

EAST FALLOWFIELD TOWNSHIP

BOARD OF SUPERVISORS MEETING

January 4, 2016 Approved minutes
6:30 PM

Members Present

Steve Herzog, Chairman
Ed Porter, Vice Chairman
Charles Kilgore, Member
Carol Kulp, Member
Joe Pomorski, Member

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.
2. Swearing in Carol Kulp as Township Supervisor – Judge Gill swore in Carol Kulp as a new Township Supervisor of East Fallowfield Township.
3. DISCUSSION

A. Election of Temporary Chairman to start the meeting

MOTION: J.P. Sanchez made a motion to appoint Mr. Pomorski as the Temporary Chairman to start the January 4, 2016 Reorganizational meeting of East Fallowfield Township. Steve Herzog seconded.

VOTE: 5-0

B. Election of Chairman

MOTION: Joe Pomorski made a motion to appoint Steve Herzog as the 2016 Board of Supervisors Chairman. Ed Porter seconded.

VOTE: 5-0

C. Election of Vice Chairman

MOTION: Steve Herzog made a motion to appoint Joe Pomorski as the 2016 Board of Supervisors Vice Chairman. Ed Porter seconded.

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

MOTION: Charles Kilgore made a motion to appoint Ed Porter as the 2016 Board of Supervisors Vice Chairman. Carol Kulp seconded.

VOTE: 4-1 (Steve Herzog, Ed Porter, Carol Kulp and Charles Kilgore voted yea. Joe Pomorski voted nae.)

D. Appointment of Township Solicitor

MOTION: Steve Herzog made a motion to appoint the Firm of Lamb McErlane, PC for the 2016 year at the rate of \$200.00 per hour for general municipal legal services and paralegal services at \$125.00 per hour. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Al Wright asked how the \$200 rate was determined and if it was considered reasonable. Steve Herzog stated that is the rate that Lamb McErlane submitted. Al Wright asked if it was negotiated or if other legal firms were considered. He also asked if this is considered the average rate. Steve Herzog stated it is a reasonable rate for services. Pani Martin stated the rate was \$195 last year.
- 2) Sharon Scott stated she opposes the appointment of Lamb McErlane. She said the reason was Lamb McErlane's Solicitor granted a waiver of an ordinance which requires trees being replaced after numerous trees were chopped down. The second reason involved Lamb McErlane's solicitor not having a copy of The Second Class Township Code at a meeting.

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

MOTION: Ed Porter made a motion to appoint the firm of Siana Bellwoar McAndrew LLP for the 2016 year at the rate of \$195.00 per hour for general municipal legal services and paralegal services at \$120.00 per hour. Charles Kilgore seconded.

QUESTIONS AND COMMENTS:

- 1) **DISCUSSION:** The Board discussed switching attorneys as well as both Siana Bellwoar and Lamb McErlane. Joe Pomorski asked why we would replace our current firm with Siana for \$5 an hour less. Mr. Pomorski said Lamb McErlane has history with our Township we will probably get double billed because Siana Bellwoar will have to contact Lamb McErlane. Ed Porter said Siana Bellwoar is currently working for the Township in union negotiations with Public Works. Siana is one of the unique firms that handles union negotiations. We have police contract negotiations coming up this year and Siana Bellwoar can help with that. Siana Bellwoar also handles land development. This Board has also talked about doing an employee handbook and Siana Bellwoar can accomplish this. They also provide training free of service for our employees for which they will be given a certificate that goes in their file. The rate is competitive and this move will incorporate everything under one legal firm that can handle everything rather than outsourcing to this firm for numerous things discussed. Joe Pomorski asked Ed Porter if he has been happy with Siana Bellwoar's services. Ed Porter stated that Siana Bellwoar has done the job they were hired for. Mr. Porter stated the Board should be more prudent about when the solicitor is invited to sit in meetings and for how long. Ed Porter discussed the need to develop a policy to for contacting the solicitor to control costs. Steve Herzog asked if this needed to be advertised and put out to bid. Ed Porter stated the Second Class Township Code does not require this goes out to bid. J.P. Sanchez commented on the procedure.
- 2) J.P. Sanchez defended his firm, Lamb McErlane, for the record.

