

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
September 24, 2019 Approved minutes  
6:31 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  
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. APPROVAL OF MINUTES

1) August 27, 2019 Board of Supervisors Meeting Minutes.

MOTION: Chairman Herzog made a motion to approve the August 27, 2019 Board of Supervisors meeting minutes as presented. Supervisor Wilson Lambert seconded.

VOTE: 5-0

B. CITIZENS BY REQUEST

1) Deborah Rush - Two Sisters Farm Lot Line Change - 400 Fairview Road.

MOTION: Chairman Herzog made a motion to sign the plans of the Two Sisters Lot Line Change. Supervisor Joe Heffern seconded.

Township resident Deborah Rush stated the Board of Supervisors approved her lot line change for the Two Sisters Farm located at 400 Fairview Road. She stated she has seven copies of the plans with her notarized signature ready for the Board of Supervisors' signatures. Solicitor Crotty stated that the Board of Supervisors has previously approved the lot line change with a formal written decision. Ms. Rush also stated that her Township bills are paid in full. Solicitor Crotty stated the Township Planning Commission members need to sign the plans. After the approved plans have been signed by the Board of Supervisors and the Planning Commission, Ms. Rush should take the signed plans to the Chester County Planning Commission and then finally the Chester County Recorder of Deeds.

VOTE: 5-0

## C. PRESENTATIONS

### 1) Act 537 Plan Update - David Porter, Herbert MacCombie Consulting Engineers, Inc.

David Porter, from Herbert MacCombie Consulting Engineers, Inc. reported that he and Township Manager Swichar attended a meeting with DEP in August. At the meeting with DEP, they discussed the Needs Analysis as well as some identified areas of concern in the Township. At the meeting with the DEP, they tried to access whether the DEP would accept a township wide Septage Management Program which is what the Board of Supervisors had expressed interest in. David Porter stated that the DEP will look at three criteria: areas where there are small lots, soil limitations, and a history of on-lot septic system issues. If an area of a municipality has more than 25% of the designated criteria, then the DEP will push that municipality to implement a public sewer alternative for those areas. There are two challenging areas of the Township that were identified: along Stottsville Road and along Mt. Carmel Road. The Stottsville Road area has 36 lots that are each a half acre or less and has soil limitations for standard bed and trench systems. The Mt. Carmel Road area has 32 lots with less than a half-acre and similar characteristics to the Stottsville Road area.

David Porter recommended extending public sewer to the Stottsville Road area and Mt. Carmel Road area. He stated that the DEP will not approve a Septage Management Program for these two areas. The DEP also made it clear that a Septage Management Program is not going to be an adequate long-term solution for additional areas of the Township. There are additional potential problem areas in the Township. In these areas where a Septage management Program is implemented, the DEP will require annual reporting on the Septage Management Program. If areas decline, the Board of Supervisors could look at alternatives for those areas.

David Porter discussed the Township's options for installing public sewer in the Stottsville Road and Mt. Carmel Road areas. One option is for the Township to take on the public sewer installation. Under this option, the Township would incur design, bid and construction costs. The Township could collect tapping fees, enforce a mandatory connection requirement, and dedicate the sewer lines to PA American Water Company upon completion. The second option is to have the PA American Water Company take on the public sewer project. PA American Water Company will look to property owners to sign off on a commitment to connect to public sewer. The Township would need a Mandatory Connection Ordinance and would need to enforce that Ordinance. Because PA American Water Company is a public utility, it can get the project done for a lower cost than the Township. The cost to the property owner would be the construction cost and soft costs incurred by PA American Water Company above the Company's contribution amount. PA American Water Company typically offers a contribution of \$10,000 to each property owner.

David Porter estimated the cost per property owner for the Stottsville Road area to be \$4,400 per property if the project is done by the Township and \$3,200 per property if the project is done by PA American Water Company. The estimated cost per property owner for the Mt. Carmel Road area is \$3,000 per property if the project is done by the Township and \$2,500 per property if the project is done by PA American Water Company.

David Porter discussed the process for the Township to submit an Act 537 Plan proposal to the DEP. The plan must be submitted to the Chester County Health Department, Township Planning Commission, PA American Water Company, adjacent municipalities, and outside environmental agency. A 30-day public comment period is required. David Porter asked if the Board of Supervisors would like to submit the draft to DEP before the 30-day comment period or concurrently.

Chairman Herzog said the Act 537 Plan needs to be approved and he is in favor of submitting the proposed Act 537 Draft to DEP before doing the 30-day comment period. Township Manager Swichar stated that the projected approval time for the Act 537 Plan would be March or April of 2020. David Porter stated he is required to address all public comments in the Act 537 Plan document so there will be revisions to the plan. David Porter will prepare a final draft to present to the Board of Supervisor for review by the end of October.

