

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS  
RE-ORGANIZATION MEETING  
January 3, 2012 Approved minutes  
6:45 PM

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

In Attendance: Chris Makely, Chairman; Chris Amentas, Vice Chairman; Mark Toth, Member; Ed Porter, Member; Joe Pomorski, Member; Denise Miller, Township Secretary; Brian Leinhauser, Township Solicitor.

Mr. Amentas introduced Judge Nancy Gill who swore in Joseph H. Pomorski and Edward S. Porter as new Board Members.

APPOINTMENTS:

Temporary Chairman - Mr. Amentas made a motion to appoint himself as temporary chairman to start the re-organizational meeting. Motion withdrawn. Mr. Makely made a motion to appoint Denise Miller as temporary chair to start the January 3, 2012 re-organizational meeting. Mr. Amentas seconded. Motion withdrawn. Mr. Makely made a motion to appoint Mark Toth as temporary chairman to start the January 3, 2012 re-organizational meeting. Mr. Amentas seconded. Mr. Toth abstained. Vote: passed.

Chairman – Mr. Makely made a motion to appoint Mr. Porter as chairman of the board of supervisors. Mr. Porter declined because he is too new. Mr. Makely stated that in the course of the year the board can re-appoint a new chairman if they want to. Motion withdrawn. Mr. Amentas made a motion to appoint Mr. Toth as chairman. Mr. Makely seconded. Mr. Toth declined because he may not have the time to dedicate to the position. Motion withdrawn. Mr. Amentas made a motion to appoint Mr. Makely as chairman of the board of supervisors for 2012. Mr. Toth seconded. Vote: Passed.

Vice Chairman – Mr. Makely made a motion to appoint Mr. Amentas as vice chairman of the board of supervisors. Mr. Pomorski seconded. Vote: Unanimous.

Township Solicitor – Mr. Makely made a motion to appoint the law firm of Lamb McErlane, PC at the rate of \$195.00 per hour for general municipal legal services and paralegal services at \$120.00 per hour. No rate increase over last year. Mr. Toth seconded. Mr. Porter stated that under Second 607 Subsection (1) of the Second Class Township Book states that the township is responsible to ensure sound fiscal management of the township. In 2010 the legal fees were \$68,000.00 over budget and in 2011 over \$76,000.00. Mr. Porter proposed to the Board to “bid out” the township legal services. Mr. Makely agreed and stated that all positions are “at will” positions. Mr. Amentas asked Mr. Porter if he knows who Valley Township’s Solicitor is. Mr. Porter replied “Alan Jarvis.” Mr. Makely stated that this topic should be discussed more in the regular January meeting, immediately following this one. Bob King stated that he previously saw solicitor ads in the paper. Sharon Scott suggested not hiring the Lamb McErlane law firm. Mrs. Scott also brought up a \$20,000.00 contract that was signed by Paula Coyne. Mr. Porter abstained. Vote passed.

Township Secretary – Mr. Makely made a motion to appoint Denise Miller as township secretary. Mr. Amentas seconded. Vote: Unanimous.

Township Treasurer – After Board discussion Mr. Makely made a motion to appoint Mr. Joseph Pomorski as the township treasurer on an interim basis to start immediately with no end date as of yet. Mr. Toth seconded. Buddy Rhoades stated that a salary needs to be set. Sharon Scott stated that a board member cannot be a township treasurer. Mr. Porter looked in the Second Class Township Book where it states that a supervisor can be an assistant treasurer. Mr. Amentas quoted “A board of supervisor shall appoint a township treasurer to serve at the pleasure of the board of Supervisors.” Mr. Leinhauser stated that a board member can be a township treasurer. Mr. Amentas also quoted from the Second Class Township Book “An assistant treasurer shall assist a township treasurer or in the absence or disability of the township treasurer perform the duties of the township treasurer.” Mr. Porter quoted from Article 6 “The board of supervisors may appoint a supervisor to be employed as a road master, laborer, secretary, treasurer, assistant secretary or assistant treasurer.” Mr. Makely amended his motion to appoint Mr. Pomorski as township treasurer on an interim basis for no additional pay than what he is currently receiving. Mr. Toth seconded.