- 3) Kelly Howson asked if it is a conflict of interest for the Township to have the same solicitor that it is represented by in negotiations with the Public Works union contract. The Board responded no.
- 4) Mr. Leahy asked if J.P. Sanchez would be released from the meeting if the motion on the table passes. Charles Kilgore said yes. Mr. Leahy asked if this decision could be tabled until the next meeting in order for the Solicitor to stay for the Reorganizational meeting. Ed Porter stated that the Reorganizational meeting is a cookie cutter meeting and doesn't need a solicitor present. Joe Pomorski spoke in favor of tabling the decision.
- 5) DISCUSSION: There was a discussion between Charles Kilgore, Joe Pomorski and Ed Porter regarding Siana Bellwoar versus Lamb McErlane. Ed Porter spoke about putting the solicitor out to bid in the past and the Board appointing Lamb McErlane.
- 6) Jim Burns asked if this appointment should be done at the end of the Reorganizational meeting or tabled until the next meeting. Ed Porter stated the Township has had Reorganizational meetings in the past without a solicitor present.
- 7) Ed Porter spoke about the process of reopening the budget.
- 8) Steve Herzog and Joe Pomorski stated that they did not know this was going to happen.
- 9) Buddy Rhoades talked about how you can't have a meeting without a quorum. He commented on a meeting that was held with two Township Supervisors and Lamb McErlane's solicitor. Mr. Rhoades stated the solicitor should have told the Board members present not to hold that meeting. Mr. Rhoades spoke about the Board not needing a solicitor at every meeting and the way they charge for attending meetings. Mr. Rhoades stated he'd like the Board to select a township solicitor tonight.

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

At this point, J.P. Sanchez left the meeting.

E. Township Secretary and Township Right to Know Officer

MOTION: Steve Herzog made a motion to appoint Lisa Valaitis as Township Secretary and Township Right to Know Officer at \$16.97 per hour. Ed Porter seconded.

Ed Porter asked what the policy is for the order of meeting minutes being completed. Pani Martin stated she had Lisa Valaitis complete meeting minutes in order of importance rather than in chronological order.

VOTE: 5-0

F. Township Treasurer

MOTION: Steve Herzog made a motion to appoint Frangipani Martin as Township Treasurer and Township Office Manager, at a salary of \$51,504.12 per year. Charles Kilgore seconded.

VOTE: 5-0

G. Administrative Assistant

MOTION: Steve Herzog made a motion to appoint Katherine Archibald as the 2016 part time Administrative Assistant at a \$15.45 per hour. Charles Kilgore seconded.

Al Wright asked how many hours per week is considered part-time. Pani Martin stated Katherine Archibald will be working 32 hours per week.

VOTE: 5-0

H. October 13, 2015 Board of Supervisors workshop minutes.

MOTION: Steve Herzog made a motion to approve the October 13, 2015 Board of Supervisors workshop minutes as presented. Charles Kilgore seconded.

QUESTIONS AND COMMENTS:

Dennis Crook commented on the Bawa Muhaiyaddeen Fellowship letter discussed at the meeting. There was a discussion about the letter. There was a discussion between Ed Porter and Lisa Valaitis regarding the letter.

VOTE: 5-0 (passed with amendment.)

I. Reopen the 2016 Budget.

Chairman Steve Herzog passed this motion down. Ed Porter stated the motion was placed on the agenda for Carol Kulp being a new supervisor.

MOTION: Ed Porter made a motion to reopen the 2016 budget, 11-10-15 Baseline with 1.25 mill tax – Updated December Actuals. Charles Kilgore seconded.

QUESTIONS AND COMMENTS:

- 1) Ken Hanson asked Carol Kulp why she wanted the budget reopened. Carol Kulp stated she did not want the tax. Ken Hanson asked if she has a suggestion for where the money should come from. Carol Kulp stated cuts. Ken Hanson asked what should be cut. He said there should be a logical reason for reopening the budget.
- 2) Buddy Rhoades talked about the meeting at which the budget was passed and two Supervisors stated there was no fat in the budget. He commented on cuts and additions being made to the budget before it was approved. He also commented that Mark Toth was present at that meeting by telephone and he changed his vote from nae to yea at the meeting. Mr. Rhoades said he feels all of the Board members should review the budget again. Mr. Rhoades also said that there are a lot of residents that can't attend the meeting due to weather.
- 3) Joe Pomorski addressed Buddy Rhoades's comment about two supervisors saying there was nothing to cut. Mr. Pomorski stated there was a split Board on the budget. Two supervisors were in favor a tax and three were not. The Board compromised and met in the middle to pass this budget. He said Carol Kulp ran on a no tax platform but she did not pass this tax. There is no reason to reopen the budget. We need to move forward with the budget we passed on December 30, 2015.

