

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS
Reorganizational meeting
January 7, 2013 Approved minutes
6:30 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; Rosemary Moore, Township Treasurer; Brian Leinhauser, Township Solicitor.

Election of Temporary Chairman to start the meeting – Mr. Makely made a motion to elect Mrs. Moore as Temporary Chair to start the January 7, 2013 reorganizational meeting. Mr. Toth seconded. Vote: Unanimous.

Election of temporary Chairman – Mrs. Moore called for a vote to elect a Chairman. Mr. Toth made a motion to appoint Mr. Makely as the 2013 Chairman. Mr. Porter seconded. Vote: Unanimous.

Mrs. Moore turned the meeting over to Mr. Makely to proceed with the meeting.

Election of Vice Chairman – Mr. Makely made a motion to appoint Mr. Toth as Vice Chairman for 2013. Mr. Amentas seconded. Vote: Unanimous.

Appointment of Township Solicitor – Mr. Makely made a motion to appoint the Firm of Lamb McErlane, PC for the 2013 year at the rate of \$190.00 per hour for general municipal legal services and paralegal services at \$120.00 per hour. Mr. Pomorski seconded. Mr. Porter voted nea. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Vote passed.

Township Secretary – Mr. Makely made a motion to appoint Denise Miller as township secretary. Mr. Toth seconded. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

Township Treasurer – Mr. Makely made a motion to appoint Rosemary Moore as township secretary. Mr. Toth seconded. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

December 21, 2012 budget adoption minutes – Mr. Makely made a motion to approve the December 21, 2012 budget adoption minutes as presented. Mr. Toth seconded. Vote: Unanimous.

Creating a Senior Mechanic position – Mr. Makely made a motion to create the new position of senior mechanic at the hourly wage of \$21.41 per hour. Mr. Toth seconded. Bob King asked if this change would reflect in the township handbook and when will it be addressed for other changes. Mr. Makely replied that this position will be added to the handbook when the Board finalizes it. Buddy Rhoades asked if Mr. Weaver will be paid different rates for different jobs performed. Mr. Makely replied that \$21.41 is across the board. Mr. Rhoades also asked if \$21.41 included a 2% raise. Mr. Makely replied “yes.” Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

John Weaver promotion – Mr. Makely made a motion to promote, other public works assistant, John Weaver to senior mechanic with an hourly wage of \$21.41 with no 2% increase for 2013. Mr. Toth seconded. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

Appointment of Township Employees – Mr. Makely made a motion to appoint the following township employees as presented with the revision of John Weaver's job title. Mr. Toth seconded. Mr. Porter stated that he does not feel this motion is necessary after reviewing the second class township code and other municipalities. The Board and Mr. Leinhauser agreed. Mr. Makely withdrew his motion.

Township Secretary	Denise Miller
Township Treasurer and Office Administrator	Rosemary Moore
Public Works Superintendent	Barry "Tag" 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
Snow Plower	Frank Scibek
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	Alan Haldeman
Part Time Police Officer	Justin Fonock
Part Time Police Officer	Mark McKinney
Part Time Police Officer	William "Bill" Smith
Part Time Police Officer	Geoffrey "Todd" Burkhart
Part Time Police Administrative Assistant and Police Right-to-Know Officer	Nancy Baker
Building Inspection Company	Keystone Municipal Services, Inc.
Building Inspector, Zoning & Code Official	Rob McLarnon
Earned Income Tax Collector	Keystone Collections Group

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 1st Tuesday of the month, Planning Commission at 7:30 PM on the 1st Monday of the month and their workshop on the 3rd Monday, Historical Commission at 6:30 PM on the 1st Wednesday of the month and workshop on the 3rd Wednesday, Friends of the Park at 7:00 PM on the 4th Thursday of the month as needed. Mr. Toth seconded. Vote: Unanimous.

Supervisor Liaison Appointments – Mr. Makely made a motion to appoint the following Board liaisons as presented. After Board discussion Mr. Makely withdrew his motion and directed Mrs. Miller to add this to the next workshop agenda for further discussion.

- Planning Commission –
- Library –
- Historical Commission –
- Emergency Services and Fire Marshal –
- Financial Administration –
- Trash and Recycling –

Website –
Newsletter –
Park and Recreation –
Police –
Public Works –
Township Office –

2013 State Supervisor's Association Convention Voting Delegate – Mr. Makely made a motion to appoint Mr. Pomorski as the 2013 State Supervisor's Association convention Voting Delegate. Mr. Porter seconded. Mr. Makely, Mr. Toth, Mr. Porter and Mr. Amentas voted yea. Mr. Pomorski abstained. Vote passed.

