

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
April 26, 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

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

2. DISCUSSION

A. APPROVAL OF MINUTES

MARCH 22, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the March 22, 2022 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 4-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

C. PRESENTATION- OVERVIEW OF 2021 AUDIT BY CARL HOGAN, BBD, LLP

Mr. Hogan stated that his firm conducted the 2021 audit in accordance with DCED. The audit report has an opinion paragraph that outlines the opinion of a clean audit and outlines management and auditor responsibilities. There were no issues in the audit. The transition to a new treasurer went well. The treasurer is aware of BBD's expectations.

The DCED report lists four major funds. The general fund consists of the general fund and park and recreation fund. There is also a special revenue fund, capital projects, and revenue fund. The general fund fund balance increased by \$800,000 in 2021. The 2021 budget was very conservative. Real estate transfer taxes and EIT were higher than projected. The township began 2021 with a fund balance of \$1.6 million. The township added \$800,000 in 2021, and ended the year with a \$2.4 million fund balance. The \$800,000 does not take into account the \$350,000 transfer to the capital fund. Park and Recreation Fund activity was mainly related to the park restroom project. The special revenue fund consists of the liquid fuels fund, which has \$300,000 in the reserves. The township expended some of the fund balance in 2021. The Fire/EMS fund had \$400,000 in reserves at the end of the year. Capital Projects Fund had \$573,000 in the beginning of the year. \$350,000 was transferred from the general fund into the Capital Fund. The Capital Fund ended 2021 with about \$1 million. The ARPA Fund will be used for one time capital expenditures. The enterprise fund consists of trash. There was \$360,000 in reserves in the trash fund at the end of the year. There is no debt. The township has capital leases. There were no issues or significant deficiencies.

Chairman Lambert questioned if the township should consider continuing to spend conservatively.

Mr. Hogan stated yes. The township should consider being conservative on the revenue side.

Supervisor Nielsen questioned what type of recommendation should come to the board.

Mr. Hogan stated that the township is limited. He had suggested in a previous audit that the township review the bank statement as a check and balance. This is a compensating control.

Mr. Wright questioned if the audit is a yearly process.

Mr. Hogan stated yes. The condensed version of the budget will be placed in the newspaper. The condensed version should be placed in the paper 10 days after acceptance.

D. PRESENTATION-OVERVIEW OF TMDL PLAN BY JOHN CASSELS, OF HERBERT E. MACOMBIE, JR., P.E.

Mr. Cassels stated that the Act 167 ordinance needs to be updated. They will provide a recommendation shortly. In 2017 the township had a plan that went through the public hearing process. DEP had returned it back to the township with deficiencies. He stated that DEP kept changing the the rules. Initially they thought only stormwater features and pipes and inlets associated with subdivisions were relevant, but then DEP changed their requirement to anything that touches township roads and then touches township streams. DEP received a draft on February 11. The township is ready for the public participation phase. In order to renew the NPDES permit for MS4, the township needs to update the TMDL plan in order to remove sediment. The initial TMDL plan removed 1,000 pounds of sediment a year. The revised plan removes 500,000 pounds a year.

They have looked at various BMP's to reduce sediment such as stream restoration and riparian buffer work. The plan reduces 544,000 pounds of sediment a year. The draft plan reflects

BMPS's such as rain gardens, road-side swales, detention basins, riparian buffers and focuses on township property first. The estimated cost is \$428,000 over five years or \$2.47/pound.

Township Manager Swichar questioned if improvements requested from the Chester County grant application would reduce sediment load.

Solicitor Crotty questioned if the report recommends which improvements to tackle first.

Mr. Cassels stated no. He stated the township should consider tackling low hanging fruit first. The report recommends riparian buffers along the stream. Another buffer could be on the BAWA property. The township could request an easement for trees to be planted.

Supervisor Wright questioned who determined that 544,000 pounds a year need to be removed.

Mr. Cassels stated that EPA studied individual municipalities and determined the sediment load to be removed. He stated that the township might get credit for existing BMP's that are in the ground. Mr. Cassels stated that only BMPS's from 1995 and 2012 would receive credit.

Township Manager Swichar questioned if the township would receive credit for Mortonville road repairs.

Mr. Cassels stated that credit is not received for armouring. He requested that the board authorize the advertisement of the TMDL plan for public participation. DEP would like to see a full permit application within 60 days. There is a 30-day public participation period. Every year there is an annual MS4 report. EPA is putting pressure on DEP to move the TMDL process forward. DEP can withhold grants if TMDL plans are not completed.

Supervisor Nielsen questioned the reporting obligation and who is responsible.

Mr. Cassels stated Macombie submits the annual report.

Township Manager Swichar stated that he would add the advertisement of the TMDL plan to the May 10 Board agenda.

