

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
March 22, 2022 Approved minutes  
6:30 p.m.

**Members Present**

Wilson Lambert, Chairman  
Joe Heffern, Vice Chairman  
Katja DiRado, Member  
John Nielsen, Member  
Al Wright, 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

FEBRUARY 22, 2022 BOARD OF SUPERVISORS MEETING MINUTES

MOTION: Supervisor Nielsen made a motion to approve the February 22, 2022 Board of Supervisors meeting minutes as presented. Vice Chairman Heffern seconded.

Township resident Clarence Rhoades stated that the meeting minutes are not available in the back of the room to review.

Chairman Lambert thanked Mr. Rhoades for bringing it to his attention.

VOTE: 5-0.

B. 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.

Supervisor Nielsen stated that Dick Vermeil will be inducted into the football Hall of Fame and Bill Schoell will be requesting that the Board of Supervisors recognize or name something after him.

C. PRESENTATION-Allan Myers; 410 Doe Run Lane - Proposed Subdivision

Greg Lobko, of Allan Myers, stated that the asphalt plant is proposing a subdivision. There will be no change in operations. They wish to purchase the property from Cleveland Cliffs. Cleveland Cliffs approached them about selling the property.

Gregg Adelman, representing Allan Myers, stated that the subdivision lot does not comply. The land is a land locked parcel. The proposed subdivision would have building, setback, and impervious coverage issues. The subdivision does not comply with the ordinance and there would be many variances needed. They are seeking input from the Board of Supervisors. The proposed subdivision is in the industrial district.

Chairman Lambert stated that he wants Allan Myers to stay in the township.

Supervisor Nielsen questioned if they plan on making improvements to property.

Mr. Adelman stated no. The footprint will be the same. They would like to purchase 11 acres.

Supervisor DiRado questioned whether there are plans to make the business more environmentally friendly.

Mr. Adelman stated that the business process is regulated by DEP in terms of exhaust and regulated by mining acts. They will do whatever is required to comply with regulations. The property will not get cleaned up.

Mr. Lobko stated that the burner runs on a cleaner natural gas fuel.

Chairman Lambert stated that Allan Myers should look at other available properties on Route 82 that are appropriately zoned in the township.

Supervisor Nielsen questioned if there are any retail sales at the property and whether Allan Myers approached the Planning Commission.

Mr. Lobko stated yes. They approached the Planning Commission with a concept plan.

#### D. PRESENTATION- Bill Schoell from State Representative Dan Williams Office

Mr. Schoell stated that East Fallowfield will no longer be in the 74th District due to redistricting. The township will now be in the 158<sup>th</sup> District, and will be represented by State Representative Christina Sappey.

Mr. Schoell stated that that he would like to see a township road named after township resident Dick Vermeil who will be inducted into the Hall of Fame this August. He stated that it would be difficult for a state road to be named after Dick Vermeil. He proposed that Fairview Road be named after Dick Vermeil. Mr. Vermeil has been heavily involved in the local community.

Vice Chairman Heffern questioned the timeframe.

Mr. Schoell stated August or early September.

Township Manager Swichar questioned if Mr. Schoell approached Dick Vermeil.

Mr. Schoell stated no. They would speak with him if the township is interested in moving forward.

Chairman Lambert stated that Mr. Crotty mentioned that residents might be upset since the mailboxes or addresses would need to be changed. He questioned if there are naming opportunities at the park.

Supervisor Wright stated that naming a public improvement such as gazebo might be a better idea.

### 3. TREASURER'S REPORT

#### 1) February 28, 2022 Treasurer's Report

MOTION: Supervisor DiRado made a motion to approve the February 28, 2022 Treasurer's Report as presented. Chairman Lambert seconded.

VOTE: 5-0.

#### 2) Payment Authorizations.

MOTION: Chairman Lambert made a motion to approve the Payment Authorizations for the period of February 23, 2022 through March 22, 2022 in the total amount of \$168,979.89 as presented. Vice Chairman Heffern seconded.

VOTE: 5-0.

### 5. TOWNSHIP MANAGER'S REPORT

#### 1) Draft Ordinance #2022-01 Amending Chapter 16-102, Park Rules and Regulations

Township Manager Swichar stated at the February board meeting, the board asked to have the park rules revised to prohibit vaping. Currently, the rules only prohibit cigarette smoking. The Park and Rec Board recommended that the township prohibit horseback riding. He stated that the proposed ordinance contains language to prohibit horseback riding as well.

The board had a discussion on smoking at the park and whether horses should be prohibited.

Township resident Clarence Rhoades stated that horses at the park could be a liability and interfere with resident's enjoyment.

MOTION: Vice Chairman Heffern moved that the Township authorize the advertisement of Ordinance #2022-01, Amending Chapter 16-102, Park Rules and Regulations for adoption. Chairman Lambert seconded.

MOTION: Vice Chairman Heffern made a motion to amend the motion and split the two motions. Supervisor Nielsen seconded.