Supervisor DiRado asked what the monthly estimated utility payments would be for a resident. David Porter estimated the utility payments to be \$250 to \$300 per quarter. Supervisor Katja DiRado asked what the time frame is for the installation payment and if there is any type of loan options for residents. David Porter stated that PennVest is a loan program to assist residents with the cost of public sewer installation. Supervisor Heffern asked about financing options for residents. David Porter stated that there is also a Small Water and

Sewer DCED Grant to help residents with the cost. Chairman Herzog said that the smaller lot properties do not have room for a new system if their current system fails and it would cost residents a lot more money to install a new septic system than to connect to public sewer.

2) Fieldstone Village/Pelham Place.

John Juffe, with Tri Corner Homes reported that Tri Corner Homes recently merged with Gemcraft Homes. Tri Corner Homes purchased lots last May in the Fieldstone Village/Pelham Place Development. There are currently ten home sales and two homes in the process of being built. Mr. Juffe said that they recently discovered an overlooked provision regarding side-loaded garages which was not in any recorded Township information. John Jaros, attorney for Tri Corner Homes/Gem Craft Homes, presented a history of the Fieldstone Village Development. In 2006, Deluca Enterprises was approved to develop 74 lots on 104 acres on the southeastern corner of South Caln Road and Oaklyn Road in East Fallowfield Township. Subject properties were developed under Article 1100 - The Open Space Design Option. In 2010 Deluca Enterprises went into court receivership and Rouse Chamberlin, Ltd. was appointed the receiver by the court. In 2012, Rouse Chamberlin conveyed the development to Longview Fieldstone, LP. That conveyance excluded nine lots that were already sold to residential purchasers. Longview has since sold the property to Tri Corner Homes. Tri Corner Homes purchased the development in two phases. The first phase comprises those unbuilt lots presently being served by substantially completed improvements. Phase One consists of 42 lots (lots 1-7, 28-46, and 59-74). The remaining 32 lots are in Phase Two and will require completion of the remaining public improvements before construction of additional homes.

Mr. Jaros stated that at some point during the revised final plan approval in August 2006, although not made a condition of the original conditional use approval, the condition was imposed that there would be a maximum of 11 front-loading garages in the development and the front-loading garages would be scattered throughout the development. No front-loading garages would be allowed on east and west Livie Lane as condition number two. Township Engineer Chris Della Penna discovered this provision when reviewing the building permits. Mr. Jaros stated that Tri Corner Homes is requesting the Board of Supervisors further amend and rescind the condition requiring the 11 front-loading garages. The Board of Supervisors requested that the Township's Planning Commission Review Tri Corner Homes' request before making a decision.

D. FIRE DEPARTMENTS & DEPARTMENT OF EMERGENCY SERVICES

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

E. TREASURER'S REPORT

- 1) August 31, 2019 Treasurer's Report.

MOTION: Chairman Herzog made a motion to approve the August 31, 2019 Treasurer's Report. Supervisor Lambert seconded.

VOTE: 5-0

2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations as presented for the period of August 28, 2019 through September 24, 2019 in the total amount of \$498,188.26 as presented. Supervisor Kulp seconded.

VOTE: 5-0

F. TOWNSHIP MANAGER'S REPORT

1) 2020 Minimum Municipal Obligation (MMO) for East Fallowfield Township - Police Pension Plan & Non-Uniform Pension Plan.

Township Manager Swichar stated that the Board of Supervisors are required to discuss the MMO in a public meeting before the end of September. Township Manager Swichar reported that the MMO for the 2020 Non-Uniform Pension Plan is \$22,490 and the MMO for the 2020 Police Pension is \$47,372. The total for both plans is \$69,862. Last year's total was \$67,710. Township Manager Swichar reported that he was notified last week that the Township received municipal state pension aid of \$64,290 which is an increase of \$9,412 from last year.

2) Spotted Lantern Fly.

Township Manager Swichar reported that the PA Department of Agriculture explained the state quarantine to him. Chester County is in the quarantine zone. Pennsylvania's quarantine order requires a permit for businesses with movement. The relevant Township staff has completed mandatory training on how to handle spotted lantern flies. Township Manager Swichar reported that the Township receives dozens of calls from residents regarding the spotted lantern fly. We are putting educational information on the Township website and Facebook to educate residents. The Township is pointing residents to the PennState Extension website for more information on the spotted lantern fly. Township Manager Swichar reported that the Township is compliant with the Mandatory Order. All Township vehicles have the required stickers/permits.

3) PennDOT Winter Services Agreement.

