

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
January 26, 2021 Approved minutes  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Joe Heffern, Vice-Chairman  
John Nielsen, Member

**Township Staff Present**

Scott Swichar, Township Manager  
**Township Solicitor**  
Mike Crotty

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

Chairman Lambert called the meeting to order at 6:30 PM.

2. DISCUSSION

A. APPROVAL OF MINUTES

JANUARY 4, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the January 4, 2021 Board of Supervisors meeting minutes as presented. Chairman Lambert seconded.

Supervisor Nielsen questioned if he volunteered to be the board liaison to the Historical Commission.

Township Manager Swichar stated he would check the video from the meeting.

VOTE: 3-0.

January 18, 2021 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Vice Chairman Heffern made a motion to approve the January 18, 2021 Board of Supervisors meeting minutes as presented. Supervisor Nielsen seconded.

VOTE: 3-0.

B. 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. 2020 Year End Modena Fire Company Fire Chief's Report submitted for Board and resident review.

C. TREASURER'S REPORT

1) December 31, 2020 Treasurer's Report

Chairman Lambert stated he was not sure if the payment authorizations are in the Board's packet.

Township Manager Swichar stated the payment authorizations are in the packet however he does not see a total dollar figure listed.

MOTION: Chairman Lambert made a motion to approve the December 31, 2020 Treasurer's Report as presented. Supervisor Nielsen seconded.

VOTE: 3-0

2) New Business

Township Manager Swichar stated that the Township ended 2020 with a surplus of \$715,294.10. However, when taking into account the \$175,000 transfer to the Capital Fund, the Township ended the year with a surplus of \$890,294. He stated that revenues were \$538,224 higher than budgeted. The earned income taxes were slightly higher than budgeted. Building permit revenue for 2020 was higher than 2019. He stated that he is waiting for third quarter EIT revenue figures and that the fourth quarter EIT revenues end this month. Overall ,2020 expenses were less than budgeted and every fund ended the year with a surplus. The 2020 audit will be in February.

Vice Chairman Heffern questioned what expenditure savings contributed to the surplus.

Township Manager Swichar stated that the Township received \$223,232.00 for building permits, an insurance refund of \$95,013 from Benecon. Expenditures were lower in every fund compared to the budget. The Township had not replaced positions in Public Works. The Township was careful with spending last year.

Supervisor Nielsen questioned if the surplus is from the General Fund. He questioned if the surplus will be transferred to a capital or building fund.

Township Manager Swichar stated yes. However, every fund ended the year with a surplus. Township Manager Swichar stated that the Township is not allowed to make transfers the first three months of the year. He stated that the Township should keep the money in the General Fund at the moment.

D. TOWNSHIP MANAGER'S REPORT

1) Ridgecrest Escrow Release No. 7 (Phase 2).

Township Manager Swichar stated there is a letter from Chris Della Penna recommending the release in the Board's packet.

MOTION: Chairman Lambert make a motion that the Township approve Escrow Release No. 7 for the Ridgecrest Residential Subdivision Phase 2, in the amount of \$79,839.52. Vice Chairman Heffern seconded.

Supervisor Nielsen questioned if the escrow release is related to the deceleration lane. He questioned if the deceleration lane is in the original plan. He would like to see the original plan.

Township Manager Swichar stated he will speak with Chris Della Penna. He will show Supervisor Nielsen the plan.

VOTE: 3-0

2) Bawa Muhaiydeen Fellowship Escrow Release No. 2 (Phase 1).

Township Manager Swichar stated that a letter from the Township Engineer recommending the release in the Board's packet.

MOTION: Vice Chairman Heffern make a motion that the Township approve Escrow Release No. 2 for the Bawa Muhaiydeen Fellowship Project Phase 1, in the amount of \$29,814. Supervisor Nielsen seconded.

VOTE: 3-0

3) Removal of Member from Planning Commission

Township Manager Swichar stated that the Planning Commission is asking the Board of Supervisors to remove Edmund Davis as he did not attend any meetings in 2020. He has not heard back from Mr. Davis. Under Act 247, there is a requirement to provide 15-days-notice of the intent to take a vote. Planning Commission member can be removed for failure to perform duties of the office.

Supervisor Nielsen questioned if there is anyone lined up for the Planning Commission.

Mike Domboksi, Planning Commission Chairperson, stated no.

MOTION: Vice Chairman Heffern make a motion to direct the Township Manager/Secretary to provide 15 days notice of the intent to remove Edmund Davis from the Planning Commission. Chairman Lambert seconded.

VOTE: 3-0.

