

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
December 17, 2019 Approved minutes  
6:30 p.m.

**Members Present**

Steve Herzog, Chairman  
Joe Heffern, Member  
Katja DiRado, Member

**Township Staff Present**

Scott Swichar, Township Manager

**Township Solicitor**

Mike Crotty

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

Chairman Steve Herzog called the meeting to order at 6:35 p.m.

2) DISCUSSION

A. APPROVAL OF MINUTES

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

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

VOTE: 3-0

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.
- 6) Capital Payment to Westwood Fire Company

MOTION: Chairman Herzog made a motion for the Township to make a payment of \$40,000 to Westwood Fire Company for a 2019 Ford F550 Ambulance. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS:

- a) Township Resident Sharon Scott questioned which account number in the budget the disbursement is being made, how much was budgeted and the bank account balance in the Fire/EMS Fund.

- b) Township Manager Scott Swichar stated that the account number is 411.545 under Fire/EMS in the General Fund.
- c) Chairman Herzog stated that \$83,000 was budgeted in reserves and that the Fire/EMS bank balance is \$307,000 as of November 30, 2019. The figure is located on page 2 of the Treasurer's Report.
- d) Township Resident John Nielsen questioned if the vehicle is brand new and how long it will last.
- e) John Sly, President of the Westwood Fire Company, stated the vehicle is brand new and that it will be front line for 3-4 years. He stated that vehicles are rotated to help them last longer. He stated that the new vehicle will be replacing a 2003 ambulance vehicle. He stated that Westwood Fire Company budgeted to purchase a new ambulance every three years and that they did not draw capital funds from East Fallowfield Township in 2018. He stated that the ambulance will cost \$212,000. Valley Township will contribute \$86,000 and Westwood will borrow \$50,000, and that the balance of the ambulance purchase will be obtained from additional fundraising efforts. Mr. Sly stated that he will bring the new ambulance to the Township building as soon as it is ready. He stated that Westwood Fire Company currently has six ambulance vehicles in service.

VOTE: 3-0

#### C. TREASURER'S REPORT

##### 1) November 30, 2019 Treasurer's Report

MOTION: Chairman Herzog made a motion to approve the November 30, 2019 Treasurer's Report as presented. Supervisor Heffern seconded.

VOTE: 3-0

##### 2) Payment Authorizations.

MOTION: Chairman Herzog made a motion to approve the Payment Authorizations for the period of November 27, 2019 through December 17, 2019 in the total amount of \$619,961.24 as presented. Supervisor Heffern seconded.

VOTE: 3-0

#### D. TOWNSHIP MANAGER'S REPORT

##### 1) SPECIAL PRESENTATION

Township Manager Swichar stated that Chairman Herzog would be finishing his term on the Board of Supervisors at the end of the year. Township Manager Swichar thanked Chairman Herzog for his years of hard work as a Township Supervisor and Chairman of the Board of Supervisors. Township Manager Swichar presented Chairman Herzog a Distinguished Service Award and read into the record a Resolution of appreciation and commendation for his long-standing service and outstanding dedication to the Township of East Fallowfield.

MOTION: Supervisor Heffern made a motion to approve Resolution 2019-24 commending Chairman Herzog for his long-standing service and dedication to the Township of East Fallowfield. Supervisor Dirado seconded.

Chairman Herzog thanked his wife and children who were in attendance for standing by him over the years as well as his parents who drove three hours to be at Board meeting. Chairman Herzog stated that he enjoyed his time on the Board and he looks forward to the next chapter in his life.

VOTE: 3-0

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

Township Manager Swichar stated that he recommends a transfer of \$300,000 from the General Fund to the Capital Fund and a second transfer of \$100,000 from the General Fund to the Trash Fund. Township Manager Swichar stated that that there will be a surplus at the end of 2019 in the amount of \$481,915. Township Manager Swichar

stated that some of the surplus was from an insurance refund from Benecon. The Township also exceeded its projected budget for building permits. The 2019 budget had projected a \$67,000 transfer to the Capital Fund. However, the proposed \$300,000 transfer will fund anticipated capital expenditures in the Capital Fund in 2020. The \$100,000 transfer from the General Fund to the Trash Fund would start the new Trash fund with a sufficient balance to pay operating expenses. There would also be a healthy surplus of 20% in the Trash Fund. If both transfers are made, the General Fund would still have 26% of reserves, which is considered very healthy.

