

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
August 23, 2022 Approved Minutes  
6:35 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 6:35 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

June 28, 2022 BOARD OF SUPERVISORS MEETING MINUTES

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

VOTE: 4-0.

July 26, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Wright made a motion to approve the July 26, 2022 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

VOTE: 3-0. Chairman Lambert abstained

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

## TREASURER'S REPORT

### 1) July 31, 2022 Treasurer's Report.

MOTION: Chairman Lambert made a motion to approve the July 31, 2022 Treasurer's Report as presented. Vice Chairman Heffern seconded.

VOTE: 4-0.

### 2) Approval of Change Order #1 (JVI, Inc.)

Township Manager Swichar stated that the \$24,025 change order reflects a rusted out drainage pipe that was replaced at the target area on Mortonville Road as well as the additional drainage that was installed on Mortonville Road closer to Strasburg Road. The township will see the money reimbursed from the PennDOT and DCED grants.

MOTION: Supervisor Nielsen made a motion to approve change order #1 for drainage work associated with Mortonville Road stabilization project. Supervisor Wright seconded

VOTE: 4-0.

### 3) Approval of Change Order #2 (JVI, Inc.)

Township Manager Swichar stated that change order #2 reflects a \$8,826.40 payment to JVI for costs associated with PECO trenching work on Mortonville Road. He expects that PECO will reimburse the township the full amount.

MOTION: Vice Chairman Heffern made a motion to approve change order #2 for additional costs associated with PECO trenching work on Mortonville Road. Chairman Lambert seconded.

VOTE: 4-0.

### 4) Approval of Change Order #3 (JVI, Inc.)

Township Manager Swichar stated that the \$623 is a credit for materials or quantities not used.

MOTION: Supervisor Nielsen made a motion to approve change order #3 reflecting credits to material quantities associated with Mortonville Road stabilization project. Supervisor Wright seconded.

VOTE: 4-0.

### 5) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of July 27, 2022 through August 23, 2022 in the total amount of \$1,234,225.05 as presented. Vice Chairman Heffern seconded.

Treasurer Breslin stated there are transfers from Fulton to Meridian Bank as well as well as checks that were rewritten as a result of the check white washing scheme.

Supervisor Nielsen questioned what is check white washing.

Treasurer Breslin stated that the payee is whited out and replaced with another name. Meridian Bank checks have check armour and the township enrolled in positive pay on all accounts. There are also capital payments to JVI in the capital fund. The township also paid \$135,700 for a tractor. There is a pending DCED loan for \$50,000.

VOTE: 4-0.

### 3. TOWNSHIP MANAGER'S REPORT

#### 1) Authorization to Advertise the Act 537 Plan

Dave Porter, of Herbert MacCombie, stated that the township has been going through the ACT 537 plan process. Mr. Porter stated that the update contemplates the areas south of Strasburg Road that have onlot systems to be managed by a septic management program. Light green areas on the plan are current public sewer areas and blue areas were contemplated by a previous board for extension of public sewer at the Brandywine Middle School site. The public sewer was never implemented at the site. The line ends at the south Brandywine middle School.

Supervisor Nielsen questioned whether Pennsylvania American Water would have franchise rights in the areas marked by blue.

Mr. Porter stated yes. The property owners in the blue line area would be required to connect via existing township ordinance if the property is within 150 feet of the sewer line or main. The township would need to approve any projects. PAWC has a bonafide contribution program for existing residential dwellings. The contribution is approximately \$13,000 per property. Any balance would be paid by the property owner. PAWC cannot force residents to tie into the public sewer. PAWC relies on East Fallowfield to enforce the ordinance. PAWC will approach individual property owners to sign agreements.

Chairman Lambert questioned how many property owners will be required to connect to public sewer and when.

Mr. Porter stated approximately 33 homes. The township can set its own deadline. The plan horizon is 0-5, or 5-10 years. The prior board contemplated public sewer at South Brandywine Middle School. However, in order to extend public sewer, sewer line would need to come from Brooks Crossing, which is an existing public sewer area. The importance of public sewer in this area would be that the township could extend the line from the middle school should they move forward with a municipal complex in that area.

Solicitor Crotty questioned how much over \$13,000 a homeowner would need to contribute.

Mr. Porter stated that the worst case scenario would be \$3,500 to \$8,000-\$9,000 range. The bonafide contribution could cover the expense if the lateral is close to the main. A Pennvest low interest loan could be used as well to pay for the project.

Supervisor Wright questioned if the property owner cost is averaged or actual.

Mr. Porter stated each property owner will pay the average cost after the project is bid out. They will divide the cost of the overall project by the number of homeowners. Mr. Porter also looked at several areas that appear to warrant public sewer including Mount Carmel Road area; there are several small lots here. This is northwestern portion of township. There are several small lots on the south side of Strasburg Road. There is existing sewer located in Sadsbury Township. On lot sewage disposal was examined to serve this area. However, the township would be required to acquire several acres of land. A community group or township would be obligated to operate such a facility. In the Mount Carmel area there is an existing sewer facility in Strasburg Hunt. The majority of the area drains down Mount Carmel Road. South Brandywine Middle School is on a 5-10 year period, unless acquisition of a municipal facility by the township were to occur.