Sharon Scott suggested putting “pending his bonding” into the motion and questioned if the Board is considering Mr. Pomorski as a “working Supervisor.” Ms. Miller informed the Board that she has the paper work for the bond in the office. Mr. Pomorski disclosed that his employer is TD Bank and the township has one account with them. Mr. Makely amended his motion to add “with the completion of the paperwork to be provided by the Township Secretary and salary subject to the “elected auditor’s” determination at the January 4, 2012 meeting.” Mr. Toth seconded. Bob King asked if the Board determined if they are going to hire a Township Manager. Mr. Makely replied that it will be discussed at the next meeting. Mr. Pomorski abstained. Vote: Unanimous. Mr. Amentas quoted Article V11 Section 702 “The amount of the bond shall equal the highest amount of township funds estimated by the board of supervisors to be available to the township treasurer at any time during the current year.”

Appointment of Township Employees

Township Secretary	Denise Miller
Part time Administrative Assistant	Barbara Henry
Part Time Bookkeeper	Rosemary Moore
Public Works Superintendent	Barry Gathercole
Assist. Public Works Superintendent	Timothy Gathercole
Other Public Works Assistant	Greg Leonard
Other Public Works Assistant	Justin Gathercole
Other Public Works Assistant	John Weaver
Assistant Fire Marshal, Emergency Management Coordinator, and Snow plower	Anthony Sirna
Fire Marshal, Assistant Emergency Management Coordinator, and Snow plower	James Reagan
Snow Plower	Joseph Mammarella
Snow Plower	James Sisk
Snow Plower	Joseph Prekup
Snow Plower	Alexander Zdankowski
Snow Plower	Mark Toth
Snow Plower	Everett Rice
Snow Plower	Fields Porter
Chief of Police	Christopher Porter
Full Time Police Officer	Ed Masterstefone
Full Time Police Officer	Samantha Harper
Full Time Police Officer	Brian Simmons
Full Time Police Officer	Kevin Simmons
Full Time Police Officer	Richard McAllister
Full Time Police Officer	Gina Malarick
Part Time Police Officer	John Fetscher
Part Time Police Officer	Alan Haldeman
Part Time Police Officer	Justin Fonock
Part Time Police Officer	Mark McKinney
Part Time Police Administrative Assistant	Nancy Baker
Building Inspection Company	Keystone Municipal Services, Inc.
Building Inspector, Zoning & Code Official	Rob McLarnon
Earned Income Tax Collector	Keystone Collections Group

Mr. Makely stated that the following positions are “at will” positions. Mr. Makely made a motion to appoint the following employees as presented. Mr. Toth seconded. Sharon Scott recommended putting the “wage” after the employee names. Mr. Porter abstained only because he is not familiar with everyone on the employee list. Vote passed.

Meeting times and dates – Mr. Makely made a motion to approve the Board of Supervisors meeting at 6:30 PM on the 4th Tuesday of the month, Board of Supervisors workshop at 6:30 PM on the second Tuesday of the month, Park and Recreation at 6:30 PM on

the 1<sup>st</sup> Tuesday of the month, Planning Commission at 7:30 PM on the 1<sup>st</sup> Monday of the month, Historical Commission at 7:00 PM on the second Wednesday of the month, Friends of the Park at 7:00 PM on the 4<sup>th</sup> Thursday of the month as needed. Mr. Toth seconded. Siti Crook asked what happens if the Board likes a new legal firm that cannot work on the fourth Tuesday of the month. Mr. Makely replied "According to the solicitor, a public notice would be advertised to change the meeting date. Buddy Rhoades commented on different boards not having their meetings. Sharon Scott suggested having all meetings at one time. Mrs. Scott also asked if the meeting dates and time have been advertised. Mr. Makely replied "yes." Vote: Unanimous.

### Supervisor Liaison Appointments

Planning Commission – Chris Amentas and alternate Chris Makely  
Library – Joe Pomorski  
Historical Commission – Ed Porter and alternate Chris Makely  
Emergency Services and Fire Marshal – Mark Toth  
Financial Administration – Joe Pomorski  
Trash and Recycling – Chris Amentas and alternate Mark Toth  
Website – Joe Pomorski and alternate Mark Toth  
Newsletter – Mark Toth and alternate Joe Pomorski  
Park and Recreation – Joe Pomorski and alternate Chris Amentas  
Police – Chris Makely and alternate Ed Porter  
Public Works – Mark Toth and alternate Joe Pomorski  
Township Office – Ed Porter and alternate Chris Makely

Mr. Makely made a motion to appoint the supervisor liaisons as presented. Mr. Toth seconded. Bob King asked the Board what the liaison responsibilities are. Mr. Makely replied that each "department head" informs their liaisons of any problems or issues. Mr. King also asked Mr. Toth if he rode around the township with the Road Master before. Mr. Toth replied "yes." Buddy Rhoades commented on the liaison's responsibilities. Sharon Scott asked the Board who authorizes overtime for the road crew. Mr. Makely replied that the road master is in charge of calling in a road member if he feels it is necessary. Paula Davis asked the Board how they manage their board position when they also have jobs. Mr. Makely replied that you have to make the time. Mrs. Davis also asked if the board was going to hire another township manager. Mr. Makely replied "That has not been discussed with the new board members yet." Mr. Makely also stated that the board has not communicated through emails regarding the hiring of a manager. Mrs. Davis stated that she doesn't believe that the township needs another manager. Mr. Amentas replied that he believes that the township needs a manager because the board members have jobs and the residents deserve quality service. Vote: Unanimous.

### 2012 State Supervisor's Association Convention

Delegate – Mr. Makely made a motion to appoint Mr. Porter and Mr. Pomorski as the 2012 State Supervisor's Associates delegates based on budgetary constraints. Mr. Toth seconded. Sharon Scott stated that a "voting delegate" needs to be appointed. Mr. Amentas stated that last year he was on the list as an attendee but not a voting delegate. Mr. Makely amended his motion to appoint Mr. Porter and Mr. Pomorski as the 2012 State Supervisor's Association Convention Delegate and Mr. Porter as the "voting delegate" for the 2012 convention. Mr. Toth seconded. Mr. Pomorski and Mr. Porter abstained. Vote passed.

Vacancy Board – Mr. Makely asked if there were any applications other than Bob King. Mrs. Miller replied "no." Mr. Makely made a motion to appoint Bob King as the 2012 vacancy board member. Mr. Pomorski seconded. Vote: Unanimous.

Buckley, Brion, McGuire, Morris & Sommer LLP – Mr. Makely stated that this position will also go out to bid. Mr. Makely asked Solicitor Leinhauser if you have to have a different law firm for the zoning hearing board. Mr. Leinhauser replied "Yes." Mr. Makely made a motion to appoint Buckley, Brion, McGuire, Morris & Sommer LLP as the township zoning solicitor for 2012 at the rate of \$185.00 per hour for attorneys. This is a \$5.00 increase from 2011. Mr. Toth seconded. Sharon Scott opposed this appointment. Buddy Rhoades stated that the five Supervisors should review the law firms. Mr. Porter abstained only because there this will be going out to bid. Vote: Unanimous.

Herbert E. MacCombie Jr. P.E. – Mr. Makely made a motion to appoint Herbert E. MacCombie Jr. P.E. as the 2012 township sewer

consultant at the rate of \$135.00 per hour for senior professional engineer – principal. This is a \$5.00 increase from 2011. Mr. Toth seconded. Sharon Scott opposed this appointment and commented on employee Dennis O'Neill being on the township zoning hearing board. Buddy Rhoades stated that there is a conflict of interest with this appointment. Mr. Amentas replied "I don't know that there is a conflict." Mr. Rhoades commented on the BAWA Fellowship being opposed by the township. Mr. Amentas replied that there is a potential conflict in the event that an issue comes before them for review that involves water and sewer. Mr. Porter and Mr. Pomorski opposed. Vote passed. Mr. Makely stated that this service will also go out for bid.

