

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
April 27, 2021 Approved minutes  
6:33 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 6:33 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

March 23, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the March 23, 2021 Board of Supervisors meeting minutes as presented. Supervisor DiRado seconded.

VOTE: 4-0.

April 13, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the April 13, 2021 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 4-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1. March Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
  2. March Westwood Fire Company EMS Report submitted for Board and resident review
  3. March Modena Fire Company Fire Chief's Report submitted for Board and resident review.
  4. March Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
3. Presentation-Overview of 2020 Audit by Carl Hogan, BBD, LLP

Mr. Hogan, of BBD stated that this is the second year that BBD conducted the township audit. BBD filed with the state on a timely basis.

The auditor's report details managements and BBD's responsibilities. The opinion paragraph reflects that the numbers presented by management as of December 31, 2021 were fairly presented.

Mr. Hogan presented the Township's fund balances in the General Fund (General Fund and Park and Recreation Fund, Special Revenue Fund (consisting of Liquid Fuels Fund and Fire/EMS, Capital Reserve and Enterprise Fund).

The COVID-19 pandemic in 2020 did not have a major impact on township revenues. The Township started the year with \$1.2 million in General Fund reserve balance and added \$350,000. There is \$1.6 million in the General Fund Reserves. The Park and Recreation Fund fees were down due to the lack of sponsorship fees. The restroom project expenditures created excess expenditures compared to revenues. In Liquid Fuels, there was an increase in the fund. \$340,000 is in reserve balance in the Liquid Fuels Fund. In Fire/EMS Fund, there is a positive fund balance. In the Capital Projects Fund, the biggest expenditure was the base loader.

Township Manager Swichar stated that the revenue for the base loader will be reflected in 2021 in the form of a grant.

In the Refuse Fund, revenues exceeded expenditures by \$68,000.

Supervisor Nielsen questioned whether DCED only looks at General Fund, Special Revenue, Capital Projects and Enterprise Fund.

Mr. Hogan stated yes. He stated that the Township also usually reports on the PMRS Pension Fund. However, PMRS is behind because of their software conversion. The information is not available from PMRS.

Supervisor DiRado questioned if the trash and refuse fund are the same.

Mr. Hogan stated yes.

Mr. Hogan stated the township manager will be looking at the reconciliation and bank statements for internal controls. The township has good internal controls with the Board's oversight of checks that are issued.

Township Manager Swichar stated the audit was advertised as they are required to do. A hard copy of the audit was placed in each Board Member's box.

The audit report contains a debt statement related to leases. The Township entered into a lease for a Ford F-650. The Township ended 2020 in a strong financial position.

#### 4. TREASURER'S REPORT

##### 1) March 31, 2021 Treasurer's Report

MOTION: Chairman Lambert made a motion to approve the March 31, 2021 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 March 24, 2021 through April 27, 2021 in the total amount of \$184,060.00 as presented. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned the large expense for vehicle maintenance.

Township Manager Swichar stated there has been maintenance for winter snowplow vehicles.

Treasurer Breslin stated there was a large bill from Freightliner for winter maintenance.

VOTE: 4-0.

## 5. TOWNSHIP MANAGER'S REPORT

### 1) Resolution Adopting the Newlinville Village Master Plan

Tom Comitta, of Comitta and Associates, stated that they previously met with the Board on March 23 and requested that the Board defer adoption of the plan until the Task Force could meet again to review comments. The Task Force met on April 12 to review comments. They produced a seventh draft of the plan. They are asking the Board to consider adopting Resolution 2021-13.

Erin Gross, of Comitta and Associates, stated the updated draft expanded the history and background section under the introduction. The purpose of the Master Plan was updated to include a wish list of things that might happen, removed infill development from Elizabeth Street and a proposed trail connection from Elizabeth Street to Jane Street included a road arrow and slow pavement markings on Route 82 and Newlinville Road. Stormwater management was added as priority A under capital improvements. The Tabulations were updated in appendix B, appendix C was added which includes meeting schedules and a proposed Resolution for adoption.

Mr. Comitta stated that they originally proposed four drafts, however they kept refining the report. The seventh draft is in front of the Board for consideration.

