

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
March 26, 2019 Approved minutes  
6:30 p.m.

**Members Present**

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

**Township Staff Present**

Scott Swichar, Township Manager  
Pani Martin, Township Treasurer  
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 6:30 p.m.

2) DISCUSSION

A. EXECUTIVE SESSIONS

Chairman Herzog reported the Board of Supervisors held an executive session prior to the meeting regarding personnel issues.

B. RECOGNITION OF BOY SCOUTS

Chairman Herzog recognized three Boy Scouts in attendance that are working on their Citizenship and Community Mayor Badge. The three Boy Scouts in attendance were Alex Hillestad, Josh Hillestad, and Greg Debitis.

C. APPROVAL OF MINUTES

1) February 26, 2019 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the February 26, 2019 Board of Supervisors meeting minutes as presented. Supervisor Carol Kulp seconded.

VOTE: 4-0 (Supervisor Kulp abstained.)

2) March 12, 2019 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the March 12, 2019 Board of Supervisors meeting minutes as presented. Supervisor Kulp seconded.

QUESTIONS AND COMMENTS:

a. Supervisor Kulp requested a comment she made at the end of the March 12 meeting be added to the meeting minutes. At the March 12 Board of Supervisors meeting, Supervisor Kulp had commented that a resident on a fixed income had called her questioning where the funding came from for the Movie Night in the Park.

VOTE: 4-0 (Approved with revision. Supervisor Joe Heffern abstained.)

D. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

- 2) February Westwood Fire Company EMS Report submitted for Board and resident review.
- 3) February Modena Fire Company Fire Chief's Report submitted for Board and resident review.
- 4) February Modena Fire Company Fire Chief's Report – East Fallowfield Calls Only submitted for Board and resident review.
- 5) January Modena Fire Company EMS Report submitted for Board and resident review.
- 6) February Modena Fire Company EMS Report submitted for Board and resident review.

E. TREASURER'S REPORT

- 1) February 28, 2019 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the February 28, 2019 Treasurer's Report. Supervisor Joe Heffern seconded.

VOTE: 5-0

- 2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of December 26, 2018 through February 26, 2019 in the total amount of \$192,946.81, as presented. Supervisor Heffern seconded.

VOTE: 5-0

F. TOWNSHIP MANAGER'S REPORT

- 1) Vehicle Put out to Bid on Muncibid – 1999 Ford F-350 Pickup Truck Vin Number 1FTSF31F3XEA95128.

Township Manager Swichar stated the Township has a vehicle to sell on Muncibid and a resolution is needed to approve posting the sale of the vehicle on Muncibid. This discussion was tabled until the April 9, 2019 Board of Supervisors meeting.

- 2) Submission of Chester County Conservation District's Low Volume Road Maintenance Program Grant Application.

Township Manager Swichar recommended the Township apply for a Chester County Conservation District Grant under their Low Volume Road Program. He stated this grant money could be used to satisfy some of the PennDOT Multimodal Transportation Fund Grant's 30% matching requirement for repairs to Mortonville Road. He said that the Township meets all the requirements for the Low Volume Road Program. However, PennDOT Multimodal Transportation Fund matching funds must not come from state sources of funding. He said he would be applying for \$250,000 which was recommended by the Chester County Conservation District.

MOTION: Chairman Herzog make a motion to approve the submission of a grant application to Chester County Conservation District's Low Volume Road Maintenance Program for the rehabilitation of Mortonville Road. Supervisor Wilson Lambert seconded.

VOTE: 5-0

- 3) New Business.

- a. Candy Drop Event.

Township Manager Swichar reported that the Township is moving forward with the Candy Drop Event which will be held on Saturday, April 20, 2019 from 10:00 a.m. to noon. This event will be at the East Fallowfield Township Community Park. He said a helicopter will be dropping candy during the event. Township resident

Erwin Zeller asked if the Township is funding this event. Chairman Herzog stated there will be no cost to the Township for this event. Township resident Mr. Zeller also asked if the Township is insured for this event. Chairman Herzog said that the Township does have insurance coverage for this event.

#### G. LEGAL

1) Jensen Zoning Hearing Board Application – Informational Only.

Solicitor Crotty reported that the Township recently received a Zoning Hearing Board application for a variance for 1005 Doe Run Road, East Fallowfield, PA 19320. The applicant is Paul Jensen. Solicitor Crotty said that the applicant is proposing to knock down an abandoned, dilapidated house and replace it with a new house in the same spot on the property. The encroachment is in the rear yard where the deck will be located.

