

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
March 23, 2021 Approved minutes
6:30 p.m.

Members Present

Wilson Lambert, Chairman
Joe Heffern, Vice-Chairman
John Nielsen, Member
Katja DiRado, Member
Carol Kulp, 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

FEBRUARY 23, 2021 BOARD OF SUPERVISORS MEETING MINUTES

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

VOTE: 4-0.

MARCH 9, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the March 9, 2021 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 4-0.

Supervisor Kulp arrived to the meeting.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1. A Resolution of Respect Honoring the Late John Lee Lavender of the Modena Fire Company

Chairman Lambert read Resolution 2021-10 into record.

Linda Lavender, sister of John Lavender was on the call and thanked the Board of Supervisors for their recognition.

Chairman Lambert stated that he had the opportunity to speak with Mr. Lavender earlier in the year. He worked closely with Mr. Lavender for several years.

MOTION: Supervisor Nielsen make a motion to approve Resolution 2021-10 honoring the late John Lee Lavender, Modena Fire Company Chief and respected citizen for his dedication to the community and for his commitment to the fire service in East Fallowfield Township and neighboring municipalities. Chairman Lambert seconded.

VOTE: 5-0.

2. Request from Tom Cowperthwaite, EMS Chief of the Modena Fire Company for a \$80,000 Capital Payment for Ambulance Purchase

Mr. Cowperthwaite stated that they are looking to replace a 5-year-old ambulance that has 90,000 miles with a new vehicle.

Supervisor Nielsen questioned the life of the ambulance and how often the ambulance needs to be replaced.

Mr. Cowperthwaite stated that they try to hold onto an ambulance for 4-5 years. Their oldest ambulance is a 2011, however they invested \$80,000 into it two years ago. They are putting \$1500-\$2,000/month in maintenance in the old ambulance.

Supervisor Kulp questioned how much money they would get for the old ambulance.

Mr. Cowperthwaite stated they are looking at purchasing a \$140,000 ambulance. They might get \$20,000 for the old ambulance.

Supervisor DiRado questioned what type of repairs are being made and whether a warranty will cover repairs. She questioned if there are energy efficient vehicles.

Mr. Cowperthwaite stated that the work entails brake, suspension and engine work. Unleaded fuel was accidentally put into the diesel engine. The 36,000 mile warranty has been exceeded. He stated he has not seen a hybrid ambulance.

Supervisor Kulp questioned if they are looking at a diesel vehicle.

Mr. Cowperthwaite stated yes.

Vice Chairman Heffern questioned if they will approach other municipalities about contributing toward the ambulance. What is the annual contributions from other municipalities.

Mr. Cowperthwaite stated it was his understanding the funding was held by the township from the fire tax. None of the other contributing municipalities hold back their fire tax. The contribution varies.

Supervisor DiRado questioned what areas are served by Modena Ambulance. She is aware that they cover the eastern portion of East Fallowfield Township.

Mr. Cowperthwaite stated they cover the Borough of Modena, South Coatesville, 5% of West Marlborough, 5% of Newlin, 5% of West Bradford.

Supervisor Nielsen questioned how much money was withheld from East Fallowfield Township.

Mr. Cowperthwaite stated that the Township was to set aside \$100,000 for capital expenditures. \$30,000 for each fire company and \$20,000 for each ambulance company

Supervisor DiRado questioned when the fire tax was implemented, was the funding expected to eventually decrease over time.

Township Manager Swichar stated that he was not employed with the township when the fire tax was implemented. He stated that John Sly had proposed to the Township that they contribute \$100,000 a year in capital funding. The budget does not support a capital contribution of \$100,000 a year.

Vice Chairman Heffern stated the Township was providing a contribution of \$50,000 to both fire companies prior to the fire tax, and then the implementation of the 1% fire tax was to be dedicated to capital expenditures. The Fire/EMS funding is in a separate bank account. The \$100,000 capital contribution was an estimate. The \$100,000 is not a set amount, however, it is based on availability.

