

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
July 26, 2022 Approved minutes  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Katja DiRado, Member  
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. There was an executive session on June 28, 2022 regarding personnel matters.

3. DISCUSSION

A. APPROVAL OF MINUTES

June 28, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the June 28, 2022 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 2-0. Supervisor DiRado Abstained, Chairman Lambert abstained.

Solicitor Crotty asked for the motion to be placed on the next meeting agenda.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

1. June Westwood Fire Company Fire Chief's Report submitted for Board and resident review.

2. June Westwood Fire Company EMS Report submitted for Board and resident review.

3. June Modena Fire Company Fire Chief's Report submitted for Board and resident review.

4. June Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.

5. June Modena Fire Company EMS Report submitted for Board and resident review

C. PRESENTATION: Pennsylvania State Representative Christina Sappey

Pennsylvania State Representative Sappey stated that East Fallowfield Township was added to the 158<sup>th</sup> legislative map after redistricting this year. The change will take affect after November 30. State Representative Dan Williams represents East Fallowfield until November 30. She is familiar with East Fallowfield from working with Senator Dinniman. She is focused on small business community, infrastructure and stormwater management. She works closely with PennDOT. She understands the burdens from DEP on managing stormwater.

Chairman Lambert questioned whether there are committees in the house that are addressing 5G tower concerns.

Representative Sappey stated that the Agricultural Committee has pushed for broadband expansion in rural areas. The PUC regulates any utilities. She questioned what concerns are being addressed and offered to hold a meeting to discuss concerns.

Supervisor Wright stated a goal of the township is a new municipal complex. The township is focusing on stormwater projects on Route 82 in Newlinville. Paving on Strasburg Road is needed. He would like to see future development at South Brandywine Middle School. Tower Health closure and ambulance closure are concerns of the township.

Representative Sappey stated that she can work hard to secure grant funding for transportation, DEP, DCNR, and RCAP building grants.

#### TREASURER'S REPORT

##### 1) June 30, 2022 Treasurer's Report.

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

MOTION: Chairman Lambert made a motion to approve the June 30, 2022 Treasurer's Report as presented. Supervisor DiRado seconded.

VOTE: 4-0.

##### 2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of June 29, 2022 through July 26, 2022 in the total amount of \$214,931.17 as presented. Supervisor DiRado seconded.

Supervisor Nielsen questioned a bill from Fulton Bank in the amount of \$22,529.

Treasurer Breslin stated the payment is an annual lease payment on police vehicle.

VOTE: 4-0.

#### 4. TOWNSHIP MANAGER'S REPORT

##### 1) Olivia Kirkpatrick from GreenWeaver Landscapes to Discuss a Memorial Pollinator Garden Project

Township Manager Swichar stated that Olivia Kirkpatrick from Greenweaver Landscapes is on the call. The township has been discussing the idea of a pollinator garden over the past couple of years. The township has discussed the idea of building a garden as a way to memorialize Road Foreman Tag Gathercole. The township started contacting landscaping companies earlier this year. As the township looked into the possibility of building a pollinator garden, he realized that a professional would be needed to manage the project. The project would utilize volunteer and community support to build the garden.

Ms. Kirkpatrick stated that she is a landscape designer with Greenweaver Landscapes. They do a good job of making sure that whatever is installed will last a long time. She is passionate about public projects and has worked on public garden spaces. The board has two different proposals. One is for the design and another is for a management plan. The management plan would help educate staff and volunteers on the management of the garden. The design proposal is for just the design of the garden. A certain number of hours is spelled out. A digital or paper plan would be provided. Install work could be done by volunteers or staff. A design would help with fundraising. Management plan could be scaled based on budget needs.

Mr. Swichar stated that the budget amount would not exceed \$10,000. The proposal includes design work in the amount of \$1,300-\$2,000, garden management plan is about \$1,000. Plant materials would be budgeted at \$7,000-\$7,500. He expects that residents will want to contribute to the garden financially. He anticipates working with the Park and Rec Board and EAC to guide the project.

MOTION: Supervisor DiRado made a motion authorizing the Township Manager to sign an agreement with GreenWeaver Landscapes to manage a memorial pollinator garden project at a cost not to exceed \$10,000 from the Township's ARPA Fund. Supervisor Wright seconded.

Supervisor Nielsen questioned if there is any grant money available for a pollinator garden and whether there is a county grant available.

Township Manager Swichar stated that there is grant money available from the Brandywine Conservancy, however they just received a grant from them. That grant is on tonight's agenda. The township will explore all grant opportunities.

Supervisor DiRado questioned whether a pathway could go to the pond, what plants will be installed, will there be annuals or perennials, and whether there be signage to identify plants.

Ms. Kirkpatrick stated native perennials require less maintenance. The maintenance plan will include a list of plants.

Supervisor Wright questioned if the proposal would include construction.

Ms. Kirkpatrick stated the proposals do not include construction.

Teri Dickinson, chair of the park and recreation board questioned the timeline. Could this be tied into the park cleanup.

Ms. Kirkpatrick stated that the garden could be planted until late October. The garden could be planted in the spring as well.

VOTE: 4-0.

2) Resignation of Park and Recreation Board Member Joe Heffern

MOTION: Supervisor DiRado moved that the Township accept the resignation of Park and Recreation Board Member Joe Heffern. Supervisor Wright seconded.

Al Wright	Member	2020 to 2024	5 year term
Frederick Weiss	Member	2022 to 2026	5 year term
Sandra Stephens	Member	2021 to 2025	5 year term
Jennifer Wright	Member	2022 to 2026	5 year term
<b>Joe Heffern</b>	<b>Member</b>	<b>2019 to 2023</b>	<b>5 year term</b>
Teri Dickinson	Member	2021 to 2025	5 year term
Christen Ali	Member	2022 to 2026	5 year term

VOTE: 4-0.

3) Appointment of Park and Recreation Board Member

MOTION: Supervisor DiRado made a motion to appoint Clare Small to the Park and Recreation Board with the term ending 2023. Chairman Lambert seconded.

Al Wright	Member	2020 to 2024	5 year term
Frederick Weiss	Member	2022 to 2026	5 year term
Sandra Stephens	Member	2021 to 2025	5 year term
Jennifer Wright	Member	2022 to 2026	5 year term
<b>Clare Small</b>	<b>Member</b>	<b>2019 to 2023</b>	<b>5 year term</b>
Teri Dickinson	Member	2021 to 2025	5 year term
Christen Ali	Member	2022 to 2026	5 year term

VOTE: 4-0.

4) A Resolution Establishing Public Safety Agencies and Areas

Township Manager Swichar stated that the county requests the Resolution. Last month the township was notified that the Tower Health would stop all ALS operations in East Fallowfield effective on September 1. They currently provide ALS operations in the eastern side of the township.

Supervisor Nielsen questioned why the resolution states Westwood and divisions thereof. Does ALS include the MICU.

Mike McWilliams, of Westwood Fire Company, stated that divisions thereof refers to the EMS part of Westwood Fire Company. Westwood will work with Modena Fire Company. They may use a chase car model similar to Tower Direct.

Supervisor Wright questioned the purpose of the map.

Mr. McWilliams stated that the county uses the map to determine which service should be dispatched.

There was a board discussion about the ALS service.

Chairman Lambert questioned how do we know municipalities are paying their fair share. How come the municipalities are not talking to each other.

Mr. McWilliams stated that John Sly is working with every municipality and providing a cost formula. The formula is the same for each municipality. They are working on developing a separate division for ambulance. The funding formula is based on millage and population.

MOTION: Supervisor DiRado made a motion to approve Resolution No. 2022-12 establishing Public Safety Agencies and Areas for East Fallowfield Township. Supervisor Wright seconded.

Mr. McWilliams questioned if the township will forward the resolution to the county. Justin McClure is the contact at the county.

Solicitor Crotty stated yes.

VOTE: 4-0.

5) Authorization to Advertise Bids for Trash and Recycling Collection

Township Manager Swichar stated that there is one option year left in its existing contract. If the township would like to cancel its existing contract with Waste Management, the township would need to provide 90 days notice. There is no reason the township cannot shop around. The township has prepared bid specifications. The specifications would keep the service at once weekly trash collection and bi-weekly recycling collection. The only change in service is that the contractor will purchase trash containers and those containers will become the property of East Fallowfield Township. The township is essentially financing them by having the hauler purchase them. The specifications will add Jane Street as an option. Processing/marketing of recyclables is also an option where the hauler can take recycling to any facility as long as they match pricing of the Chester County contract. Haulers will likely be aware that the existing contract with Waste Management has an option year. It is possible that the township will need to stay with Waste Management next year.

Supervisor Wright questioned if the goal is to get bids prior to October 1. Will the board decide changes to the trash fee.

Township Manager Swichar stated yes. The township determines the trash fee. The hauler is required to bid on all options.

Supervisor Nielsen questioned if contractors are required to bid on the option for Jane Street.

Solicitor Crotty stated yes.

Chairman Lambert stated that he was not aware that the hauler was collecting trash curbside at one point and the hauler decided to move trash to the top of the hill. The option to collect on Jane Street will require curbside collection.

MOTION: Supervisor Wright moved that the Township approve the advertisement to request bids for the for the trash and recycling collection program. Chairman Lambert seconded.

VOTE: 4-0.

6) Brandywine Creek Greenway Mini-Grant Award and Agreement Acceptance

Township Manager Swichar stated that the township was notified last month that we were awarded a \$10,000 grant from Brandywine Conservancy to install a gazebo at the township park. The township received pricing for a gazebo that will be presented at the August meeting for board approval. The gazebo will cost approximately \$50,205 for a commercial structure. The grant will offset the cost of the gazebo. There is a proposed motion in the board packet that will authorize the township manager to sign all paperwork.

MOTION: Supervisor DiRado moved that the Township accept a \$10,000 grant award from the Brandywine Creek Greenway Mini-Grant Program and authorize the Township Manager Scott Swichar to sign contract documents between the Brandywine Conservancy and East Fallowfield Township. Chairman Lambert seconded.

Supervisor Wright stated that the park and rec board is excited to see the gazebo.

Supervisor DiRado questioned when the gazebo will be installed and who will install the gazebo.

Township Manager stated he will check on the delivery date and he expects that the road crew will be able to install the gazebo

VOTE: 4-0.

7) Agreement with Brownfield Science and Technology, Inc.

Township Manager Swichar stated that the township was notified last month during a routine inspection of its diesel pump, that there was a faulty spill bucket and evidence of a diesel release. The contractor, Center Point notified DEP as they are required to do. The township is required to complete a site characterization report within 180 days of reporting the release. The due date is December 18, 2022. The township hired Brownfield Science and Technology who has a licensed geologist onboard to complete the report. The township is waiting to receive a scope of work from Brownfield Science and Technology which will spell out how they will complete their investigation. The township signed an agreement and the proposed motion will ratify the approval of the agreement. The township does not have an idea yet whether a cleanup is needed. The site characterization would determine the extent of the damage. The township filed a claim with its insurance company and with the underground storage indemnification fund.

Supervisor Nielsen questioned if there was a leak from the tank or spill. Was there a video capture of the incident.

Township Manager stated that the report indicated there was a release. He does not know if there was a leak or a spill. The spill bucket is underground and is meant to capture diesel. The spill was underground and would not be captured by video.

MOTION: Supervisor DiRado moved that the Township authorize the township manager Scott Swichar to sign an agreement with Brownfield Science and Technology, Inc. for remediation management services related a diesel spill bucket failure. Chairman Lambert seconded

VOTE: 4-0.

8) Informational: DCED Police Staffing and Department Assessment Report

Township Manager Swichar stated that the Township completed a study of its police department that examined staffing and different administrative and operational areas. The township is taking a good look at those recommendations and hopes to implement many of the recommendations in the report. The report was released in the spring and the report was placed on the township website since it is a public document.

9) New Business: none

5. LEGAL

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

MOTION: Chairman Lambert made a motion to approve Resolution 2022-13 adopting the East Fallowfield Township Internal Affairs Policy. Supervisor DiRado seconded.

Solicitor Crotty stated that the new internal affairs policy is one of the recommendations that came from the DCED study. One change in the updated policy is related to the imposition of discipline. If there is an incident that could result in suspension, termination or criminal action, then there must be notification to the board. He stated there is a clarification on the policy and that new language would be added to the policy that the chief may impose less severe discipline only for matters not raising to the level of suspension, termination or demotion.

There was a board discussion on the proposed policy.

AMENDED MOTION: Supervisor Wright made an amended motion to include edits proposed by the solicitor to Resolution 2022-13. Supervisor DiRado seconded.

VOTE: 4-0.

2) Model Stormwater Ordinance (Informational)

Solicitor Crotty stated that the county in coordination with DEP must do a model ordinance that the township must adopt. There a number of different options. MacCombie's office will prepare its recommended options to the Planning Commission. He stated he provided some feedback to MacCombie's office.

1 PLANNING COMMISSION

- 1) No Report Submitted

1) PARK AND RECREATION BOARD

Township Manager Swichar stated there is a Summer Concert Event on July 28. The band is Scott Bandy and Texas Heat.

2 POLICE DEPARTMENT

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

3 PUBLIC WORKS DEPARTMENT

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

4 HISTORICAL COMMISSION

- 1) No report submitted.

5 OLD BUSINESS

Supervisor Wright stated that the streetlight in his development appears to be working.

Supervisor Nielsen questioned the status of Mortonville Road.

Township Manager Swichar stated there are some drainage areas to be installed and the guardrails will be installed shortly.

Supervisor Wright questioned the start date for road paving.

Township Manager Swichar stated the end of August.

6 NEW BUSINESS

- 1) Ordinance to Ban Single Use Plastics

Supervisor Nielsen stated the EAC recommends an ordinance banning plastic straws and single use plastics. West Goshen's ordinance is in the board packet. He stated that Jeanne Berlin stated waste haulers are supposed to collect batteries and properly dispose of them.

Township Manager Swichar stated that he is not familiar with the battery program.

There was a board discussion on the battery program and ordinance banning single use plastics.

Supervisor Nielsen stated he will provide additional ordinances and input from the EAC to the board.



Supervisor Wright questioned the next steps.

Solicitor Crotty questioned if Supervisor Nielsen could provide an additional ordinance on single use containers that could be blended into the West Goshen Ordinance to avoid reinventing the wheel.

10 PUBLIC PARTICIPATION: NONE

11 ADJOURNMENT

MOTION: Supervisor DiRado made a motion to adjourn the July 26, 2022 of Supervisors Meeting at 8:42 PM. Supervisor Wright seconded.

VOTE: 4-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Scott M. Swichar". The signature is written in black ink on a light-colored background.

Scott Swichar,  
Township Manager/Secretary