### 3. TREASURER'S REPORT

#### 1) March 31, 2022 Treasurer's Report

Treasurer Breslin provided an overview of township financials.

**MOTION:** Chairman Lambert made a motion to approve the March 31, 2022 Treasurer's Report as presented. Supervisor Nielsen seconded.

Supervisor Nielsen questioned 389 Miscellaneous revenue. He questioned liability insurance, and Pennsylvania Municipal insurance. He questioned if additional bills will come from Lamb McErlane.

Treasurer Breslin stated 389 was a refund from Dirocco Brothers for an overpayment.

Township Manager Swichar stated there will be additional bills from Lamb McErlane.

Supervisor Wright questioned a bill from T.P.D, Macombie, and New Jersey Police Chief's.

Township Manager Swichar stated the T.P.D bill is for construction management of Mortonville Road.

VOTE: 4-0.

2) Payment Authorizations.

Supervisor Wright questioned why there is not always a million dollars worth of payments.

Treasurer Breslin stated that funds are being transferred from Fulton Bank to Meridian Bank.

MOTION: Vice Chairman Heffern made a motion to approve the Payment Authorizations for the period of March 23, 2022 through April 26, 2022 in the total amount of \$1,074,282.07 as presented. Chairman Lambert seconded.

VOTE: 4-0.

6. TOWNSHIP MANAGER'S REPORT

1) Chester County American Rescue Plan Application

Township Manager Swichar stated Chester County announced they are accepting grant applications from municipalities and corporations. Chester County was awarded \$102 million in ARPA funding. Chester County will fund projects consistent with the final rule. Last week, Mr. Swichar stated he met with the township sewer engineer to discuss the grant application. He stated they discussed stormwater controls in Newlinville consistent with the Newlinville Master Plan. There is a list of stormwater projects in the packet that are recommended for the grant application. These consist of two rain gardens, one infiltration trench, an infiltration basin, road widening on Newlinville Road and a drainage study of Newlinville.

The board packet also contains an estimate from Inland Design for a drainage study. The study would determine where and how the stormwater controls would be implemented. The grant proposal will include a request to pay for the drainage study. Mr. Swichar stated that if Chester County won't fund the study, then he recommends that the township use its own ARPA funding to pay for the study. There is a proposed motion in the agenda packet authorizing the submission of the grant application. The amount of the proposal is \$19,300.

Mr. Dobson, of Inland Design, stated that we know there are drainage issues. The study will involve a survey and will become a base plan for the design. Macombie provided input on four different areas.

Vice Chairman Heffern questioned if Mr. Dobson would question residents about the issues.

Mr. Dobson stated yes. The current stormwater management systems are antiquated. There is not a lot of room in Newlinville.

There was a board discussion on stormwater.

Township Manager Swichar stated the deadline for the grant application is May 16.

MOTION: Vice Chairman Heffern made a motion authorizing the township manager to submit a grant application to the Chester County American Rescue Plan for a stormwater management project in the Newlinville section of East Fallowfield Township. Supervisor Wright seconded

VOTE: 4-0.

2) Eagle Scout Project Final Report-Joey Heffern

Joey Heffern, Eagle Scout candidate, provided an overview of the little free library project.

There was a board discussion about the library.

Township Manager Swichar stated that he would like to see an official ceremony to kick off the opening of the library.

MOTION: Supervisor Nielsen made a motion to approve the completion of Joey Heffern's Eagle Scout Project and acknowledge his outstanding accomplishment. Vice Chairman Heffern seconded.

VOTE: 4-0.

3) Agreement with Inland Design for a Drainage Study in Newlinville

MOTION: Vice Chairman Heffern moved that the township approve an agreement with Inland Design dated April 25, 2021 for engineering services in the amount of \$19,300 from the Township's ARPA Fund for a drainage study/analysis of Newlinville and authorized the Township Manager to sign the agreement. Chairman Lambert seconded.

Supervisor Nielsen questioned if Chester County ARPA grant would pay for the study.

Township Manager Swichar stated they are requesting that Chester County pay for the study. If they will not pay for the study, he recommends that the township ARPA fund pay for it.

VOTE: 4-0.

4) Approval for Additional Drainage Work on Mortonville Road

MOTION: Supervisor Nielsen made a motion to approve additional drainage work on Mortonville Road at a cost of \$17,000 by JVI Group from the Township's ARPA Fund. Vice Chairman Heffern seconded.

Township Manager Swichar stated that the Township identified a different area on Mortonville Road that would benefit from additional drainage. The township gave the contractor approval to install a cross pipe at that location. He requested that the board provide retroactive approval for the work. The work is below the bidding threshold.

VOTE: 4-0.

5) 2022 Road Paving Project

Township Manager Swichar stated the township budgeted \$235,000 for road paving this year. He stated he asked the road crew to come up with a list of roads to be paved. Township Engineer Chris Della Penn looked at the roads and came up with specific recommendations. The board has estimates in their board packet. The estimate is \$256,687, which is above the budget of \$235,000, however the township has reserves in liquid fuels. The township is also paving the entire portion of Mortonville Road in 2022.

