

# EAST FALLOWFIELD TOWNSHIP

## BOARD OF SUPERVISORS MEETING

April 22, 2014 Approved minutes

6:30 PM

### Members Present

Joe Pomorski, Chairman  
Steve Herzog, Vice Chairman  
Mark Toth, Member  
Ed Porter, Member  
Charles Kilgore, Member

### Township Staff Present

Lisa Valaitis, Township Secretary  
Rosemary Moore, Township Treasurer

### Township Solicitor

Bob McClintock

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

Chairman Joe Pomorski called the meeting to order at 6:30 pm. Steve Herzog seconded.

## 2. Discussion

A. EXECUTIVE SESSIONS: The public was informed that there were Executive Sessions held on March 27<sup>th</sup>, March 31<sup>st</sup>, and April 1<sup>st</sup> and April 22<sup>nd</sup> regarding personnel issues.

### B. Hiring of Township Secretary

MOTION: Joe Pomorski made a motion to hire Lisa Valaitis as the Township Secretary as of April 22, 2014, for \$16.00 per hour. Steve Herzog seconded.

VOTE PASSED: 5-0

### C. Appointment of Right to Know Officer

MOTION: Joe Pomorski made a motion to appoint Lisa Valaitis as Right to Know officer. Steve Herzog seconded.

Ed Porter voiced a concern about Lisa Valaitis being a new employee. Rosemary Moore explained that she had received approximately ten Right to Know requests this year – each taking 1 to 10 minutes to complete.

VOTE: Joe Pomoroski, Steve Herzog, Mark Toth and Charles Kilgore voted yea, Ed Porter voted nae.

PASSED: 4-1

### D. Township Newsletter

DISCUSSION: Michael Green stated that he would like to volunteer to do a township newsletter. He feels a township newsletter would give the residents a sense of community. He proposed that the newsletter would include community events, information such as compost site hours as well as encourage residents to participate more in community events. Joe Pomorski thanked Michael Green for volunteering.

## 3. POLICE DEPARTMENT

Chris Porter, Police Chief reported that there were 214 incidences, 30 citations and quite a few training sessions in March.

Chris Porter brought a motion to the board to hire John O'Donnell for the position of Part-Time Police Officer as of April 22, 2014 at the hourly rate of \$23.20 per the CBA for between 8-20 hours a week. Chris Porter stated that this part-time position is to replace a full time position and to help cover shifts.

MOTION: Joe Pomorski made a motion to hire John O'Donnell for the position of part-time officer effective April 22, 2014 at the hourly rate of \$23.20 per the CBA. Charles Kilgore seconded.

Ed Porter asked Chris Porter several questions about the police budget and police staffing needs. Chris Porter responded to the Board's satisfaction.

VOTE: Joe Pomorski, Steve Herzog, Mark Toth and Charles Kilgore voted yea. Ed Porter voted nae.  
PASSED: 4-1

#### 4. APPROVAL OF MINUTES

MOTION: Joe Pomorski made a motion to approve the March 25, 2014 Board of Supervisors minutes as presented. Steve Herzog seconded.

VOTE PASSED: 5-0

#### 5. PUBLIC WORKS

The March 2014 Road Department Monthly Report was submitted for Board and resident review.

#### 6. CITIZENS BY REQUEST

##### A. Cheryle Hanson -

Cheryle Hanson spoke on behalf of Public Works. She commended Mr. Gathercole and his team for the terrific job they did keeping the Township roads safe and passable. The Public Works Department does not get enough credit for the job that they do. Cheryle Hanson stated that she heard talk about the Township eliminating the Public Works Department. She stated several reasons why getting rid of the Public Works Department would not be beneficial. These reasons include safe passable roads during the winter and that if the Township hired contractors for snow removal, we would be on the bottom of the priority list behind shopping center and business parking lots. Cheryle Hanson also stated that the Public Works Department was out clearing roads within an hour of her calling the Township about a snow covered road.

Joe Pomorski stated that he agrees that Public Works does a tremendous job, especially this winter.

Steve Herzog made the comment that he has commended Public Works on numerous occasions. He also said that there has been no discussion of eliminating the Public Works Department.

Ed Porter restated that there has been no talk of getting rid of the Public Works Department. The only thing going on with the Public Works Department is unionization.

