

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
June 28, 2022 Approved minutes  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Joe Heffern, Vice Chairman  
John Nielsen, Member  
Al Wright, Member

**Township Staff Present**

Scott Swichar, Township Manager

**Township Solicitor**

Mike Crotty

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

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

Chairman Lambert joined the call virtually and then lost contact.

2. DISCUSSION

A. APPROVAL OF MINUTES

May 24, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the May 24, 2022 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 3-0.

May 31, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the May 31, 2022 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 3-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

6. Westwood EMS Company-Request for \$24,000 Subsidy for ALS Service

Battalion Chief, John Sly of Westwood Fire Company, stated that Valley Township did not want to memorialize a contract with East Fallowfield Township for ALS service. ALS provides paramedic service onboard the ambulance. He stated that Tower Health has closed its paramedic service effective September 1. Westwood will be the only ALS provider between Downingtown and Kinser, Lancaster County. 12 municipalities will be impacted by the decision to terminate paramedic service. Mr. Sly discussed the funding formula for East Fallowfield Township. In 2018, the millage was established for Westwood and Modena Fire Company. The millage was established at .44 for EMS and .56 for Fire. Westwood looked at the number of residents. They determined that they cover about 25% of the residents in East Fallowfield. They are seeking \$24,000 for ALS service that was provided to the township in 2021. East Fallowfield Township currently provides \$66,400 for BLS service from Westwood. Valley Township provides \$137,600 for BLS service from Westwood. There is a cost of service availability and readiness.

Township Manager Swichar asked Mr. Sly to email him the funding formula.

Mr. Sly stated they are working to hire more staff. There are supply chain issues with new equipment. There is a crisis. There was a Chester County EMS council meeting for the Department of Emergency Services and ambulance companies. Information will be distributed to townships by CCATO. There is a lack of staff and costs have increased. Mr. Sly requested \$24,000 from 2021 and a total of \$36,000 representing 2021 and half of 2022. He stated they will now be providing ALS service for 100% of the township.

Supervisor Wright questioned what dollar amounts are specifically being requested.

Mr. Sly stated that the 2021 allocation was \$24,000 and the first half of 2022 is \$12,000. He stated that he is hopeful neighboring municipalities will contribute as well.

Supervisor Nielsen questioned which are the neighboring municipalities. He questioned why there is no county money for a regional service.

Mr. Sly stated the neighboring municipalities are City of Coatesville Sadsbury, Caln, West Sadsbury and Highland, and South Coatesville. The County is not required to create an authority.

There was a board discussion on the ALS service issue.

Vice Chairman Heffern questioned if the township could pay \$36,000 tonight or whether the board should wait.

Township Manager Swichar stated that the board budgeted \$24,000 last year and budgeted \$24,000 this year.

MOTION: Supervisor Nielsen make a motion authorizing the 2022 subsidy payment in the amount of \$36,000 for providing Advanced Life Support (ALS) services. Vice Chairman Heffern seconded.

AMENDED MOTION: Supervisor Nielsen make a motion authorizing half of the 2022 subsidy payment and including the 2021 payment in the amount of \$36,000 for providing Advanced Life Support (ALS) services. Vice Chairman Heffern seconded.

VOTE: 3-0.

C. PRESENTATION: GREG BEAN, PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION

Greg Bean, consultant with PA Chiefs of Police Association, stated that they have an interest in finding the right fit for the next police chief. He provided an overview of the process. The advertisement will be placed on the PA Chiefs of Police Association website. The advertisement will be emailed to members. There is a 30-day timeline to receive information. There is a two-part interview process. The board will be involved in the second interviews. Their staff will come up with a list of six people qualified for the job. There are usually two alternates. The Association will contact the candidates. The interview process has 12 questions and take approximately an hour. The board is welcome to be available for the interview process. The interviews are not a public meeting. Candidates will be scored and ranked on items such as communication skills. The board will decide who to interview for the second interview. Internal candidates should be considered as well as external candidates. Usually two to four candidates will be selected for the second interview. After the second interview, it should be more clear which candidate to select. He stated that he expects 20-40 resumes will be received. He stated that the Association will assist the township with medical, psychological and background checks.

Township Manager Swichar questioned who will be on the hiring panel.

Mr. Bean stated that the panel will consist of current and former police chiefs.

Supervisor Nielsen questioned if the fee of \$5,500 includes all 16 contracted services on the proposal. He questioned whether the interviews are conducted remotely.