2) Ridgecrest – Landscaping Plan Amendment Request – Informational Update Only.

Solicitor Crotty reported that the Township is still waiting for Rouse Chamberlin to submit official plans with the proposed landscaping plan amendments for the Ridgecrest Development.

3) Rush Lot Line Change.

Solicitor Crotty reported that the Rush Lot Line Change Application has been reviewed by the East Fallowfield Township Planning Commission, Township Engineer, Township Sewer Engineer, and the Chester County Planning Commission. These parties have all recommended approval of the Rush application. Solicitor Crotty stated this application is a simple lot line change. No new lots are being created and no development will be occurring. Solicitor Crotty presented the draft form of the Decision and Order which memorializes the Board of Supervisors approval. The only conditions of approval are to comply with the Township Ordinances and obtain the necessary waivers. There is an outstanding Sewage Facilities Planning Module waiver from the Chester County Health Department. Solicitor Crotty stated that from the Engineer's prospective, the Rush application is ready for approval.

MOTION: Chairman Herzog moved that the Township approve the Rush/Two Sisters Lot Line change pursuant to the form of conditional approval decision presented by the Township Solicitor. Supervisor Kulp seconded.

#### QUESTIONS AND COMMENTS:

- a. Supervisor DiRado asked for clarification on the application regarding the description that the acreage on one lot is being decreased from 43 acres to 35 acres. Solicitor Crotty stated acreage is being shifted from the first lot to the second lot.

VOTE: 4-1 (Chairman Herzog, Supervisor Lambert, Supervisor Heffern, and Supervisor DiRado voted yea. Supervisor Kulp voted nae.)

#### H. POLICE DEPARTMENT

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

#### I. PUBLIC WORKS DEPARTMENT

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

#### J. HISTORICAL COMMISSION

- 1) No report submitted.

## K. PLANNING COMMISSION

### 1) Planning Commission Report.

Planning Commission Chairman Dennis Crook presented an update on the March 4 and March 18 Planning Commission meetings. He discussed a problem with completion of the Annual Report and the Commission's meeting minutes being behind. Planning Commission Chairman Crook said it takes the current secretary longer to complete the meeting minutes because she prepares the minutes by listening to the recording of a meeting as opposed to being present at the meeting taking notes. He said the previous secretary, who was full-time, attended the Planning Commission meetings and took notes. Having the secretary present at their meetings helped facilitate quicker turnaround on preparing letters and meeting minutes. He asked the Board of Supervisors to offer a solution. Chairman Herzog asked Planning Commission Chairman Crook if there is anyone on the Planning Commission that would be willing to do the meeting minutes. Chairman Herzog said that the other Township's committees prepare their own meeting minutes as opposed to running it through the Township office. Planning Commission Chairman Crook said that the Planning Commission's meeting minutes are more detailed than the other committees' meeting minutes. The topics they address involve a lot of specific details which are important to include in the meeting minutes. Township Manager Swichar stated the meeting recordings are all backed up on a computer. He also stated that the Township Secretary has been taking on a lot of additional responsibilities this year. Supervisor Lambert discussed an overall increased difficulty in finding volunteers. Various solutions were discussed by the Board of Supervisors. The Board of Supervisors may pay a commission member to take meeting minutes. Solicitor Crotty stated that West Chester University has a master's Program and students are often looking for internships. An intern could help the Township catch up on the meeting minutes.

Planning Commission Chairman Crook reported the Planning Commission also discussed the Strategic Planning Steering Committee and how to best utilize this committee. There is some current overlap between the Strategic Planning Steering Committee and the Planning Commission. Planning Commission Chairman Crook said they discussed the value of having a Coatesville Area School District Board member on the Strategic Planning Steering Committee. The Planning Commission also discussed holding a Chester County 2020 focused breakfast on the topic of the Newlinville area of the Township entitled, "Gateway to East Fallowfield". At the Chester County 2020 breakfast, they will be focusing on land use issues. In Newlinville, 62 out of 100 lots are non-conforming lots.

Supervisor DiRado asked about the status of the Township Official Map. Township Manager Swichar pointed out the final enlarged and mounted Official Map in the meeting room. He reported the final Official Map is also on the Township website. Planning Commission Chairman Crook also briefly discussed the need for ensuring that Township volunteers are insured by the Township for accidents and injuries as well as finding alternative sources of revenue for the Township. Planning Commission Chairman Crook suggested two PSATS courses for the Township office entitled "Managing Conflict, Team Development and Relationship Building," and "There is no 'I' in Team: Supporting Employee Growth."

### 2) Appointment of Alfred Wright to the Planning Commission for the term 2019 to 2022.

Planning Commission Chairman Crook stated the Planning Commission requests that the Board of Supervisors appoint Township resident Alfred Wright to the Planning Commission. Planning Commission Chairman Crook presented a brief summary of Alfred Wright's background. Mr. Wright was on the Township Zoning Hearing Board and has professional experience in municipal engineering, water resource engineering, land development engineering, and construction.

MOTION: Chairman Herzog made a motion to appoint Alfred Wright to the Planning Commission for the term 2019 through 2022. Supervisor Kulp seconded.

VOTE: 5-0

## L. PUBLIC PARTICIPATION

- 1) Township Resident Ralph Buonomo discussed an outstanding complaint he filed with the Township regarding 2035 West Chester Road. He reported that he recently got a call from Township Manager Swichar who informed him that the Zoning Officer is working on this complaint. Mr. Buonomo stated he is frustrated that nothing seems to have been done to address his complaint. Township Manager Swichar reported that a violation notice was sent to the owner of 2035 West Chester Road on February 28, 2019. Township Manager Swichar explained that

the property owner has 30 days to either respond or comply. Mr. Buonomo asked why his previous formal complaint was not addressed by the Township. Chairman Herzog stated the Township had not yet approved the Blighted Property Ordinance at the time of Mr. Buonomo's previous complaint.

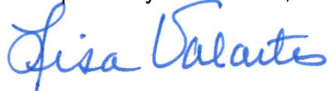
- 2) Township Resident Ellen Kuehner discussed the Township's feral cat problem and the need for a trap, neuter and release program which has been an ongoing discussion for several months. She reported that her contact at the Spayed Club applied for a grant and was awarded the grant on behalf of East Fallowfield Township. Ms. Kuehner said she has been checking in with the Township for a few months regarding the status of the program implementation. Mrs. Kuehner said there was communication between Township Manager Swichar and her contact at the Spayed Club. However, it is her understanding that the communications fell by the wayside and no program has been implemented. Ms. Kuehner said she is disappointed and concerned that no program has been implemented because it is now kitten season. Ms. Kuehner said the Spayed Club subsequently needed to allocate the funds elsewhere. Township Manager Swichar said he did communicate with the Spayed Club and there were logistical issues with handling the cats. He said the Spayed Club did not create a solid plan to handle the logistical issues. A location needed to be found to temporarily keep the cats, as well as feed the cats, until they could be picked up by the Spayed Club. Township Manager Swichar said the Spayed Club wanted the cats housed temporarily in the Township's Public Works garage until they could be picked up. Chairman Herzog said there was never an official plan discussed or approved at a public meeting. He said the Township did agree to educate the public on the feral cat problem in the Township. Chairman Herzog said the goal was for the Township to partner with someone that would do the work and it would not fall on the Township to care for cats until they are picked up. Ms. Kuehner said that the plan was to have the Spayed Club drop off a certain number of traps at the Township building. Specific dates would be designated for people to sign out the traps at the Township building. Trapped cats would be stored at the Township overnight. Supervisor Heffern said that if we can get a program in place for years to come, it will be a useful thing. Ms. Kuehner said that the Spayed Club is still willing to work with the Township however, there are presently no significant grants available. Ms. Keuhner also discussed the possibility of using a trapper to work with the Spayed Club. Township Manager Swichar stated he is happy to continue to work with the Spayed Club and meet with them to develop a plan. Supervisor Heffern said that a written formal proposal needs to be submitted to the Township for consideration and Board approval.
- 3) Township Resident Mary Pflueger said that when the Township gets involved in this type of program, it can be a problem when the people running the program stop. Residents get used to the program and may expect the Township to continue the program. Township Manager Swichar said the Spayed Club can run the program for 60 days. Township Manager Swichar stated he is concerned that after the 60 days are up, residents would continue to drop off cats at the Township building. Chairman Herzog said the Township wants to help but cannot be involved in handling cats.
- 4) Modena Resident Jennifer Daywalt stated she resides on South Brandywine Avenue in Modena Borough and is the Vice President of Modena Borough Council. Ms. Daywalt said from her home she has been hearing a lot of pistol shooting and even some semiautomatic shooting. She said the shooting is coming from a property at the top of Hephzibah Hill Road and to the left along Strasburg Road. Chairman Herzog stated gun ranges are allowed on properties by Township Ordinance, but they must meet certain criteria. Ms. Daywalt asked what the Township's gun law parameters are. Chairman Herzog said the Township could provide her with the Ordinance. The Township Ordinance does permit shooting on Sundays and specifies safety requirements. Ms. Daywalt asked if gun ranges must register with the Township. Solicitor Crotty said they are required to have the Chief of Police inspect a gun range to ensure all safety parameters in the Ordinance are met. Chairman Herzog recommended Ms. Daywalt contact Police Chief Porter for assistance in this matter.
- 5) Township Resident Erwin Zeller asked if the Board of Supervisors could share why they held an executive session prior to the meeting. Chairman Herzog stated he could only disclose that they met to discuss personnel issues. Township Resident Erwin Zeller also asked about the upcoming selection and appointment of a Zoning Hearing Board Solicitor which was recently advertised. Solicitor Crotty stated at the February Board of Supervisors meeting, the Board determined it is up to the Zoning Hearing Board to choose its own Solicitor. Township Manager Swichar reported the Zoning Hearing Board plans to appoint their Solicitor at the Zoning Hearing Board hearing on April 24, 2019. Mr. Zeller asked if that means a solicitor has been selected. Solicitor Crotty said the Zoning Hearing Board will arrange whoever their selection is to be available for the hearing.

- 6) Township Resident Mary Pflueger asked, regarding Mortonville Road, if the State would ever take a road back from the Township. Chairman Herzog said the State will not accept a road back from the Township. She also stated that a lot of maps may be obtained from the County Mapping Department. She bought East Fallowfield Township maps from the Chester County's GIS Mapping Department.
- 7) Township Resident Jim Cochran asked for an update on the stormwater problems at the intersection of West Chester Road and South Caln Road. Mr. Cochran stated his home is located at this intersection. Chairman Herzog said the Township is working with the Traffic Engineer. Township Manager Swichar said that he has a meeting scheduled this week with Traffic Planning and Design to discuss the intersection. Township resident Jim Cochran said when they built the last development and repaved West Chester Road, the pitch of the road was changed, and the water now washes down to his property. Mr. Cochran stated his walkways are coming up, his lawn is ruined, and his driveway is washed out.
- 8) Township Resident Sharon Scott discussed the benefits of preserving trees in East Fallowfield Township. Mrs. Scott stated that trees help manage stormwater. She spoke about her opposition to Rouse Chamberlin reducing the landscaping in the Ridgecrest Subdivision. Chairman Herzog said that the purpose of most of the landscaping proposal was to reduce the number of bushes/shrubs in the front yards of the individual lots. Township resident Mrs. Scott said that Rouse Chamberlin should be required to increase the number of trees in the Ridgecrest Development if the number of bushes are being reduced. Mrs. Scott stated that the Township has paid thousands of dollars in legal fees to write ordinances just to have the Township waive the ordinance requirements. Solicitor Crotty stated that the Township has not yet received a revised landscaping plan from Rouse Chamberlin. Supervisor Heffern said that Mr. Honan, of Rouse Chamberlin was going to refund money to the Township if the Township approves the proposed landscaping changes.
- 9) Township Resident Ralph Buonomo said if water runoff problems are not addressed, then the trees are useless. He can see the roots of his trees due to the water runoff from the intersection of West Chester Road and South Caln Road. Chairman Herzog said plans to fix the intersection are in the works and there is money set aside in an escrow fund to cover the cost.
- 10) Township Resident Ellen Kuehner asked about the status of the Billboards and Electronic Signs Zoning Ordinance Amendments. Solicitor Crotty said this Ordinance has been approved by the Board of Supervisors. He said the ordinance was reviewed by the Township Planning Commission over many meetings, reviewed by the Chester County Planning Commission, presented at both the Township's Planning Commission and Board of Supervisors meetings, and the Ordinance was adopted. Ms. Kuehner asked how to obtain a copy of the approved Ordinance. Solicitor Crotty stated the Township could provide a copy of the Ordinance. A copy of the Ordinance is also posted on the Township website.
- 11) Planning Commission Chairman Crook asked if Township residents could obtain a copy of both the new employee handbook and old employee handbook. Solicitor Crotty stated the employee handbook is considered a public record and Mr. Crook could request a copy of that document by submitting a Right to Know request.

M. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:54 p.m. Supervisor Lambert seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,  
Township Secretary