

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
December 22, 2020 Approved minutes  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Joe Heffern, Vice-Chairman  
John Nielsen, Member  
Katja DiRado, 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 6:30 PM.

2. Chairman Lambert stated there was an executive session held on December 7, 2020, regarding personnel issues.

3. DISCUSSION

A. APPROVAL OF MINUTES

November 10, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Chairman Lambert made a motion to approve the November 10, 2020 Board of Supervisors meeting minutes as presented. Supervisor DiRado seconded.

VOTE: 4-0.

November 24, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Chairman Lambert made a motion to approve the November 24, 2020 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

John Nielsen stated that he had a correction on page 9 of the minutes. The minutes should reflect that one unit at the property on Newlinville Road is being converted into two units rather than two units being converted into one. Township Manager Swichar stated the change would be made.

VOTE: 4-0.

December 8, 2020 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the December 8, 2020 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 3-0, Supervisor DiRado abstained.

B. PARK & RECREATION COMMITTEE – INTERVIEW APPLICANTS – Al Wright and Sandra Stephens

Chairman Lambert asked Mr. Wright to tell the Board more about himself.

Mr. Wright stated his wife is on the Park Board. He has been a resident for 17 years. He has seen the park come to fruition. He is interested in seeing the park advance to the next level.

Supervisor Nielsen questioned if Mr. Wright will remain on the Planning Commission.

Mr. Wright stated yes.

Ms. Stephens stated she has been a resident for quite a while and she had been busy with her career. She has been active with charity and fundraisers. However, she is more interested in community work. She is a project manager. She stated she has the time to volunteer and is willing to help.

Ms. DiRado questioned Ms. Wright and Ms. Stephens whether they are flexible with other ideas especially when things are done in a different way than they would expect.

Ms. Stephens stated she is flexible. She stated that she is okay with compromise.

Mr. Wright stated that most of his career has been spent working for municipalities. He is flexible and use to change. He stated that park and recreation should be fun.

Resignation of Park and Recreation Board Member Monica Strauser

MOTION: Vice Chairman Heffern made a motion that the Township accept the resignation of Park and Recreation Board Member Monica Strauser. Supervisor Nielsen seconded.

VOTE: 4-0.

Appointment of Al Wright to the Park and Recreation Committee

MOTION: Vice Chairman Heffern make a motion to appoint Al Wright to the Park & Recreation Committee for the term ending 2020-2024. Supervisor DiRado seconded.

VOTE: 4-0.

Appointment of Sandra Stephens to the Park and Recreation Committee

MOTION: Vice Chairman Heffern make a motion to appoint Sandra Stephens to the Park & Recreation Committee for the balance of the term ending 2020 and reappoint her for the term 2021-2025. Supervisor Nielsen seconded.

VOTE: 4-0.

Nicholas Marsico- Member 2020 to 2024  
Al Wright- Member 2020 to 2024  
Sandra Stephens - Member 2016 to 2020 and reappointed for the term 2021-2025.  
Teri Dickinson - Member 2016 to 2020  
Frederick Weiss - Member 2017 to 2021  
Jennifer Wright- Member 2017 to 2021  
Joe Heffern - Member 2019 to 2023

**B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES**

1. November Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
2. November Westwood Fire Company EMS Report submitted for Board and resident review.
3. November Modena Fire Company Fire Chief's Report submitted for Board and resident review.
4. November Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
5. November Modena Fire Company EMS Report submitted for Board and resident review.

**C. TREASURER'S REPORT**

- 1) November 30, 2020 Treasurer's Report and Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the November 30, 2020 Treasurer's Report as presented. Vice Chairman Heffern seconded.

VOTE: 4-0

- 2) Payment Authorizations

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of November 25, 2020 through December 22, 2020 in the total amount of \$673,188.48 as presented. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the \$160,239 charge from Eagle Truck Equipment was for the grapple loader truck.

Township Manager Swichar stated yes. He stated that the Township will submit the expense to DEP for reimbursement. The grant funding will not come in until next year.

Supervisor Nielsen questioned if the Township will submit the total amount for full reimbursement.

Township Manager Swichar stated that the grant pays for 90% of the truck.

Supervisor Nielsen questioned if the truck is being used.

Township Manager Swichar stated the truck was used the first day it was received.

D. TOWNSHIP MANAGER'S REPORT

1) Resolution to Authorize Transfer of Funds from the General Fund to Capital Fund.

Township Manager Swichar stated there is a proposed Resolution for transfer of funds from the General Fund to the Capital Fund. The Township projects that they will end the 2021 year with a surplus.

MOTION: Supervisor DiRado make a motion to approve a Resolution no. 2020-14 authorizing the transfer of unencumbered monies in the amount of \$175,000 from the General Fund to the Capital Fund to fund capital and infrastructure projects. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned how the capital money is restricted.

Township Manager Swichar stated that there are various projects in the Capital Fund.

Supervisor Nielsen questioned if there is a fund for a new building. He questioned whether the Township is placing money in the Capital Fund solely for building improvements or a new building.

Township Manager Swichar stated there is money budgeted for a feasibility study for a new township building.

Supervisors Nielsen questioned if the Township will begin to put money into a fund solely for a new township building.

Township Manager Swichar stated that he will reach out to Delaware Valley Regional Finance Authority to determine funding.

Supervisor DiRado questioned if the interest rates are still low.

Township Manager Swichar stated interest rates are very low. He does not anticipate that interest rates will rise in 2022.

Solicitor Crotty stated that by transferring the monies into the Capital Fund, the Township is not restricted using monies for other capital purposes.

Supervisor Nielsen questioned if the Township should be placing funds into a restricted fund specifically for a new Township building.

Vice Chairman Heffern questioned if the funds could be transferred back to the General Fund if there was a shortfall.

Solicitor Crotty stated yes.

VOTE: 4-0.

2) Resolution to Authorize Transfer of Funds from Capital Fund to Park and Recreation Fund

Township Manager Swichar stated that the proposed Resolution would transfer \$20,000 from the Capital Fund to the Park and Recreation Fund. He stated that the Township received \$210,000 for restroom project, however, the monies will not come in until after the vendors are paid. There is a concern that there would not be enough money to pay the bills. Mr. Swichar stated he is recommended a transfer of \$20,000 from the Capital Fund to the Park and Recreation Fund. The Township will reimburse the Capital Fund after the grant money is received,

MOTION: Vice Chairman Heffern make a motion to approve a Resolution no. 2020-15 authorizing the transfer of unencumbered monies in the amount of \$20,000 from the Capital Fund to the Park and Recreation Fund to fund the park restroom project and reimburse Capital Fund when grants are received from DCED and Chester County Preservation Partnership Grant Program. Supervisor Nielsen seconded.

VOTE: 4-0.

3) Agreement for Fidelity/Crime Policy with Traveler's Casualty and Surety Company of America

Township Manager Swichar stated that the Township's interim Treasurer, Peter Barsz has recommended that the Township take additional steps to safeguard finances and protect against financial crimes. Mr. Swichar stated that he recommends the Township purchase a crime policy through Travelers. The policy would provide \$1 million of coverage in addition to faithful performance coverage which would cover a loss if an employee makes an honest mistake. The policy would cover theft, forgery, on premises crime, in transit crime, money order computer crimes and funds transfer fraud. The annual premium is \$1,841.

MOTION: Vice Chairman Heffern make a motion to authorize the Township Manager to sign a Fidelity/Crime Insurance policy that includes faithful performance coverage with Traveler's Casualty and Surety Company of America for an annual premium of \$1,841. Supervisor DiRado seconded.

Township resident, Al Wright questioned if the policy should be reviewed on an annual basis. He questioned if the Township should be continued for a while.

Township Manager Swichar stated yes. The Township will also look at other policies and additional safeguards as well.

Solicitor Crotty stated that the Township should allow the policy to stay in place until the Township switches to another policy. The Township does not want to have a gap in policy coverage.