MOTION: Supervisor Nielsen moved that the Township approve the advertisement to request bids for the 2022 road paving project to resurface the roads in the summary of 2022 East Fallowfield Township road estimate repairs in the amount of \$256,687. Vice Chairman Heffern seconded.

Supervisor Wright stated he hopes to see a township wide inventory to document municipal roads.

Township Manager Swichar stated he would like to do more of an analysis of the roads. LTAP only agreed to evaluate a handful of roads.

VOTE: 4-0.

6) Agreement with Showstoppers for 2022 Summer Concert Series

Township Manager Swichar stated that the park and rec board is recommending three summer concerts this year. There is an agreement in the board's packet from Showstoppers who would manage the entertainment for the township. The three proposed concert dates are June 23, July 28, and August 25. The funds will come from the township's park and rec fund. The township will seek sponsorship to help fund the event.

MOTION: Supervisor Wright made a motion to authorize the township manager to sign an agreement with Show Stoppers, Unlimited for a summer concert series at a cost of \$6100. Vice Chairman Heffern seconded.

MOTION: Chairman Lambert made a motion to amend the motion naming the township as an additional insured. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the dates could be adjusted.

Township manager Swichar stated yes. The event could also be cancelled with enough notice.

VOTE: 4-0.

7) Purchase of Ferris Zero Turn Mower

MOTION: Chairman Lambert made a motion authorizing the township manager to purchase a Ferris Zero Turn Mower from Honey Book Outdoor Power through the PA Costars Purchasing Program from the ARPA Fund at a cost of \$13,999. Vice Chairman Heffern seconded.

There was a board discussion about the mower.

VOTE: 4-0.

- 8) New Business: Mr. Swichar stated that the township was awarded \$192,600 from DEP for the 902 award. The township will purchase 3,000 recycling containers.

There was a board discussion about purchasing of the recycling containers.

## 7. LEGAL

- 1) Ordinance #2022-01 Prohibiting Vaping in the Park

Solicitor Crotty stated there are two ordinances that were advertised and are ready for board approval. The ordinance regarding horseback riding would provide flexibility for horseback riding since the designation would be decided in the future

MOTION: Vice Chairman Heffern moved that the Township adopt Ordinance #2022-01 prohibiting vaping in the park. Chairman Lambert seconded

VOTE: 4-0.

- 2) Ordinance #2022-02 Allowing Horseback Riding Only in Designated Areas

MOTION: Vice Chairman Heffern moved that the Township adopt Ordinance #2022-02 allowing horseback riding only in areas designated for such. Chairman Lambert seconded.

VOTE: 4-0.

- 3) Agreement with SRW Strategies, LLC

Solicitor Crotty stated that ACT 57 requires enhanced background checks for police officers. Act 57 creates a statewide database of misconduct.

MOTION: Chairman Lambert moved that the Township authorize the township manager to sign an agreement with SRW Strategies, LLC for services related to Act 57 compliance, at a cost not to exceed \$1,000. Supervisor Wright seconded.

VOTE: 4-0.

- 4) PLANNING COMMISSION

- 1) No Report Submitted
- 2) Discussion about East Fallowfield Zip Code

There was a board discussion about East Fallowfield Township having its own zip code.

Solicitor Crotty stated there are certain parameters that need to be met.

Chairman Lambert stated that the discussion should happen during the comprehensive plan discussions.

1) PARK AND RECREATION BOARD

Teri Dickinson, chair of the park and rec board discussed the cleanup event at the park.

5) POLICE DEPARTMENT

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

6) PUBLIC WORKS DEPARTMENT

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

7) NEW BUSINESS

2) HISTORICAL COMMISSION

- 1) No report submitted.

1) OLD BUSINESS

Supervisor Nielsen questioned whether there was an update on the LTAP grant and match for the VPP grant.

Township Manager Swichar stated that LTAP stated they will not pay for a full road study.

Supervisor Wright discussed the Strasburg Road culvert and the possibility of fireworks in the park.

Vice Chairman Heffern discussed a problem with a private residence where the discharge from the sump pump was freezing on the road.

Township Manager Swichar stated the complainant should complete an online or written request.

2) PUBLIC PARTICIPATION

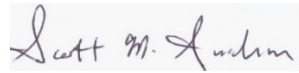
3) ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the April 26, 2022 of Supervisors Meeting at 8:45PM. Chairman Lambert seconded.

VOTE: 4-0.



Respectfully Submitted,

A handwritten signature in black ink on a light gray rectangular background. The signature reads "Scott M. Swichar" in a cursive script.

Scott Swichar,  
Township Manager/Secretary