

**EAST FALLOWFIELD TOWNSHIP**  
BOARD OF SUPERVISORS REORGANIZATIONAL MEETING  
January 7, 2019 Approved minutes  
6:02 PM

**Members Present**

Steve Herzog, Chairman  
Wilson Lambert, Vice Chairman  
Joe Heffern, Member  
Katja DiRado, Member

**Township Staff Present**

Scott Swichar, Township Manager  
Pani Martin, Township Treasurer  
Lisa Valaitis, Township Secretary

**Township Solicitor**

Mike Crotty and Bob Tucker

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

Solicitor Crotty called the meeting to order at 6:02 pm.

2. DISCUSSION

A. Election of Temporary Chairman to Start the Meeting

Solicitor Mike Crotty took nominations for the election of a Temporary Chairman for the Reorganizational meeting.

MOTION: Supervisor Wilson Lambert made a motion to appoint Supervisor Steve Herzog as the Temporary Chairperson to start the January 7, 2019 Reorganizational meeting. Supervisor Joe Heffern seconded.

VOTE: 4-0

B. Election of Chairman

MOTION: Supervisor Lambert made a motion to appoint Supervisor Herzog as the 2019 Board of Supervisors Chairman. Supervisor Heffern seconded.

VOTE: 4-0

C. Election of Vice Chairman

MOTION: Chairman Herzog made a motion to appoint Wilson Lambert as the 2019 Board of Supervisors Vice Chairman. Supervisor Heffern seconded.

VOTE: 4-0

D. Appointment of Township Solicitor

MOTION: Chairman Herzog made a motion to appoint the firm of Siana, Bellwoar & McAndrew, LLP, for the 2019 year at the rate of \$195.00 per hour for general municipal legal services. Supervisor Heffern seconded.

VOTE: 4-0

E. Legal

1) Bawa M. Fellowship Sewage Facilities Planning Module – Resolution No. 2019-04

Solicitor Crotty stated the applicant of the Bawa M. Fellowship subdivision has come before the Board twice and received comments back from DEP on their Sewage Facilities Planning Module submission. At this point, the applicant has cleaned up the Sewage Facilities Planning Module and the Township officially signs off as the party submitting the module on the developer's behalf. There have been no changes to the subdivision.

MOTION: Chairman Herzog moved that the Township approve Resolution No. 2019-04, approving the Sewage Facilities Planning Module for the Bawa M. Fellowship development, for resubmission to the Pennsylvania Department of Environmental Protection. Supervisor Lambert seconded.

VOTE: 4-0

F. Township Manager's Report

1) Trash & Recycling Update

Township Manager Scott Swichar reported that the Township has continued talks with the County regarding rolling the trash fee into the tax bill. There are a couple hurdles to overcome. The County is capable of only billing one time for each UPI number. If a parcel has several rental units associated with it, then the County is not able to bill those additional units. There are 10 – 15 properties in the Township that have additional rental units which equates to approximately 30 additional units. The County would not be able to bill these additional units. Township Manager Swichar stated this creates two issues. The first issue is that the Township would need to send separate bills to property owner's for additional units. The second issue is that the County would not be able to collect delinquent fees for these additional invoices. Township Manager Swichar reported that Portnoff would not be interested in collecting for such a small amount of delinquent accounts. Solicitor Crotty stated the pros are that the Township saves money by not using MuniBilling's services. The risk is that this is the first time the County is doing this. The Township is already making other changes and it may be confusing to residents to get a new bill as part of their tax bill. Another risk is that there is a question about collections on delinquent accounts that are for additional units under one UPI number. Solicitor Crotty stated the Township could move ahead with this change or wait until next year. Township Manager Swichar stated the office is ready and able to go in either direction with the trash billing. There was a discussion regarding the advantages and disadvantages of utilizing the County for trash billing. Township Manager Swichar stated if the Board of Supervisors would like to move forward with having the County do trash billing, then an ordinance needs to be approved.