##### B. Charles Carter -

Charles Carter brought several concerns before the Board regarding the roads in Manchester Farms. He stated that the development roads are rapidly deteriorating and there are crater sized pot holes. Half of the development roads are still base coat which is starting to break up and fall apart. Mr. Carter reported that several residents have damaged their cars' oil pans on manhole covers that are sitting up higher than they should be because the road is sinking.

Charles Carter brought up his concern about getting the roads in Manchester Farms plowed next winter. He stated that the roads need to be paved and dedicated by next fall. Otherwise there will be a problem getting the roads plowed next winter. This winter, Dewey was not able to plow the roads. Charles Carter also commended the Road Department for plowing this winter.

There was a lengthy discussion about how to proceed with getting Dewey to finish the roads in Manchester Farms. Ed Porter said that if the Township released the escrow money, then Dewey would finish the work. Otherwise, Dewey will wait until 2016 which would not help the residents of Manchester Farms. Bob McClintock stated that

under the agreement (phase 1 & 2), Dewey has the responsibility to maintain the roads by keeping them plowed and in good repair until the Township takes dedication. Bob McClintock stated that the Township is not at the point where it can release the escrow money because there is still outstanding work. The Township has the option to take legal action against Dewey and file a lawsuit against them for not satisfying the agreement.

Ed Porter suggested the Board reach out to Eric Schrock and invite him to a meeting. Jim Rowland of the Manchester Farms HOA informed the Board that Eric Schrock is no longer with Dewey. Jim Rowland said the new person at Dewey requested that the Manchester Farms HOA meet with him before spending legal fees.

Jim Rowland of the Manchester Farms HOA requested that the Board release some funds to get Dewey to do the road work. He requested that the Board review the escrow amount and inspect the roads to come up with an estimated cost.

Charles Carter requested that Bob McClintock review the agreement with Dewey and the Township take aggressive action against Dewey.

Joe Pomorski said that he believes that trying to work it out without legal action is wiser.

Charles Carter asked if the Board could set a time limit before legal action is taken against Dewey.

Ed Porter asked Bob McClintock how long it usually takes in the courts. Bob responded that if the Board wants to take legal action against Dewey, it will most likely not be resolved before next winter.

Jim Rowland voiced a concern about children getting hurt when their bikes hit the manhole covers in the street.

Chris Della Penna asked that Bob McClintock contact Dewey's legal counsel, Ronald Agulnick. Mr. McClintock said that he would contact Ronald Agulnick to let him know the board would like to talk to him.

## 7. SOLICITOR REPORT

Bob McClintock stated that there have been a few articles in The Daily Local about adoption of storm water ordinances. Recently West Vincent Township decided not to adopt it and West Whiteland Township has adopted it. Seventy percent of municipalities in Chester County have adopted a revised storm water ordinance.

## 8. LEGAL ISSUES

- A. Adoption of Ordinance 2014-01 – Ordinance requiring all individuals or entities utilizing credit cards or debit cards for payment of delinquent municipal claims to pay the charges or fees associated with the transaction.

MOTION: Joe Pomorski made a motion to adopt Ordinance 2014-01, amending the Municipal Claims and Tax Liens Act, authorizing individuals or entities utilizing credit cards or debit cards for payment of delinquent municipal claims to pay the charges or fees associated with the transaction. Seconded.

Ed Porter asked Bob if there is anything that protects the Township from chargebacks.

Bob McClintock stated that it gives Portnoff the ability to charge the property owner whatever their charge is for accepting credit cards. Portnoff takes the fee and recovers it when they get paid.

VOTE PASSED: 5-0

- B. Moser – Northwood escrow release request – Bob McClintock stated that Chris Della Penna has recommended a payment release of \$6,936.64 from the escrow account. That would leave us a balance of \$6,000 in the account.

MOTION: Joe Pomorski made a motion authorizing the Township to release \$6,936.64 from the established security. Steve Herzog seconded.

VOTE PASSED: 5-0

- C. Labor Relations Board stipulated order – Agreement that authorizes the conducting of a union vote on May 14<sup>th</sup> from 2:30-3:00 pm in the Township meeting room.

MOTION: Joe Pomorski made a motion to allow the Solicitor to execute the order allowing the vote to be held in the Township office on May 14<sup>th</sup> from 2:30-3:00 pm. Steve Herzog seconded.