Mr. Bean stated that all services are included except for travel expenses for the assessors. The township should expect another \$500-\$600 for expenses. There is a presentation analysis that could be added to the agreement. He stated the interviews are on-site.

MOTION: Supervisor Wright made a motion authorizing the township manager to sign an agreement with the Pennsylvania Chiefs of Police Association to provide consulting services and conduct an executive search for a chief of police. Supervisor Nielsen seconded.

Township resident Mike McWilliams stated that there is a current employee that should be considered for the role.

Township Manager Swichar stated that internal candidates are strongly encouraged to apply.

VOTE: 3-0.

D. PRESENTATION: ERICK MARKLUND-BIKE THE BRANDYWINE 2022

Erick Marklund, representing Bike the Brandywine, stated that the bike race is September 17. He is asking permission from the board to run through the township. The race is on Frog Hollow

ending on Strasburg Road at Mortonville Road. The race begins in Chadds Ford Township. It is the fifth year of the event. There are 400-800 riders.

Supervisor Wright questioned if there are police at the event for traffic control and whether there is an insurance waiver.

Mr. Marklund stated that he will forward the routes and there is not typically a police presence.

MOTION: Supervisor Nielsen made a motion that the Township approve the request by Brandywine Conservancy to host the Bike the Brandywine Event on township roads on September 17, 2022, subject to the requirement that the Township be named as an additional insured on their insurance for the event, that they arrange for fire police to secure the affected traffic intersections within the Township during the event. Supervisor Wright seconded.

Mr. Marklund questioned if they are being requested to contact Fire-police.

VOTE: 3-0.

### 3. TREASURER'S REPORT

#### 1) May 31, 2022 Treasurer's Report.

Treasurer Breslin provided an overview of the treasurer's report.

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

Supervisor Wright questioned if ARPA funds are scheduled to be received by the township.

Treasurer Breslin stated that the second transfer is in July.

Supervisor Nielsen questioned if funds must be spent by 2024,

Solicitor Crotty stated that the funds must be committed by 2024 and spent by 2026.

VOTE: 3-0.

#### 2) Payment Authorizations.

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of May 25, 2022 through June 28, 2022 in the total amount of \$618,803.55 as presented. Supervisor Wright seconded.

VOTE: 3-0.

#### 3) Positive Pay Agreement with Meridian Bank

Treasurer Breslin stated that the service will prevent white washing of checks and provides an additional layer of protection.

Township Manager Swichar stated that the washing of checks is fairly common. This will provide another layer of protection.

Solicitor Crotty stated that white washing happened to a municipality he represents.

Supervisor Wright questioned if paper checks are still best practice.

Treasurer Breslin stated yes.

MOTION: Supervisor Wright made a motion authorizing the board president to sign an agreement with Meridian Bank to participate in positive pay with Meridian Bank. Vice Chairman Heffern seconded.

Chairman Lambert rejoined the call virtually

VOTE: 4-0.

#### 4. TOWNSHIP MANAGER'S REPORT

##### 1) NPDES Permit Renewal Application

Township Manager Swichar stated that John Cassels from Herbert MacCombie is on the call. The plan was advertised and the township has not received any written comments. Tonight is another opportunity for public comment.

Mr. Cassels, of Herbert MacCombie stated that tonight is the last opportunity to provide public comment. The next step is to request comments at the meeting tonight and document any comments into the TMDL plan and show proof that it was advertised and then submit an application to DEP to renew the permit. He is investigating whether there is a fee as a renewal or whether the application is considered a new permit. A renewal does not require a new permit fee.

Supervisor Wright questioned if this is for a five-year period. Will DEP have a completeness review. Does the township need to wait for official approval from DEP before moving forward.

Mr. Cassells stated yes. There will be a completeness review. If there are significant changes, the plan would need to be readvertised. There are some riparian buffers that were planted recently that might receive credit.

Supervisor Nielsen questioned who is approving the existing and proposed BMP's.

Mr. Cassels stated that the data is collected and provided to DEP. MacCombie does stormwater and sanitary sewer engineering for the township. MacCombie will document sediment loads.

MOTION: Supervisor Nielsen made a motion to authorize the submission of the NPDES permit renewal application submittal package including the TMDL plan to Pennsylvania DEP. Supervisor Wright seconded.

Chairman Lambert was disconnected from call.

VOTE: 3-0.

##### 2) DCED Multi-Modal Transportation Fund - Resolution 2022-10

Township Manager Swichar stated that the township is currently in the middle of the DCED Multimodal Transportation Fund process as the grant is funding Mortonville Road reconstruction.