Chairman Lambert stated that he was on the board when the fire tax was implemented. The Fire/EMS tax should be used only for capital expenditures.

Supervisor Kulp does not remember signing anything related to where the money was supposed to go.

Township Manager Swichar stated that the Township provides \$100,000 to both fire companies and \$132,000 to both ambulance companies.

Vice Chairman Heffern questioned if the companies need to limit the fire tax to only capital items.

Solicitor Crotty stated that it depends on the source of the money. There is a limit on how much can be attributed to salaries.

Supervisor Dirado questioned if the subsidy has decreased.

Township Manager Swichar stated that the subsidy has not been phased out or decreased.

Mr. Cowperthwaite stated that his ambulance payroll is \$230,000 to \$250,000 a year. Volunteers help the ambulance company save money. However, the subsidy is needed to operate 24 hours a day.

Supervisor Kulp questioned if they bill for ambulance service.

Mr. Cowperthwaite stated yes, however, Medicare payments are down. Costs continue to increase.

Supervisor Nielsen questioned if the new ambulance would cost \$140,000 and whether they will receive \$10,000 for the old ambulance. If this is the case, they will then need \$50,000.

Mr. Cowperthwaite stated that is the quote they received. The balance of the funding will come from their bank account.

Chairman Lambert stated that the Township needs to determine a dollar figure that they can sustain.

Supervisor DiRado stated the budget needs to be balanced.

Supervisor Nielsen questioned if there was a communication breakdown since the ambulance was not budgeted.

Vice Chairman Heffern questioned if the call volume is down. The Township will be receiving money for COVID-19 related issues.

Mr. Cowperthwaite stated call volumes are only slightly down. Expenditures for PPE has increased. He had three employees who were out of work. He had to pay them overtime.

Supervisor DiRado questioned if energy efficient vehicle could be purchased. She stated that Modena should look for an energy efficient model. Pollution is an issue.

Mr. Cowperthwaite stated that the box will be refurbished. The chassis and motor are brand new. There is a cost savings to refurbish the existing box.

Frank Dowlin stated the only option for an ambulance is gas or diesel. Gas does not hold up as well. There is an eco-boost, but no electric ambulance is available.

Chairman Lambert stated that energy efficient vehicles are not available, however diesel motors are more efficient.

Mr. Sly stated that the Fire/EMS tax was implemented at a millage of .44 for EMS and .56 for Fire. The total expected revenue would be \$380,000. Stipends, fuel for emergency services, fire hydrant costs were expected to come from Fire tax. They are restricted by second class township code on how they use funds. Up to 50% of funds can be used for salary. It was his understanding that \$100,000 would be left over each year for capital purchases. It was his understanding that those monies would be set aside. He stated that he believed Fire/EMS monies would go into a separate account. Modena has elected to receive \$20,000 loan payments for a fire truck every year. Westwood has drawn nothing for its fire company, but elected to receive \$40,000 for ambulance for two years.

Supervisor DiRado questioned whether there were minutes from the transition period. She only recalls the subsidy and the tax.

Chairman Lambert stated there was never a contract. The Township needs to determine a sustainable figure.

Township Manager Swichar stated the Township has not budgeted \$100,000 for capital contributions. The budget does not reflect the capacity to make a \$100,000 capital contribution.

Mr. Swichar stated that he was not aware and several Board members were not aware that there was a promise of \$100,000 a year for capital contributions. The budget does not support that request.

Mr. Sly stated the budget discussions were over the period of a year. Valley Township provides an update to them each year on how much is remaining for capital expenditures.

Vice Chairman Heffern stated he recalls that the fire/ems tax would replace General Fund contribution. The Township would need to revisit the fire/ems tax, should the companies need additional money. The fire/ems account is more transparent. The amount of money that was promised each year is more likely an estimate. The money should be distributed equitably between both fire companies.