Vacancy Board – Mr. Makely made a motion to appoint Bob King as the 2013 vacancy board member. Mr. Toth seconded. Vote: Unanimous.

Law Offices of John Carnes Jr. – Mr. Makely made a motion to appoint the Law Offices of John Carnes Jr. as the 2013 township zoning solicitor at the rate of \$135.00 per hour and \$100.00 for other firm attorneys. Mr. Porter seconded. Sharon Scott asked what "other firm attorneys" mean. Mr. Makely replied that it means if Mr. Carnes uses a secondary lawyer from his firm. Vote: Unanimous.

Herbert E. MacCombie Jr. P.E. – Mr. Makely made a motion to appoint Herbert E. MacCombie Jr. P.E. as the 2013 township sewer consultant and approve their 2013 fee schedule as presented. Mr. Toth seconded. Sharon Scott asked to see the fee schedule. Mr. Makely presented the fee schedule to Mrs. Scott. Mrs. Scott also made other comments regarding the motion. Vote: Unanimous.

Traffic Planning and Design ("TPD") – Mr. Makely made a motion to appoint Traffic Planning and Design as the 2013 township traffic consultants and approve their 2013 fee schedule as presented. Mr. Pomorski seconded. Wes Maughan asked the Board how much has the township paid over the years for "TPD" services. Mr. Toth replied that \$8,000.00 was paid regarding Mount Carmel Road. Mr. Makely replied that they work for the township when their services are needed. Sharon Scott asked if "TPD" was selected as Herbert MacCombie was. Mr. Makely replied that third parties are "at will." Mr. Makely withdrew his motion. Wes Maughan asked the Board if they would look at other companies for future jobs. Mr. Makely replied yes, and he has never understood why the township did this type of procedure. Mr. Leinhauser stated that this procedure is done because if an event presents itself before a public meeting, where you could appoint someone, the administrative employees would have a designated company to consult with until the BOS's could appoint someone.

Township Engineer – The Board tabled further discussion until the January 15, 2013 workshop meeting. Mr. Amentas asked the Board to follow up on their engineering firms before the workshop meeting.

Revised Fee Schedule Resolution – Mr. Makely made a motion to approve Resolution 2013-01 approving the revisions to the township fee schedule. Secretary's draft 12/19/12. Mr. Toth seconded. Mrs. Miller informed the Board that there is a new \$25.00 charge for any size TV to be picked up by the township road crew. Bob King informed the Board that the attorney's fee needs to be changed from \$195.00 to \$190.00 per hour. Bob King also asked if the township engineer should be removed. Mr. Makely replied that it will remain until or if it is changed. Sharon Scott asked if the \$600.00 cell tower fees were paid. Mrs. Moore replied that she hasn't received any payments yet. Sharon Scott also asked who made up the fee schedule. Mr. Toth replied that the secretary and code official made the changes. Mr. Amentas asked if the Board could make changes to the fee schedule during the year. Mr. Makely replied "yes." Mr. Amentas asked Mrs. Miller if the fees were increased last year. Mrs. Miller replied "no." Buddy Rhoades commented on the cell tower companies not paying the \$600.00 cell tower fee. Mr. Makely, Mr. Toth, and Mr. Pomorski voted yea. Mr. Porter and Mr. Amentas abstained. Mr. Amentas stated that he is abstaining because he is not sure of the basis of some of the increases.
Vote passed.

Resolution 2013-02 Township Auditor for fiscal year 2012 and 2013 – Mr. Makely made a motion to approve Resolution 2013-02 appointing Mingis, Gutowski & Company, LLP as the East Fallowfield Township auditors, replacing the elected auditors for the fiscal year of 2012 and 2013. Mr. Toth seconded. Sharon Scott objected to the motion and asked why they were late doing their audit. Mr. Makely replied that they were late because the previous firm was late. Sharon Scott also made other comments regarding the