Randy Waltermeyer, of Traffic, Planning, and Design, stated that the concept plan was derived from Tom Committa's Newlinville Master Plan. The concept plan proposes sidewalk on the east side of Route 82. Sidewalks could only be added on the west side with redevelopment. New concrete curbing would be added for a walkable village feel. Two medians are proposed for traffic calming. A speed display board is proposed.

Township Manager Swichar stated that there is a pending grant application from DCED's Local Share Assessment and that a speed display board is proposed in that grant application. The township has not heard back on that grant application.

Mr. Waltermeyer stated that Newlinville Road has a lack of parking. The concept plan proposes widening of Newlinville Road to permit safer travel in both lanes. The width of road is currently 26-28 feet. The road could be widened 4-6 feet. DCED has waived its 30% match requirement. The construction cost estimate is \$1.7 million. He stated there is no local match. The state legislator needs to take a special action each year to waiver the match requirement.

Chuck Dobson from Inland Design is currently studying stormwater issues. Nothing that T.P.D is proposing would impede these efforts.

Supervisor Nielsen questioned where the traffic calming islands are located and if there is landscaping.

Supervisor Wright questioned the engineering expenses.

Mr. Waltermeyer stated stamped concrete would be used. The island is not side enough to sustain landscaping. The concrete is maintenance free. The grant permits 10% of the ask for engineering expenses.

MOTION: Supervisor Wright make a motion to approve Resolution 2022-10 authorizing the submission of a Multimodal Transportation Fund grant to DCED in the amount of \$1,697,497.00 for traffic calming and safety improvements to Newlinville. Supervisor Nielsen seconded.

Supervisor Nielsen questioned if the speed display signs would be on both ends.

Mr. Waltermeyer stated yes.

VOTE: 3-0.

### 3) Approval of Subdivision Application - Myers - 10 IMS Drive

Solicitor Crotty stated that Allan Myers is currently renting land from Cleveland Cliffs and already received zoning variance approval from the zoning hearing board as well as a recommendation for a variance and subdivision approval from the Planning Commission. There is no land development or building proposed. The latest review letter from the township engineer is dated June 27. There is a form of decision for board approval with associated waivers subject to a number of conditions. The conditions are standard. They must comply with all items in the engineer's review letter, outside agency approvals, reimburse for professional fees. Al Wright had a question about iron pins and how they are set and reviewed. Chris Della Penna's office would review the pins.

Supervisor Wright questioned if the pins would be reviewed after plans are recorded.

Solicitor Crotty stated after the recording.

Supervisor Nielsen questioned how new parcel will be assessed.

Solicitor Crotty stated the County will assess the property looking at fair market value.

MOTION: Supervisor Nielsen moved that the Township approve the preliminary/final subdivision plans for the Allan Myers/10 IMS Drive Application, per the form of the written decision prepared by the Township Solicitor. Supervisor Wright seconded.

VOTE: 3-0.

There was a discussion about holding tank requirements for Allan Myers.

Greg Adelman, representing Allan Meyers stated that that DEP Notice stated that no sewage facilities planning is required. The county health department is reviewing the permit application and will be making a response shortly. Unless the county states that the township requires a pump and haul agreement, then they might not require it. He stated that because it's a single holding tank, he does not expect the county to require it.

#### 4) Agreement with Semperon for Cloud Phone Service

Township Manager Swichar stated that the township currently has VOIP for phone service. Verizon has not provided the best level of customer support. The township is looking to increase productivity. The township received a quote from a local company, Semperon. The quote will add 12 additional lines so that police officers have their own cloud extension. The township will pay a one-time fee of \$1,250 for licensing fee. The monthly savings will be \$20/month. However, with the fee of \$1250, the savings is a wash. The proposed agreement is for a one-year term. The proposed motion is in the board's packet.

MOTION: Supervisor Wright made a motion authorizing the township manager to sign a one-year agreement with Semperon for Cloud IP PBX Phone System. Vice Chairman Heffern seconded.

Supervisor Wright questioned why a one year term was selected.

Township Manager Swichar stated the initial agreement was two years. He suggested that they revise the agreement to one year.

VOTE: 3-0.