Supervisor Nielsen questioned if the Township has had this type of coverage before. He questioned if the company that manages the backups for the township cover computer program and electronic data expense since they are not covered by the policy.

Township Manager Swichar stated the Township has not had this type of coverage in the past. He stated that that the policy is very comprehensive.

Supervisor Dirado questioned if the policy would cover a computer hack.

Solicitor Nielsen stated that additional endorsements might cover these type of losses. There are additional liability polies that would cover losses to third parties

Township Manager Swichar stated he would speak with the Township's insurance HA Thompson carrier to see if a computer hack is covered. He stated the policy would cover loss if a paper check was intercepted and forged.

Township resident Al Wright questioned why the Township is still issuing paper checks.

Solicitor Crotty stated many vendors only accept paper checks.

VOTE: 4-0.

4) Amendment of Plan Documents between East Fallowfield Township and United Health Care

Township Manager Swichar stated that the amendment would provide the continuation of health benefits for a former employee of East Fallowfield Township. The employee is entitled to health insurance of provision of a severance agreement until February 28, 2021.

MOTION: Vice Chairman Heffern made a motion to approve amended plan documents from United Health Care so that employee benefits may continue beyond termination under the provision of a severance agreement. Chairman Lambert seconded.

5) Bawa Muhaiydeen Fellowship Escrow Release No. 1 (Phase 1).

There is a letter from the Township engineer recommended an escrow release in the amount of \$55,812.40

MOTION: Chairman Lambert make a motion that the Township approve Escrow Release No. 1 for the Bawa Muhaiydeen Fellowship Project Phase 1, in the amount of \$55,812.40. Vice Chairman Heffern seconded.

VOTE: 4-0.

6) Donation to Coatesville Area Public Library for 2020

Township Manager Swichar stated that the Board had discussed a splitting a donation between People's Hall and the library next year. However, the Township has not made a donation in 2020 which was included in the budget. The library is still open for business. The Township does not have to make a donation.

Vice Chairman Heffern questioned how much was budgeted for 2020.

Township Manager Swichar stated \$8,000 was budgeted for 2020.

Vice Chairman Heffern stated he is inclined to donate \$8,000 to the library in 2020 due to the surplus.

Supervisor Nielsen stated that the Township should continue the same donation in 2020 and consider People's Hall in 2021.

Township Manager Swichar stated that he explained to the library that the 2021 donation might

be less since the Township is considering donating to Township organizations.

Supervisor Dirado questioned how much money was budgeted for 2021 and where is the surplus. She stated that the Township should make a donation to People's Hall this year.

Township Manager Swichar stated that \$8,000 was budgeted for 2022. The projected surplus is for the end of 2020.

Vice Chairman Heffern stated the Township has still not received a deed to the property and ownership is unclear.

Supervisor Dirado questioned when the Township will receive the deed.

Solicitor Crotty stated that he was not asked to look into the deed issue, but certainly could.

Vice Chairman Heffern stated the Board discussed whether the Recorder of Deeds could provide any information.

Supervisor Nielsen stated he reached out to the Recorded of Deeds. The property is tax exempt. There are three trustees on the deed. He could not find any information on the deed that stated it was deeded to the people of East Fallowfield or Ercildoun. He questioned if the office is open.

Solicitor Crotty stated the county office is closed.

Chairman Lambert questioned that if People's Hall stated they are open to the community, then how is the deed relevant.

Solicitor Crotty stated that the question previously raised was that if People's Hall is a true 501c3 that is serving the community, it is important that if the township is providing funding for capital improvements that the funds will be used as intended now and in the future. The Township should ensure that the property is deeded in fact to the entity which is being given money.

Vice Chairman Heffern stated the Township might want to consider an historical easement to use the property.

Solicitor Crotty stated the Township could consider an unrestricted gift or setting aside the funding for a restricted purpose. Setting aside the funds will provide the maximum amount of controls to the funding.

Supervisor Nielsen questioned the purpose of the donation as he thought the intent was to promote the People's Hall building and encourage additional donations to the building.

