

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
January 28, 2020 Approved minutes  
6:31 p.m.

**Members Present**

Wilson Lambert, Chairman  
Carol Kulp, Member  
John Nielsen, Member

**Township Staff Present**

Scott Swichar, Township Manager  
**Township Solicitor**  
Mike Crotty

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

Chairman Lambert called the meeting to order at 6:31 PM.

2. DISCUSSION

A) EXECUTIVE SESSION

Solicitor Crotty stated the Board of Supervisors held an executive session prior to the meeting regarding personnel issues.

B) APPROVAL OF MINUTES

JANUARY 6, 2020 BOARD OF SUPERVISORS MEETING MINUTES.

MOTION: Supervisor Kulp made a motion to approve the January 6, 2020 Board of Supervisors reorganizational meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 3-0

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) December Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) December Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) December Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 5) 2019 Year End Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 6) December Modena Fire Company Monthly Treasurer's Report submitted for Board and resident review.

C. TREASURER'S REPORT

- 1) December 31, 2019 Treasurer's Report.

MOTION: Supervisor Kulp made a motion to approve the December 31, 2019 Treasurer's Report as presented. Supervisor Nielsen seconded.

VOTE: 3-0

- 2) Payment Authorizations.

MOTION: Supervisor Kulp made a motion to approve the Payment Authorizations for the period of December 18, 2019 through January 28, 2020 in the total amount of \$170,053.61 as presented. Supervisor Nielsen seconded.

VOTE: 3-0

D. TOWNSHIP MANAGER'S REPORT

- 1) Resolution 2020-03 Township Auditor for Fiscal year 2019.

Township Manager Swichar stated that the Resolution was advertised as duly required. BBD will begin the 2019 audit during the week of February 10. The Township received five proposals from accounting firms and BBD's proposal of \$10,000 was the lowest cost. Township Manager Swichar stated that BBD has excellent references.

MOTION: Supervisor Nielsen made a motion to approve Resolution 2020-03 appointing BBD, LLP as the East Fallowfield Township auditors, replacing the elected auditors for the fiscal year of 2019. Supervisor Kulp seconded.

Supervisor Nielsen stated that Barbacane Thorton was the same auditor that was used in Kennett Township. He stated that the township manager was accused of stealing \$3 million and that Barbacane Thorton did not uncover the theft. Supervisor Nielsen said that the theft was not Barbacane Thorton's fault, however it may be a good idea to contract with a new auditor every few years.

Township Resident Erwin Zeller questioned if BBD's fee is less than Barbacane Thorton's fee.

Township Manager Swichar stated that the contract for auditing services with BBD is approximately \$3,000 less than the contract with Barbacane Thorton.

VOTE: 3-0

- 2) Approval of Multimodal Transportation Fund Grant Contract and associated exhibits between the Commonwealth of Pennsylvania ("Commonwealth"), acting through the Department of Transportation ("PennDOT") and East Fallowfield Township for \$1,000,000 for repair of Mortonville Road.

Township Manager Scott Swichar stated that the PennDOT grant would supplement the \$730,000 grant received from DCED that does not require a match. The PennDOT grant has a 30% match.

MOTION: Supervisor Nielsen made a motion to approve the Multimodal Transportation Fund Grant Contract between the Commonwealth of Pennsylvania ("Commonwealth"), acting through the Department of Transportation ("PennDOT") and East Fallowfield Township for \$1,000,000 for repair

of Mortonville Road and authorize the Township Manager to sign and execute the contract documents. Supervisor Kulp seconded.

Township Resident Mary Pflueger questioned if the State of Pennsylvania would assume ownership of the road after the road has been repaired. She questioned if drainage will always be a problem on the road.

Solicitor Crotty stated that the State would not take the road back and that the project will address any drainage issues.

Supervisor Kulp questioned when the work would need to complete.

Township Manager Swichar stated that the project would need to be completed within three years and that the grant would provide reimbursement.

Township Resident Tom Nash questioned how the road would be repaired and whether a coffer dam would be used.

Township Manager Swichar stated that the road would be repaired with a soil nail wall. He stated that a coffer dam would be too expensive.

Township Resident Zeller questioned the financial obligation of the Township to make the repairs.

Solicitor Crotty stated that the Township's traffic engineer has developed a concept plan and the next step is to prepare a more detailed engineered plan and bid specifications. PennDOT would need to approve the specifications. Solicitor Crotty explained that the actual cost of the project would not be known until the bids are opened. He stated that the \$730,000 grant would be used which does not require a match, and that the PennDOT grant would be used to supplement the DCED grant. The PennDOT grant requires a 30% match.

Township Resident Tom Nash questioned if the method of repair involves screwing in supports. He also questioned the life of the repair.

Township Manager Swichar stated that soil nails and riprap armor would be used to stabilize embankment. He stated that the life of the repair would be a question for the engineer.

Township Resident Zeller questioned if the Township would be responsible for the \$300,00 match.

Solicitor Crotty stated that there is no obligation to furnish a match until the bids are approved.

Township Resident Tom Nash questioned if the contract would have a penalty clause.

Solicitor Crotty stated that the contract would have a liquidated damages provision.

Township Resident Zeller questioned if the project has a timeline.

Solicitor Crotty stated the grant has a life of three years.

Supervisor Nielsen questioned if Liquid Fuels funds could be used for funding.

Township Manager Swichar stated that the Township could use Liquid Fuels funding.

VOTE: 3-0

- 3) Approval of 902 Municipal Recycling Implementation Grant between Commonwealth of Pennsylvania Department of Environmental Protection (DEP) and East Fallowfield Township for \$139,702 for a grapple loader truck, recycling container, and public education printed materials.

Township Manager stated that the grant only requires a 10% match.

MOTION: Chairman Lambert made a motion to approve a 902 Municipal Recycling Implementation Grant Contract between Commonwealth of Pennsylvania Department of Environmental Protection and East Fallowfield Township for \$139,702 for a grapple loader truck, recycling container, and public education printed materials and to sign and execute the contract documents. Supervisor Kulp seconded.

Supervisor Nielsen questioned why the grapple loader truck will be used and how many employees will be needed to operate the new machine.

Township Manager Swichar stated that the purpose of the grapple loader is to collect yard waste. He stated that the Township currently relies on four public works employees to collect yard waste. The new system would only require 1-2 employees to operate since a separate backhoe is not required

Township Resident Zeller questioned if the project is in the budget.

Solicitor Crotty stated that the Township's local match obligation of 10% is approximately \$15,000.

Township Resident Frangipani Martin questioned who will sign the contract.

Township Manager Swichar stated the Board should sign the contract.

Township Resident Zeller questioned if the new vehicle is more efficient.

Township Manager Swichar stated the new vehicle will be more efficient.

Chairman Lambert questioned if a snow plow could be installed on the new collection truck.

Township Manager Swichar stated that the Township should not use the new truck to plow snow,

VOTE: 3-0

- 4) Strategic Planning Steering Committee

Township Manager Swichar stated that at the Township's reorganizational meeting, Supervisor Dirado questioned if an alternate could be appointed to the Strategic Planning Steering Committee. Township Manager Swichar stated that the Committee could have nine members. Solicitor Crotty stated that a supplemental Resolution should be drafted to include an alternate position. He stated that if a Committee increases its number of members, then it also increases the number needed for a quorum. Solicitor Crotty stated that the Resolution should also state the purpose and role of an alternate member.

MOTION: Supervisor Nielsen made a motion to table the appointment of an alternate member of the Strategic Planning Steering Committee to the next meeting. Chairman Lambert seconded.

VOTE: 3-0

- 5) Agricultural Security Commission and Uniform Construction Code Township Representative Alternate.

Township Manager Swichar stated the appointment of Agricultural Security Commission member (4-year term) and a Uniform Construction Code Township Representative Alternate was tabled at the reorganizational meeting. He stated that the positions were advertised, however no applications were received.

MOTION: Chairman Lambert moved to table the motion. Supervisor Kulp seconded.

VOTE: 3-0

6) Wage Increases for Non-bargaining Unit Staff

Township Manager Swichar stated that performance evaluations were completed for non-bargaining unit staff. He recommended wage increases for two employees. Township Manager Swichar recommended a 5% wage increase for Administrative Office Assistant, Katherine Archibald and a 3% wage increase for Police Administrative Assistant, Nancy Baker.

MOTION: Chairman Lambert made a motion to approve the following wage increases for the following non-bargaining unit staff: Katherine Archibald and Nancy Baker retroactive to January 1, 2020. Supervisor Nielsen seconded.

Township Resident Zeller questioned how many members are in the non-bargaining unit staff and whether the employees are part-time or full-time. He questioned if raises should be given to the other employees.

Township Manager Swichar stated that there are two other non-bargaining unit employees.

Solicitor Crotty stated that a determination has not been made on the other two employees.

Chairman Lambert stated that a final determination has not been made on other non-bargaining unit employees. He stated that two Board members were not present at the meeting.

Township Resident Frangipani Martin questioned when a final determination would be made for the other employees and whether the raises for the two employees should be put on hold.

Solicitor Crotty stated that a determination would be made at a meeting where the full Board is present.

Resident Tom Nash questioned if a 5% raise is considered normal.

Township Manager Swichar stated that he examined comparable salaries for the office administrative assistant and that the 5% raise would bring the wage of the office administrative assistant closer to comparable positions in other Townships.

Township Resident Zeller questioned if the Township Secretary position had been filled.

Township Manager Swichar stated the position is advertised but not filled.

Township Resident Mary Pflueger questioned raises for non-bargaining staff.

Chairman Lambert stated that raises for non-bargaining staff are contractual.

VOTE: 3-0

E. LEGAL

1) BAWA Subdivision

Solicitor Crotty stated the BAWA project is moving forward. He stated that BAWA is getting ancillary agreements in place. He stated that the Township met with BAWA recently for an update and to provide them a checklist of next steps. He stated that the Stormwater Ordinance contains specifications for underground pipes, however, the Township engineer noted that the stormwater pipe specifications requiring concrete material are outdated. BAWA is requesting a waiver from the Stormwater Ordinance to use HDPE pipe instead. Township Engineer Della Penna is recommending the waiver request be granted.

Supervisor Nielsen questioned if the roads will eventually become Township roads.

Solicitor Crotty stated the roads will remain private roads.

MOTION: Chairman Lambert moved that the Township approve the stormwater management ordinance waiver request for the Bawa Subdivision, in order to permit HDPE stormwater pipe subject to the recommendation of the Township Engineer dated January 20, 2020. Supervisor Kulp seconded.

VOTE: 3-0

F. PLANNING COMMISSION

Township Manager Swichar stated that Mike Domboski is the new chairman of the Planning Commission and that he did not receive a report yet.

G. POLICE DEPARTMENT

- a. December Police Report submitted for Board and resident review.

H. PUBLIC WORKS DEPARTMENT

- a. December Road Department Report submitted for Board and resident review.

I. HISTORICAL COMMISSION

- a. No Report Submitted

J. NEW BUSINESS

Supervisor Kulp stated that she attended a COG meeting and discussed the benefits of the ReadyChesco notification system for alerts and travel advisories. She questioned if the Township is enrolled in the program.

Township Manager Swichar stated the Township advertises the ReadyChesco service on the Township website.

Solicitor Crotty discussed ReadyChesco alerts and notifications.

Supervisor Nielsen questioned tree stands for hunting on Township-owned properties and whether the Township should post a liability notice. He also stated that some Townships use purple paint every hundred feet to note that trespassing is not allowed.

Solicitor Crotty stated that some Townships have an archery-only program and have rules to ensure there is no danger to the public.

Solicitor Crotty and the Board of Supervisors had a discussion regarding liability issues and immunity for landowners who allow hunting on their property.

K. PUBLIC PARTICIPATION

Township Resident Mary Pflueger questioned the use of right of ways and whether residents should install plantings in right of ways.

Township Resident Tom Nash stated that utility companies have a right to access right of ways.

A Township Resident stated that he disagrees with any plans for South Brandywine Middle School to be torn down. He also questioned the purpose of the Fire/EMS Tax.

Solicitor Crotty stated that the School District is a separate taxing entity and that the Township is not consulted regarding these decisions. He also stated that many Townships find it difficult to recruit volunteers and are now hiring paid staff. He also stated that training has become more extensive and that more equipment is now needed.

Supervisor Nielsen stated there was a petition drive in the past to save Scott Middle School.

The Board of Supervisors had a discussion about the schools in East Fallowfield Township.

Township Resident Zeller questioned if Westwood Fire Company provides financial reports to the Township and whether the position of Vacancy Board Member is on the January 6 reorganizational board meeting minutes.

Township Manager Swichar stated they are still waiting for the year-end financial report. He stated that page six of the reorganizational meeting minutes noted that Roxanna Liberace was appointed as the East Fallowfield Township 2020 Vacancy Board member.

Township Resident Mary Pflueger questioned the trash bill for 2020.

Township Manager Swichar stated the County will mail out the Township tax bill on February 1 which contains the trash fee. She questioned if South Brandywine Middle school will become an elementary school.

Chairman Lambert stated that the school District has not made a final decision regarding the schools.

Township Resident Zeller questioned why the trash fee is not incorporated into taxes.

Solicitor Crotty stated the trash fee is an assessment and is not tax deductible.

There was a discussion among the Board of Supervisors and residents about how trash service was billed in the past.

Township Resident Mary Pflueger questioned whether recycling or trash is cheaper to process.

Township Manager Swichar stated the cost to process recycling is cheaper than trash.

L. ADJOURNMENT

MOTION: Supervisor Nielsen made a motion to adjourn the January 28, 2020 Board of Supervisors Meeting at 7:43 PM. Supervisor Kulp seconded.

VOTE: 3-0

Respectfully Submitted,



Scott Swichar,  
Township Secretary