#### 5) 2022 Road Paving Project.

Township Manager Swichar stated that the township received four bids in total for the 2022 road paving program. Bid opening was on June 23. The township had budgeted \$235,000 for road

paving in the liquid fuels fund. Township selected 5 roads and the estimate was \$256,687. DiRocco Brothers was the low bid at \$320,890.68. The bids came in higher than expected. Mr. Swichar stated he spoke to the township engineer who mentioned that fuel prices increased rapidly after he prepared the estimate. The Board could award the bid from DiRocco Brothers as is or remove roads to reduce the cost.

Solicitor Crotty stated there is a breakdown of cost for each road that was prepared by the township engineer.

Supervisor Wright stated that if there are liquid fuels funds available, then the township should consider paving all roads.

There was a board discussion about the road paving program and whether the township should pave all the roads.

MOTION: Supervisor Nielsen moved that the Township award the low bid in the amount of \$320,890.69 to DiRocco Brothers, Inc for the 2022 paving project. Vice Chairman Heffern seconded.

VOTE: 3-0.

6) Modena Fire Company – Request for Capital Funding for 2018 Pierce Enforcer Engine

Township Manager Swichar stated that there is a request from Modena Fire Company for a contribution of \$20,000 for the fourth loan payment on the 2018 Pierce Enforcer Engine. The funds come from the Fire/EMS budget and are budgeted for 2022.

MOTION: Supervisor Wright made a motion to pay a fourth loan installment payment of \$20,000 to Modena Fire Company for the 2018 Pierce Enforcer Engine. Vice Chairman Heffern Seconded.

Supervisor Nielsen questioned how many payments are being made.

Treasurer Breslin stated that this is payment 4 of 6.

VOTE: 3-0.

7) Purchase of 2022 Ford Interceptor Police Car

Township Manager Swichar stated the township ordered a 2022 Hybrid Ford Interceptor vehicle from Whitmoyer Ford under the PA Costars program in the amount of \$38,800. He stated the purchase could come from the township ARPA Fund; however, the township continues to explore financing.

Treasurer Breslin stated the township is exploring financing from USDA and Meridian Bank.

Supervisor Wright questioned whether the township could purchase outright or lease equipment.



MOTION: Supervisor Nielsen made a motion approving the purchase of a 2022 Hybrid Ford Interceptor Police Car from Whitmoyer Ford in the amount of \$38,800 under the PA Costars program from the Township's ARPA Fund. Vice Chairman Heffern seconded..

Supervisor Nielsen questioned if the purchase is from ARPA.

Township Manager Swichar stated yes. However, they will continue to explore financing.

VOTE: 3-0.

8) Metropolitan Communications-upfitting of Police Car

Township Manager Swichar stated that the quote is to provide everything needed to outfit the police vehicle so that it can function as a police vehicle.

MOTION: Supervisor Wright made a motion approving a proposal from Metropolitan Communications to upfit the 2022 Hybrid Ford Interceptor Police Car in the amount of \$14,375 from the Township's ARPA Fund. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned the decommissioning of the Dodge Charger mentioned in the quote.

Township Manager Swichar stated that the company reuses parts from the old vehicle in order to save money.

VOTE: 3-0.

9) A Resolution Authorizing Small Borrowing from DCED for Capital Purchases

Township Manager Swichar stated that the township secured a low interest loan of 2%. The maximum the township can borrow is \$50,000. He recommended taking advantage of extremely low interest rates.

MOTION: Supervisor Nielsen made a motion approving Resolution 2022-11 authorizing a low-interest loan from DCED in the amount \$50,000 to finance a backhoe.

Supervisor Nielsen questioned if the loan is for the new John Deere backhoe.

Township Manager Swichar stated yes. They are still waiting to receive the backhoe and it should arrive in July.

VOTE: 3-0.

10) Purchase of Intrusion Alarm and Door Control System for Police Station

Township Manager Swichar stated that the police department is looking to replace an outdated alarm system. The new alarm will better safeguard evidence and equipment.

MOTION: Vice Chairman Heffern made a motion to authorize the Township Manager to sign an agreement with Gilbertson Group in the amount of \$4,626.00 from the township's ARPA Fund for the purchase of intrusion alarm and door control system for the township police station. Supervisor Wright seconded.

VOTE: 3-0.

11) BAWA Fellowship Phase 1, Release No. 13

MOTION: Vice Chairman Heffern made a motion that the Township approve Release No. 13 for the BAWA Fellowship Subdivision in the amount of \$13,365.00. Supervisor Wright seconded.

VOTE: 3-0.

12) Ridgecrest Escrow Release, Phase 1, Release 16

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release Request No. 16 per Municipalities Planning Code requirements in the amount of \$92,061.69. Supervisor Wright seconded.