Supervisor DiRado questioned Capital expenditure reserves on the budget. Could the Township use that line item for reserves.

Township Manager Swichar stated that the Township budgeted the \$20,000 for Modena's pumper truck.

Mr. Sly questioned how much is in the Fire/EMS fund.

Township Manager Swichar stated there is \$391,710 in the Fire/EMS account. There has been a surplus every year since 2018. The Township should not distribute 100% of the funds that it receives. It needs a portion of funds to operate the account.

Solicitor Crotty stated the Township should consider a Resolution that set forth how much is distributed to each company.

Township Manager Swichar stated that the Township does not know how much tax revenue it will collect each year.

Supervisor Nielsen questioned if the other municipalities are providing their fair share of contribution. Do they collect from Wallace or West Brandywine. Did Modena ask South Coatesville for funding for the ambulance.

Mr. Sly stated that Valley Township provides \$105,000 for EMS and \$62,500 for Fire. They also have a capital fund held in escrow. Those municipalities are under Wagontown division. Those townships contribute \$100,000 each toward EMS.

Solicitor Crotty stated that Wallace Township contributes \$125,000.

Mr. Cowperthwaite stated that South Coatesville Borough contributes \$7,000 a year to Modena.

Mr. Dowlin stated that other municipalities are providing an annual contribution which is deposited into their savings account and Modena decides how to spend it. East Fallowfield Township is the only municipality that they serve that has a capital fund.

MOTION: Chairman Lambert moved that the Township make a payment of \$80,000 to Modena Fire Company for a new ambulance purchase. Vice Chairman Heffern seconded.

VOTE: 5-0.

3. Discussion and Presentation by Tom Cowperthwaite, EMS Chief of the Modena Fire Company, regarding the Proposed MICU Ambulance Service with Westwood Fire Company.

Mr. Cowperthwaite stated he spoke with Mr. Sly and he does not have any opposition to Westwood providing ALS service in their district.

Mr. Sly stated that beginning on April 5, there will be a paramedic onboard their ambulance.

Chairman Lambert stated that the Township has not approved funding yet for the paramedic service.

Township Manager Swichar stated that the next step is a formal agreement with Valley Township. He stated the solicitor had reached out to Valley Township.

Solicitor Crotty stated he has not heard back from Valley Township.

Supervisor DiRado questioned if a survey was completed.

Township Manager Swichar stated no.

Solicitor Crotty stated the agreement is not needed to receive ALS service. The agreement is a funding agreement.

4. February Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
5. February Westwood Fire Company EMS Report submitted for Board and resident review
6. 2020 Westwood Fire Company Year End Financial Report
7. February Modena Fire Company Fire Chief's Report submitted for Board and resident review.
8. February Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

3. TREASURER'S REPORT

- 1) February 28, 2021 Treasurer's Report

MOTION: Chairman Lambert made a motion to approve the February 28, 2021 Treasurer's Report as presented. Supervisor DiRado seconded.

VOTE: 5-0.

- 2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of February 24, 2021 through March 23, 2021 in the total amount of \$228,469.00 as presented. Supervisor DiRado seconded.

Supervisor Nielsen questioned why the bill for the SPCA was for \$3,000.

Township Manager Swichar stated the bills cover several months.

VOTE: 5-0.

4. TOWNSHIP MANAGER'S REPORT

- 1) Presentation by Jim Wylie of the Sierra Club (Pennsylvania Chapter) to Discuss Ready for 100 and Resolution.

Jim Wylie, of the Sierra Club gave a presentation about Ready for 100 encouraging municipalities to transition to 100% renewable energy. 170 municipal resolutions have been passed in the United States. 37 Resolutions have passed in Pennsylvania.

There was a Board discussion about Ready for 100.

MOTION: Supervisor Nielsen made a motion that the township approve Resolution 2021-11 supporting a 100% Renewable Energy Future by 2050. Vice Chairman Heffern seconded.

