

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
December 12, 2023 **Approved Minutes**  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Joe Heffern, Vice Chairman  
John Nielsen, Member  
Al Wright, Member

**Township Staff Present**

Scott Swichar, Township Manager  
Lisa Ionata, Treasurer  
Chad Osborn, Police Chief

**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

November 14, 2023 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the November 14, 2023 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

VOTE: 4-0.

B. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

3. PRESENTATION

- A. PROPOSED MOTION: Chairman Lambert made a motion to approve Resolution 2023-21 commending Joe Heffern for his long-standing service and dedication to the Township of East Fallowfield. Supervisor Nielsen seconded.

Chairman Lambert read the Resolution aloud.

VOTE: 3-0. Vice-Chairman Heffern abstained.

- B. Peter DiMaio, from Coatesville Area Library, provided library updates.
- C. Donation to Coatesville Area Public Library for 2023

Township Manager Swichar stated that \$8,000 was budgeted in the 2023 budget for a community donation.

MOTION: Supervisor Nielsen moved that the Township make a 2023 donation of \$8,000 from the Township’s General Fund to the Coatesville Area Public Library. Chairman Lambert seconded.

Vice Chairman Heffern questioned how much money was donated to the library in past years.

Township Manager Swichar stated that the Township donated \$9,000 last year and \$8,000 in prior years.

AMENDED MOTION: Vice Chairman moved to amend the motion such that it would read that the Township make a 2023 donation of \$9,000 from the Township’s General Fund to the Coatesville Area Public Library. Supervisor Wright seconded.

VOTE: 4-0.

Supervisor Nielsen questioned why there are no libraries in elementary schools.

Mr. DiMaio stated the school district does not have enough funding.

4. APPOINTMENT OF ALTERNATE PLANNING COMMISSION MEMBER, GUIDO GIUNTINI

MOTION: Vice Chairman Heffern made a motion to appoint Guido Giuntini as an alternate to the Planning Commission. Chairman Lambert seconded.

VOTE: 4-0.

Michael Domboski	Chairman	2020 to 2023
Sue Monaghan	Vice Chairman	2020 to 2023
Alfred Wright	Member	2023 to 2026
Jonathan Egger	Member	2023 to 2026
Joe Perzan	Member	2023 to 2026
Deborah Stoff	Member	2022 to 2025

## 5. TREASURER'S REPORT

### 1) November 30, 2023 Treasurer's Report.

MOTION: Chairman Lambert made a motion to approve the November 30, 2023 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 November 15, 2023 through December 12, 2023 in the total amount of \$469,617.17 as presented. Supervisor Wright seconded.

VOTE: 4-0.

## 6. TOWNSHIP MANAGER'S REPORT

### 1) Permission to demolish Historical Structure at 470 Buck Run Road

Lance Greene, attorney from Saxton & Stump, representing applicant Justin Hannah, provided an overview of the property and discussed termite damage at the property. He provided an overview of the costs to repair the property. He stated that the Historical Commission was split on their decision and was not able to render a decision. Mr. Green requested permission to demolish the property and build a new structure.

Joe McCormick, chairman of the Historical Commission stated the historic commission was split on making a decision. Some of the commission members believed that the applicant did not try to save the property or apply for grants.

Chairman Lambert questioned if the applicant looked at grant funding.

Mr. Hannah stated that the property is only of local significance and that grants are not available for properties of local significance.

Mr. Greene stated that the property is of tier 2 significance.

Supervisor Nielsen questioned if the property would remain on the historic resource map.

Mr. McCormick stated that the barn is still historic.

Mr. Hannah stated that his intention is to keep the barn.

There was a board discussion on the property.

MOTION: Chairman Lambert made a motion to approve the demolition of the historical structure at 470 Buck Run Road. Vice Chairman Heffern seconded.

VOTE: 3-1. Supervisor Nielsen voted nay.

- 2) A Resolution adopting the Act 537 Sewage Facilities Plan Update

MOTION: Supervisor Nielsen made a motion to approve Resolution 2023-22 adopting the Act 537 Sewage Facilities Plan Update. Chairman Lambert seconded.

Solicitor Crotty questioned if there are any substantial changes from the last version that was presented.

Township Sewer Engineer Dave Porter, from Herbert MacCombie, stated there was one minor revision based on feedback from the Planning Commission which was included in the plan and placed on the map. The change was the inclusion of a future township building and possible fire department at the tract adjacent to the middle school.

Supervisor Nielsen questioned whether properties on Doe Run Road would be forced to connect to the public sewer.