- 4) Buddy Rhoades commented that insurance and pension are areas that the Board should look over again.
- 5) Mr. Leahy asked Carol Kulp where the cuts would come from. Carol Kulp said we need to look at the budget closer to find more cuts. He asked Ms. Kulp what her position is on making cuts to the police department. Ms. Kulp stated she is fine with the current level of police coverage. Mr. Leahy asked Ms. Kulp what her opinion is on increasing police coverage and on filling the vacant full time police officer position. Ms. Kulp said she'd like to keep the part-time officer in a part time position and not fill the full time position. This does not take away someone's job.
- 6) Sharon Scott spoke about Mark Toth's comment at the December 30, 2015 Board of Supervisors meeting that he hoped the budget would be reopened. Ms. Scott also said thought the December 30, 2015 meeting was confusing. She said she is pleased the budget could be reopened. She talked about the negative impact of a tax on senior citizens who are on fixed incomes. Senior citizens can't afford to be taxed.
- 7) Al Wright said he thinks the Board should consider several questions if the budget is reopened. The first question is how much does the Township have in cash reserves (rainy day fund)? He commented that other townships have millions in reserves and are still raising millage. It's fiscally irresponsible not to put a tax in place now. Residents can't expect to not pay local taxes but expect services such as road and bridge maintenance, police protection and fire protection. Mr. Wright strongly urged the Board to look ahead and put a budget in place with a local tax that makes sense and plans for the future.
- 8) Randy Scott strongly urged the motion to reopen the budget be rescinded. Go with the 2016 budget and look to change things in the 2017 budget.
- 9) Chief Joe Deckman spoke about the mistake the Township made selling off the King Ranch properties and getting rid of the property tax in the past. Had we kept that tax we would not be having this conversation now. The Township is now living paycheck to paycheck. He said he hopes the Board will reconsider opening the budget.
- 10) DISCUSSION: Steve Herzog stated there is \$300,000 in cash reserves. Joe Pomorski and Steve Herzog stated they agree the Township is living paycheck to paycheck. Ed Porter stated with the tax in place, the Township is not living paycheck to paycheck. There is now extra money in the budget. He said he doesn't believe he can solve the shortfall. The shortfall is too large and there are not enough cuts to make without going in to personnel. Ed Porter stated he agreed with Randy Scott's comment. The money is there but it doesn't mean we should spend it. Ed Porter stated it is an employees' budget. It was proposed by the department heads and pitched to the Board. Ed Porter stated he will guarantee that he will find savings in the budget and look everything over thoroughly this year.
- 11) Sharon Scott requested the Board review the budget with the staff so the Township doesn't have to pass a real estate tax. She also asked for explanation on why further cuts can't be made. Ed Porter responded by stating he has made cuts in departments during his time on the Board. He spoke about some of the specific cuts made in the past. He said the problem will still be here next year. Mr. Porter stated there are parts of the budget that can't be changed or cut because there are contracts in place.

- 12) Jim Burns asked Ed Porter to clarify that he does not support personnel cuts and understands that there has to be a real estate tax to function this year based on what he spoke about.
- 13) DISCUSSION: There was a discussion between Jim Burns and Ed Porter. Ed Porter said for 2016 if the budget is reopened, he is not able to cut enough to balance the budget in the timeframe required. He said there are always ways to improve in personnel. If the Board is prudent and controls spending, we may not have to increase the tax next year. Jim Burns asked Ed Porter to clarify why he voted against the tax but is saying that the budget can't be balanced without the tax. Ed Porter talked about controlling costs such as putting all legal items at the beginning of meetings. Ed Porter said he is not supporting the tax but is not going to vote to reopen it. There are areas that East Fallowfield Township spends more than other municipalities. Ed Porter spoke about putting a vote out to the people regarding a fire tax by putting this on the ballot.
- 14) Buddy Rhoades commented that he hopes the Board gets in contact with the State Senators to push forward a fire tax. He also said he'd like to see feedback on how many residents donated money to Modena Fire Company. He said he appreciates the Board giving additional funds to the fire companies.
- 15) Sharon Scott asked if the fire tax is a flat rate tax or a real estate tax. She also asked if Modena Fire Company was given extra money. Steve Herzog said 60% of \$100,000 is given to Modena Fire Company and 40% goes to Westwood Fire Company. Joe Pomorski said the fire tax could be done either way.

MOTION: Ed Porter made a motion to rescind the motion that he made before the Board. Joe Pomorski seconded.

VOTE: 4-1 (Steve Herzog, Ed Porter, Charles Kilgore and Joe Pomorski voted yea. Carol Kulp voted nae.)

J. Established monthly meeting times and dates.

MOTION: Steve Herzog made a motion to approve the Board of Supervisors meetings at 6:30 PM on the fourth Tuesday of the month, Board of Supervisors workshop at 6:30 PM on the second Tuesday, Park and Recreation Committee at 6:30 PM on the first Tuesday of the month and their workshop on the third Tuesday, Planning Commission at 6:30 PM on the first Monday of the month and their workshop on the third Monday, Historical Commission at 6:30 PM on the first Wednesday of the month and their workshop on the third Wednesday. Charles Kilgore seconded.

VOTE: 5-0

K. 2016 Trash/Recycling Payment Information Sheet.

Pani Martin stated the 2016 Trash/Recycling Payment Information Sheet is posted on the Township website and will be mailed with the invoices. There was a brief discussion regarding when the trash contract is up. Steve Herzog stated the contract is up at the end of 2017.

L. Public Works Department.

MOTION: Steve Herzog made a motion to appoint the following Public Works employees as presented. Joe Pomorski seconded.