Township Manager Swichar stated that every five years, PennDOT requires the Township adopt a resolution to approve their Winter Services Agreement. The Board had previously approved the agreement and the agreement lists the correct payout amount for the fifth year.

MOTION: Chairman Herzog made a motion to adopt Resolution 2019-19 authorizing Steve Herzog, the Chairman of the Board of Supervisors of East Fallowfield Township, to sign the PennDOT Winter Services Agreement on behalf of the Township. Supervisor Heffern seconded.

VOTE: 5-0

4) Park Day Update.

Township Manager Swichar reminded the Board of Supervisors and residents that the Township's Park Day is coming up on October 12, 2019. The rain date is October 19, 2019. Township Manager Swichar listed the sponsors who committed this year's Park Day. Township Manager Swichar commended the Township staff for their hard work on organizing Park Day. Township Manager Swichar thanked all the companies on this year's sponsor list. Supervisor DiRado asked for an update on the recent Township Movie Night. Township Manager Swichar estimated attendance at Movie Night to be about 200 people which is about the same as last year's attendance. Supervisor DiRado asked for an update on the tree program. Township Manager Swichar reported that there are no grants to apply for at this time.

5) Vision Partnership Program Grant.

Township Manager Swichar stated that under the Vision Partnership Program Grant for the Newlinville Village Master Plan Project, the Township is required to select a consultant. The grant application was written to

include Ray Ott as the consultant. Township Manager Swichar stated that he would like to put a Consultant Selection Committee together to interview three consultants for the project. Township Manager Swichar stated Ray Ott will be one of the consultants interviewed. Township Manager Swichar proposed Supervisor Heffern, Planning Commission Member Mike Domboski and himself to be members of the Committee. Supervisor DiRado also expressed interest in interviewing prospective consultants.

MOTION: Chairman Herzog made a motion to appoint Supervisor Joe Heffern and Mike Domboski to work on a Consultant Selection Committee with staff as part of the consultant selection process for the Newlinville Village Master Plan. Supervisor Lambert seconded.

VOTE: 5-0

6) Approval of Additional Paving Work on Township Building Parking Lot by John DiRocco General Contractors.

Township Manager Swichar presented a change order for the paving work on the Township building parking lot. When the parking lot was ripped up, they discovered that there was no base and therefore additional work was needed.

MOTION: Chairman Herzog made a motion to approve additional paving work on the Township building parking lot by John DiRocco General Contractors for a cost of \$17,850. Supervisor Lambert seconded.

VOTE: 5-0

7) Paving of Police Department Building Parking Lot by John DiRocco General Contractors.

Township Manager Swichar presented a cost estimate of \$12,839.97 received from John DiRocco General Contractors for paving the Police Department's parking lot. Township Manager Swichar reported that Township Engineer Chris Della Penna is okay with this price and the work that would be done. Solicitor Crotty stated that two more written quotes are required for this job. Township Manager Swichar will obtain two more quotes and this discussion will be on next Board of Supervisors meeting agenda.

8) New Business.

a. Park Benches.

Township Manager Swichar reported that five new park benches were ordered and are arriving tomorrow. The benches will be installed in the park before Park Day. Township Manager Swichar stated the Township will be starting a Memorial Park Bench Program.

b. Township Community Park Restrooms.

Township Manager Swichar reported that Township Engineer David Porter can do the engineering work required for the bathroom. Township Manager Swichar anticipates the bathroom to be installed in the park by spring.

G. LEGAL

1) Doutrich ASA Application - Update.

Solicitor Crotty reported that he attended the September 16, 2019 Planning Commission meeting at which they reviewed the Doutrich ASA Application. The Planning Commission noted its approval of the Doutrich ASA Application. The Planning Commission felt it was worthy of noting that lot 44 of the Scott Farm Estates Subdivision Plan appears to have been improperly carved off the main property over a decade ago. Solicitor Crotty stated this would not impact the Board of Supervisor's decision regarding the Doutrich ASA Application, but it is worthy of noting when issuing a decision. Solicitor Crotty announced that the hearing will be on October 22, 2019 at 6:30 p.m.

2) Budget Process - Informational Update Only.

Solicitor Crotty reminded the Board of Supervisors that there is an obligation to advertise the availability of the budget 20 days before adoption. Therefore, the budget should be finalized and be ready to be advertised at the November 26, 2019 Board of Supervisors meeting and ready for vote at the December 17, 2019 BOS meeting.

3) SALDO - Bawa M. Fellowship Subdivision.

Solicitor Crotty stated this is a carry forward agenda item from last month's Board of Supervisors meeting. At the previous meeting, a question arose regarding a provision in the agreement referencing water meters. Solicitor Crotty noted that Solicitor John Jaros and Charles Ginty were present at the meeting. Solicitor Crotty stated that the water meter was stricken from the On-Lot Sewage Management Agreement.