2) Ordinance to Authorize the Execution of an Intergovernmental Cooperation Agreement in the Township between East Fallowfield Township and Chester County to Provide Trash Billing Collection Services

MOTION: Chairperson Herzog made a motion to adopt Ordinance 2019-01 authorizing the Township to execute an Intergovernmental Cooperation Agreement between East Fallowfield Township and the County of Chester to provide trash billing collection services. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Planning Commission Chairman Dennis Crook discussed the number of rental units in the Township. Planning Commission Chairman Crook asked Township Manager Swichar if the apartments he found are currently paying for trash service. Township Manager Swichar stated these apartments are currently paying for trash service. He said they will probably find additional residents that haven't been getting billed for trash.

VOTE: 4-0

3) Resolution to Adopt Township Employee Handbook/Personnel Policies and Procedures Manual

MOTION: Chairman Herzog made a motion to adopt Resolution No. 2019-05 adopting the Township Employee Handbook/Personnel Policies and Procedurals Manual. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Planning Commission Chairman Crook asked if a copy of the Employee Handbook/Personnel Policies and Procedures Manual will be available for public viewing. Solicitor Crotty stated that once this document is approved it is considered a public record.
- b. Chairman Herzog said that this document is not set in stone and may be changed as needed.

VOTE: 4-0

4) Resolution to Approve Township Employee Job Descriptions

MOTION: Chairman Herzog made a motion to adopt Resolution No. 2019-06 approving the job descriptions for Township Secretary, Administrative Office Assistant, Police Administrative Assistant, Treasurer, Chief of Police, Police Officer, Police Sergeant, Police Officer Criminal Investigator, Police Corporal, Road Foreman, Assistant Road Foreman, and Laborer. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Planning Commission Chairman Dennis Crook asked why the Township Manager job description is not included in the motion. Solicitor Crotty responded by stating the Township Manager job description is set by an ordinance that the Township has already adopted.

VOTE: 4-0

Solicitor Crotty left the meeting at 6:20 p.m.

**G. Township Manager**

MOTION: Chairman Herzog made a motion to appoint Scott Swichar as the 2019 Township Manager. Supervisor Heffern seconded.

VOTE: 4-0

H. Township Treasurer

MOTION: Chairman Herzog made a motion to appoint Frangipani Martin as the 2019 Township Treasurer. Supervisor Heffern seconded.

VOTE: 4-0

I. Township Secretary and Township Right to Know Officer

MOTION: Chairman Herzog made a motion to appoint Lisa Valaitis as the 2019 Township Secretary and Township Right to Know Officer. Supervisor Heffern seconded.

VOTE: 4-0

J. Administrative Office Assistant

MOTION: Chairman Herzog made a motion to appoint Katherine Archibald as the 2019 part-time Administrative Office Assistant. Supervisor Heffern seconded.

VOTE: 4-0

K. Approval of December 11, 2018 Board of Supervisors Meeting Minutes

MOTION: Chairman Herzog made a motion to approve the December 11, 2018 Board of Supervisors meeting minutes as presented. Supervisor Heffern seconded.

VOTE: 4-0

L. Approval of December 18, 2018 Board of Supervisors Meeting Minutes

MOTION: Chairman Herzog made a motion to approve the December 18, 2018 Board of Supervisors meeting minutes as presented. Supervisor Heffern seconded.

VOTE: 4-0

M. Established Monthly Meeting Times and Dates

MOTION: Chairman Herzog made a motion to approve the Board of Supervisor's meetings at 6:30 p.m. on the second and fourth Tuesday of the month, the Park and Recreation Commission meetings at 6:30 p.m. on the first and third Tuesday of the month, the Planning Commission meetings at 6:30 p.m. on the first and third Monday of the month, and the Historical Commission meetings at 6:30 p.m. on the first and third Wednesday of the month. Supervisor Heffern seconded.

VOTE: 4-0

N. Public Works Department

MOTION: Chairman Herzog made a motion to appoint the following Public Works employees as presented. Supervisor Heffern seconded.

Public Works Road Foreman  
Assistant Public Works Road Foreman  
Public Works Laborer  
Public Works Laborer  
Public Works Laborer  
Public Works Laborer (part-time)

Barry "Tag" Gathercole – \$33.57/hour  
Tim Gathercole – \$29.16/hour  
Greg Leonard – \$24.96/hour  
Justin Gathercole – \$24.81/hour  
John Weaver – \$24.81/hour  
Devin Owens - \$13.50/hour

VOTE: 4-0

**O. "As Needed" Snow Plowers**

MOTION: Chairman Herzog made a motion to appoint the following "as needed" snow plowers as presented, with those with a CDL paid \$19.00 per hour at a \$1 increase from 2018, and the rest of the snow plowers being paid \$15.00 per hour. Supervisor Heffern seconded.

Snow Plower  
Snow Plower  
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Snow Plower

Dan Mowery – \$19.00/hour  
Joe Gathercole – \$15.00/hour  
Alfred Perine – \$15.00/hour  
John Scott – \$19.00/hour  
Jim Reagan – \$19.00/hour  
Anthony Sirna – \$19.00/hour  
Frank Dowlin – \$19.00/hour  
Eddie Simpson – \$19.00/hour  
Jim Sisk – \$15.00/hour  
Chris Corle – \$19.00/hour  
Tim Peters – \$15.00/hour  
Andrae Reason – \$15.00/hour  
Lucas Witte – \$15.00/hour  
Devin Owens – \$15.00/hour

VOTE: 4-0

**P. Emergency Services**

MOTION: Chairman Herzog made a motion to appoint the following Emergency Service employees as presented. Supervisor Heffern seconded.

Fire Marshal, Assistant. Emergency Management Coordinator – Jim Reagan – \$172.21/quarter and \$22.00 hour  
Assistant Fire Marshal, Emergency Management Coordinator – Anthony Sirna – \$172.21/quarter and \$22.00/hour

VOTE: 4-0

**Q. Police Department**

MOTION: Chairman Herzog made a motion to appoint the following police officers as presented. Supervisor Heffern seconded.

Chief of Police  
Sergeant/Full-Time Police Officer  
Full-Time Police Officer

Christopher Porter – \$93,967.81/year  
Brian Simmons – \$41.50/hour  
Kevin Simmons – \$38.73/hour

Full-Time Police Officer  
Full-Time Police Officer  
Full-Time Police Officer  
Full-Time Police Officer  
Part-Time Police Officer  
Part-Time Police Officer  
Part-Time Police Officer  
Part-Time Police Officer  
Part-Time Police Officer

Richard McAllister – \$38.73/hour  
Gina Malarick – \$38.73/hour  
Francis J. O'Donnell – \$38.73/hour  
John Rappold – \$30.98/hour  
John Hewczuk – \$26.27/hour  
Timothy Kemmerle – \$20.00/hour  
Joseph O'Keefe – \$26.27/hour  
Duncan Smith – \$26.27/hour  
David Wakeley – \$26.27/hour

VOTE: 4-0

**R. Police Secretary and Police Right to Know Officer**

MOTION: Chairman Herzog made a motion to appoint Nancy Baker as the 2019 part-time Police Administrative Assistant and part-time Police Right to Know Officer. Supervisor Heffern seconded.

VOTE: 4-0

**S. Building Inspector/Code Officer/Zoning Officer**

MOTION: Chairman Herzog made a motion to appoint Keystone Municipal Services, Inc. as the 2019 Township Building Inspection, Code Official, and Zoning Services. Supervisor Heffern seconded.

VOTE: 4-0

**T. Supervisor Liaison Appointments**

The Board of Supervisors determined there was no need for supervisor liaisons with the Township Manager position filled.

**U. 2019 State Supervisor's Association Convention Voting Delegate**

MOTION: Chairman Herzog made a motion to appoint Supervisor Lambert as the 2019 State Supervisor's Association Convention Voting Delegate, and Supervisor DiRado as the alternate Voting Delegate. Supervisor Lambert seconded.

