

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
January 22, 2019 Approved minutes  
6:31 p.m.

**Members Present**

Steve Herzog, Chairman  
Katja DiRado, Member  
Carol Kulp, Member

**Township Staff Present**

Scott Swichar, Township Manager  
Lisa Valaitis, Township Secretary

**Township Solicitor**

Mike Crotty

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

Chairman Steve Herzog called the meeting to order at 6:31 p.m.

2. DISCUSSION

A. EXECUTIVE SESSIONS

Chairman Herzog reported the Board of Supervisors held an executive session on January 7, 2019 regarding personnel issues.

B. APPROVAL OF MINUTES

January 7, 2019 Board of Supervisors Reorganizational Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the January 7, 2019 Board of Supervisors Reorganizational meeting minutes as presented. Supervisor Carol Kulp seconded.

VOTE: 2-0 (Supervisor Kulp abstained)

Solicitor Mike Crotty stated this vote needs to be tabled until the next Board of Supervisors meeting on February 12, 2019.

C. CITIZENS BY REQUEST

1) Township Resident Ronald P. Scott – Purchase of East Fallowfield Elementary School.

Township resident Ronald P. Scott spoke to the Board of Supervisors about the recent advertisement that the Coatesville Area School District plans to decommission the East Fallowfield Elementary School. The Township has outgrown the current administration building. Township resident Mr. Scott recommended the Township consider purchasing the East Fallowfield Elementary School. Township resident Mr. Scott presented a brief history of the East Fallowfield Elementary School. He said the elementary school was built by Township residents in the 1930's on 7.5 acres. He said the Board of Supervisors should hire a structural engineer during the summer to assess the condition of the school building. Township resident Mr. Scott stated the school building would have enough room for future expansion. The Public Works Department could stay at the current Township building. Township resident Mr. Scott asked the Board of Supervisors to come up with a plan and survey residents to determine what their opinions are on the Township purchasing the elementary school building for a new Township building. He also stated he would love to serve on a committee if a committee is created. Township resident Mr. Scott stated the classrooms could be used as offices for the Township employees and committees and any extra offices could be rented out. Chairman

Herzog stated the Board has discussed this at previous meetings. It is on the Township's radar as a future possibility.

D. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

- 1) December Westwood Fire Company Fire Chief's Report submitted for Board and resident review.
- 2) December Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) December Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) December Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 5) 2018 Year End Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 6) December Modena Fire Company EMS Report submitted for Board and resident review.
- 7) 2018 Year End Modena Fire Company EMS Report submitted for Board and resident review.

E. TREASURER'S REPORT

- 1) December 31, 2018 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the December 31, 2018 Treasurer's Report. Supervisor Kulp seconded.

VOTE: 2-0 (Supervisor Kulp abstained)

This vote was tabled until the next Board of Supervisors meeting on February 12, 2019.

- 2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations for the period of December 19, 2018 through January 22, 2019 in the total amount of \$79,801.27 as presented. Supervisor Kulp seconded.

VOTE: 3-0

F. MANAGER'S REPORT

- 1) Electronics Disposal Contract.

Township Manager Scott Swichar discussed a potential recycling services agreement between the Township and ECOvanta, LLC for the disposal of electronics. He stated the Township is currently paying \$0.36 per pound to recycle electronics for residents. This contract would cover disposal services of covered devices, such as televisions, laptops, desktop computers, and monitors. The cost to the Township under this contract would be zero. The Township will continue to pick up electronics for residents. This gives residents the opportunity to dispose of electronics. The Township is currently charging residents for this service. He is hoping to eventually offer this service for free to residents which would prevent dumping of televisions which is a true environmental cost.

MOTION: Chairman Herzog made a motion to approve the recycling services agreement between East Fallowfield Township and ECOvanta, LLC for the disposal of electronics. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Supervisor Katja DiRado asked if the Township would be covering the cost. Township Manager Swichar stated that Township residents will need to be charged for this service. He would like to

eventually offer time each week for residents to bring televisions to the Township building for disposal.

- b. Township Resident Mary Pflueger asked if there could be an issue with people dropping off televisions outside the Township building. Township Manager Swichar said this could be a potential problem.

VOTE: 3-0

2) Sale of Police Vehicle – 2012 Dodge Charger (Vin # 2C3CDXAT7CH260855).