VOTE: 4-1. Supervisor Wright voted nay.

Supervisor Wright read a text from Teri Dickinson, Chair of the Park and Recreation Board that there was a request from a resident to use a horse at the park. The Park and Rec Board was concerned about safety and cleanup.

MOTION: Vice Chairman Heffern made a motion amending Chapter 16-102, Park Rules and Regulations for adoption related to vaping. Supervisor Nielsen seconded.

VOTE: 4-0. Supervisor DiRado abstained.

MOTION: Chairman Lambert made a motion that East Fallowfield Code 16-102 is hereby amended to add horseback riding is permitted only in areas designated as such. Supervisor Nielsen seconded.

Township resident Clarence Rhoades stated that the board should listen to recommendation of the Park and Recreation Board and discussed liability.

Solicitor Crotty stated that the township is protected from liability.

Supervisor Wright stated that when volunteer boards make recommendations, they should be taken seriously.

Supervisor Nielsen stated that the Board should take the advice of volunteer committees.

VOTE: 3-2. Vice Chairman Heffern and Supervisor DiRado voted nay.

2) Wage Increases for Non-Bargaining Unit Staff

Township Manager Swichar stated that the township conducted performance evaluations for its non-bargaining unit staff members earlier this month. The township is trying to get non-bargaining unit staff members closer to market rates. Township staff received very positive evaluations. Township Manager Swichar recommended a 6% increase for Nancy Baker and Denise Verderosa and an 8% increase for Joe Breslin. He stated that the board could decide to provide bonuses as well and the funds could come from the ARPA fund.

MOTION: Vice Chairman Heffern made a motion to approve the following wage increases for the following non- bargaining unit staff retroactive to January 1, 2022. Chairman Lambert seconded.

<u>Employee</u>	<u>Current Wage</u>	<u>Proposed Increase</u>	<u>Recommended</u>
Nancy Baker	\$20.96	6%	\$22.22/hour
Denise Verderosa	\$41,600	6%	\$44,096
Joe Breslin	\$52,000	8%	\$56,180

There was a board discussion on the wage increases.

Township Manager Swichar stated that he recommends a bonus of \$1,000 and that the money come from the ARPA fund.

MOTION: Vice Chairman Heffern made a motion to amend the motion to include a \$1,000 bonus. Supervisor Nielsen seconded.

VOTE: 5-0.

MOTION: Chairman Lambert made a motion to approve the following wage increases for the following non- bargaining unit staff retroactive to January 1, 2022 in addition to a bonus.

Supervisor Wright stated that the staff are on the low end of the pay range. The township has a good administrative team.

Township resident Clarence Rhoades made a statement about checking the salaries of surrounding townships.

VOTE: 5-0.

3) Tax Lien Exoneration Request from Chester County Tax Claim Bureau – Parcel 4704-0004750T.

Township Manager Swichar stated that Chester County notified the township that it has real estate taxes on a parcel that are uncollectable. The property address is 19 Abbey Road. The mobile home was physically removed from the lot. The county is asking the township to exonerate the property tax lien so that they can update their system.

Supervisor Nielsen questioned whether people pay taxes on a mobile home since they do not own the real estate.

Solicitor Crotty stated that under Pennsylvania law, mobile homes are taxed.

MOTION: Chairman Lambert made a motion to approve the exoneration of an uncollectable real estate property tax lien for tax parcel number 4704-0004750T (19 Abbey Road) as requested by the Chester County Tax Claim Bureau. Vice Chairman Heffern seconded.

Township resident Clarence Rhoades questioned if the trailer is located at the residence.

Solicitor Crotty stated no.

VOTE: 5-0.

4) BAWA Fellowship Release No. 12 (Phase #1)

Township Manager Swichar stated that there is a recommendation letter from the township engineer in the board's packet.

MOTION: Chairman Lambert made a motion that the Township approve Release No. 12 for the BAWA Fellowship Subdivision in the amount of \$76,763.50. Supervisor Nielsen seconded.

Township resident Clarence Rhoades stated there was a lawsuit and questioned the purpose of the escrow.

Solicitor Crotty stated that BAWA modified their plans and received zoning relief. BAWA posted money with the township for public improvements associated with the project. As they finish each component, the township engineer inspects the work and BAWA submits a request based on the work completed.

VOTE: 5-0.

5) Advertise Position of Road Foreman

Township Manager Swichar stated that the township received a letter of retirement from the township road foreman, Tag Gathercole. Mr. Swichar stated that Mr. Gathercole has done a stellar job and was a true asset to the township. Township Manager Swichar asked the board to accept the letter of resignation and authorize him to advertise the position of road foreman.

MOTION: Supervisor DiRado made a motion authorizing the township manager to advertise the position of Road Foreman in the Public Works Department. Supervisor Nielsen seconded.

Township resident Clarence Rhoades stated the position is called public director.

