

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS SPECIAL MEETING
December 30, 2015 Approved minutes
6:29 PM

Members Present

Joe Pomorski, Chairman
Steve Herzog, Vice Chairman
Charles Kilgore, Member
Ed Porter, Member
Mark Toth, Member (Present by phone)

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer

Township Solicitor

J.P. Sanchez

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

Chairman Joe Pomorski called the meeting to order at 6:29 pm.

2. Discussion

A. Joe Pomorski stated that Supervisor Mark Toth is dialed in by telephone and present at the meeting.

B. Adoption of 2016 11/24/15 Budget.

J.P. Sanchez said The Second Class Township Code states that the Supervisors must pass a balanced budget by December 31, 2015. There is case law showing if the Supervisors don't pass a balanced budget, there would be grounds for removal due to inaction. No money should be paid out of the Township Treasury without a balanced budget. The current proposed budget with a proposed 2 mill tax has been duly noticed and is being considered for adoption. Because it is an election year, The Second Class Township Code allows the budget to be reopened on January 4, 2016 and the Board can revisit the budget. In terms of reopening the budget on January 4, 2016, any actions taken tonight such as resolutions or actions can be undone by January 15, 2016.

MOTION #1: Joe Pomorski made a motion to adopt the 2016 11/24/15 budget as presented. Steve Herzog seconded.

COMMENTS AND QUESTIONS:

Sharon Scott asked J.P Sanchez about his previous comment regarding inaction by the Board is grounds for removal. Ms. Scott stated that Mark Toth has been inactive. Sharon Scott stated that Mark Toth should not be permitted to vote. She said he hasn't been present at many meetings.

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

The Board discussed details of the proposed budget. Ed Porter said he found \$167,000 in cuts to the budget without touching employees. The following cuts to the budget were discussed:

- No new police vehicle.
- \$70,000 for township manager.
- Part-Time Office Salary (Account 1401.30) - Ed Porter asked why the part-time office salary is jumping by \$10,000. Pani Martin stated this is due to an increase of hours. It was originally budgeted for half the year at 20 hours per week. She said the salary in the budget of \$25,000 is with 32 hours

per week. Ed Porter asked Pani Martin if she could stay with the 20 hours a week. Pani Martin said she probably could.

- Office Supplies (Account 1406.30) - Ed Porter commented that office supplies are jumping by \$2,500.
- Computer Repairs and Maintenance (Account 1407.20) - Ed Porter said this account was jumping by \$15,000. Pani Martin said this for purchasing a new server.

Pani Martin asked the Board if there any millage rate they are willing to consider.

Mark Toth stated he would make a motion on Budget Version A. Pani Martin stated she had worked with Mark Toth on a budget with cuts earlier today. Ms. Martin said that Mark Toth's Budget Version A was updated with the December 29, 2015 actuals. She said she has a summary of the difference between Mark's proposed budget and the one proposed with the 2 mill tax. Pani Martin summarized the changes had Mark Toth had made to the November 24, 2015 Budget Version A which are as follows:

- Full-time officer other - \$2,000.
- Part-time officers – moved from \$15,000 back to \$50,000.
- Removing retroactive raises for Public Works.
- Decreasing non-uniform staff raises from 3% to 2%.
- Move \$80,000 from the capital expense account to balance the budget.
- Budgeted earned income tax of \$1.6 million. Pani Martin said the 2015 actual earned income is \$1.51 million. She stated she would not recommend budgeting \$1.6 million for earned income tax.
- Move \$80,000 from the capital expense account to balance the budget.
- Legal of \$15,000.
- Act 537 legal expenses.
- Legal for union negotiations for road crew.
- Document scanning project.
- Township newsletter.
- Library donation.
- No new server.
- Website.
- Engineering of \$15,000.
- Funding for MS4 of \$15,000.
- Overtime for police officers of \$23,000.
- Part-time police cuts of \$20,000.
- EMS fuel of \$17,000.
- No new police vehicle.

At 6:48 pm, Ed Porter requested an Executive Session. Chairman Joe Pomorski called an Executive Session regarding personnel matters. Chief Chris Porter was included in the Executive Session.

At 7:05 pm, the Executive Session ended and Chairman Joe Pomorski reconvened the meeting.

Mark Toth asked J.P. Sanchez to explain the process of reopening the budget and how that impacts the decision of a tax as well as the rate of the tax.