Al Wright, township resident, stated he supports the resolution.

Chairman Lambert stated that he supports the resolution.

Supervisor Kulp stated she does not want to be told what form of energy to use. She votes nay.

VOTE: 4-0. Supervisor Kulp voted no.

- 2) A Resolution Adopting the Newlinville Village Master Plan

Mr. Comitta, of Comitta and Associates, stated that the Township received several comments about the draft on March 19. The task force will reconvene to address the comments and then develop a seventh draft. The next task force meeting is April 12. The Board can consider adopting the Vision Partnership Plan on April 27. He will meet with Mason Gilbert of the Chester County Planning Commission to confirm they are on track with the Vision Partnership Program.

- 3) Municipal Building Committee

Township Manager Swichar stated that at the last meeting, the Board of Supervisors passed a Resolution that established a municipal building committee. The committee will be an advisory board that will make recommendations to the Board of Supervisors regarding the scope and feasibility of a new municipal building. The committee has five vacancies. The Township has received an application from Jennifer Wright and Mike Domboski has expressed interest. Supervisor DiRado also expressed interest in joining the committee.

Chairman Lambert stated he is interested in joining the committee.

Supervisor Nielsen stated he will check with an architect friend to see if he is interested in joining the committee.

MOTION: Chairman Lambert made a motion to appoint Wilson Lambert, Katja DiRado, Jennifer Wright, and Mike Domboski to the Municipal Building Committee for a term ending 12/31/2021. Vice Chairman Heffern seconded.

Chairman Lambert questioned Solicitor Crotty whether there would be a conflict of interest with an architect serving on the committee.

Solicitor Crotty stated that there would not be a conflict if he is not paid by the township.

VOTE: 4-0. Supervisor Kulp abstained.

4) Ridgecrest Escrow Release No. 8 for Phase 2

Township Manager Swichar stated that each escrow release includes a letter from the township engineer recommending the release.

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release Request Number 8 for Ridgecrest Phase 2 in the amount of \$26,935.83. Supervisor DiRado seconded.

VOTE: 5-0.

5) Ridgecrest Escrow Release No. 13 for Phase 1.

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release Request Number 13 for Ridgecrest Phase 1 in the amount of \$43,261.92. Supervisor Nielsen seconded

VOTE: 5-0.

6) Wagner Lane Escrow Release No. 7

MOTION: Vice Chairman Heffern made a motion that the Township approve Escrow Release Request Number 7 for the Wagner Lane Subdivision in the amount of \$34,897.51 contingent on the developer providing a check in the amount of \$6,570 to the township's park and recreation fund. Chairman Lambert seconded.

Supervisor Nielsen questioned why the township only received \$6,570.

Township Manager Swichar stated that the remaining escrow was \$13,140. The Township received half of the escrow. The other half went toward planted trees on Wagner Lane. There is a letter from the Township engineer indicating that the trees had been planted.

VOTE: 5-0.

7) BAWA Fellowship Release No. 3

MOTION: Supervisor Nielsen made a motion that the Township approve Release No. 3 for the BAWA Fellowship Subdivision in the amount of \$63,432.00. Supervisor DiRado seconded.

VOTE: 5-0.

8) New Business: None

5. LEGAL

1) Ridgecrest Phase 2 Fire Hydrant Agreement

Solicitor Crotty stated a similar agreement was done for phase 1. The water provider requires the Township to be the permittee. The agreement puts the responsibility for maintenance on the developer since the development is still under construction.

MOTION: Vice Chairman Heffern moved that the Township approve the Fire Hydrant Agreement, in the form as presented, for Phase 2 of the Ridgecrest Development project. Supervisor DiRado seconded.

VOTE: 5-0.

2) A Resolution Updating the Master Agreement with Fulton Bank.

Township Manager Swichar stated that Fulton Bank requested a revised master agreement to reflect the new Township Treasurer.