Public Works Superintendent	Barry "Tag" Gathercole – \$29.82/hr.
Assistant Public Works Superintendent	Tim Gathercole – \$25.91/hr.
Other Public Works Assistant	Greg Leonard – \$22.17/hr.
Other Public Works Assistant	Justin Gathercole – \$22.05/hr.
Other Public Works Assistant and Mechanic	John Weaver – \$22.05/hr.

QUESTIONS AND COMMENTS:

1) Steve Herzog said the pay rates are the same as 2014 due to contract negotiations.

VOTE: 5-0 (Ed Porter voted yea with comment regarding contract negotiations. He said his yea is dependent on the outcome of the union negotiations.)

M. "As needed" snow plowers.

MOTION: Steve Herzog made a motion to appoint the following "as needed" snow plowers as presented. Charles Kilgore seconded.

Snow Plower	Jim Sisk - \$15.00/hr.
Snow Plower	Dan Mowery - \$15.00/hr.
Snow Plower	Joe Gathercole – \$15.00/hr.
Snow Plower	Alfred Perine – \$15.00/hr.
Snow Plower	John Scott – \$15.00/hr.
Snow Plower	Jim Reagan – \$15.00/hr.
Snow Plower	Anthony Sirna – \$15.00/hr.
Snow Plower	Lou Wilson - \$15.00/hr.

VOTE: 5-0

N. Emergency Services.

MOTION: Steve Herzog made a motion to appoint the following Emergency Service employees as presented. Joe Pomorski seconded.

Fire Marshal, Asst. Emergency Management Coordinator – Jim Reagan – \$163.92/qtr. and \$22.00/hr.
Asst. Fire Marshal, Emergency Management Coordinator – Anthony Sirna – \$163.92/qtr. and \$22.00/hr.

QUESTIONS AND COMMENTS:

- 1) Chief Joe Deckman asked what Tony Sirna and Jim Reagan do for the Township because he has never seen any reports filed by them.
- 2) Jim Reagan said they were asked for verification on their duties a few months ago and they supplied that to the Board. Mr. Reagan summarized his duties which include covering for the County and providing emergency services.

- 3) Tony Sirna stated it is a position required by federal law.
- 4) Ed Porter discussed whether these positions could be covered by someone in the fire department. Ed Porter asked Chief Deckman what the main issue is. Chief Deckman stated that Mr. Reagan and Mr. Sirna attend meetings and trainings but he doesn't see any feedback coming from them.
- 5) Tony Sirna said as far as the emergency management side. He reviews the various plans that are required to be reviewed and updated such as the Brook Crossing Dam and the emergency management plan for the Township. We have been involved with the County regarding the hazard mitigation plan. We address plans. Other areas we deal with are hydrant locations, driveway locations, and width of roads. He said they also attend quarterly meetings as required by the County, State, and FEMA. He said we will provide more reports if the Board would like.
- 6) Ed Porter asked if there is enough work for two people. Tony Sirna stated 20+ years ago, they split the pay in half when they took it over from the fire marshal. They have also added the emergency management responsibilities. Tony Sirna stated that in the past they set up meetings with the fire companies and after a while it became a problem getting everyone together and the meetings stopped happening. They agreed to start meeting again.
- 7) Chief Joe Deckman stated he'd like to see a closer working relationship with them. He offered to get together and communicate more often.
- 8) Buddy Rhoades stated the pay for Mr. Reagan and Mr. Sirna is only \$1,300 a year. He asked if the \$22 per hour is above the salary. Tony Sirna stated this is only if something special is needed.

VOTE: 5-0

O. Police Department.

- 1) Steve Herzog stated full time Police Officer Justin Fonock resigned his position as full time Police Officer effective January 4, 2016.
- 2) Approval to hire Francis J. O'Donnell for the position of full time Police Officer.

MOTION: Steve Herzog made a motion to hire part time Police Officer Francis J. O'Donnell to full time Police Officer at the rate of \$27.43 per hour, per the CBA. Joe Pomorski seconded.

QUESTIONS AND COMMENTS:

- a) Jim Burns asked if this motion was to replace the full time officer that resigned and not an additional full time officer. Steve Herzog stated that hiring Francis J. O'Donnell is to replace Officer Fonock who resigned.
- b) Sharon Scott asked if John O'Donnell and Francis J. O'Donnell are the same person. Steve Herzog stated they are the same person. Ms. Scott asked why the Township needs another full time officer. Steve Herzog stated to replace the full time officer that resigned. Ms. Scott asked how many full time officers there are. She recommended Francis J. O'Donnell remain part time. This is an ideal time to look at how the Township can function with one less full time police officer. There was a discussion between Joe Pomorski and Sharon Scott. Mr. Pomorski stated not replacing a full time officer is the same as cutting the Police Department.