Della Penna Engineering, Inc. – Mr. Makely made a motion to approve Della Penna Engineering, Inc. as the 2012 township engineer at the rate of \$100.00 per hour and \$65.00 construction observation. There is no increase from 2011. Mr. Toth seconded. Buddy Rhoades asked about the .55 cents for transportation. Mr. Della Penna replied "In ten years he never charged the township for mileage." Mr. Della Penna also stated that the .55 for mileage is on his fee schedule because it is his business fee schedule. Sharon Scott asked the board to require Mr. Della Penna make a list of all his clients. Mr. Makely asked Mr. Della Penna if he is the Modena Borough engineer. Mr. Della Penna replied that he is not the borough engineer but for the last two years he was retained as an "alternate" on a couple of special projects. Vote: Unanimous. Mr. Porter told Mr. Della Penna that he appreciates all his time spent in helping the residents with their water problems on the Upper East Side.

Resolution 2012-02 Township auditor for fiscal year 2011 Resolution 2012-02 – Mr. Makely made a motion to approve Resolution 2012-02 appointing Mingis, Gutowski & Company, LLP as the East Fallowfield Township auditors, replacing the elected auditors for the fiscal year of 2011, in the amount of \$14,000.00 and up to \$1,500.00 in consulting services at no cost to the Township. Mr. Toth seconded. Vote: Unanimous.

Zoning Hearing Board – Mr. Makely asked if the vacant position was advertised. Mrs. Miller replied "yes." Mr. Makely then asked how long was it advertised for. Mrs. Miller replied that it is advertised one time in the paper and also on the website for awhile. Mr. Makely also asked about putting ads in certain magazines. Mr. Porter asked Mr. Makely if he knows how long Mr. Rechenberg has served on the zoning hearing board. Mr. Makely replied "Approximately four years." Mr. Amentas stated that since the vacancy was advertised and no one else applied the board should appoint Mr. Rechenberg. Mr. Leinhauser informed the board if a hearing was scheduled or there are any applications or petitions pending there would not be a quorum, so the applicant would be deemed approved. Mr. Porter asked Mrs. Miller if there are any pending applications. Mrs. Miller replied "I don't believe so." Mr. Toth and Mr. Amentas stated that there is evidence that Mr. Rechenberg is doing his job appropriately. Mr. Amentas made a motion to re-appoint Mr. Rechenberg to the zoning hearing board for the 2012-2014 term. Mr. Toth seconded. Bob King stated that there is a lawyer at the meeting to give the members guidance. Mr. King also suggested an "alternate" in case there is ever a conflict of interest. Carol Holloway suggested that a "special newsletter" be sent to all residents when there are Commission vacancies to fill. Mr. Amentas stated that there is a cost and work in doing mailings. Ms. Holloway suggested mailing a one or two page newsletter and have volunteers stuff envelopes to save on costs. Dennis Crook stated that there seems to be a disconnect between the zoning hearing board and the Board of Supervisors. Mr. Amentas replied that the disconnect is the interpretation in many instances. Buddy Rhoades commented on township vacancies and supervisors not getting candidate resumes. Sharon Scott suggested putting the vacancies out with the trash invoices. Siti Crook stated that there is already a "vacancy procedure" in effect. The board tabled this motion and requested that Mr. Rechenberg attend the January 10 workshop with his resume. Mr. Makely stated that they could have a special meeting if needed. Buddy Rhoades stated that you can have a meeting within 24 hours and post the notice on the bulletin board. Vote failed due to lack of vote.

Peter Davis – 2010 to 2012  
Dennis O'Neill – 2011 to 2013  
Vacant – 2012 to 2014

Planning Commission ("PC") - Mr. Makely informed the public that Jim Durborow sent the Supervisors a letter because the appointments were not made at the last meeting when presented. Mr. Durborow stated that the vacancy process was followed and advertised in the paper and on the website and no one responded. Mr. Porter stated that the reason he asked to have the appointment at the re-organization meeting was because he wanted to give the two new supervisors a vote. Mr. Porter also stated that he voted to have all re-appointments tabled to the re-organization meeting. Mr. Makely made a motion to accept the re-appointment of Garth Monaghan and Jim Weeks for the Planning Commission 2012-2015 terms. Mr. Toth seconded. Buddy Rhoades commented on members missing meetings and he put his name in for the "PC" vacancy. Sharon Scott said she previously