VOTE: 5-0.

6) Agreement for Road Condition Survey

Township Manager Swichar stated that the township budgeted \$10,000 to complete a road condition survey. The township received two estimates, however, the township requested that Local Technical Assistance Program (LTAP) provide technical assistance to the township. The township should hear back from LTAO shortly. Mr. Swichar stated that the board table the motion.

MOTION: Chairman Lambert make a motion to table. Vice Chairman Heffern seconded.

There was a board discussion on the need for a road condition survey.

VOTE: 5-0.

7) Vision Partnership Program (VPP) Grant Submission

Township Manager Swichar stated that the township is eligible to apply for funding for the Chester County Vision Partnership Program. The program provides funding for up to \$30,000 for various projects. A 40% local match is required. Mr. Swichar stated that he recommends applying for funding to update the township's open space, recreation, and environmental resources plan. He stated that the township has a recreation plan from 1993 but the plan needs to be updated. The benefit of an open space plan would be to encourage more green space in the township and decide what to do with current open spaces. A park plan would help to justify the \$1,500 park impact fee and determine whether it should be increased or if commercial properties should pay the fee. An

updated plan should make it easier to obtain more grants to develop the parks and for obtaining open space funds, The cost of the plan would be approximately \$55,000. The township would need to contribute \$35,000. The deadline to submit the proposal is March 31.

Supervisor Wright questioned if the plan is a township-wide plan.

Township Manager Swichar stated yes.

MOTION: Vice Chairman Heffern made a motion authorizing the township manager to submit a grant application to the 2022 Vision Partnership Program Round 1. Supervisor Nielsen seconded.

Supervisor Wright stated the plan will help the park to get to the next level.

Township resident Clarence Rhoades made a comment about the township property on Goosetown Road.

VOTE: 5-0.

## 6. LEGAL

### 1) Stormwater Management Agreement – 101 Park Avenue.

Solicitor Crotty stated the property is a single-family home. The stormwater ordinance requires certain stormwater management protections and an agreement.

MOTION: Vice Chairman Heffern moved that the chairman be authorized to execute the stormwater management facilities maintenance agreement for 101 Park Avenue in the form as presented. Supervisor Nielsen seconded.

Supervisor DiRado questioned if the property is new construction.

Supervisor Nielsen stated yes.

Supervisor Wright questioned the recourse if the facility is not being maintained. He questioned why the township does not maintain the stormwater controls. He questioned how the controls are inspected.

Solicitor Crotty stated that the control is on private property.

Solicitor Crotty stated that the township could issue a notice of violation and correct the problem and bill the owner. The property owner is responsible to inspect the stormwater controls.

Supervisor Nielsen questioned if the rain garden could be showcased to the community. He stated there is an easement on the property. He questioned if they have use of the driveway.

VOTE: 5-0.

- 2) **Approval of Township Manager's Employment Agreement**  
Solicitor Crotty stated that updates are primarily extending the agreement until January 2, 2024 and changes to compensation schedule.

MOTION: Vice Chairman Heffern moved that the Township execute an updated employment agreement establishing salary, benefit and employment terms and conditions with the Township Manager for the term from March 22, 2022 until January 2, 2024. Chairman Lambert seconded.

Township resident Clarence Rhoades questioned whether the document is a public document and can be changed.

VOTE: 5-0.

- 3) **Informational: Chester County ACT 167 Updates**

Solicitor Crotty stated that the county is going through the updates of ACT 167. The county created a model ordinance. The county will make an attempt to simplify the process for homeowners. The township will need to adopt the ordinance in the September time frame. There will be numerous options to choose.

Supervisor Wright questioned what is being proposed.

Solicitor Crotty stated that the updates are not a complete overhaul. The county will tweak the ordinance based upon feedback from municipalities.

- 4) PLANNING COMMISSION

- 1) No Report Submitted

- 5) POLICE DEPARTMENT

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

- 6) PUBLIC WORKS DEPARTMENT

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

- 7) NEW BUSINESS

Supervisor Wright stated there should be a four-way stop sign at West Chester Road and South Bailey Road.

There was a board discussion on the topic of having a four-way stop sign stop.

Chairman Lambert discussed the reappointment of Herbert MacCombie and the ACT 537 plan.

1) HISTORICAL COMMISSION

1) No report submitted.

2) PARK AND RECREATION BOARD

1) Easter Egg Hunt on Saturday, April 09 at 10:00am

2) Monthly Report submitted

2) OLD BUSINESS

3) PUBLIC PARTICIPATION

Township resident Clarence Rhoades discussed the trash situation on Jane Street.

4) ADJOURNMENT

MOTION: Vice Chairman Heffern made a motion to adjourn the March 22, 2022 of Supervisors Meeting at 9:28 PM. Chairman Lambert seconded.

VOTE: 5-0.

Respectfully Submitted,



Scott Swichar,  
Township Manager/Secretary