Mr. Porter stated that it is the responsibility of the school district to construct the sewer. Houses on the east side from the higher point of Strasburg would be required to connect and houses beyond that point would not be required to connect unless the township extends sewer to 221 Wilmington Road, the township owned property. The only way to extend sewer to the township property is by grinder pump and low pressure sewer.

Chairman Lambert questioned if residents would be provided information on public sewer connections. He questioned whether a town hall would be held.

Mr. Porter stated that in order for the School District to go through land development there needs to be sewage facilities planning. A planning module needs to be completed as part of the school development. A public advertisement and a needs analysis of areas adjacent to the school property would need to be completed by the school district. If there are discrepancies between the school's planning module and the township's Act 537 plan, then DEP would comment on the Act 537 plan or the school's planning module. Mr. Porter stated that the 537 plan identifies three areas for public sewer. One of them is the Stottsville area which are small lots on Strasburg Road that contemplates connection though PA American water pump station Timacula Road in Sadsbury. The second area is Mount Carmel Road where there are small lots that would connect to the existing pump station at the development off of Mount Carmel Road. The third area is South Brandywine Middle School. As part of implementation, connection to public sewer, Pennsylvania Water would bid out the project and enter into contracts with the individual landowners. Bona Fide contributions by Pennsylvania American Water may cover the entire cost of the infrastructure for the homeowner. Homeowners may only need to hire a plumber to make the connection to the public sewer. Mr. Porter estimated \$2,000 per lot contribution.

Mr. Porter stated that there was a 30-day public comment period, and the plan was publicly advertised. There was no public comment received. Comments were only received by the Planning Commission.

Supervisor Nielsen questioned where Mount Carmel connections would be required and whether the project would affect BAWA Fellowship.

Mr. Porter stated that properties on both sides of Strasburg Road in Mount Carmel would be affected, and BAWA would not be affected.

Connie McLaughlin, Township resident, questioned where the plan was advertised. She questioned if Park Avenue is contemplated for public sewer.

Mr. Swichar stated the plan was advertised in the Daily Local.

Mr. Porter stated Park Avenue is not included in the Act 537 Plan.

VOTE: 4-0.

3) Resolution to Authorize Transfer of Funds from the General Fund to Capital Fund.

Mr. Swichar stated that the Township expects to end the with a surplus in the General Fund. Even if \$400,000 is transferred to the Capital Fund, the township projects they will still end the year with a positive balance.

MOTION: Chairman Lambert made a motion to approve Resolution no. 2023-23 authorizing the transfer of unencumbered monies in the amount of \$400,000 from the General Fund to the Capital Fund to fund capital and infrastructure projects. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the township has encumbered funds. He questioned infrastructure improvements and whether green infrastructure could be included.

Solicitor Crotty stated that the escrow funds would be considered encumbered or tax receipts for the Fire/EMS tax. The board could approve green projects a part of the capital project expenditures,

VOTE: 4-0.

4) Resignation of Timothy Gathercole

MOTION: Supervisor Nielsen made a motion to accept the resignation/retirement of Timothy Gathercole effective December 31, 2023. Chairman Lambert seconded.

VOTE: 4-0.

Supervisor Nielsen questioned if there are plans to replace Mr. Gathercole.

Mr. Swichar stated that a replacement is in the budget.

5) Brandywine Creek Greenway Mini Grant Award

Township Manager Swichar stated that the township applied for grant funding in the fall for enhancements to the pollinator garden. The Township received notice this month about a \$4,500 grant. The grant requires a 1:1 match. Funds will be used for a permeable walkway, benches, and electrical outlets at the township gazebo.

MOTION: Vice Chairman Heffern made a motion authorizing the Township Manager to execute a grant agreement with Brandywine Conservancy in the amount of \$4,500 to install an ADA-

accessible permeable walkway, two benches at a pollinator garden in addition to installation of electrical outlets and LED lighting at the township gazebo. Supervisor Wright seconded.

Supervisor Nielsen questioned the purpose of the LED lights for nighttime use. He questioned if the lights would be left on all night.

Township Manager Swichar stated that the gazebo is used for summer concerts and the Halloween event in the evening. The lights would only be used during the evening events.

VOTE: 4-0.

6) New Business: None

7) LEGAL

1) Approval of 2024 Budget.

Solicitor Crotty stated that the budget was discussed in length at the November meeting. The availability of the budget was advertised in the newspaper as required by law.

MOTION: Chairman Lambert moved that the Board approve the 2024 budget as advertised. Vice Chairman Heffern seconded.

VOTE: 4-0.

2) 2024 Tax Resolution Establishing Real Estate Millage.

Solicitor Crotty stated the motion is to establish the tax rate for 2024. 2 Mills are for general purposes, .5 mills for ems, and 1.25 mills for fire.

MOTION: Vice Chairman Heffern moved that the Township approve Resolution 2023-24, establishing the Township property tax rates for 2024 as follows: 2.00 mills general millage; 0.5 mills emergency services millage; and 1.25 mills fire tax millage. Chairman Lambert seconded.

VOTE: 4-0.

3) Fee Schedule Resolution 2023-25

Solicitor Crotty stated that the revised fee schedule adjusts the trash fee to \$450 based on the new trash contract that was put out to bid.

MOTION: Supervisor Nielsen made a motion to approve Resolution 2023-25 approving the Township Fee Schedule to reflect the new 2024 trash fee of \$450. Vice Chairman Heffern seconded.

VOTE: 4-0.

4) Agreement for Reimbursement of Professional Consultant Costs with Coatesville Area School District (CASD)

Solicitor Crotty stated that the school district is in the early stages of planning for a new elementary school. The agreement would provide reimbursement to the township for the township engineer to review the school district's sketch plan.

MOTION: Vice Chairman Heffern made a motion to approve an agreement with Coatesville Area School District for reimbursement of professional consultant costs. Supervisor Wright seconded.

Supervisor Nielsen questioned how the township would be reimbursed.

Solicitor Crotty stated the township could be reimbursed for work performed by the township sewer engineer, traffic engineer, and township engineer in their reviews as well as fees paid to the township solicitor. The school district would take their sketch plan to the Planning Commission for feedback. Eventually, the school district would provide actual preliminary plans to be reviewed by the Planning Commission. The engineers will make sure township ordinances are complied with. Once preliminary plans are approved, the school district will go to the final design phase. Sometimes preliminary plans are included with final plans. The presentation would go before the planning commission.

Mr. Swichar stated that the proposed agreement will go before the school board for their approval.

VOTE: 3-0. Chairman Lambert abstained.

#### 5) ASA Hearing

Solicitor Crotty stated that the applicant submitted their application in August. There are three benefits to joining the Ag Security Area under Pennsylvania law. There is protection from eminent domain, protection from nuisance complaints, and helps property owner to receive conservation easements.

There are three properties before the township. The application has been reviewed by the township planning commission and Chester County.

One property is 18.8 acres and clearly meets the criteria. The other two properties, one is 2 ½ acre property. If you are below 10 acres, the property must bring in \$2,000 per year of agricultural production. The third property is .39 acres. He stated that it is unclear if the smaller parcels generate more than \$2,000 from agricultural production. The options are to reject the application or hold this open until January to discuss the other two parcels with the applicant. The applicant could potentially explain the rationale with the other two parcels.

Joe Heffern, Chair of the Ag Security Committee, stated that he discussed the situation with the owners, and the committee tentatively recommended approval of the 2 ½ acre lot and 10-acre lot, however, the .39 acre lot was not going to be part of the application moving forward. Mr. Heffern stated that the owner was concerned about proceeding with the application due to his business being on the property. He recommends bringing the applicant to the next meeting to make sure they want to proceed with the owner. They could discuss with the owner how the ASA would impact their business, which is a major concern. There is an agricultural and non-agricultural component to their business.

MOTION: Vice Chairman Heffern moved to table this until the next meeting and have them attend if possible, to a. answer any questions we have as a board about how much smaller

properties earn and whether they want to move forward with the application given potential concerns to their existing business. Supervisor Nielsen seconded.

Supervisor Nielsen questioned if the letter could be drafted and provided to the owner.

Solicitor Crotty stated yes.

VOTE: 4-0.

6) Approval of Township Manager's Employment Agreement

Solicitor Crotty stated that according to Pennsylvania law, employment agreements with managers or the police chief can only be for a period of two years so that they match up with election periods. Agreements cannot bind future boards. Not all municipalities provide written agreements. There are no certainties with this agreement, however the agreement spells out terms of employment and benefits.

MOTION: Chairman Lambert moved that the Township execute an updated employment agreement establishing salary, benefit and employment terms and conditions with the Township Manager from January 3, 2024 and shall continue in full force and effect until January 2, 2026. Supervisor Wright seconded.

Vice Chairman Heffern stated that Mr. Swichar has done quite a bit to bring in grants for the Township.

VOTE: 4-0.

7) 2024 Bidding Thresholds

Solicitor Crotty stated that there are different thresholds for putting out to bid and telephone quotes. Anything more than \$22,500 must go out to bid. The numbers change every year, however the new numbers have not been issued by the state.

8) PLANNING COMMISSION

1) No Planning Commission Report Submitted.