MOTION: Vice Chairman Heffern make a motion to approve Resolution 2021-13 adopting the Newlinville Village Master Plan. Supervisor Nielsen seconded.

Supervisor DiRado questioned the comments that were received and whether the public was satisfied.

Mr. Comitta stated that at the April 12 meeting, Diane Bradley and Will Matthews made a number of suggestions which were incorporated into the draft.

Ms. Gross stated that the comments were related to community input, stormwater management, road calming features, trails, sewer and water, parking, context sensitive growth, zoning amendments. She stated that all those issues were discussed at the April 12 and changes were made into the plan.

Will Matthews questioned rebuilding of residential properties.

Mr. Comitta stated the village is currently zoned for non-residential use. The Master Plan proposes three options for consideration. The village is zoned Multi-Use. Option C is to allow residential use to memorialize what is already there. The Board of Supervisors or Planning Commission could change zoning. An individual could apply for a variance.

Solicitor Crotty stated that the Planning Commission meets every month. They review the ordinances. The Master Plan provides the framework to consider options A, B, or C. Mr. Crotty stated that Mr. Matthews could provide his recommendation to the Planning Commission.

Allen Stoltzfus, owner of 10 Newlinville Road, stated he received a zoning variance to build two family dwellings. He questioned whether land would be taken away on his property for parking and the road width. He questioned if a sidewalk would be installed. He questioned stormwater management. He questioned what the township would like to see at his property.

Mr. Comitta stated the right of way is 33 feet and when you measure the existing paved area there is an additional ten feet in the existing right of way that could accommodate additional parking. A sidewalk is not proposed in the master plan. Stormwater management is proposed as a high priority. The master plan is a high-level plan.

Solicitor Crotty stated that the 10 feet is not on each side of the road. There is 8 feet of cartway and approximately 5 feet on each side.

VOTE: 4-0.

2) Municipal Building Committee

Township Manager Swichar stated that the Resolution passed by the Board of Supervisors provides for five members of the Municipal Building Committee. Sergeant Brian Simmons with the East Fallowfield Township Police is interested in joining the Committee.

MOTION: Chairman Lambert make a motion to appoint Brian Simmons to the Municipal Building Committee for a term ending 12/31/2021. Supervisor Nielsen seconded.

VOTE: 4-0.

3) 2021 Road Paving Project

Township Manager Swichar stated that the Township budgets money from Liquid Fuels every year for road paving. This year the Township budgeted \$240,000 for road paving. He recommended paving Wilmington Road (from Park Avenue to Route 82) consisting of 3,775 feet of roadway, Rokeby Road, the entire stretch of road including drainage consisting of 2,357 feet, Montgomery Drive, the entire stretch, consisting of 1,830 feet of roadway, and West Moreland Drive, the entire stretch.

He stated that the budget estimate from Township Engineer Chris Della Penna is \$233,720.

Township Manager Swichar questioned if the Township could include one section of roadway as an alternate.

MOTION: Supervisor DiRado moved that the Township approve the advertisement to request bids for the 2021 road paving project to resurface Wilmington Road, Rokeby Road, Montgomery Drive, and West Moreland Drive. Supervisor Nielsen seconded.

Township Resident Susan Seals, 115 Doe Run Road questioned humps in the road and whether they could be addressed.

Supervisor Heffern stated that she might be referring to the Master Plan. No speed humps are proposed on Route 82.

Diane Bradley, a resident of Valley Township, questioned if Jane Street could be added to the road paving list.

Township Manager Swichar stated that Jane Street is not proposed for road paving in 2021.

VOTE: 4-0.

4) BAWA Fellowship Phase 1, Release No. 4

Township Manager Swichar stated that there are two escrow releases. There are letters from the Township engineer recommending the releases.

MOTION: Supervisor Nielsen make a motion that the Township approve Release No. 4 for the BAWA Fellowship Subdivision in the amount of \$29,021.50. Chairman Lambert seconded.

Township resident, Al Wright, questioned why there are two separate releases.

Solicitor Crotty stated the releases came in at different times. The Township is holding the developer's money. They go to the township engineer and request that they inspect. The engineer certifies if the work is done and then recommends the release.

VOTE: 4-0.

5) BAWA Fellowship Phase 2, Release No. 5

MOTION: Vice Chairman Heffern made a motion that the Township approve Release No. 5 for the BAWA Fellowship Subdivision in the amount of \$42,668.00. Supervisor DiRado seconded.

VOTE: 4-0.

6) Concept Plan for New Township Building

Township Manager Swichar stated that the township building committee met last night to discuss possible sites for a new township building. The committee was not overly excited about building on the existing site. He stated that the Township might want to hold off in order to explore alternate sites.

MOTION: Chairman Lambert make a motion to table the motion to complete a feasibility for a new township building. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the township precluded the park as an option for the site. The park is a good location for the Township Building.

Solicitor Crotty stated there would be quite a few hoops to free up the park area for a township building.

VOTE: 4-0.

7) Appointment of Office Assistant

Township Manager Swichar stated that he is recommending the appointment of Gerri Capri as part-time office assistant.

MOTION: Vice Chairman Heffern moved that the Township appoint Geraldine Capri as a 2021 part-time office assistant at a rate of \$15/hour. Chairman Lambert seconded.

Township resident Al Wright questioned how many hours the assistant will work and whether the hours are consistent.

Supervisor Nielsen questioned if the office is now fully staffed.

Township Manager Swichar said yes.

VOTE: 4-0.

8) New Business: Township Manager Swichar stated that he made contact with Penn State University Roadside Vegetation Management Project to discuss weed control around the guardrails.

Supervisor DiRado questioned if the Sierra Club was contacted.

Township Manager Swichar stated no.

Supervisor Nielsen questioned if Penn State or PennDOT could do a test area

6. LEGAL

1) Appeal of Zoning Hearing Board Decision (Holland Versus East Fallowfield Township ZHB) and Appointment of Siana Law

Solicitor Crotty stated that the Hollands appealed the Zoning Hearing Board decision to keep certain farm animals on their property. PIRMA has appointed Eric Brown to represent the township. PIRMA will cover the fees to represent the Township.

MOTION: Vice Chairman Heffern moved that the Township ratify the appointment of Siana Law to represent East Fallowfield Township Zoning Hearing Board in the case of Michael and Lisa Holland versus East Fallowfield Township Zoning Hearing Board. Supervisor DiRado seconded.

Supervisor Nielsen questioned the process.

Solicitor Crotty stated that once an appeal is taken, the court will direct the Zoning Hearing Board to file the record/paperwork. Once that is filed with the court, the Hollands will have 31 days to file their brief. Thirty days after Hollands file a brief, the township can respond with their brief. Court may hold an oral argument or not. There is no new testimony. Only legal arguments will be made moving forward.

VOTE: 4-0

2) A Resolution adopting a Camera Policy for Township Park

Solicitor Crotty stated that the Resolution will spell out how long the township will keep and preserve the video surveillance. The video will be monitored by the township manager and police chief. Videos will be kept for 30 days. The equipment has 44 days of capacity. If the Township is notified of an issue, they can download the footage.

MOTION: Vice Chairman Heffern made a motion to approve Resolution 2021-14 adopting a surveillance camera policy for the township park. Chairman Lambert seconded.

Supervisor Nielsen questioned how the public can view the footage.

Solicitor Crotty stated that the Resolution does not set forth public access to the video. The Township's video is subject to the Right to Know act.

Al Wright, Township resident questioned if residents will be notified of the cameras.

Solicitor Crotty stated there is no expectation of privacy. The Resolution indicates appropriate signage will be installed.

VOTE: 4-0

3) A Resolution Setting Forth Allocations for the Fire Protection Tax and Emergency Services Tax

Solicitor Crotty stated that at the last meeting, various allocations to fire providers were discussed. He stated he worked with Township Treasurer Joe Breslin and Township Manager Swichar to come up with a Resolution. The Township provides a subsidy of \$50,000 each for fire service and an ambulance subsidy of \$66,400 for Modena and \$90,400 to Westwood. The Township allocates certain portion of the tax to capital purchases. \$36,600 is allocated for each company for capital contributions. The township looked at approximate revenue and deducted operating expenses of approximately \$50,000. Over the past few years, the amounts have fluctuated slightly.

Supervisor DiRado questioned if the capital funds are coming from the 1% Fire/EMS tax.

Solicitor Crotty stated yes. Modena has requested about \$150,000 over the years. Modena's bucket for capital contributions is \$29,539. Westwood's bucket for capital contributions is \$139,539. Their bucket is larger because they only asked for a \$40,000 contribution. The Township and Board are setting forth how much in capital contributions will be made.

Supervisor Nielsen questioned why a Resolution was not made in 2018.

Solicitor Crotty stated the fire tax was passed at the end of the budget season. The Township did not know how much revenue would be collected.

Supervisor DiRado stated there will more transparency.

Supervisor DiRado questioned where the \$80,000 for Modena's new ambulance will come from.

Solicitor Crotty stated that the payment of \$80,000 will come from their bucket of capital contributions in the Fire/EMS tax.

Vice Chairman Heffern questioned if the extra \$24,000 is because of the ALS. He questioned if the fire departments agree with the distribution. He stated any disputes or concerns can be fixed.

Solicitor Crotty stated yes. He said the distribution matches their apportionment for the past several years. The only difference between the distributions for the fire departments is the BLS and ALS distribution.

Supervisor Nielsen stated that Modena Ambulance should place a 'diesel only sign on the new ambulance. He questioned whether the Resolution precludes the township from choosing another fire company.

Solicitor Crotty stated no. The resolution sets forth that approval is needed prior to selling equipment and the equipment must benefit the township.

MOTION: Supervisor DiRado made a motion to approve Resolution 2021-15 setting forth the allocations for the fire protection tax and emergency services tax. Vice Chairman Heffern seconded.

VOTE: 4-0.

7. PARK AND RECREATION BOARD

1) No Report Submitted

8. PLANNING COMMISSION

1) No Report Submitted.

9. POLICE DEPARTMENT

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

10. PUBLIC WORKS DEPARTMENT

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

11. HISTORICAL COMMISSION

1) No report submitted.

12. OLD BUSINESS

Supervisor Dirado questioned if the police chief could provide an update on the officer's training and background checks.

Supervisor Nielsen questioned if there are video cameras in the cars.

Township Manager Swichar stated yes.

Vice Chairman Heffern discussed the odor issues at the PA American Water sewer plant in South Coatesville. He questioned if a letter could be sent to PA American Water.

Solicitor Crotty stated that the Township should document the sewer issue in the form of a letter to PA American.

Township Manager Swichar stated he would draft a letter.

The Board of Supervisors discussed the odor issue at the sewer plant and possible remedies.

Supervisor Dirado discussed People's Hall and questioned if a deed was provided. She stated that funds from the Recovery Act could potentially be used toward the building.

Supervisor Nielsen stated that he would go the Recorder of Deeds and request a copy.

Al Wright, Township resident questioned how Recovery Act Funds can be used.

There was a Board discussion about the deed for People's Hall and the purpose of Recovery Act Funds.

Supervisor Nielsen stated there is a lack of participation in the Strategic Planning Steering Committee. He stated that there should be an environmental advisory component to the committee.

There was a Board discussion about expanding the Strategic Planning Steering Committee.

Solicitor Crotty stated he would draft a sample resolution to expand the Strategic Planning Steering Committee.

### 13. NEW BUSINESS

Chairman Lambert stated the park cleanup was a great event.

### 14. PUBLIC PARTICIPATION

Diane Bradley discussed various issues in Newlinville.

Chairman Lambert discussed the trash issue on Jane Street.

There was a Board discussion about trash collection on Jane Street.

Township resident Jay Mento thanked the Township for installing deer signs along the highway.

Will Matthews discussed the Newlinville Village Master Plan and public input that was provided.

15. ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the April 27, 2021 of Supervisors Meeting at 8:42 PM. Chairman Lambert seconded

VOTE: 4-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott M. Swichar", is placed on a light gray rectangular background.

Scott Swichar,  
Township Manager/Secretary