MOTION: Chairman Herzog made a motion to approve Resolution 2019-07 authorizing the sale of a 2012 Dodge Charger (VIN #2C3CDXAT7CH260855) as presented. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog asked what the estimated sale amount is. Township Manager Swichar stated the sale estimate is between \$1,200 and \$1,500.
- b. Township Resident Sharon Scott asked if someone had already made a bid on the vehicle. Solicitor Crotty stated the Township has not received a bid. The motion is to approve posting the sale of the vehicle on the online site called Munibid.

VOTE: 3-0

3) New Business.

- a. 2019 Residential Trash Billing.

Township Manager Swichar reported that the municipal tax bill from the Chester County Treasurer's office will be mailed on February 1. The trash bill will be included on the municipal tax bill.

G. LEGAL

1) 2019 Bidding Limits – Informational Only.

Solicitor Crotty presented the 2019 bidding requirements as follows:

- Up to a cost of \$11,100, no formal bidding is required.
- Cost between \$11,100 and \$20,600, three written quotes are required.
- Above \$20,600, the formal bidding process is required.

2) Zoning Ordinance Amendment – Electronic Signs and Billboards.

Solicitor Crotty stated the proposed Electronic Signs and Billboards Ordinance has been well hashed out in the Township Planning Commission meetings and has also been reviewed by the Chester County Planning Commission. Solicitor Crotty asked that the Board of Supervisors authorize the advertisement of the hearing to consider this proposed ordinance.

MOTION: Chairman Herzog moved that the Township authorize the advertisement of a hearing to consider the draft Zoning Ordinance amendment regulating electronic signs and billboards. Supervisor DiRado seconded.

COMMENTS AND QUESTIONS:

- a. Township Resident Sharon Scott asked about the maximum size permitted for both an electronic sign and a billboard under the proposed ordinance. Solicitor Crotty stated the billboard size limit is a maximum of 50 square feet unless the applicant can prove to the Zoning Hearing Board that the message content is not visible at that size. Planning Commission Chairman Crook stated the maximum size allowed for an electronic sign is 25 square feet. A billboard would not be permitted by right. There is a maximum limit of 300 square feet for a billboard. Township resident Sharon Scott questioned the size of the Weaver Mulch sign. Solicitor Crotty said the size of the Weaver sign is 25 square feet. Under this ordinance, billboards are limited to the Multi-Use Zoning District and electronic signs are allowed in the Multi-Use and Public Facilities Zoning Districts.
- b. Supervisor Kulp asked if the purpose of the ordinance is to regulate where billboards are permitted in the Township. Solicitor Crotty confirmed this is correct.
- c. Chairman Herzog stated the ordinance restricts the amount of time an electronic sign could be turned on.
- d. Township Resident Mary Pflueger asked if the ordinance will allow a sign in front of the Township building. She said the current sign in front of the Township building is difficult to understand. A clearer sign might get more residents to attend meetings. Supervisor DiRado agreed. She also stated an electronic Township sign does not need to be in front of the Township building. It could be put somewhere else such as on the corner of Strasburg Road and Buck Run Road.

VOTE: 3-0

3) Longview/Fieldstone/Pelham Place – Request by Developer to Call Bond.

Solicitor Crotty discussed the concept of the Township calling the bond (financial security) for the Fieldstone Development that was in place from the prior developer so that the public improvements within the development are completed appropriately. Solicitor Crotty presented a draft agreement for the Township to call the bond. The current developer would be responsible for funding the bond. The money will be put in a designated account to fund public improvements in the development. He said the Township is not involved and there is no cost to the Township.

MOTION: Chairman Herzog moved that the Township approve the form of the performance bond memorandum of understanding between the Township, Longview Fieldstone LP and Fieldstone Tri Corner LLC, related to the outstanding financial security for the project. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Sharon Scott asked where the performance bond is and for the amount of the bond. Solicitor Crotty stated the performance bond is for \$1.44 million and is held in a surety bond with Travelers Insurance. This would have been put together in 2006 when DeLuca was the builder. The developer has changed from Deluca to Longview to TriCorner Communities (current developer). Township resident Mrs. Scott also asked who the lawyer is for TriCorner Communities. Solicitor Crotty stated the lawyer for TriCorner Communities is John Jaros.
- b. Planning Commission Chairman Dennis Crook stated he recommended this 15 years ago and is still in favor of taking this action.
- c. Supervisor DiRado questioned the following wording on page 4 of the agreement: "Should the Township decide to continue efforts to pursue the bond on its own after the twenty (20) days written notice by Longview and Tri Corner it is understood that the Township shall be responsible for those costs unilaterally." Solicitor Crotty explained that they fund it and if they don't pay us, the Township can drop everything, walk away, and discontinue the improvements.