VOTE: 4-0

**V. WCC CoG – Western Chester County Council of Government – Select Primary & Secondary Delegates**

MOTION: Chairperson Herzog made a motion to appoint Supervisor DiRado as the Primary Delegate and Supervisor Heffern as the Secondary Delegate of the WCC CoG. Supervisor Heffern seconded.

VOTE: 4-0

**W. Vacancy Board**

MOTION: Supervisor Heffern made a motion to appoint John Nielsen as the East Fallowfield Township 2019 Vacancy Board member. Supervisor DiRado seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog asked if the Vacancy Board member is permitted to be on any other township committees. He requested this vote be tabled.
- b. Planning Commission Chairman Crook stated John Nielsen is on the Planning Commission which is an advisory only commission.

VOTE: 4-0

X. Law Offices of John Carnes, Jr.

MOTION: Chairman Herzog made a motion to appoint the Law Offices of John Carnes, Jr. as the 2019 Township Zoning Solicitor at the rate of \$135.00 per hour and \$100.00 per hour for any services done for John Carnes. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Sharon Scott questioned the wording of the motion "\$100 per hour for any services done for John Carnes". Chairman Herzog read a sentence from John Carnes' fee letter which states "\$135 per hour and \$100 per hour for the services done by any attorney working for me".
- b. Supervisor Lambert asked if anyone else desires to provide this service for the Township
- c. Chairman Herzog said that they would normally request RFP's before this point. He also stated the wording of the motion was not clear. Chairman Herzog rescinded the motion.

MOTION #2: Chairman Herzog made a motion to appoint the Law Offices of John Carnes, Jr. as the 2019 Township Zoning Solicitor at the rate of \$135.00 per hour and \$100.00 per hour the services done by any attorney working for John Carnes. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Planning Commission Member John Nielsen asked if all the appointments are etched in stone for the year or if appointments may be revisited. Chairman Herzog stated the appointments may be changed at any time, however it is a good idea to appointment someone to each position at the beginning of each year. Chairman Herzog also stated it is smart to collect RFP's every few years to obtain honest rates.

VOTE: 2-1 (Chairman Herzog and Supervisor Heffern voted yea. Supervisor Lambert voted nae. Supervisor DiRado abstained.

Chairman Herzog stated that the results of this vote are that the Township does not currently have a Zoning Hearing Board Solicitor. Township Secretary Lisa Valaitis stated that the Township office does not have any current Zoning Hearing Board applications. Solicitor Bob Tucker stated the Board of Supervisors could solicit bids for the position of Zoning Hearing Board Solicitor. Chairman Herzog asked if the Board would like to solicit bids for the position of Zoning Hearing Board solicitor. A discussion ensued. Chairman Herzog asked Township Manager Swichar to obtain feedback from the Zoning Hearing Board members.

**Y. Herbert E. MacCombie, Jr. P.E.**

**MOTION:** Chairman Herzog made a motion to appoint Herbert E. MacCombie, Jr. P.E. as the 2019 Township Sewer Consultant and approve their 2019 fee schedule as presented. Supervisor Lambert seconded.

**QUESTIONS AND COMMENTS:**

- a. Township Resident Sharon Scott asked when Herbert MacCombie's office is called upon for service. She also asked what the rate is. Chairman Herzog stated there is a 2019 fee schedule and the rates did not change significantly from 2018. Different people within Herbert MacCombie's office charge different rates. She asked if their services are approved by a motion. Chairman Herzog stated Herbert MacCombie's services are retained and when the Township uses their services, the Township is charged. MacCombie's services are used for sewer and stormwater related matters. Township resident Sharon Scott commented that MacCombie's services should only be used when approved by the Board with a motion at a public meeting.

**VOTE:** 4-0

**Z. Traffic Planning and Design ("TPD")**

**MOTION:** Chairman Herzog made a motion to appoint Traffic Planning and Design as the 2019 Township Traffic Consultants and approve the 2019 fee schedule as presented. Supervisor Lambert seconded.

**VOTE:** 4-0

**AA. Township Engineer**

**MOTION:** Chairman Herzog made a motion to appoint Della Penna Engineering, Inc. as the 2019 Township Engineer, and approve the 2019 fee schedule as presented. Supervisor Heffern seconded.