Vice Chairman Heffern stated he wants to ensure that if the Township make a donation, the building will be open to the public and the Township defines how the building is used.

**MOTION:** Vice Chairman Heffern made a motion that the Township make a 2020 donation of \$8,000 from the Township's General Fund to the Coatesville Area Public Library. Supervisor Nielsen seconded.

**VOTE:** 4-0.

7) Brandywine Creek Greenway Mini-Grant Award and Agreement Acceptance

Township Manager Swichar stated the Township was notified they were awarded a \$3,600 grant award from the Brandywine Creek Greenway Mini Award program. The Township had requested \$5,000 to install new park benches and fitness equipment. The grant is slightly smaller than the original request. Mr. Swichar stated that he would like to modify the budget and just include park benches in the scope. The grant is a 2:1 match. There is a proposed motion to accept the grant and authorize the Township Manager to sign the contract.

MOTION: Vice Chairman Heffern moved that the Township accept a \$3600 grant award from the Brandywine Creek Greenway Mini-Grant Program and authorize the Township Manager to sign contract documents between the Brandywine Conservancy and East Fallowfield Township. Supervisor DiRado seconded.

VOTE: 4-0.

8) New Business.

Chairman Lambert stated that Township Manager Swichar emailed the Board a PowerPoint from Keystone Fire Company. Keystone Fire Company stated they could deliver fire/ambulance services for \$45,000 less than Westwood. This is a fact-finding mission. The Township will meet with Keystone and provide an update to the Board after the meeting. The Township had already put the provision of expanded paramedic service in the budget, however Keystone believes they can provide the existing service at a lower price.

John Sly, President of Westwood, stated he is concerned, but understands the Board wants to do its due diligence.

Chairman Lambert stated that they had a fact-finding mission with Westwood already and would do the same with Keystone Valley.

E. LEGAL

1) 2021 Budget.

Solicitor Crotty stated the Budget has been advertised required under second class Township code. The budget is ready for adoption.

MOTION: Chairman Lambert moved that the Board approve the 2021 budget as advertised. Vice Chairman Lambert seconded.

VOTE: 4-0.

2) 2021 Tax Resolution Establishing Real Estate Millage.

Solicitor Crotty stated that the Resolution would establish real estate tax millage rate.

Township Manager Swichar stated there is no tax increase for 2021.

MOTION: Vice Chairman Heffern moved that the Township approve Resolution 2020-16, establishing the Township property tax rates for 2021 as follows: 2.00 mills general millage; 0.44 mills emergency services millage; and 0.56 mills fire tax millage. Supervisor Nielsen seconded.

VOTE: 4-0.

3) Ordinance #2020-02 PMRS Pension Plan Amendment of Non-Uniform Pension Plan

Solicitor Crotty stated that PMRS circulated ordinances since there are revisions to the pension plan documents. The Township advertised an Ordinance for the non-uniformed pension plan and police pension plan.

MOTION: Chairman Lambert moved that the Township adopt Ordinance #2020-02 PMRS Non-Uniform Pension Plan Amendment. Vice Chairman Heffern seconded.

VOTE: 4-0.

4) Ordinance #2020-03 PMRS Pension Plan Amendment of Uniform Pension Plan

Solicitor Crotty stated that that this Ordinance is for the non-uniform pension plan.

MOTION: Vice Chairman Heffern moved that the Township adopt Ordinance #2020-03 PMRS Uniform Pension Plan Amendment. Chairman Lambert seconded.

Supervisor Nielsen questioned of the Ordinance is for part-time employees.

Township Manager Swichar stated that for the uniformed plan, the Ordinance only covers full-time police officers.

VOTE: 4-0.

5) Piper Group Subdivision Plan Final Approval for Signature/Recording

Solicitor Crotty stated the Board of Supervisors approved the plans in January subject to a set of conditions. The conditions were satisfied per the letter from Township Engineer Chris Della Penna. The motion will allow the plan to be released. And to be signed by the Board of Supervisors. After signature the plans will be recorded by the Recorded of Deeds so the lots can be sold.