- c) Jim Burns stated by hiring Officer O'Donnell as a full time officer and not replacing his part time position, you are still essentially cutting the Police Department. This would be a compromise.
- d) Buddy Rhoades talked about the part time officers working for other municipalities making it difficult to do scheduling. He also stated that the part time officers help cover scheduling problems such as staff members being out on disability.

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

MOTION: Ed Porter made a motion to hire Louis Wilson for the position of part time police officer effective January 5, 2016 at the hourly rate of \$25.00 per the CBA. Charles Kilgore seconded.

QUESTIONS AND COMMENTS:

- a) Steve Herzog asked if Louis Wilson was interviewed.
- b) Chief Porter stated he would have brought Louis Wilson to the Board if he recommended him. Chief Porter stated Louis Wilson is the Police Chief in South Coatesville. Chief Porter reiterated that he recommends Officer Francis J. O'Donnell for the position.
- c) DISCUSSION: Joe Pomorski asked Ed Porter if he talked to Lou Wilson about coming on to East Fallowfield's Police Department. Ed Porter stated he always does research before making a motion. Joe Pomorski stated it would be wise to run this by Chief Porter before hiring Lou Wilson. Chief Porter asked if Lou Wilson is present. Chief Porter stated that they don't even know if Lou Wilson wants the job. Joe Pomorski stated any hiring or personnel matters should be run by the department head. Hiring Lou Wilson, who is the chief of South Coatesville, is undercutting Chief Porter.
- d) Randy Scott said you should always hire from within and you turned down hiring Francis O'Donnell a committed police officer who has been with our Police Department. He said he can understand Ed Porter trying to be fiscally responsible but this is ludicrous. The three Board members that voted against hiring Officer O'Donnell are creating turmoil. He also stated Lou Wilson should be present.
- e) John O'Donnell stated he left another job to dedicate himself to this Township and cover more hours. He said he wanted the Board to be aware of this. He said he works for Lou Wilson and commented on Lou Wilson going behind his back. He said he may possibly be out two jobs now. I left another job to dedicate myself to this Township and cover more hours. He said he wanted the Board to be aware of this.
- f) Chief Porter spoke in support of Officer O'Donnell. Chief Porter stated Officer O'Donnell has worked for East Fallowfield Township for two years and quit another part time job to give more hours to East Fallowfield Township. Chief Porter stated again that this is who he recommends for the full time officer position. Everyone else I have recommended have worked out perfectly.
- g) Ken Hanson stated we have a part time employee that already knows the Township and our system. He also quit another part time job for this Township. He commented that in preparing the budget, the department heads were consulted. Mr. Hanson said he doesn't understand why Ed

Porter did not go to the department head (Police Chief) in this case. Mr. Hanson asked why Lou Wilson, as Police Chief of South Coatesville, would want to work part time in East Fallowfield Township. He said it seems like there is an agenda to bring in a police chief from another department to undermine our chief of police who is doing a great job! Mr. Hanson stated all the police officers do a great job!

- h) Joe Pomorski stated that John O'Donnell does a great job as a part time officer. The officer that he would be replacing, Justin Fonock did a great job too! They have both been very loyal to our Police Department. John O'Donnell has been with us for two years. The right thing to do is to promote John O'Donnell. Joe Pomorski commented on the recent rumors about cuts to the full time police officers. This is why we are losing Officer Fonock. He also commented that when police officers don't trust the Board in East Fallowfield Township, they will be less inclined to come work here. Joe Pomorski requested that Ed Porter rescind his motion and re-motion to hire John O'Donnell. Mr. Pomorski stated he feels the police do not have confidence in the Board.
- i) Ed Masterstefone stated he is willing to drop his health benefits to allow the Board to hire John O'Donnell. He said John O'Donnell is the most dependable guy he's ever seen!
- j) Randy Scott commented that Ed Masterstefone is phenomenal for making the offer he just made. Mr. Scott asked Carol Kulp to comment on her reasons for voting nae to hire John O'Donnell as a full time officer. Carol Kulp stated she thought if we already have an officer stepping down, we could hire another part-timer and help the budget.
- k) Buddy Rhoades commented that this is not a reduction in the Police Department. He said that Lou Wilson has been Police Chief in South Coatesville for twenty five years and does a good job. Mr. Rhoades asked if John O'Donnell will hold any other jobs if hired as full time. Police officers holding additional jobs cause scheduling problems. Nancy Baker commented on Mr. Rhoades's statement that this is not a reduction of the police force. Ms. Baker stated that it is a reduction of 84 hours every two weeks if Officer Fonock is not replaced. We have only one part timer readily available to cover shifts right now which is John O'Donnell. Do not reduce the Police Department!
- l) Sharon Scott commented that when Ed Masterstefone was the temporary police chief, that police chief opening was not advertised. She said Chief Porter had no prior experience as a police chief. Chief Porter stated he has five years of experience. Ms. Scott talked about a personal experience when she called the police.
- m) Ken Hanson stated the Board is reducing the police by making the part time officer a full time officer because there is no motion to hire another part time officer. The Police Department will be down by a half position. There is a small savings in there.
- n) Chief Porter asked Ed Porter to please rescind his motion. He stated he did not want Lou Wilson as a part time officer here. He said hiring Mr. O'Donnell full time is only a couple of dollars more per hour. He is a very well trained officer who can handle all aspects of this job.