suggested putting absentees and attendees at the top of the "PC" minutes. Mr. Porter stated that Jim Weeks was absent for 50% of the meetings. Mr. Makely asked Mr. Durborow if he received Mr. Rhoades application. Mrs. Miller asked for permission to speak. Mr. Makely gave Mrs. Miller the floor. Mrs. Miller stated that she received Mr. Rhoades's application from Mr. Toth after the December 20 board meeting and then forwarded it onto Barbara Henry the "PC" secretary and she emailed it to all "PC" members. Ms. Henry responded to Mrs. Scott comment on the "PC" minutes by stating that since she has been the "PC" secretary they have been at the top of the minutes. Ms. Henry also stated that she did forward Mr. Rhoades's application for the "PC" members. Buddy Rhoades stated that Ryan Ray did not put in an application, he was just appointed. Mr. Amentas stated that he would be happy to have Mr. Rhoades on the "PC" and asked Mr. Rhoades why he did not follow the typical process for applying to the "PC." Mr. Rhoades also stated that sometimes he doesn't give information to the office because he knows that it doesn't get filtered down. Mr. Porter asked Mr. Durborow if he is concerned that Mr. Weeks missed so many meetings. Mr. Durborow stated that the reason Mr. Weeks was absent was because of a work conflict that he had at the time. Mr. Durborow also stated the Mr. Weeks attended more "PC" meetings that the supervisor liaison did. Mr. Makely stated that based on the fact that the "PC" did not get Mr. Rhoads application in a timely manner the board should vote on the two re-appointments. Mr. Pomorski and Ed Porter abstained. Vote passed. Mr. Amentas told Mr. Rhoades that if he wants to sit on the "PC" then by all means apply. Mr. Rhoades replied that he does not have confidence in the township office for information to proceed that is why he presented his resume to the supervisors. Mr. Amentas asked Mr. Durborow if he would recommend Mr. Rhoades to the "PC." Mr. Durborow replied "yes." Mr. Makely stated that if they can find another volunteer for the "PC" then they will appoint two more members.

John Schwab Member – 2010 to 2013  
Vince Lyons Member – 2010 to 2013  
Fran Digan Member – 2011 to 2014  
Joe Perzan Member 2011 – 2014  
Jim Durborow Member – 2011 to 2014  
Garth Monaghan Member – 2012 to 2015  
Jim Weeks Member – 2012 to 2015

Park & Recreation Commission – Mr. Makely recognized the Park and Recreation Commission members as presented.

Brian Carling Chairman – 2012 to 2016  
Dan Johns Vice Chairman – 2009 to 2013  
Jeanne Berlin Secretary – 2012 to 2016  
Peter Massaro Member – 2010-2014  
Jan Bowers Member – 2010 to 2014  
Barbara Lowe Member – 2010 to 2014  
Vacant position – 2010 to 2014

Friends of the Park – Mr. Makely recognized Friends of the Park member as presented.

Vacant – Director 2012 to 2016  
Vacant – Secretary 2012 to 2016  
Barb Ragni – Member 2009 to 2013  
Vacant – Member 2012 to 2016  
Vacant – Member 2012 to 2016

Historical Commission – Mr. Amentas made a motion to accept the re-appointment of Paul Coyne, Arthur DeLeo, and Sue Monaghan for the 2012-2016 terms. Buddy Rhoades stated "The same members are "rubber stamped" from year to year" and they never have meetings. Mr. Rhoades also asked the board if they saw the "20/20" survey. Sharon Scott commented on disbanding the Historical Commission. Vote: Unanimous.

Garth Monaghan Chairman – 2010 to 2014  
Sue Monaghan Secretary – 2012 to 2016  
Arthur DeLeo – 2012 to 2016

Paula Coyne – 2012 to 2016  
Lee Schlingman – 2009 to 2013  
Joe McCormick – 2010 to 2014  
Fred Bissinger – 2009 to 2013

Forming new Agricultural Security terms – Mr. Makely made a motion to create a two, three, four, and five year term for the Agricultural Security Commission with a five year term thereafter. Mr. Toth seconded. Mr. Pomorski abstained. Vote: Unanimous.