2) Resignation of Planning Commission Member Al Wright

MOTION: Supervisor Wright moved that the Township accept the resignation of Planning Commission Member Al Wright effective December 31, 2023. Vice Chairman Heffern seconded.

VOTE: 3-0. Supervisor Wright abstained.

3) Resignation of Planning Commission Member Jennifer Wright



MOTION: Supervisor Wright moved that the Township accept the resignation of Planning Commission Member Jennifer Wright effective December 31, 2023. Chairman Lambert seconded.

VOTE: 4-0.

- 4) Resignation of Planning Commission Member Jonathan Egger

MOTION: Supervisor Nielsen moved that the Township accept the resignation of Planning Commission Member Jonathan Egger effective December 31 2023. Chairman Lambert seconded.

VOTE: 4-0.

Michael Domboski	Chairman	2020 to 2023
Sue Monaghan	Vice Chairman	2020 to 2023
<b><i>Alfred Wright</i></b>	<b><i>Member</i></b>	<b><i>2023 to 2026</i></b>
<b><i>Jonathan Egger</i></b>	<b><i>Member</i></b>	<b><i>2023 to 2026</i></b>
Joe Perzan	Member	2023 to 2026
Deborah Stoff	Member	2022 to 2025
<b><i>Jennifer Wright</i></b>	<b><i>Member</i></b>	<b><i>2022 to 2025</i></b>

- 9) POLICE DEPARTMENT

- 1) November Police Report submitted for Board and resident review.  
2) Approving New Policies for the Police Department

MOTION: Vice Chairman Heffern made a motion to approve the following new policies for the Police Department: Mandatory Fingerprinting, Megan’s Law Requirements, Missing and Unidentified Persons Investigations, Protection from Abuse and Domestic Violence, Public Information and Right to Know, Required Agency Reporting, and Sexual Assault Investigations. Supervisor Nielsen seconded.

VOTE: 4-0.

- 3) Approving Submission of an Application to the Pennsylvania Chiefs of Police Association for Mobile ID Unit

MOTION: Supervisor Wright made a motion approving the submission of an application to the Pennsylvania Chiefs of Police Association Mobile ID Program to receive a free rapid ID device. Chairman Lambert seconded.

Mr. Swichar stated that the Township would apply to the Pennsylvania Chiefs Association who is administering a grant from the Pennsylvania Commission on Crime and Delinquency. The device allows you to identify people with a handheld scanner. The device would be free; however, the annual cost would be \$1025, which is for the cellular service.

Supervisor Nielsen questioned if this is a fingerprint device and whether they need to be in the database to be identified.

Chief Osborn stated yes. Previous fingerprint submissions would be analyzed.

VOTE: 4-0.

10) PUBLIC WORKS DEPARTMENT

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

11) HISTORICAL COMMISSION

- 1) November 1, 2023 Meeting Minutes submitted.

12) PARK AND RECREATION BOARD

- 1) No Report Submitted.

13) OLD BUSINESS: none

14) NEW BUSINESS

Chairman Lambert read an email from a township resident thanking the board of supervisors and township employee, Denise Verderosa for her assistance as well as Teri Dickinson and the Park and Recreation Board for their efforts with special events.

Supervisor Nielsen stated that November 22, there was a meeting with the DCNR Forrester to discuss woodland management and invasives at the township park and the West Chester Road property.

15) PUBLIC PARTICIPATION:

Catherine Tice, resident of Derry Lane discussed issues with completion of Fieldstone Development.

Chairman Lambert stated that the Board is discussing the matter.

Solicitor Crotty stated that he spoke with the developer's attorney. The township is committed to seeing the completion of the development. The Township cannot plow roads they do not own. The roads are still private property since dedication did not occur.

Terri Patterson, resident of Derry Lane, questioned which attorneys had been contacted and why the developer gave up on them.

Lee Sorrenson, Township resident, discussed the possible release of the surety bond at Fieldstone Development.

Vice Chairman Heffern stated the township would aggressively pursue the surety bond and all possible options.

Chairman Lambert stated that the township is working with the developer to resolve the issue. The Township is behind the residents.

Richell Gloatz, Township resident, discussed stormwater management issues, roads, as well as a transition study at the Fieldstone development.

Jennifer Daywalt, incoming president of Western Chester County Council of Governments discussed initiatives with the COG.

Terry Malany, township resident, discussed a situation with her neighbor's trash.

There was a board discussion about the matter.

Connie McLaughlin, township resident, discussed ideas to screen trash containers.

#### 16) ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the December 12, 2023 of Supervisors Meeting at 8:29 PM. Chairman Lambert seconded.

VOTE: 4-0.

Respectfully Submitted,



Scott Swichar,  
Township Manager/Secretary