audit. Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

2012-2013 Mingis, Gutowski & Company, LLP engagement letter – Mr. Makely made a motion to approve the 2012-2013 engagement letters from Mingis, Gutowski & Company, LLP, and not to exceed \$14,700.00 for 2012 not to exceed \$15,500.00 for 2013 and up to \$1,500.00 in consulting services, for both years, at no additional cost to the Township. Mr. Toth seconded. Wes Maughan asked why you have to vote on the resolution and the engagement letter. Mr. Makely replied that Resolution 2013-02 is to replace the elected auditors and the engagement letter includes their fee. Mr. Amentas asked why they are being approved for 2013 already. Mr. Makely replied that the township was given a multiyear fee. Mr. Amentas asked Mrs. Moore what last year's fee was. Mrs. Moore replied "\$14,000.00 for 2011 and \$14,500.00 2012." Sharon Scott stated that she thought the township was on a cash basis. Mrs. Moore replied that the township is on an accrual basis. Sharon Scott stated that an engagement letter is an approval to do the audit and asked if the motion should actually read the 2012 and 2013 audit. Mr. Makely directed Mrs. Moore to respond to Mrs. Scott. Mrs. Moore replied that the 2011 audit is currently being completed and the 2012 audit will begin soon. Mrs. Moore also stated that the audit stated that 60% of second class townships do not meet the March deadline. Mr. Makely stated "just because other township's don't have their audit complete doesn't mean our township should." Dan Johns stated that the township has made progress with their audits and recommended staying with the same auditors. Buddy Rhoades stated that the township should abide by the audit deadlines to the best of their ability. Mr. Porter asked Buddy Rhoades who steps in when a township breaks the second class township law. Mr. Rhoades replied that the township would go through their township solicitor. Sharon Scott stated "When I was an auditor we surcharged the treasurer and the lawyer because they were in charge of something." Wes Maughan stated that there is no excuse for not completing the audit or completing it on time. Bob King asked the Board if the township is penalized for being two months late on the audit. Mr. Makely replied "no." Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

Agricultural Security Area Committee ("ASAC") – Mr. Toth made a motion to appoint Mr. Porter as the 2013 Agricultural Security Committee Chairman. Mr. Makely seconded. Wes Maughan asked the Board the definition of the "ASAC." Mr. Porter replied that the "ASAC" meet as a group to lobby within the state for certain rights, such as "Right to Farm.", or when a resident wants his property in the Agricultural Security Area ("ASA") or if there is a problem within the "ASA." Mr. Makely, Mr. Toth, Mr. Pomorski, and Mr. Amentas voted yea. Mr. Porter abstained. Vote passed.

Ed Porter – Chairman for 2013
Charles Kilgore – Resident 2012 to 2013
William Elkins – Farmer 2012 to 2014
Garth Monaghan – Farmer 2012 to 2015
Arthur DeLeo – Farmer 2012 to 2016

Planning Commission – No motion made

John Schwab Member – 2010 to 2013
Vince Lyons Member – 2010 to 2013
Fran Digian 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. Toth made a motion to reappoint Dan Johns for the 2013-2016 term and recognized the Park and Recreation Commission members as presented. Mr. Pomorski seconded. Mr. Toth withdrew his motion. Mr. Toth made a motion to appoint Dan Johns to the Park and Recreation 2013 to 2016 term as a voting member. Mr. Pomorski seconded. Vote: Unanimous.

Michael McClintock Chairman – 2010 to 2014
Brian Carling Chairman – 2012 to 2016
Dan Johns Member 2013 to 2016
Jan Bowers Member – 2010 to 2014

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Jeanne Berlin Secretary – 2012 to 2016
Vacant Member – 2010-2014
Vacant position – 2010 to 2014

Friends of the Park – No motion made.

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

Elected Auditors – No motion made.

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

Tax collector – No motion made.

Dan Johns

Designated Banks – No motion made

First Niagara Bank
TD Bank
First National Bank

Chester County SPCA – No motion made.

Mr. Porter stated that he has an applicant for the Zoning hearing Board and the Historical Commission vacancies.

Historical Commission – Mr. Porter made a motion to appoint Buddy Rhoades to the Historical Commission for the 2012 to 2016 term. Mr. Makely seconded. Vote: Unanimous. Mr. Makely asked Mrs. Miller what the appointment procedure is. Mrs. Miller replied that you first submit a resume to the township secretary and then it goes to the committee for an interview and then presented to the Board for appointment. Buddy Rhoades stated that he previously submitted a resume to the township office but never makes it to the Supervisors. Mr. Rhoades also stated that he started the Historical Commission in the 1980's.