MOTION: Chairman Herzog make a motion to approve a Resolution no. 2019-25 authorizing the transfer of unencumbered monies in the amount of \$300,000 from the General Fund to the Capital Fund to fund capital and infrastructure projects. Supervisor Heffern seconded,

QUESTIONS AND COMMENTS:

- a) Township Resident John Nielsen asked how much money is in the Capital Expenditure Fund.
- b) Chairman Herzog stated that there is approximately \$400,000 in the Capital Fund before the transfer. Township Manager Swichar stated that the 2020 Capital Budget has approximately \$300,000 of expenditures.
- c) Township Resident Sharon Scott questioned the total amount of funds that are being transferred to the Capital Fund and what expenditures are being proposed for the Capital Fund.
- d) Chairman Herzog stated that there is approximately \$400,000 in the Capital Fund currently and that the proposed transfer will add \$300,000 to the Capital Fund, to increase the Capital Fund balance to approximately \$700,000.
- e) Township Manager Swichar stated that 2020 capital projects include Mortonville Road repair, a new police vehicle, a new fuel pump system, a grapple loader truck to collect yard waste, a Township Building feasibility study, a Vision Partnership Grant, body cameras for the police, and a Ferris Mower. \$21,266 of the Vision Partnership Project is from a County Vision Partnership Grant.
- f) Township Resident Sharon Scott questioned why a feasibility study was being proposed and whether the Township needs such a large building due to the overhead expense.
- g) Chairman Herzog stated that the School District determined that it would cost approximately \$9 million to bring the East Fallowfield Elementary School to code. He stated that the Township would like to conduct its own study to evaluate use as a township building.

VOTE: 3-0

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

MOTION: Chairman Herzog made a motion to approve a Resolution no. 2019-26 authorizing the transfer of unencumbered monies in the amount of \$100,000 from the General Fund to the Trash Fund to fund projects related to trash collection. Supervisors Heffern seconded.

QUESTIONS AND COMMENTS:

- a. Township Resident John Nielsen questioned what projects are related to the Trash Fund and whether the trash fees are paying for all expenses related to trash.
- b. Chairman Herzog stated that the new Trash Fund will increase transparency. He stated that the Township pays for recycling costs and tipping fees which are trash related expenditures. He stated that the trash fee was insufficient in prior years, however the current trash fee and efficient collections through the County will ensure that the trash fee adequately covers the expenses related to trash collection.
- c. Township Manager Scott Swichar stated that Township's largest expense for trash is the \$384,000 annual hauling contract with Advanced Disposal.

- d. Township Solicitor Mike Crotty questioned how residents currently pay their trash bill.
- e. Township Manager Swichar stated that the trash bill comes from the County and that the Township pays the trash company for collection.
- f. Township Resident Sharon Scott questioned the amount of income related to the trash fee and asked how many households are in the Township. She also questioned how much Advanced Disposal is paid. She also stated the General Fund pays heavily for road department expenses, and that public works expenses such as salaries are in the Liquid Fuels Fund as well.
- g. Township Treasurer Pani Martin stated that the income is approximately \$740,000 and that there are approximately 2,800 households in the Township.
- h. Chairman Herzog stated that in addition to hauling fees, the Township is responsible for trash tipping fees, recycling processing fees, and administrative expenses related to trash. He stated that most of the Liquid Fuels funds pay for road repair.

VOTE: 3-0

4. Ridgecrest Escrow Release No. 10.

Township Manager stated that there is a letter in the file from Township Engineer Chris Della Penna recommending the escrow release.

MOTION: Chairman Herzog made a motion that the Township approve Escrow Release No. 10 for the Ridgecrest Residential Subdivision, in the amount of \$47,809.18. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS: None

VOTE: 3-0

5. Ridgecrest Escrow Release No. 1 - Phase 2.

MOTION: Chairman Herzog made a motion that the Township approve Escrow Release No. 1 for Phase 2 for the Ridgecrest Residential Subdivision, in the amount of \$83,083.21. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS: None

VOTE: 3-0

6. Section 902 Recycling Implementation Grant

Township Manager Swichar stated that the Township received notice that the Township was awarded a \$139,702 Section 902 Recycling Implementation Grant from DEP. The grant provides 90% funding and the Township is only required to provide a 10% match. Most of the funding will fund a new grapple loader truck to collect yard waste. The new yard waste truck will be more efficient compared to the old collection vehicle and does not require four laborers to operate the vehicle. The grant will also fund educational materials related to recycling as well as a 20-foot container that will store electronics and cardboard for recycling. Only four municipalities in Chester County were awarded the grant and only 89 municipalities in the State were awarded the grant.

Chairman Herzog stated that he is pleased that the Township will be replacing an older vehicle with the new grapple loader truck. He questioned if the new vehicle can be operated by one person.

Township Manager Swichar stated that two operators might be required on main roads like Strasburg Road; however, in the developments only one operator may be required. He also stated that the grapple loader truck would eliminate the need to use a separate backhoe to collect yard waste. Therefore, extra fuel would not be required.

7. New Business: No New Business

E. LEGAL

1) 2020 Budget.

