 7,100' of new pipe). The purpose of this project is to add redundancy and continuity to the existing system to forestall any future problems. The project is currently in the preliminary design phase and is projected to start at the end of the 1st quarter or beginning of the 2nd quarter of 2021. The installation will be a 3 - 4 month project which will close down Ashenfelter Road during construction hours. Soil borings will take place sometime within the next few weeks.

The meeting adjourned at 8:50 p.m.

The next work session is scheduled for Thursday, October 15, 2020 at 6:30 p.m.

Respectfully submitted,

Madeline Harbison
Township Secretary