VOTE PASSED: 5-0

- D. Denise Miller separation agreement –

MOTION: Joe Pomorski made a motion to pay Denise Miller \$8,204.40 per the separation agreement. Steve Herzog seconded.

VOTE: Joe Pomorski, Steve Herzog and Mark Toth voted yea. Charles Kilgore and Ed Porter voted Nae  
PASSED: 3-2

- E. Mini cell towers – Bob McClintock spoke about how the cell tower industry is coming up with new equipment called mini towers. They have been placing these mini cell towers on residential properties in front yards (in the right of way) in other townships. These mini towers allow cell phone coverage in areas in between large cell phone towers. The mini towers aren't completely regulated. We need to regulate these mini cell towers and where they are placed. Do our ordinances and regulations address what needs to be addressed? What do we want to encourage or discourage as far as placement of mini cell towers in our Township. Bob McClintock informed the Board that he would present recommended cell tower ordinance amendments at the next Board of Supervisors meeting.

## 9. TREASURER'S REPORT

- A. March 31, 2014 Treasurer's report – Rosemary Moore presented the Board with the March 31, 2014 Treasurer's report.

MOTION: Joe Pomorski made a motion to approve the March 31, 2014 Treasurer's Report as presented. Steve Herzog seconded.

Steve Herzog questioned the recycling costs. Rosemary Moore responded to the Board's satisfaction.

VOTE: Joe Pomorski, Steve Herzog, Mark Toth and Ed Porter voted yea. Charles Kilgore was not present in the room at the time of the vote.

PASSED: 4-0

Ed Porter asked Rosemary Moore if she had published the annual report (concise financial statements) by the March 10<sup>th</sup> deadline. He stated that the financial statements are required by law to be published by the tenth of March each year.

Rosemary Moore responded by stating that the auditor has not started the audit yet.

- B. March 2014 payment authorizations

MOTION: Joe Pomorski made a motion to approve the March 2014 payment authorizations as presented. Steve Herzog seconded.

Steve Herzog questioned several payments. Rosemary Moore responded to the Board's satisfaction.

VOTE: Joe Pomorski, Steve Herzog, Charles Kilgore and Mark Toth voted yea. Ed Porter voted nae.  
PASSED: 4-1

10. PARK AND RECREATION COMMISSION

No reports submitted.

11. HISTORICAL COMMISSION

Historical Commission Annual Report submitted for Board and resident review.

12. PLANNING COMMISSION

Dennis Crook discussed the flow chart procedures that the Planning Commission is working on. They have received a lot of great feedback from other municipalities. Questions are coming up as they are working on the flow chart procedures. The Planning Commission would like the Township Solicitor, Township Engineer and the sewage engineer to attend one of their meetings to answer questions. They are going to invite Mr. Macombie and Mr. Della Penna to a meeting.

13. UNFINISHED BUSINESS

No unfinished business presented.

14. NEW BUSINESS

Park and Recreation will not be having the annual "Hats off to Heroes: Memorial Day event."

Steve Herzog commented that it would be nice to have a reason for the cancellation.

Rosemary said she would contact someone to find out why Park and Recreation is not having "Hats Off to Heroes."

15. PUBLIC PARTICIPATION

A. Buddy Rhoades -

Buddy Rhoades said that they would like the residents to recognize the historical value of their township. He would like Historic Commission pictures to be posted on the Township website. Rosemary Moore stated that we don't have the capacity to put pictures on the Township website. Ed Porter suggested that the Historic Commission create a Facebook page because that would be an easy way to display pictures for the residents to see. Ed Porter also said they could link the Township website to a Historic Commission Facebook page.

Buddy Rhoades also brought up the fact that some townships have their meetings on television. He said this is a great way for the Township to communicate with residents and allow all residents to know what happens at meetings. Ed Porter said that he met with Comcast about this in the past but maybe we can revisit this again.

B. Tim Tipton -

Tim Tipton asked what costs, such as legal fees, have been associated with the dismissal of the Township Secretary. He also asked what the long term costs for voluntary unionization will be.

Joe Pomorski responded by saying that we are still trying to determine the costs.

Ed Porter said we could look at Sadsbury Township to estimate what the cost of unionization would be. Sadsbury Township has two road crew employees that are unionized.

**16. ADJOURNMENT**

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 8:13 pm. Steve Herzog seconded.

Respectfully Submitted,

Lisa Valaitis,  
Township Secretary