MOTION: Chairman Herzog made a motion to approve the updated form of On-Lot Sewage Management Agreement for the Bawa development as presented. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Planning Commission Dennis Crook asked if the deletion of the water meter was the only change made to the On-Lot Sewage Management Agreement. Mr. Jaros noted two additional changes to the agreement: maintenance contractor was added, and periods of inspection for every three years was added.

VOTE: 5-0

4) Deets Stormwater Management Agreement.

Solicitor Crotty stated that when property owners do stormwater management improvements to their property, the Township's Ordinance and the Stormwater Act require the property owner to sign a Stormwater Management Agreement with the Township.

MOTION: Chairman Herzog made a motion to approve the form of the Stormwater Management Agreement for 140 Glenrose Road, in the form as presented. Supervisor Lambert seconded.

QUESTIONS AND COMMENTS:

- a. Chairman Herzog asked if Township Engineer Chris Della Penna needs to review the agreement. Solicitor Crotty stated that Township Engineer Della Penna separately reviews a stormwater management permit for each property.
- b. Supervisor Lambert asked Solicitor Crotty if he needed to recuse himself from this vote because Mr. Deets property borders his own property. Solicitor Crotty stated it was not necessary for Supervisor Lambert to recuse himself.

VOTE: 5-0

5) Ridgecrest Development - Phase 2 Plans and Agreements for Signature.

Solicitor Crotty noted that Greg Graham, from Rouse Chamberlin, was present at the meeting. The Ridgecrest Development's Phase 2 plans and agreements for BOS signature. There are no approvals required because approvals have already been issued by the Township.

H. PLANNING COMMISSION

1) Planning Commission Report - No Report.

Planning Commission Chairman Dennis Crook reported the Planning Commission discussed the Doutrich ASA Application at their September 16 Planning Commission meeting. The Planning Commission is still trying to

formulate what to do with the Multi-Use Zoning District recommendations. It may be best to do an overlay district like the overlay district zoning in Caln Township to address the non-conforming lots in the Multi-Use Zoning District. An Overlay District would make a corridor along Route 82 and keep the multi-use intact. The grant that Township Manager Swichar applied for is in conjunction with the Planning Commission's work on the Multi-Use Zoning District. Township Manager Swichar said that the Planning Commission's recommendations on the Multi-Use Zoning District is included in the grant. Planning Commission Chairman Crook discussed holding a Community Conversation to get resident feedback. He stated the Township should move forward with a Community Conversation to spur it on. Planning Commission Chairman Crook said he would like to do a Community Conversation before the end of the year because it is included in the Planning Commission budget. Township Manager Swichar said the grant would pay for the Community Conversation. Supervisor DiRado suggested that the Planning Commission conduct a resident survey before holding a Community Conversation. Township Manager Swichar said that he would like to work with the Planning Commission on the Community Conversation. Chairman Herzog stated that he is in favor of a Community Conversation, however it might be difficult to get it done before year end. Supervisor Heffern asked Planning Commission Crook what he envisioned regarding a Community Conversation. Planning Commission Chairman Crook stated that he'd like to do a Community Conversation entitled "What do we want in the Newlinville area?". A Community Conversation would open up a discussion regarding what types of uses we want in the Newlinville area. This would help tweak the Ordinance to fit the desired uses. Supervisor Lambert stated that education is key. He recommended enlisting the help of influential people for this project such as Senator Dinniman.

I. POLICE DEPARTMENT

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

J. PUBLIC WORKS DEPARTMENT

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

K. HISTORICAL COMMISSION

- 1) 310 Glenrose Road - Certificate of Appropriateness.

Township Manager Swichar stated that the Historical Commission reviewed the building permit application for 310 Glenrose Road. Solicitor Crotty stated that the Historical Commission's letter dated September 5, 2019 recommends the Board of Supervisors issue a Letter of Recommendation of Certificate of Appropriateness for 310 Glenrose Road which is required for exterior alterations because the property is in a regulated historical district.

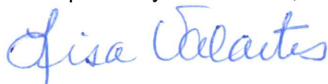
MOTION: Chairman Herzog made a motion for the Board of Supervisors to approve Resolution No. 2019-20 to issue a Certificate of Appropriateness to the Code Enforcement Officer for the building project located at 310 Glenrose Road. Supervisor Kulp seconded.

VOTE: 5-0

L. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 8:04 p.m. Supervisor Lambert seconded. VOTE: 5-0

Respectfully Submitted,



Lisa Valaitis,  
Township Secretary