MOTION: Chairman Heffern moved that the Township approve Resolution 2021-12 authorizing the Chairman of the Board of Supervisors to sign the new master agreement with Fulton Bank. Supervisor Kulp seconded.

Supervisor DiRado questioned if the new agreement will place the Treasurers name on it and whether the township is looking for a new bank.

Township Manager stated that the revised agreement will be updated to reflect the new Treasurer. The Township is meeting with other banks to discuss their services.

3) New Business

Solicitor Crotty discussed the federal stimulus money. There are parameters. Infrastructure projects are not included. A separate bill is in front of Congress to provide separate funding for infrastructure.

Vice Chairman Heffern questioned if there is a deadline to spend the money

Solicitor Crotty stated the money will need to be spent by December 31, 2024. He stated Township will only receive 50% in the first 90 days. The 50% balance will come 12 months later. There will likely be more regulations on how the money must be spent

Supervisor Nielsen questioned if a new fund will need to be established.

Solicitor Crotty said yes.

There was a board discussion about how the stimulus money could be used.

6. PARK AND RECREATION BOARD

- 1) Resignation of Park and Recreation Board Member Nicholas Marsico

MOTION: Vice Chairman Heffern moved that the Township accept the resignation of Park and Recreation Board Member Nicholas Marsico. Supervisor Nielsen seconded.

VOTE: 5-0.

7. PLANNING COMMISSION

- 1) No report submitted.

8. POLICE DEPARTMENT

- 1) Wage Increases for Non-bargaining Unit Staff

MOTION: Supervisor DiRado made a motion to approve the following wage increase for the following non- bargaining unit staff retroactive to January 1, 2021 for Nancy Baker proposed 3% increase to \$20.96/hour. Chairman Lambert seconded.

Employee Wage	Current Wage	Proposed Increase	Recommended
Nancy Baker	\$20.35	3%	\$20.96

VOTE: 5-0.

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

9. PUBLIC WORKS DEPARTMENT

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

10. HISTORICAL COMMISSION

- 1) No report submitted.

11. OLD BUSINESS

Supervisor Nielsen stated he is waiting for the recorded of deeds to provide the deed for People's Hall. He stated the second-class township code allows the township to take People's Hall by eminent domain if it is

not being maintained unless it is a revolutionary or colonial structure. He is not sure if the trustees are looking for that.

Solicitor Crotty stated that if funding is provided, a conservation easement could be placed on the property to require that the property be maintained.

Vice Chairman Heffern questioned who owns the building.

Solicitor Crotty stated the deed history is messy. A restrictive covenant or conservation easement could be an option if the township were to provide money to People's Hall.

Bill Schoell, from Representative Dan Williams Office, stated that more grant money is available for municipalities for a building than for other organizations.

12. NEW BUSINESS

Al Wright, Chairman of the Park and Recreation Board, stated there is a park cleanup event on April 17.

13. PUBLIC PARTICIPATION

Will Matthews, 115 Ridgeway Road, Birdsboro, PA, thanked the board for allowing public comments related to the Vision Partnership Plan. He questioned if the public will be able to call into the April 12 Task Force Meeting.

Township Manager Swichar stated yes.

Al Wright stated that he is on the Newlinville Village Task Force. It is difficult to keep people engaged.

Supervisor DiRado questioned if the meetings could be held outside with social distancing.

Diane Bradley thanked the Board for providing an opportunity to provide input into the Master Plan.

Supervisor Kulp questioned if the deer crossing sign was installed.

Township Manager Swichar stated that sign was ordered.

John Sly questioned when the next newsletter will be developed. He stated he will do an article about the paramedic service.


Township Manager Swichar stated the next newsletter will be mailed in the fall.

14. ADJOURNMENT

MOTION: Chairman Heffern made a motion to adjourn the March 23, 2021 of Supervisors Meeting at 9:18 PM.

VOTE: 5-0

Respectfully Submitted,

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

Scott Swichar,
Township Manager/Secretary