**VOTE:** 4-0

**BB. Resolution 2019-01 Fee Schedule**

**MOTION:** Chairman Herzog made a motion to approve Resolution 2019-01 approving the Township Fee Schedule. Supervisor Heffern seconded.

**VOTE:** 4-0

**CC. Agricultural Security Area Committee**

- 1) Appointment of 2019 Chairman (Board of Supervisor Member)

**MOTION:** Chairman Herzog made a motion to appoint Supervisor Heffern as the 2019 Chairman of the Agricultural Security Commission. Supervisor Lambert seconded.

**VOTE:** 4-0

Supervisor Heffern (Board of Supervisors) – Member Chairman - 2019



Joe McCormick – Resident – 2018 to 2019 (2-year term)  
VACANT – Farmer – 2018 to 2020 (3-year term)  
Clarence Rhoades III – Farmer – 2016 to 2019 (4-year term)  
Arthur DeLeo – Farmer – 2017 to 2021 (5-year term)

**DD. Zoning Hearing Board**

- 1) Resolution to Appoint Nelson Walter as a Zoning Hearing Board member for the term ending December 31, 2021

MOTION: Chairman Herzog make a motion to adopt Resolution 2019-03 appointing Nelson Walter as a Zoning Hearing Board member for the term ending December 31, 2021. Supervisor Heffern seconded.

VOTE: 4-0

Kathleen Moffitt – Member 2017 to 2019  
Ellis Weiss – Member 2018 to 2020  
Nelson Walter – Member 2019 to 2021

**EE. Planning Commission**

- 1) Appointment of Dennis Crook to the Planning Commission 2019-2022 term

MOTION: Chairman Herzog made a motion to appoint Dennis Crook to the Planning Commission 2019-2022 term. Supervisor Heffern seconded.

VOTE: 4-0

- 2) Appointment of Joe Perzan to the Planning Commission 2019-2022 term

MOTION: Chairman Herzog made a motion to appoint John Nielsen to the Planning Commission 2019-2022 term. Supervisor Lambert seconded.

VOTE: 4-0

Sue Monaghan – Member 2016 to 2019  
Michael Domboski – Member 2016 to 2019  
John Schwab – Member 2018 to 2021  
John Nielsen – Member 2018 to 2021  
Dennis Crook – Member 2019 to 2022  
Joe Perzan – Member 2019 to 2022  
VACANT – Member 2019 to 2022

**FF. Park and Recreation Committee**

John Zwirzina – Member 2015 to 2019  
VACANT - Member 2015 to 2019  
VACANT – Member 2016 to 2020  
VACANT – Member 2016 to 2020

Frederick Weiss – Member 2017 to 2021  
VACANT – Member 2017 to 2021  
VACANT – Member 2019 to 2023

**GG. Historical Commission**

a. Reappointment of Lee Schlingmann to the Historical Commission for the 2019 to 2023 term

MOTION: Chairman Herzog made a motion to reappoint Lee Schlingmann to the Historical Commission 2019 to 2023 term. Supervisor Heffern seconded.

VOTE: 4-0

Joe McCormick – Member 2015 to 2019  
Connie McLaughlin – Member 2015 to 2019  
Sue Monaghan – Member 2017 to 2021  
Arthur DeLeo – Member 2017 to 2021  
Clarence Rhoades III – Member 2017 to 2021  
Rebecca Hunt – Member 2017 to 2021  
Chad Peterson – Member 2017 to 2021  
Lee Schlingmann – Member 2019 to 2023  
VACANT – Member 2019 to 2023

b. Strategic Planning Steering Committee (New Committee Established 12/11/2018)

MOTION: Supervisor DiRado made a motion to appoint Township Manager Scott Swichar, Planning Commission Chairman Dennis Crook, Planning Commission Member John Nielsen, and Supervisor Joe Heffern to the Strategic Planning Steering Committee with the term ending 12/31/2019. Supervisor Heffern seconded