Supervisor Nielsen questioned if lots three and four are having any improvements or site work done. There is an old road off Sycamore Lane. There is an AT&T easement running through the property. He wants to make sure there is no abuse of the utility easement. He is concerned about the two driveways for lots three and four going onto Strasburg Road.

Solicitor Crotty stated that is correct. He stated that AT&T might not want them to use easement area. The issue could be raised with Chris Della Penna. PennDOT controls since the driveway would go onto a state road.

MOTION: Chairman Lambert moved that the Township approve the release of the plans for the Piper Group Tract for recording, together the execution by the Township of the stormwater Management Agreements associated with the project. Vice Chairman Heffern seconded

VOTE: 3-0. Supervisor DiRado abstained.

6) Cell Tower Ordinance

Solicitor Crotty stated his associate is preparing a memo to discuss the issue.

7) 2021 Bidding Thresholds

Each year the threshold increases due to cost of living increases. For purchases over \$21,300, it must go out to bid and formally advertised. For purchases between \$21,300 to \$11,000 only a written or phone quote is required. Generally, at least quotes are required. However, there is no need to advertise. For purchases below \$11,000, no formal bidding or quotes are needed.

Township resident, Al Wright questioned if consultants fall within the bidding requirements. He requested that the Township share information related to 5G with the Planning Commission.

Solicitor Crotty stated that Township professionals are an exception to bidding thresholds.

Supervisor Nielsen questioned if the bids are also for capital or liquid fuel purchases.

Supervisor Nielsen stated yes.

Chairman Lambert stated the Planning Commission would be involved with 5G.

8) PLANNING COMMISSION

- 1) No Report Submitted

9) POLICE DEPARTMENT

- 1) November Police Report submitted for Board and resident review.

10) PUBLIC WORKS DEPARTMENT

- 1) November Road Department Report submitted for Board and resident review.
- 2) Chairman Lambert stated that the Road Crew did a good job plowing the roads and deserve kudos.

11) HISTORICAL COMMISSION

No report submitted.

12) PARK AND RECREATION BOARD

No report submitted.

### 13) OLD BUSINESS

Supervisor DiRado questioned the status of the LED sign at the park.

Township Manager Swichar stated the project is in the 2022 budget.

Supervisor Nielsen questioned the status of the Newlinville Vision Partnership report and whether there would be zoning advice in the draft.

Township Manager Swichar stated he provided the first draft to the Board. The consultant is open to further advice. Township Manager Swichar provided comments from the Planning Commission related to zoning to the consultant.

Supervisor DiRado questioned the status of a meeting between Township Manager Swichar and Rouse Chamberlin related to development.

Township Manager Swichar stated the developer wanted to know which sections of the community they should look at for future development. He stated that they might want to look at the Multi-Use area in Newlinville and area zoned Office-Industrial.

Chairman Lambert questioned Solicitor Crotty how a developer would contribute to a future township building.

Solicitor Crotty there is no mechanism to require a fee solely for a new township building. There are Park and Recreation fees currently. The Township could implement Act 209 study and implement a transportation impact fee. However, the study is extremely expensive. Whenever developers need waivers, sometimes they will voluntarily contribute. The Ordinance spells out that developers currently pay the Park and Recreation fee.

There was a discussion by the Board about impact fees and where a future township building would be placed.

### 14) PUBLIC PARTICIPATION

Township Resident, Al Wright, questioned if more people are working from home how it will impact earned income taxes.

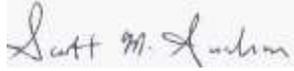
There was a discussion by the Board of Supervisors related to earned income taxes.

### 15) ADJOURNMENT

**MOTION:** Supervisor DiRado made a motion to adjourn the December 22, 2020 of Supervisors Meeting at 8:23 PM. Vice Chairman Heffern seconded

VOTE: 4-0

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Scott M. Swichar", is written in black ink on a light-colored rectangular background.

Scott Swichar,  
Township Manager/Secretary