JP Sanchez said because it is an election year, The Second Class Township Code allows the budget to be reopened. Allowable changes to the budget are 10% aggregate and 25% on line item limits for increases. There are no limits on decreases in the budget. Steve Herzog asked J.P. Sanchez if the budget can be adjusted to be voted on again. J.P. Sanchez said if there is a consensus and it meets the guidelines, then the budget is balanced as legally defined. They can use the current budget and make decreases. Increases are not allowed. Joe Pomorski said he is willing to come down on the mills and make cuts on the current budget. Pani Martin said she put together a break even budget with a 1.25 mill tax.

The Board discussed the following changes to Pani Martin's baseline budget:

- Earned income tax of \$1.55 million.
- Real estate transfer tax of \$130,000.

- Property tax of 1.25 mills which would bring in \$475,000.
- Cut township manager (\$70,000 salary and \$30,000 medical).
- Reduction in Capital Projects by \$40,000.
- Reduction of reserve in the General Fund cut to \$43,000.
- General road work reduced by \$70,000. This was to supplement road projects in addition to Liquid Fuels.
- No cuts to personnel, library or EMS fuel.

The Board asked Mark Toth if he heard all the changes to the budget. Mr. Toth said he did. He asked what the EMS contributions are in this budget. Pani Martin stated \$100,000. He asked what revenues over expenditures are. Ms. Martin responded that there is \$63.81 in excess revenue.

MOTION #2: Joe Pomorski made a motion to adopt the amended 2016 11/24/15 budget as presented with the increase in mills of 1.25 instead of 2 mills. Ed Porter seconded.

COMMENTS AND QUESTIONS:

Buddy Rhoades asked J.P. Sanchez if the millage can be done away with if the budget is reopened. J.P. Sanchez stated yes the millage can be reversed. Buddy Rhoades commented that no department heads offered cuts. He commented on the 33% increase in salary. We need money to fix roads. Buddy Rhoades said don't take money from the roads. Instead don't give employees' wage increases.

Joe Pomorski commented that the 33% salary increase mentioned earlier was actually an increase in hours and not pay.

Thomas Nash asked if the crime level in the Township warrants eight full-time police officers and five part-time police officers. We were told at the last meeting, that it takes the state police an hour to arrive on the scene. Thomas Nash said he doesn't believe this. Joe Pomorski commented that the monthly police report is available at each monthly Board meeting. Joe Pomorski said the criminals know where the cops are and where they aren't. The more the population you have, the more police you need. Thomas Nash commented that people are talking about the road crew and holding salaries, as well as cuts to other areas, but no one suggests cutting the police. Mr. Nash spoke about millage effecting those like himself that are on a fixed income.

Nancy Baker stated she has been the police secretary for eight years. She said she posts the monthly Uniform Crime Report and posts the reports on Facebook. Her reports don't tell the full story. It's not just about crime. It's also about emergency assistance. When she writes the report, the police could be working on pulling someone out of a burning vehicle. We need them! Nancy Baker stated the police officers have families and they risk their life every single day. Ms. Baker also stated that taking the police away will lower property values.

Bill Malany asked when the last time the Township put insurance out to bid. Joe Pomorski stated it was done in 2013. You need to investigate agents because they increase prices. Bill Malany asked about the estimated cost to fix Mortonville Road. There was a discussion regarding the details of what needs to be done to fix Mortonville Road.

C. Mozzone asked what other municipalities the East Fallowfield Police Department supports. He asked if they support Modena. Joe Pomorski said we don't cover Modena but we do offer backup.

Pearl Groff stated she lives in East Fallowfield Township near the border of Modena. Modena is getting worse and worse and her property appraisal is going down. She said she would have liked to be notified about the taxes rather than just hearing about it in the post office. She stated she is on a fixed income and would like to hear more about the taxes and what they are for.

Sharon Scott commented that she has been a lifetime resident of East Fallowfield Township and was Supervisor in the Township and knows the budget well. Ms. Scott said the Township doesn't need such an

expensive Police Department. She said as a Supervisor, she had worked hard not to tax. She stated she is on a fixed income and can't afford the tax. She feels adjustments should be made to the budget.

John Schwab (Planning Commission Member) stated a 1.25 mill tax for him would be \$125 per year. He said this is one month of his telecommunication bill. He said he is on a fixed income and would have no problem with paying this tax. He said he is on the Planning Commission, and during the Comprehensive Plan's general public comment period, there was strong support for the police. Mr. Schwab said there isn't much sentiment in the Township to get rid of the police. He is disappointed that the township manager has been removed from the budget because he feels it's critical. Township business is much too complicated to have volunteers, such as the Board of Supervisors, doing full time work. I would like to see the trash removal fee as a tax to get the tax deduction.