QUESTIONS AND COMMENTS:

- a. Planning Commission Member John Nielsen requested the Strategic Planning Steering Committee be posted on the Township website to recruit more members.
- b. Township Resident Sharon Scott asked if members need to be residents of East Fallowfield Township because Township Manager Swichar is not an East Fallowfield Township resident. Chairman Herzog said the resolution establishing the committee states "resident or staff". Township resident Sharon Scott asked where the description of the committee is. Chairman Herzog stated the resolution establishing the committee would be available to the public. He explained that the committee is an economic steering committee. This committee is an advisory only committee. The committee focuses on long range financial planning and will look for ways to increase revenue and attract business in the commercial district of East Fallowfield Township.

VOTE: 4-0

Scott Swichar – Member with term ending 12/31/2019

Dennis Crook – Member with term ending 12/31/2019  
John Nielsen – Member with term ending 12/31/2019  
Joe Heffern – Member with term ending 12/31/2019  
VACANT – Member with term ending 12/31/2019  
VACANT – Member with term ending 12/31/2019  
VACANT – Member with term ending 12/31/2019

**HH. Uniform Construction Code (UCC) Township Representative and Alternate**

MOTION: Chairman Herzog made a motion to appoint Joe McCormick as the Township Uniform Construction Code (UCC) representative. Supervisor Heffern seconded.

VOTE: 4-0

**II. Elected Auditors**

Sharon Scott – 2018 to 2019 (2-year un-expired term)  
VACANT – 2018 to 2021 (4-year un-expired term)  
VACANT – 2018 to 2023 (6-year term)

**JJ. Tax Collector 4-year term 2014 to 2017**

Steve Herzog announced the tax collector position is currently vacant. He stated the Tax Collector position is now overridden by the Chester County Treasurer's office as the official collector of the municipal taxes.

VACANT – 2018 to 2021

**KK. Designated Banks**

MOTION: Chairman Herzog made a motion recognizing Fulton Bank as the Township designated bank. Supervisor Lambert seconded.

VOTE: 4-0

**LL. Public Participation**

- 1) Planning Commission Chairman Crook asked why the Board of Supervisors did not appoint liaisons this year. He said appointing liaisons does help with communication between the committees and the Board. It was helpful to have a liaison attend the Planning Commission meetings. Chairman Herzog said the theory of having a liaison was to designate a point person to address questions and issues to the Board. Township Manager Swichar may now serve as the point person for committees. Anyone can also reach out to the Board of Supervisors at any time. Chairman Herzog stated any directives to committees would be done at a public meeting.
- 2) Strategic Planning Steering Committee Member John Nielsen asked if it would it be best to funnel things through Township Manager Swichar for the Strategic Steering Committee. Chairman Herzog stated yes because Township Manager Swichar is on the committee. Additionally, Supervisor Heffern is on the committee.

- 3) Supervisor DiRado commented that the Strategic Planning Steering Committee's meeting schedule was not approved along with the other Township meetings. Chairman Herzog stated the Strategic Planning Steering Committee will determine as a committee when they want to meet.
- 4) Supervisor Lambert asked about appointing officers for the Strategic Planning Steering Committee. Chairman Herzog stated this would be done within the Strategic Planning Steering Committee by the Committee members.
- 5) Elected Auditor Sharon Scott asked what time the Elected Auditors meeting is on January 8. Township Manager Swichar stated that meeting was advertised for a 6:00 p.m. start time. Elected Auditor Scott also asked that the Township meeting room be unlocked for the meeting. Township Manager Swichar stated that he will ensure the meeting room is open for her meeting.
- 6) Supervisor DiRado requested that Township Manager Swichar print the Federal Climate Change Report and Economic Impact Report that was sent out on Black Friday. Township Manager Swichar stated he would print this report for her.

4. Adjournment

MOTION: Chairman Herzog made a motion to adjourn the January 7, 2019 Reorganizational meeting at 6:55 p.m. Supervisor Heffern seconded.

VOTE: 4-0

Respectfully submitted,



Lisa Valaitis,  
Township Secretary