Township Solicitor Mike Crotty said the budget has been advertised and is ready for consideration

MOTION: Chairman Herzog moved that the Board approve the 2020 budget as advertised. Supervisor Heffern seconded.

QUESTIONS AND COMMENTS: None

VOTE: 3-0

2) 2020 Tax Resolution Establishing Real Estate Millage.

MOTION: Chairman Herzog moved that the Township approve Resolution 2019-27, establishing the Township property tax rates for 2020 as follows: 2.00 mills general millage; 0.44 mills emergency services millage; and 0.56 mills fire tax millage. Supervisor Heffern seconded.

VOTE: 3-0

3) 2020 Organization Meeting.

Township Solicitor Mike Crotty stated that the reorganization meeting is required to be held on the first Monday of the year, unless the first Monday is a holiday. The first Monday is January 6.

Township Manager Swichar stated that Judge Gill would need to leave by 6:15PM

MOTION: Chairman Herzog moved that the Board authorize the advertisement of the January 6, 2020 organization meeting at 6:00 pm. Supervisor Heffern seconded.

VOTE: 3-0

4) 2020 Independent Auditor.

Township Solicitor Mike Crotty said that under the second class Township code the Township has the ability to appoint an independent third-party auditor. 90% of Townships hire an independent third-party auditor due to the complexity of an audit. He stated that the Township needs to provide 30-days -notice that the Township intends to appoint an auditor. He stated that the Township has used Barbacane Thorton for the past three or four years.

Chairman Herzog questioned if they would be locked into using a certain auditor if they made the motion tonight.

Township Solicitor Mike Crotty said the Board would be locked in on January 28; however, a new Board could make a new Motion on January 6 and then vote at the February meeting.

Chairman Herzog stated he is concerned about using Barbacane Thorton due to the fraud that was uncovered in Kennett Township. He stated that he does not suspect fraud is taking place in East Fallowfield Township.

The Motion to advertise the intent to appoint a selected independent auditor for the Township was tabled to the January 6 reorganization meeting.

Township resident John Nielsen questioned if the 2018 audit is available for public inspection.

Township Solicitor Crotty stated the document is available for public inspection.

5) Piper Group Subdivision

Township Solicitor Crotty stated that the subdivision had originally received approval for 11 lots. He stated that the revised application would reduce the number of homes from 11 to 6.

The applicants engineer, David E. Rentschler, JMR Engineering, stated that there would be five new lots, 1 new home with 2 vacant lots. Of the six lots there are homes on three of them, and they are proposing to build one home. There would be two additional lots where homes could eventually be built.

Township Solicitor stated that the Township Planning Commission provided a review letter of approval and that Township Engineer provided a review letter of approval as well.

MOTION: Chairman Herzog moved that the Township approve the Piper Group Subdivision Application pursuant to the recommendation of the Township Engineer and Township Planning Commission, subject to the conditions set forth in the form of decision presented by the Solicitor. Solicitor Heffern seconded.

Supervisor DiRado questioned how many additional homes are being built.

Mr. Rentschler stated that the maximum number of homes that could be built is three, however the applicant is only proposing to build one home at this time. However, potentially two more homes could be built in addition to the one that is currently proposed.

Township Solicitor Crotty stated that the original application was approved for 11 homes.

Mr. Rentschler stated that the original application was for 11 new homes and two existing homes. The new plan has changed slightly as the original plan would have had 13 homes built. The new plan calls for 6 homes if they are all built.

Supervisor DiRado questioned when the original plan was approved.

Township Solicitor Crotty stated that the 6-lot subdivision is new.

Mr. Rentschler stated the original plan was approved in 2010.

QUESTIONS AND COMMENTS:

Township Resident Sharon Scott questioned the street address for the property.

Mr. Rentschler stated the two existing homes are at 2133 Strasburg Road. One home is on 55 Carlin Drive. The home to be built will be on Carlin Drive. The address is to be determined. He stated there are two parcels. One parcel is at least 30 acres and the other parcel is  $\frac{3}{4}$  acres. 55 Carlin Drive is where the  $\frac{3}{4}$  acre lot is located.

VOTE: 2-1: Voting No: Supervisor Katja DiRado. Motion Failed.

Chairman Herzog questioned if the application could be considered at the next Board meeting.

Township Solicitor asked Township Manager if the application is within Municipalities Planning Code review period.

Township Manager Swichar said he would review the Planning Code to determine if the application could be reviewed again at the January 6 meeting.

6) Appointment of Township Secretary

Solicitor Mike Crotty stated that there is a vacancy in the Township Secretary post. He stated that someone should fill the role even if its temporary.

Township Manager Scott Swichar said he would be able to fill the role of Township Secretary temporarily.

MOTION: Chairman Herzog made a motion to appointment Scott Swichar as Township Secretary. Supervisor Heffern seconded.