Solicitor Crotty questioned if there will be targeted outreach to affected property owners to bring up the issues or part of generalized public process.

Mr. Porter stated that is a board decision. However, he would be available to discuss with the individual community groups if necessary.

Chairman Lambert questioned who is the watchdog and whether software is required.

Mr. Porter stated that DEP is the watchdog. DEP would be notified when someone files a sewage facility planning module mailer. DEP will look if they are in a public sewer plan and whether the project is consistent with the 537 plan. No software is required.

Supervisor Wright questioned how soon a sewage management plan could be implemented.

Mr. Porter stated that DEP wants to see a draft sewage management plan in the Act 537 plan. The three areas identified meet the DEP criteria for poor soils and small lots. The next step for the Septic Management Plan is splitting the township into three phases. The township will need a database or software program to manage.

Supervisor Nielsen questioned cesspools.

Mr. Porter stated that cesspools are pre-septic tank legislation. They are not approved by DEP. If they are working, the township would not intervene. The township needs to advertise for a 30 day public comment period and mail the plan to any affected municipalities, county health department, county planning commission, Township planning commission, Pennsylvania American Water company. There will be 60 days to review. Adoption of the plan should take 90 days. DEP has 120 days to review. Spring or Summer of 2023 is the anticipated approval. The township is allowed to implement fees to manage septic management program. A hard copy of the plan should be available at the township building.

MOTION: Supervisor Nielsen moved that the Township advertise the 30-day public comment period of the proposed draft of the Act 537 plan. Vice Chairman Heffern seconded.

VOTE: 4-0.

- 2) Approval of the 2022-2023 Chester County Consortium bid for Sodium Chloride.

Mr. Swichar stated that the township joined the Chester County Consortium bid for Sodium Chloride. The township joined the consortium in 2020 as a cost savings measure. This year's low bid for sodium chloride was from Eastern Salt at \$75.00/ton. The price has increased from \$64.50 last winter which is consistent with rising material costs.

MOTION: Chairman Lambert made a motion to approve the 2022-2023 Chester County Consortium Bid to Eastern Salt Company for Sodium Chloride for \$75.00 a ton. Vice Chairman Heffern seconded.

Supervisor Nielsen stated that there are creeks in western Massachusetts with signs that read, "Low Salt Area" on the overpasses. He hopes the township will consider similar areas.

There was a board discussion on salting versus brining.

VOTE: 4-0.

### 3) Vision Partnership Program (VPP) Grant Submission

Mr. Swichar stated that the township had applied for the Vision Partnership Program last spring for a recreation, open space, and environmental resources plan. We requested \$30,000 however the county only offered the township \$19,000. The township passed on the grant, however county encouraged the township to reapply for round #2. The total project cost would be \$63,900. The maximum grant is \$30,000. The township could use park and rec or ARPA Funds to pay for the project. The plan was last done in 1993 and is now outdated. A new plan would help with obtaining grants and open space funds. The deadline to submit the proposal is September 2. A letter of commitment is required which is in the board's packet.

Supervisor Nielsen questioned if this plan is tied into the comp plan.

Township Manager Swichar stated that the plan would be separate. Brandywine Conservancy provided a cost estimate. He is hoping they would complete the plan.

MOTION: Supervisor Wright made a motion authorizing the township manager to submit a grant application to the 2022 Vision Partnership Program Round 2 for a Recreation, Environmental Resources, and Open Space Plan, and authorize the board chairman to sign a letter of commitment. Vice Chairman Heffern seconded.

Supervisor Wright questioned if existing park lands would be included in the plan.

Township Manager Swichar stated yes.

VOTE: 4-0.

#### a. Purchase of Additional Recycling Containers

Township Manager Swichar stated that the township purchased 3,000 recycling containers in the spring from Otto, however they underestimated how many would be needed. He recommended ordering an additional 50 so that there is enough for future new construction homes. It would be cheaper to order them with the existing order.

MOTION: Supervisor Nielsen made a motion authorizing the township manager to purchase an additional 50 95-gallon recycling containers from Eagle Truck Equipment through the PA Costars Purchasing Program from the ARPA Fund at a cost of \$3,449. Vice Chairman Heffern seconded

VOTE: 4-0.

4) Chester County Process and Marketing Contract for Recyclables

Township Manager Swichar stated that the township is in an existing agreement with Chester County for marketing of recyclables. The township has been in a contract with Chester County for the past three years. The township currently sends its recycling to Total Recycle facility owned by JP Mascaro. The contract went out to bid this summer and JP Mascaro was the only bidder.

MOTION: Chairman Lambert made a motion authorizing the township manager to sign a commitment memo to continue its existing intermunicipal agreement with Chester County for process and marketing of recyclables for one year. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned whether the recycling is taken to Lanchester Landfill. He asked whether JP Mascaro pay the township for recyclables.