VOTE: 3-0

4) Assistant Treasurer.

Solicitor Crotty stated with the Township Treasurer out on leave, an Assistant Treasurer should be appointed. Typically, the Township Manager is appointed as an Assistant Treasurer. Solicitor Crotty stated he recommended the Board of Supervisors appoint an Assistant Treasurer to enable another Township employee to have signing ability for DCED Reports and other signing requirements.

MOTION: Chairman Herzog moved that the Township appoint Scott Swichar to serve as the Assistant Township Treasurer for the calendar year 2019. Supervisor Kulp seconded.

VOTE: 3-0

5) Township Financial Consultant.

MOTION: Chairman Herzog moved that the Township approve the services agreement with Tom Josiah Consulting, LLC, in the form as presented. Supervisor DiRado seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident Sharon Scott asked why there is a need to hire a financial consultant. She also questioned the hourly rate for Tom Josiah. Solicitor Crotty stated that Tom Josiah's rate is \$100 per hour. Township resident Mrs. Scott stated she did not approve of hiring a financial consultant at such a high rate. Chairman Herzog stated that Tom Josiah will work an average of 8-10 hours per week.
- b. Township Resident Mary Pflueger stated it is better to hire a consultant that knows how to do the job.

VOTE: 3-0

6) Zoning Hearing Board Solicitor Appointment.

Solicitor Crotty stated this is a follow-up to the Reorganizational meeting because the Board of Supervisors did not appoint a 2019 Zoning Hearing Board Solicitor at that meeting. Township Manager Swichar stated the deadline for submission of Zoning Hearing Board Solicitor proposals is February 19. The Zoning Hearing Board may make a Solicitor selection by the end of February.

MOTION: Chairman Herzog made a motion to authorize the Township Manager to advertise the RFP for the Zoning Hearing Board Solicitor. Supervisor Kulp seconded.

VOTE: 3-0

7) Rouse Chamberlin Escrow Release No. 4.

MOTION: Chairman Herzog made a motion that the Township approve Escrow Release No. 4 for the Ridgecrest Residential Subdivision, in the amount of \$51,586.39. Supervisor DiRado seconded.

VOTE: 3-0

H. PLANNING COMMISSION

1) Planning Commission Report.

Planning Commission Chairman Crook presented an update on the January 14, 2019 Planning Commission meeting. The Planning Commission had their annual reorganizational meeting. The 2019 titles are as follows: the Chairman is Dennis Crook; the Vice Chairman is John Nielsen; and the Secretary is Lisa Valaitis. The Planning Commission does not currently have a recording secretary. Township resident Stephanie Saxton was the recording secretary, however, her term ended at the end of 2018. Township resident Stephanie Saxton did not apply for another term. Planning Commission Chairman Crook stated there is currently one vacancy on the

Planning Commission. Township Secretary Valaitis said that Supervisor Lambert's term as an alternate member of the Planning Commission has expired.