Agricultural Security (ASA) – Mr. Porter stated that Chuck Kilgore owns a farm, off of South Caln Road, that is in the “ASA.” Mr. Makely made a motion to appoint Paula Coyne as a farmer for the 2012 through 2016 term, Garth Monaghan as a farmer for the 2012 through 2015 term and William Elkins as farmer for the 2012 through 2014 term on the Agricultural Security Area Committee. Mr. Toth seconded. Buddy Rhoades stated that none of the “ASA” member ever put in a resume. Mr. Rhoades is requesting the date and who attended the meeting. Vote: Unanimous.

Mr. Makely made a motion to appoint Mr. Porter as the Agricultural Security Area Committee chairman. Mr. Toth seconded. Mr. Porter abstained. Vote passed.

Ed Porter – Chairman for 2012  
Paula Coyne – Farmer 2012 to 2016  
Garth Monaghan – Farmer 2012 to 2015  
William Elkins – Farmer 2012 to 2014  
Vacant – Resident 2012 to 2013

Regional Appeals Board – The Board would like Mrs. Miller to get the status on the “Appeals Board” to be presented at the January 10, 2012 workshop.

Township UCC representative – Vacant  
Municipal Representative – Vacant

Elected Auditors applicant Bob King – Mr. Makely asked Mrs. Miller the process that was followed for this vacancy. Mrs. Miller replied that it was advertised on September 23, 2011 and Mr. King was the only applicant that submitted a resume. Mr. Porter asked Mrs. Miller if Mr. Sisk declined his “write in” position. Mrs. Miller replied “yes.” Mr. Makely made a motion to appoint Bob King as the elected auditor for the 2012–2013 term. Mr. Porter seconded. Sharon Scott asked why Mr. King did not say that he wanted this position when they were talking amongst themselves at the December 20, 2011 meeting. Mr. Makely replied that if it was amongst themselves then he wouldn’t know what was said. Mr. Porter stated that he brought this vacant position up at the December 20 meeting. Mrs. Scott also stated “she does not trust the office procedure policy.” Mr. Porter asked if Mr. Doan resigned. Mrs. Miller replied that his term was up so the vacancy was on the ballot. Buddy Rhoades stated that he has a problem with the September time because he knows that Mr. King put his application in a week ago just like his that he gave to the Mr. Toth. Mr. Rhoades also stated that the reason his resume didn’t get handed in is because people don’t put applications in the office anymore because the staff doesn’t forward them to the Supervisors. Mr. Makely replied that Mr. King’s application was submitted on December 22, 2011 not in September. Vote: Unanimous.

Sharon Scott – 2010-2015  
Bob King – 2012-2013  
Jim Sisk – 2009-2013

Tax collector – Mr. Makely recognized the tax collector as presented.

Dan Johns 2012–2013 unexpired two year term

#### Designated Banks

Mr. Amentas recognized the designated bank as presented.

First Niagara Bank

Public Comment

Buddy Rhoades stated the right to know officer has to be appointed every year.

Bob King stated that the park and recreation website is not current and the meeting cancellations should be put on the website.

Sharon Scott requested the results of the last five year audits for the elected auditor meeting on January 4, 2012. Mrs. Scott also responded to Ms. Henry by stating that she didn't mean Ms. Henry, she was referring to the last time she asked for the absentees and attendees being on the planning commission minutes.

Mr. Porter commented on the language in Section 1301. "The Board of Supervisors by ordinance at any time can create the office of township manager and may in like manner abolish the office. While the office exists, the board of supervisors shall appoint one person to fill the office. Solicitor Leinhauser replied that you can have a vacancy for one year while the supervisors are trying to fill the vacancy. Mr. Makely stated that if the board is not going to hire a manager than the vacancy needs to be abolished.

Adjournment

Mr. Makely made a motion to adjourn at 9:45 PM. Mr. Mr. Makely seconded. Vote: Unanimous.

Respectfully submitted,

Denise Miller,  
Township Secretary