Township Manager Swichar stated that Waste Management takes recycling to the JP Mascaro facility. The township is currently receiving revenue for recyclables due to the favorable pricing of cardboard.

VOTE: 4-0.

a. Purchase of Extended Warranty from Whitmoyer Auto Group

Mr. Swichar stated that the township purchased a Ford Interceptor Hybrid in June. The car comes with a three year warranty. He recommended that the township extend the three year warranty to five years/100,000 miles at a cost of \$2,450. The township sees the most repair costs during years 4 and 5. The township can expect to pay much more than the \$2,450 for repair costs.

MOTION: Vice Chairman Heffern made a motion authorizing the township manager to purchase a 5-year 100,000 mile Premium Care Extended Service Plan from Whitmoyer Ford at a cost of \$2,450. Chairman Lambert seconded.

Supervisor Nielsen questioned if the vehicle needs to be taken to Whitmoyer Ford.

Township Manager Swichar stated no.

VOTE: 4-0.

b. Purchase of Park Gazebo

Township Manager Swichar asked to table the motion as he is waiting for additional information from the vendor.

c. Coatesville Area School District Community Task Force

Township Manager Swichar stated that the school district is forming a task force that will make specific recommendations on what to do with their sites. This is the next step to their facility study that was completed last month. The School District is requesting that the township submit one name for the task force. The facility study shows that the elementary school will be closed. The community's representation is important. A copy of the facility study is in the board's packet.

Chairman Lambert stated that he will join the task force as a member of the school district.

Supervisor Wright questioned if there could be a resident of the township on the committee.

There was a board discussion on the topic.

MOTION: Supervisor Nielsen make a motion recommending Jennifer Wright as the primary township representative to the Coatesville Area School District's Community Task Force with Katja DiRado and Mike Domboski as the alternate representatives. Meetings are once a month on a Thursday, 11 meetings total. Vice Chairman Heffern seconded.

VOTE: 4-0.

5) New Business: none

4. LEGAL

1) New Fireworks Legislation (Informational)

Solicitor Crotty stated there was legislation passed in July related to fireworks. Three or four years ago a law was passed that consumer grade fireworks could be used by anyone everywhere. The old legislation said that municipal government could not regulate. The new regulation permits some municipal regulations of fireworks. The legislation goes into effect in September. An ordinance would be needed. This might be a topic for the Planning Commission to explore.

There was a board discussion on the topic.

1) PARK AND RECREATION BOARD

1) Township Manager Swichar stated The Fabulous Greaseband concert will be at the park on August 25

2) PARK AND RECREATION BOARD

- 2) The Fabulous Greaseband concert on August 25

1 PLANNING COMMISSION

- 1) No Report Submitted
- 2) Resignation of Alternate Planning Commission Member John Schwab

MOTION: Vice Chairman Heffern moved that the Township accept the resignation of Alternate Planning Commission Member John Schwab. Supervisor Wright seconded.

Michael Domboski	Chairman	2020 to 2023
Sue Monaghan	Vice Chairman	2020 to 2023
Alfred Wright	Member	2019 to 2022
Robin Romanelli	Member	2019 to 2022
Joe Perzan	Member	2019 to 2022
Vacant	Member	2022 to 2025
Jennifer Wright	Member	2022 to 2025
<i>John Schwab</i>	<i>Alternate Member</i>	<i>2020 to 2023</i>
John Nielsen	Alternate Member	2020 to 2023

3) POLICE DEPARTMENT

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

4) PUBLIC WORKS DEPARTMENT

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

5) HISTORICAL COMMISSION

- 1) No report submitted.

6) OLD BUSINESS

Supervisor Wright stated that the Planning Commission is reviewing the stormwater management ordinance.

Solicitor Crotty stated that the county prepared a model ordinance for the township to consider. Options to consider include how it is inspected. Look at the current ordinance, what does it provide and how does this change it. In the existing ordinance, the township has the burden of completing the inspection. The new version allows the homeowner to complete an inspection of their own stormwater best management practice. The rationale to allow the landowner to conduct the inspection is to provide control to landowner and take regulatory control away from the



township. The township has the right to inspect if they receive a complaint. He stated that he prefers a higher threshold on everything

There was a board discussion on the topic.

Supervisor Nielsen questioned if there are any updates on People's Hall construction and stated that the civil war graveyard on South Caln Road is scheduled for tax sale.

There was a board discussion about the civil war graveyard.

7) NEW BUSINESS

10 PUBLIC PARTICIPATION:

Teri Dickinson and John Nielsen discussed the greenhouse gas inventory.

Supervisor Wright stated that the streetlight still does not work in the Strasburg Hunt neighborhood.

Supervisor Nielsen discussed the South Bailey and West Chester Road intersection.

11 ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the August 23, 2022 of Supervisors Meeting at 8:34 PM. Chairman Lambert seconded.

VOTE: 4-0.

Respectfully Submitted,



Scott Swichar,  
Township Manager/Secretary