Solicitor Crotty stated that the law was changed last year, effective earlier this year. During prior years when financial security was set, 10% could be set as a contingency. The legislator changed the law to require that 10% could only be 10% of the remaining financial security for the project. When financial security is reduced to \$500,000, the township can only hold \$50,000.

VOTE: 3-0.

13) Ridgecrest Escrow Release, Phase 2, Release 11

MOTION: Supervisor Wright make a motion that the Township approve Escrow Release Request No. 11 per Municipalities Planning Code requirements in the amount of \$91,341.57. Supervisor Nielsen seconded.

VOTE: 3-0.

14) Update on Trash Collection Bid (Informational)

Township Manager Swichar stated that the township has one option year left on the existing agreement with Waste Management. The township would need to provide notice of cancellation by October 1 should they decided to decline the option year. The township could expect costs of the next contract will rise due to large increases in costs of equipment. Contract costs could increase by 40-50%. Waste Management is not interested in providing service next year to the township. Mr. Swichar stated that the contract will go out to bid in July or in early August. This is a bad time to go out to bid.

There was a board discussion about trash collection.

15) New Business: none

5. LEGAL

1) A Resolution Adopting a New Police Policy for Internal Affairs Procedures.

Solicitor Crotty stated that he suggests the Board table the motion so there is more time to review and discuss.

2) Proposed Chicken Ordinance (Informational)

Solicitor Crotty stated that the planning commission is still reviewing the proposed chicken ordinance. He took the proposed ordinance and put it in a traditional ordinance format. Some of what the PC proposed does not sync up with the existing regulations. He stated he put it together and made comments for the PC review. The PC will review further at their next meeting.

Supervisor Wright stated the draft ordinance is in process.

Solicitor Crotty stated that the township had an executive session prior to tonight's board meeting to discuss personnel matters.

6. PLANNING COMMISSION

1) No Report Submitted

1) PARK AND RECREATION BOARD

1) No Report Submitted

2) Vice Chairman Heffern stated the Star Spangled Parade is on July 2, 2022

Township Manager Swichar stated that Brandywine Valley Veterinary Hospital is the ice cream sponsor of the event.

7. POLICE DEPARTMENT

1) May Police Report submitted for Board and resident review.

8. PUBLIC WORKS DEPARTMENT

1) May Road Department Report submitted for Board and resident review

9. HISTORICAL COMMISSION

- 1) No report submitted.

#### 10. OLD BUSINESS

- 1) Supervisor Wright stated that the light at Stone and Knoll is still not working correctly.  
Supervisor Wright stated that the township should consider advising HOA on how to fix it.

There was a board discussion about the streetlight issue.

Supervisor Wright brought up the possibility of an AED at the township park.  
There was a board discussion on the AED topic.

#### 11. NEW BUSINESS

- 1) Naming of Unnamed Stream Near Oaklyn Road (Supervisor Nielsen)

Supervisor Nielsen stated that there is an unnamed stream on the TMDL plan. The stream is off South Caln Road, near Oakly Road. He stated that naming the stream, might lead to enhanced protections. There are opportunities for riparian buffers. The EAC decided on the name Shale Run. There is a form required that needs to be submitted to U.S.G.S. He is requesting that the board approve the naming of the stream.

There was a board discussion on the naming of the stream.

MOTION: Supervisor Nielsen made a motion to name the unnamed stream tributary to the west branch of Brandywine Creek which runs parallel to South Caln just off of Oaklyn Road as Shale Run. Vice Chairman Heffern seconded.

Vice Chairman Heffern questioned the solicitor if there is a conflict since the creek is in his backyard.

Solicitor Crotty stated no. He does not gain a monetary value.

AMENDED MOTION: Supervisor Nielsen amended the original motion to include a domestic geographic name report to the USGS naming Shale Run.

VOTE: 3-0.

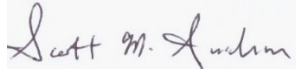
#### 12. PUBLIC PARTICIPATION: NONE

#### 13. ADJOURNMENT

MOTION: Supervisor Wright made a motion to adjourn the June 28, 2022 of Supervisors Meeting at 8:58 PM. Supervisor Nielsen seconded.

VOTE: 3-0.

Respectfully Submitted,

A handwritten signature in dark ink, reading "Scott M. Swichar", is displayed on a light gray rectangular background.

Scott Swichar,  
Township Manager/Secretary