## QUESTIONS AND COMMENTS:

Supervisor DiRado stated that the Township needs a new Township Secretary quickly. She does not think that Township Manager Swichar should be the Secretary long-term.

Solicitor Crotty stated that the new oath of offices needs to be signed by the Township Secretary necessitating the need for a Township Secretary.

Supervisor Heffern questioned if Township Manager Scott Swichar could fill both positions.

Solicitor Crotty stated that it is not incompatible to be both Township Manager and Township Secretary.

Township Treasurer Pani Martin asked who would be performing the various job duties.

Chairman Herzog stated that that would be determined by the Township Manager.

Township Resident Erwin Zeller asked if Lisa Valaitis resigned from her position.

Chairman Herzog stated that Lisa Valaitis resigned from her position. He stated that the Board should meet in executive session to help guide Township Manager Swichar in the hiring of the position.

Planning Commission Director Dennis Crook stated that the various Commissions should be able to provide their input on the position.

Chairman Herzog stated that the hiring of the Secretary is an employment matter that will be discussed in an executive session. However, he stated that the Board would consider suggestions from Commissions.

VOTE: 3-0

## F. PLANNING COMMISSION

### 1) Planning Commission Report.

Planning Commission Chairman Crook stated that he had a meeting with the Pipers on November 20 regarding their proposed subdivision. The Commission is still working on Village Commercial and Office Industrial Zoning issues. The Commission is also interested in having Mike Domboski and Sue Monaghan serve another term on the Planning Commission. He stated there will be two vacancies on the Planning Commission in the beginning of 2020. John Schwab and John Nielsen will be stepping down from the Planning Commission, however both individuals offered to become alternate members.

Township Resident John Nielsen stated that Edmund Pete Davis would like to become a member of the Planning Commission.

Township resident Edmund Pete Davis stated that he submitted a resume to the Township. He stated he has been a resident since 1997 and has a 50-year history with PECO as a planning specialist.

Supervisor Heffern asked Mr. Davis if he still has contacts at PECO. He stated that it would benefit the Township to have PECO connections since the Township contains land owned by PECO.

Mr. Davis said that he retired last year and that he worked in 6 nearby counties.

Chairman Herzog stated that the Planning Commission vacancy could be voted on at the reorganization meeting.

## G. POLICE DEPARTMENT

### 1) November Police Department Report submitted for Board and resident review.

H. PUBLIC WORKS DEPARTMENT

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

I. HISTORICAL COMMISSION

- 1) No Report.

J. NEW BUSINESS

- 1) Chairman Herzog stated that the PSATS 98<sup>th</sup> Annual Education Conference & Trade Show is in May in Hershey, PA.
- 2) Supervisor Dirado stated that she will miss working with Chairman Herzog and wished him well.

K. PUBLIC PARTICIPATION

- 1) Planning Commission Chairman Crook questioned whether the Township's liability insurance policy was discussed at an executive session.
- 2) Chairman Herzog stated that the issue was discussed, and a letter was submitted to PIRMA.
- 3) Township Manager Scott Swichar stated that the Township is waiting for a response from PIRMA.
- 4) Mr. Crook stated that he has concerns about the policy because there is a limitation on med pay. He stated that he is still trying to get paid. He also stated that he is concerned that Township Solicitor Mike Crotty's firm, Siana Bellwoar is the General Counsel for PIRMA.
- 5) Township Solicitor Crotty stated that when a Township of Borough is sued, their firm would be typically assigned to represent the municipality. He stated that regarding this case, he does not represent PIRMA in any way. Mr. Crotty stated that he drafted the letter that was sent to PIRMA. However, PIRMA makes the decision on coverage and he does not guide them. He stated that if the Township were to be sued by a third party, then he would represent the Township. He stated that there is no conflict of interest and has provided no legal advice to PIRMA.
- 6) Township Resident Sharon Scott questioned when the elected auditors meet. She questioned how the meetings would be advertised. She requested that the Township notify the elected auditors regarding the January 7 meeting.
- 7) Township Solicitor Crotty stated that the elected auditors meet the day after the reorganization meeting. He stated the elected auditors would meet on January 7. He stated that the elected auditor meeting would be advertised.
- 8) Chairman Herzog stated that the Township would notify the elected auditors know about the January 7 elected auditors meeting.
- 9) Township Resident Edmund Pete Davis questioned how to report a property complaint. He stated that there is a property that has numerous vehicles scattered around their property.
- 10) Township Manager Swichar stated that he can call him directly concerning a problem property.
- 11) Chairman Herzog stated that the Township now has a Blighted Property Ordinance to address problem properties.

L. ADJOURNMENT

MOTION: Chairman Herzog made a motion to adjourn the Board of Supervisors meeting at 7:46 p.m. Supervisor Heffern seconded. VOTE: 3-0



Respectfully Submitted,

Scott Swichar,  
Township Secretary