Joe McCormick Chairman– 2010 to 2014
Sue Monaghan Member – 2012 to 2016
Garth Monaghan Member – 2010 to 2014
Arthur DeLeo Member – 2012 to 2016
Lee Schlingman Member – 2009 to 2013
Fred Bissinger Member – 2009 to 2013
Buddy Rhoades Member– 2012 to 2016

Zoning Hearing Board (“ZHB”) – Mr. Makely asked Mrs. Miller if any applicants were received and if the vacancy has been advertised. Mrs. Miller replied that it has been advertised in the Daily Local News paper and on the township website with no response. Mr. Makely asked Mrs. Miller if there is a formal application for the “ZHB.” Mrs. Miller replied that there is not a formal application but you do need to send in a brief resume to the township office. Mr. Makely asked Mr. Rhoades if he submitted an application. Mr. Rhoades stated that his resume would state that he has a degree in criminal justice and engineering and has also lived in the township for 68 years and been involved in zoning hearings when he was a supervisor. Mr. Makely made a motion to

appoint Clarence Rhoades III to the Zoning Hearing Board for the 2013 to 2015 term. Mr. Porter seconded. Mrs. Miller informed the Board that a Zoning Hearing Board Member cannot be on any other committee/commission. Mr. Amentas asked Mrs. Miller how she knows this. Mrs. Miller replied that she previously was told this by PSATS. Mr. Makely directed Mrs. Miller to clarify this by the next township meeting. Sharon Scott stated that it is a conflict for Dennis O'Neill to be "ZHB" member because he works for Jamie MacCombie.

Dennis O'Neill Member 2011 to 2013
Chris Rechenberg Member 2012 to 2014
Buddy Rhoades Member 2013 to 2015

Citizens by Request

Wes Maughan of 55 Glenlee Lane stated that up through 2010 the township overspent from 2008 to 2010. Mr. Maughan also stated that the township overspent the General Fund and borrowed in other funds in the amount of approximately \$1,000,000.00. Mr. Maughan also stated that at the end of 2010, including what it owed to the capital, escrow and park and recreation account is \$455,000.00 in the red. Mr. Maughan also made other financial comments.

Unfinished Business – Mr. Toth informed the Board that one of the township's current fire departments, Pomeroy, has joined the fire consolidation and since East Fallowfield Township is not part of that consolidation he recommended shifting to two fire companies. Mr. Makely asked Mr. Sirna or Mr. Reagan if they agree with Mr. Toth. Mr. Sirna replied that he received a substantially higher amount from the consolidated group and the money is not there to pay for it. The Board directed Mrs. Miller to have a resolution for the January 22, 2013 meeting.

Township cameras - Mr. Porter asked the Board if they would consider putting cameras, with a recording device, in the meeting room, garage, and township office. Mr. Makely asked Mr. Leinhauser if it is legal to use a recording device other than for a public meeting. Mr. Leinhauser replied that if people are notified then you can. Chief Porter stated that he would like cameras in the police building. Mr. Makely asked Mr. Porter to get quotes on installing cameras. Mr. Sirna stated that the township previously met with the township insurance and one of their recommendations was to get a security system in the township building and that has not been done yet.

Township Storage – Mr. Porter stated that there is no resident access to the Public Works Director. Mr. Porter also talked about using part of the garage as an extension for office storage. Mr. Porter also stated that the police like to park their police vehicles in the garage and if the cameras were operational they would not have to be worried about the police cars being damaged. Chief Porter stated that the road master should use the office window or meeting room to speak with residents. Mr. Toth stated that there are no exceptions for residents being in the garage.

Public Comment

Sharon Scott asked if she can have all the completed audits and the management letters for the elected auditors meeting.

Wes Maughan stated that as of 2010 the General Fund was in the red as well as made other financial comments. Mr. Makely stated that he would like to meet with Mr. Maughan to go over this.

Bob King commented on cameras and prices.

Buddy Rhoades stated that the park regulations regarding hunting, need to be enforced on the forty acres of park area on Goosetown Road. Mr. Porter asked Brian Carling, P&RC, if the Goosetown property is designated as a park land. Mr. Carling replied that he does not know. Mr. Rhoades also commented on township records leaving the office without Board approval. Mrs. Moore replied that the records in question were public copies of audit reports that were used as an example to see how the "Cloud System" worked.

Brian Carling asked the Board if the January 15, 2013 meeting, regarding the school water/sewer route, was cancelled. The Board replied yes and changed the January 22, 2013 meeting from 6:30 PM to 6:00 PM.

Mr. Porter asked the Board when all five Board Members are meeting regarding the police contract. The Board agreed to have a 5:00 PM executive meeting before the January 15, 2013 workshop meeting.

Wes Maughan asked the Board when the deadline for the police labor contract is. Mr. Makely replied that there will be two more sessions. Mr. Maughan also stated that the police authorization on the website to create a police department in East Fallowfield Township is blank. Mr. Leinhauser explained that there is a separate statute that provides that second class township's may, by resolution, appoint a police department.

Adjournment

Mr. Makely made a motion to adjourn the January 7, 2013 reorganizational meeting at 7:50 PM. Mr. Toth seconded.

Vote: Unanimous.

Respectfully submitted,

Denise Miller,
Township Secretary