- a. Lot Line Change – Deborah Rush – 400 Fairview Road – Planning Commission Chairman Crook reported the Planning Commission reviewed Township resident Deborah Rush's proposed plan for a lot line change at 400 Fairview Road, East Fallowfield, PA 19320. He said the Planning Commission approved of Township resident Deborah Rush's proposed plans, but an official application needs to be submitted to the Township to move forward.
- b. Electronic Signs and Billboards Ordinance – Planning Commission Chairman Crook said that the Planning Commission discussed the proposed Electronic Signs and Billboards Ordinance. They reviewed the Chester County Planning Commission's review letter and recommendations.
- c. Newlinville Area and Zoning of the Multi-Use Zoning District and Office-Industrial Zoning District – Planning Commission Chairman Crook reported the Planning Commission discussed the Newlinville area (northern part of the Township along Route 82) of the Township at their last Planning Commission meeting. They also looked at the zoning requirements for the Multi-Use and Village Commercial Zoning Districts. They are conducting a survey of all the properties in the Multi-Use Zoning District which includes Newlinville Road. He said that 70% of the properties in the Multi-Use Zoning District are below the minimum lot size requirement of one acre. They are looking into rezoning part of this area as Village Commercial or as an Overlay Zoning District. Planning Commission Chairman Crook discussed a need for infrastructure/public sewer along Jane Street. There was a discussion regarding potential infrastructure improvements for the Newlinville area of the Township. Supervisor DiRado discussed her ideas for the Newlinville area such as an office complex and shops.
- d. Letters from Pen King – Planning Commission Chairman Crook reported that Pen King has submitted several different written proposals to the Township. One of Mr. King's proposals was a for a big residential community in the Newlinville area. A second proposal was for a marijuana growing facility. Solicitor Crotty said a marijuana growing facility must be treated as a manufacturing, processing, or industrial operation as regulated by the State. The State only permits indoor marijuana growing facilities. Planning Commission Chairman Crook discussed a problem with residents needing more education on the Township ordinances and how the application process works. Planning Commission Chairman Crook is in the process of writing a response letter to Mr. King and he will explain the formal application process to him.
- e. PSATS Webinar – Planning Commission Chairman Crook reported that he recently took a PSATS Webinar entitled "Does your Township Need Help Attracting the Right Kind of Development." He said the webinar had a lot of useful ideas.
- f. Dumpster & Pod Ordinance – Planning Commission Chairman Crook asked Solicitor Crotty about the status of the dumpster and pod ordinance. Solicitor Crotty said he will check on the status of this ordinance.
- g. Strategic Steering Planning Committee – Planning Commission Chairman Crook said the Planning Commission discussed recruiting Strategic Steering Planning Committee members with the following background: a member of the Coatesville Area School District Parent-Teacher-Association, East Fallowfield Elementary School employee, or a Township business owner. Supervisor DiRado suggested asking Township resident Ronald P. Scott to join this committee. Township Manager Swichar stated he is planning to advertise this committee. Supervisor DiRado asked when the Strategic Steering Planning Committee meetings will be held. Township Manager Swichar said they are still working on putting together a meeting schedule.

## I. POLICE DEPARTMENT

- 1) December Police Department Report submitted for Board and resident review. Supervisor DiRado thanked the police and EMS for their service. They have been very busy over the holidays.

J. PUBLIC WORKS DEPARTMENT

- 1) December Road Department Report submitted for Board and resident review.
- 2) Strasburg Road.

Chairman Herzog commented on a section of Strasburg Road heading east approaching Fairview Road that stays wet and ices up repeatedly. He requested Township Manager Swichar contact PennDOT about getting that portion of Strasburg Road repaired. Township resident Mary Pflueger commented on an icy/wet spot on Park Avenue that is dangerous.

K. HISTORICAL COMMISSION

- 1) No Report Submitted.

L. NEW BUSINESS

- 1) Park Events for 2019.

Supervisor DiRado asked what community events are being planned for 2019. Township Manager Swichar stated the Township is planning an Easter Egg Hunt. This event has not been formally announced and a date has not been chosen yet. There was a discussion regarding ideas for various potential community events. Township Manager Swichar stated he is exploring the idea of a beer garden. Township Manager Swichar said he would also like to organize a tree lighting event for the Christmas holiday. Township Manager Swichar also plans to continue planning movie in the park events.

M. PUBLIC PARTICIPATION

- 1) Township Resident Sharon Scott discussed a request she made in August of 2018 to include the County deficit, which was stated by Chester County Planning Commission's Brian O'Leary, in the July 24, 2018 Board of Supervisors meeting minutes. Township Secretary Valaitis stated she made that change. Township resident Sharon Scott looked at the July 24, 2018 Board of Supervisor meeting minutes again and did find that a comment regarding the County's \$8.75 million deficit was added to the July 24, 2018 Board of Supervisors meeting minutes.

3. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 8:05 p.m. Supervisor Kulp seconded.

VOTE: 3-0

Respectfully Submitted,



Lisa Valaitis,  
Township Secretary