4) Chester County Schools Joint Purchasing Board's Fuel Bid

Township Manager Swichar stated the Township currently purchases gas and diesel fuel from Riley and Sons. The Township pays a discounted variable price based on market prices. The Township is a member of the Chester County Joint Purchasing Board. The Board allows more purchasing

power and provides a fixed price over a one-year period. The Township calculated it would have saved about 20 cents a gallon for the terms of 2018-2019 and 2019-2020, which would have amounted to a \$3,500 annual savings. The Township would have lost money if it had joined the Consortium bid last year because the bids came in right before the pandemic started. After the pandemic, oil prices plummeted around March 2020.

Supervisor Nielsen questioned if the bid price is for the calendar year.

Township Manager stated the term is August 1, 2021 to July 31, 2022.

MOTION: Vice Chairman Heffern made a motion authorizing the Township Manager to accept the lowest bid at a cost not to exceed 1.89/gallon for gasoline and a cost not to exceed \$1.99/gallon for diesel fuel on Chester County Schools Joint Purchasing Board's Fuel Bid for gasoline and diesel fuel. Chairman Lambert seconded.

Supervisor Nielsen questioned if the Township is required to purchase the fuel if the Township accepts the bid.

Township Manager Swichar stated yes. They are required to purchase the minimum amount of fuel that was requested.

VOTE: 3-0

5) Resignation of Zoning Hearing Board Member-Nelson Walter

Township Manager Swichar stated that Nelson Walter submitted a resignation. His term ends 2021.

MOTION: Vice Chairman Heffern made a motion to accept the resignation of Zoning Hearing Board member Nelson Walter and authorize the Township Manager to advertise the vacancy for Zoning Hearing Board member with a term ending 2021. Chairman Lambert seconded.

Supervisor Nielsen questioned what happens if a hearing comes up before another member is appointed.

Township Manager Swichar stated that two members would constitute a quorum.

Township resident Al Wright stated that Mr. Walter should receive a thank you letter for his service.

Chairman Lambert stated that the Township will send him a thank you note.

Supervisor Nielsen questioned why he resigned.

Township Manager Swichar stated he did not want to attend the meetings virtually.

VOTE: 3-0

6) New Business

None

E. LEGAL

1) Collective Bargaining Agreement with Teamsters Local 312 and East Fallowfield Township

Solicitor Crotty stated that the motion is to approve the collective bargaining agreement.

MOTION: Supervisor Nielsen moved that the Board approve and authorize the execution of the Collective Bargaining Agreement between the Township and the Teamsters Local 312, in the form as presented. Chairman Lambert seconded.

VOTE: 3-0

2) A Resolution increasing the Township's PMRS contribution by 1% for Non-uniformed employees in Teamsters Local 312

Solicitor Crotty stated that that the agreement would increase the contribution from 5-6%. The increase will affect non-uniformed employees as well.

Supervisor Nielsen questioned if the treasurer would be eligible for the increased contribution and whether the increase is retroactive.

Township Manager Swichar stated yes. The agreement begins January 1, 2020.

MOTION: Vice Chairman Heffern moved that the Township approve Resolution 2021-05 increasing the Township's contribution to PMRS by 1% pursuant to the Collective Bargaining Agreement for non-uniformed employees in Teamsters Local 312. Supervisor Nielsen seconded

VOTE: 3-0

3) Draft Ordinance #2021-01 Recreational Open Burning Regulations

Solicitor Crotty stated the new regulations will eliminate Sunday burning prohibitions.

Township Manager Swichar stated that Fire Marshal Jim Regan contacted him in January about simplifying the regulations.

Fire Marshal Jim Regan stated that the new regulations are only two pages in length and include Act 101 prohibited items. He looked at regulations from other Townships.

Solicitor Crotty stated that the Board is authorizing the advertisement of the ordinance.

Vice Chairman Heffern questioned if a permit is needed for recreational fires.

Mr. Regan stated yes. A permit is currently needed to grill hot dogs. The revised permit would eliminate permit requirements for grilling food. He stated if you are burning wood, a permit is needed.

Chairman Lambert questioned if a wooden fire pit requires a burn permit.

Mr. Regan stated yes.

Township Manager Swichar questioned the time frame of the proposed permit.

Mr. Regan stated that the time frame is 6 months on the proposed permit regulations.

Vice Chairman Heffern questioned the permit fee.

Township Manager Swichar stated the fee is \$10.00.

MOTION: Chairman Lambert moved that the Township authorize the advertisement of Ordinance #2021-01 Recreational Open Burning Regulations for adoption. Supervisor Nielsen seconded.

VOTE: 3-0

4) Holland Day Care Appeal of Zoning Officer Decision (Informational Only)

Solicitor Crotty stated that the Hollands appealed to the Zoning Hearing Board for relief of animals on the property. If they were a residential property, they could operate under current regulations. They appealed the decision of the zoning officer who determined that having animals on the property is not considered an accessory use to the business.

Supervisor Nielsen questioned what they wanted on the property.

Solicitor Crotty stated chickens.

Planning Commission Chair Mike Domboski stated they wanted goats as well.

Chairman Lambert questioned if they appealed to the Board of Supervisors.

Solicitor Crotty stated they appealed to the Zoning Hearing Board and lost the appeal.

F. PLANNING COMMISSION

1) Planning Commission Report – Proposed Chicken Coop Ordinance

Planning Commission Chair Mike Domboski stated the Planning Commission is reviewing the chicken coop ordinance. The Ordinance currently requires a minimum of 2 acres for chickens. The Planning Commission wanted to know if the Board has any major concerns such as reducing the lot size or requiring a permit for animals.

Planning Commission member Al Wright stated that they did not want the ordinance to affect residents who currently have chickens.

Solicitor Crotty stated that anyone who currently has chickens would be grandfathered in as a non-conforming use.

Township Manager Swichar questioned if permitting would be required.

Solicitor Crotty stated that most issues are brought up by complaints.

Mr. Wright stated that the purpose of the ordinance is help residents be more neighborly.

Chairman Lambert questioned the minimum lot size for chickens.

Mr. Domboski stated the current ordinance requires two acres minimum for large domestic animals.

There was a discussion about the proposed Ordinance.

Solicitor Crotty stated that he could provide the Planning Commission with proposed Ordinances from other municipalities.

Mr. Domboski questioned the Board if the ordinance should be expanded to include more animals.

#### G. POLICE DEPARTMENT

1) December Police Report submitted for Board and resident review.

2) Resignation of Part-Time Police Officer James Ensor

Chief Porter stated that Officer Ensor left for West Chester Borough.

MOTION: Vice Chairman Heffern made a motion to accept the resignation of part-time police officer, James Ensor. Chairman Lambert seconded.

VOTE: 3-0

3) Request for Approval to Hire Part-Time Police Officer Andrew J. Schreiber at \$20 per hour.

MOTION: Vice Chairman Heffern made a motion to hire Andrew J. Schreiber for the position of part-time Police Officer effective January 27, 2021, at the hourly rate of \$20 per the Collective Bargaining Agreement. Chairman Lambert seconded.

VOTE: 3-0

Chairman Lambert stated that Supervisor Dirado wanted to know if current unrest is happening in Chester County and whether the department is being proactive to remind officers about comments on social media.

Chief Porter stated that he will speak to his department to discuss these issues.

Supervisor Nielsen questioned if an officer will be present at in-person meetings. He questioned if concealed carry is permitted in the Township building.

Solicitor Crotty stated that if a resident is lawfully permitted to carry a firearm, they can bring it to the Township building pursuant to the second amendment.

Chief Porter stated an officer would be present at in-person meetings.

H. PUBLIC WORKS DEPARTMENT

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

I. HISTORICAL COMMISSION

No report submitted.

J. OLD BUSINESS

K. NEW BUSINESS

- 3) Payment Authorizations

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of December 23, 2021 through January 26, 2021 in the total amount of \$89,593.41 as presented. Vice Chairman Heffern seconded.

Chairman Lambert questioned why the payment authorization was so low.

Township Manager Swichar stated that the Township has not yet received its monthly bill from Advanced Disposal.

Supervisor Nielsen questioned if the Township is still using the accounting firm.

Township Manager Swichar stated that the Township is using them to transition the new Township Treasurer into his role.

VOTE: 3-0

L. PUBLIC PARTICIPATION

Al Wright, Chairman of the Park and Recreation Board, requested to be added to the next board meeting agenda.

Vice Chairman Heffern stated that many residents are questioning if they can have weekly recycling collection.

Township Manager Swichar stated that the 3-year contract expires the end of 2021. The Township has the option of putting the trash contract out to bid.

Township resident Sandra Stephenson stated that there could be an option for a second bin.

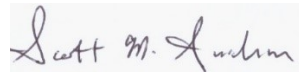
M. ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the January 26, 2021 of Supervisors Meeting at 7:56 PM. Chairman Lambert seconded

VOTE: 3-0



Respectfully Submitted,

A handwritten signature in cursive script that reads "Scott M. Swichar". The signature is written in black ink on a light gray rectangular background.

Scott Swichar,  
Township Manager/Secretary