Bob King said he only heard Ed Porter talk about cuts to the budget. He asked if Joe Pomorski or Steve Herzog had suggested any cuts. Joe Pomorski said he would like the township manager and road work but he willing to cut that for now so we can continue to function as a government entity. Bob King said the road crew does a great job! Police do a great job too! Bob King asked the Board of Supervisors to work with the road crew and police on contracts rather than using legal services.

Buddy Rhoades commented on Nancy Baker's earlier comments (secretary) and said that the police do a good job. Buddy Rhoades said no one asked for jobs to be lost. Mr. Rhoades commented on the teamster costs with road crew negotiations. Mr. Rhoades said the road crew does a great job and get a decent salary. He made comments about moving the police to the Township building. He commented that West Bradford Township has crime too and they use state police. Mr. Rhoades stated he is not for the tax. Instead of cutting people, salaries could stay the same.

Ronald P. Scott spoke about West Bradford Township when Jack Hines was their Township Manager. He said that West Bradford Township paid for the state police building/barracks. That is how they got the state police to cover their township. West Bradford Township does not get away with not paying something to the state police for support. Bottom line is that we need the East Fallowfield Township Police protection. Mr. Scott asked how many of the current Supervisors have taken the time to visit the Police Department or talk to the road crew to find out how they are. There is a breakdown in communications between the Board of Supervisors and the employees.

Sharon Scott made comments regarding the Comprehensive Plan. She said she does not want the trash fee put in as real estate tax.

Ed Porter commented that a lot of residents have been talking about police cuts. He stated the police department can't be reduced because they are protected under contract. He said initially he was given Budget Versions A, B, and C. He said Version C had a reduction of two full-time police officers. Ed Porter said he thought the department head had put that budget together, however he was misinformed. He said that Budget Version C should never have been put in front of him because the Township cannot reduce the police department due to their protection under contract. He said he thinks that a battle has been going back and forth and information has been spread out. It is unfortunate it hasn't been addressed.

David Leahy stated the Township needs growth in the Police Department and no cuts to the road crew, but he'd be happy to see this budget passed. He also addressed Ed Porter's comments that you can't reduce the police because of the contract. Mr. Leahy said you can't reduce pay or benefits for the police but you can lay off. Ed Porter said it's not on the table and the solicitor advised that the Township can't reduce the police department. Mr. Leahy said the amount of police we have now is sufficient for today. He said we need a full time traffic officer in the Township.

Thomas Nash said he has been looking at Parkesburg sending their police out to other townships. There was a discussion about Parkesburg's millage rate. Thomas Nash said he doesn't want to see this happen to East Fallowfield.

Dennis Crook said he wanted to make the point clear that the Comprehensive Plan was a two year democratic process. He said we had a big turnout for public participation. All five Board of Supervisors voted to approve the Comprehensive Plan. Dennis Crook said the Comprehensive Plan recommendations need to

be implemented. Mr. Crook said it is a very instrumental tool for the Township. Mr. Crook also commented on Mr. Schwab's earlier comment about putting the trash bill into the tax to get a tax deduction.

Ed Porter made comments that he has been in favor of the trash bill being put into a tax.

Siti Crook stated residents were paying a yearly payment of \$305. Then it went down to \$210. The 1.25 mills is basically like going back to the \$305 trash payment.

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

Mark Toth said he voted yes in the interest of passing a legally balanced budget. He stated for the record, that he is highly opposed to the majority of this budget. He recommends the new Board reopens the budget in 2016.

Steve Herzog stated for the record that he disagrees with removing the township manager but in the interest of moving forward he voted yes.

C. Adoption of Resolution No. 2015-09 to levy a 2016 real property tax in the sum of 2 mills.

MOTION: Joe Pomorski made a motion to adopt Resolution 2015-09 authorizing the Board of Supervisors of East Fallowfield Township to levy a real property tax to be collected for the 2016 fiscal year for general purposes, in the sum of 1.25 mills on each dollar of assessed valuation. Steve Herzog seconded.

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

D. Adoption of Resolution No. 2015-10 to authorize the collection of certain municipal taxes by the Chester County Treasurer.

MOTION: Joe Pomorski made a motion to adopt Resolution 2015-10 to authorize the Chester County Treasurer to commence collection of East Fallowfield Township real estate taxes for the 2016 fiscal year. Steve Herzog seconded.

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

E. PUBLIC PARTICIPATION

1. Sharon Scott asked why we need the County to collect the tax. She asked what benefit there is to allow the County to collect the tax. Pani Martin stated the County already sends out the bills for the county tax and they have the mailing list for the Township.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 8:07 pm. Steve Herzog seconded. VOTE: 5-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary