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

RE-MOTION: Steve Herzog made a motion to hire part time Police Officer Francis J. O'Donnell to full time Police Officer at the rate of \$27.43 per hour, per the CBA. Joe Pomorski seconded.

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

MOTION: Steve Herzog made a motion to appoint the following police officers as presented in the agenda. Ed Porter seconded.

Chief of Police	Christopher Porter – \$89,441.84/yr.
Full Time Police Officer	Edward Masterstefone – \$36.79/hr.
Full Time Police Officer/Detective	Samantha Harper – \$34.29/hr.
Full Time Police Officer	Brian Simmons – \$34.29/hr.
Full Time Police Officer	Kevin Simmons – \$34.29/hr.
Full Time Police Officer	Richard McAllister – \$34.29/hr.
Full Time Police Officer	Gina Malarick – \$34.29/hr.
Part Time Police Officer	Alan Haldeman – \$25.00/hr.
Part Time Police Officer	Mark McKinney – \$25.00/hr.
Part Time Police Officer	John Rappold – \$25.00/hr.
Part Time Police Officer	Francis J. O'Donnell – \$25.00/hr.

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

MOTION: Ed Porter made a motion to appoint the following police officer, Louis Wilson, as Chief of Police at a rate of \$25.00 an hour, not to exceed \$30,000. Charles Kilgore seconded.

QUESTIONS AND COMMENTS:

- 1) Joe Pomorski Sr. asked Ed Porter if he is firing the Chief of Police. Ed Porter stated that he is not firing any officers. Ed Porter stated that he is taking another chief of police who is in South Coatesville. South Coatesville and East Fallowfield Township already cover each other's calls. Ed Porter said he is trying to absorb the cost in the Chief's scheduling and put a full time officer on the schedule. He said he is adjusting the budget to save money. Joe Pomorski stated Ed Porter said at a previous meeting that he would not reduce the police force. Ed Porter responded by saying he is not reducing the police force.
- 2) John O'Donnell commented on Louis Wilson. He said there have been many times when Louis Wilson's employees have considered a vote of no confidence.
- 3) Sharon Scott asked for the motion to be repeated. Ed Porter reread the current motion.
- 4) Randy Scott said Ed Porter is destroying the Police Department by appointing a police chief that the department has no trust in. He also made comments about Carol Kulp and Charles Kilgore. Ed Porter said he is trying to save money in a budget that is almost \$1.4 million and jumping 12% per year. He also said he is trying to get department accountability. He made comments about a case in Chester County Courts. There was a discussion between Ed Porter and Chief Chris Porter regarding this court case. Ed Porter said he is trying to control costs.
- 5) Nancy Baker asked Ed Porter if he valued the opinion of the East Fallowfield Township Police

Departments. Ms. Baker requested Ed Porter ask the police officers how they feel about working for Lou Wilson.

- 6) Ed Porter spoke about the budget. He stated the Board had to tax the residents because the Police Department jumped 19%. They are going into negotiations next year. He expects they will be looking for raises of 3.5%. There was a discussion about several local municipalities and their police department budgets. He said we need to control the budget.
- 7) DISCUSSION: There was a discussion between Ed Porter and Ed Masterstefone regarding raises and waiving health insurance. Ed Porter asked Sergeant Masterstefone if he could speak for the police union that the police department would waive their raises. Sergeant Masterstefone said he could not, however he would give up his raise and health insurance. Ed Porter stated he is trying to solve something that is escalating.
- 8) Andy Marvel stated this undermines the current police chief. This is going to cause a “cancer” in the Police Department and the budget will be fixed because good police officers will leave. There was a discussion between Ed Porter and Andy Marvel regarding how to proceed with the budget, budget solutions and police negotiations.
- 9) Steve Herzog said Ed Porter is demoting Chief Porter. Steve Herzog said if it was him, he'd be looking for a job elsewhere. The other officers will want to leave too. Then we will have a police department full of officers who don't know the Township. Steve Herzog stated this is a personnel issue and both Joe Pomorski and he did not know about this.
- 10) Buddy Rhoades commented on the requirement to advertise all jobs. Mr. Rhoades also talked about rules of conduct at public meetings.
- 11) John O'Donnell specifically addressed Carol Kulp and said if Lou Wilson is hired as chief of police, he will run the department into the ground.
- 12) Randy Scott commented on peer review. There was a discussion between Ed Porter, Steve Herzog and Randy Scott regarding the budget and police negotiations. Ed Porter talked about the upcoming police negotiations and asked how to fix this problem. Steve Herzog said by working with the Police Department in contract negotiations.

Charles Kilgore stated he did not feel well and needed to leave the meeting. Charles Kilgore left the room.

At 9:00 pm, Chairman Steve Herzog called a recess.

There was a 15 minute recess.

At 9:15 pm, Chairman Steve Herzog called the meeting to order. Charles Kilgore did not return to the meeting and was absent for the remainder of the meeting.

Ed Porter reported he had a discussion with Sergeant Masterstefone. Ed Porter also stated he is willing to rescind the motion to hire Lou Wilson as the Chief of Police. Ed Porter requested an executive session with Chief Porter.

Ed Porter commented on Chief Porter not responding to his emails. Ed Porter stated to Chief Porter that he thought he had suggested cuts in one of the budgets. Pani Martin explained that she had prepared three budgets, one baseline budget, one with cuts and one with increases. She verbally stated to the Board, that two full time employees with benefits would have to be cut to balance the budget. Chief Porter stated he did not recommend cuts in any budget.

MOTION: Ed Porter made a motion to rescind his previous motion with hiring Lou Wilson as a part timer as stated at a rate of \$25 according to the CBA. Steve Herzog seconded.

VOTE: 4-0

MOTION: Joe Pomorski made a motion to hire part time Officer Francis J. O'Donnell to full time officer at the rate of \$27.43 per hour per the CBA. Steve Herzog seconded.

QUESTIONS AND COMMENTS:

- 1) Sharon Scott said she would not hire this officer as a full time officer due to his derogatory comments about Police Chief Lou Wilson.
- 2) Buddy Rhoades made comments that police officers should not bash each other. He also said that residents should not bash Board members for not speaking or for having a different opinion. Mr. Rhoades talked about stacking meetings.
- 3) Andy Marvel asked Ed Porter if he rescinded the motions to make a point. Ed Porter responded by saying no, he was trying to contain the budget. Ed Porter talked about police contract negotiations. Ed Porter said he rescinded his motion because Chief Porter is willing to open up communications. Ed Porter also said he liked what Sergeant Masterstefone said to him which will help with finances. The budget is heading to uncontrollable. There was a discussion between Andy Marvel and Ed Porter regarding the rescinded motion and the budget.
- 4) Mr. Leahy talked about Ed Porter's rescinded motion and called it back door politics. Ed Porter stated he is trying to save in finances. Mr. Leahy asked the Board if they all knew there was going to be a motion to replacing Chief Porter or hiring Lou Wilson. Joe Pomorski stated the first time he heard about hiring Lou Wilson and demoting Chief Porter was when Ed Porter made the motion to hire. Mr. Leahy stated if the Board wants better communication with the Police Chief, then hire a township manager who would be accountable.
- 5) Buddy Rhoades commented that he agreed regarding hiring a township manager. Mr. Rhoades spoke in favor of hiring a township manager. Buddy Rhoades said this Township is not a dictatorship. The Board is there to run the Township for the residents.
- 6) John Abel said there has to be a common ground that the Board all works from. He talked about having better control of meetings. If the department heads don't work together, you will keep having meetings like this. He said Ed Porter had to have had a previous discussion with Lou Wilson. Ed Porter said he had already previously stated he talked to Lou Wilson and as a Supervisor, he should bring ideas to the Board.
- 7) Joe Pomorski spoke about the purpose of executive sessions for discussing personnel issues.

VOTE: 2-2 (Steve Herzog and Joe Pomorski voted yea. Ed Porter and Carol Kulp voted nae.)

MOTION: Steve Herzog made a motion to appoint the following police officers as presented in the agenda. Ed Porter seconded.

Chief of Police
Full Time Police Officer

Christopher Porter – \$89,441.84/yr.
Edward Masterstefone – \$36.79/hr.

Full Time Police Officer/Detective
Full Time Police Officer
Full Time Police Officer
Full Time Police Officer
Full Time Police Officer
Part Time Police Officer
Part Time Police Officer
Part Time Police Officer
Part Time Police Officer

Samantha Harper – \$34.29/hr.
Brian Simmons – \$34.29/hr.
Kevin Simmons – \$34.29/hr.
Richard McAllister – \$34.29/hr.
Gina Malarick – \$34.29/hr.
Alan Haldeman – \$25.00/hr.
Mark McKinney – \$25.00/hr.
John Rappold – \$25.00/hr.
Francis J. O'Donnell – \$25.00/hr.

VOTE: 4-0

Ed Porter requested Chief Porter meet with him in executive session in the near future to talk about what he and Ed Masterstefone discussed during recess. Chief Porter stated he is available.

P. Police Secretary and Police Right to Know Officer.

MOTION: Steve Herzog made a motion to appoint Nancy Baker as the 2016 part time Police Administrative Assistant and part time Police Right to Know Officer, at \$18.08 per hour. Ed Porter seconded.

VOTE: 4-0

Q. Building Inspector/Code Officer/Zoning Officer.

MOTION: Steve Herzog made a motion to appoint Keystone Municipal Services, Inc. as the 2016 Township Building Inspection, Code Official, and Zoning Services. Ed Porter seconded.

QUESTIONS AND COMMENTS:

Buddy Rhoades asked what the rate is. Pani Martin read the rates: zoning and administration \$62/hour, permitting 50%, code administration \$50/hour, and code enforcement services \$62/hr. Mr. Rhoades asked what his job is. Pani Martin said permits, inspections and complaints. The percentage increase is 20%.

VOTE: 4-0

R. Supervisor Liaison Appointments.

The Board discussed the need for liaisons. Ed Porter said liaisons are a good idea because there is no township manager.

MOTION: Steve Herzog made a motion to appoint the following Board Liaisons as presented. Ed Porter seconded.

Planning Commission – Carol Kulp.
Historical Commission – Joe Pomorski.
Police – Steve Herzog and Ed Porter.
Township Office – Ed Porter.
Public Works – Joe Pomorski.

VOTE: 4-0

S. 2016 State Supervisor's Association Convention Voting Delegate.

There was a discussion about who could attend. Ed Porter stated someone on the Board should attend and vote on East Fallowfield Township's behalf. Steve Herzog said he could make it at least the day of the vote.

MOTION: Ed Porter made a motion to appoint Steve Herzog as the 2016 State Supervisor's Association Convention Voting Delegate. Steve Herzog seconded.

VOTE: 4-0

T. Vacancy Board.

MOTION: Joe Pomorski made a motion to appoint Siti Crook as the 2016 Vacancy Board member. Steve Herzog seconded.

VOTE: 2-2 (Steve Herzog and Joe Pomorski voted yea. Ed Porter and Carol Kulp voted nae.)

MOTION: Ed Porter made a motion to appoint Nelson Walter as the East Fallowfield Township 2016 Vacancy Board member. Carol Kulp seconded.

VOTE: 2-2 (Ed Porter and Carol Kulp voted yea. Steve Herzog and Joe Pomorski voted nae.)

The Vacancy Board appointment was tabled until the next Board of Supervisors meeting.

U. Law Offices of John Carnes Jr.

MOTION: Steve Herzog made a motion to appoint The Law Offices of John Carnes Jr. as the 2016 Township Zoning Solicitor at the rate of \$135.00 per hour and \$100.00 per hour for other firm attorneys. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Buddy Rhoades asked if this is for the Zoning Board. Steve Herzog replied yes and the rate is the same as last year.

VOTE: 4-0

V. Herbert E. MacCombie Jr. P.E.

MOTION: Steve Herzog made a motion to appoint Herbert E. MacCombie Jr. P.E. as the 2016 Township Sewer Consultant and approve their 2016 fee schedule as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Buddy Rhoades asked what the rate is. Steve Herzog stated the rate is \$140 per hour. There are also other rates depending on the level of employee used for services.

VOTE: 4-0

W. Traffic Planning and Design ("TPD").

MOTION: Steve Herzog made a motion to appoint Traffic Planning and Design as the 2016 Township Traffic Consultants, and approve their 2016 fee schedule as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Buddy Rhoades asked what the rate is. Steve Herzog stated there are multi-levels depending on who you get and what kind of plans or prints you need. Buddy Rhoades asked if this was put out to bid or if this is someone we have had in the past. Steve Herzog said this is someone we have used. Buddy Rhoades suggested price checking on this service for the budget.

VOTE: 4-0

X. Township Engineer.

MOTION: Steve Herzog made a motion to appoint Della Penna Engineering Inc. as the 2016 Township Engineer, and approve the 2016 fee schedule as presented. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Steve Herzog said it is \$105 per hour for engineer services and construction observation is \$67 per hour. There is an additional charge for copies.
- 2) Buddy Rhoades commented that Chris Della Penna does a great job.

VOTE: 4-0

Y. Resolution 2016-01 Revised Fee Schedule.

MOTION: Steve Herzog made a motion to approve Resolution 2016-01 approving the revisions to the Township Fee Schedule, Treasurer's Draft 12/2/15. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Steve Herzog asked if there are any major changes. Pani Martin stated the format changed.
- 2) Sharon Scott asked for clarification on whether the rates stayed the same. Steve Herzog said yes, with exception to the fees that were just voted on.

VOTE: 4-0

Z. Resolution 2016-02 Township Auditor for fiscal year 2015.

MOTION: Steve Herzog made a motion to approve Resolution 2016-02 appointing Mingis, Gutowski & Company, LLP as the East Fallowfield Township auditors, replacing the elected auditors for the fiscal year of 2015 at a salary of \$15,100.00, which includes out-of-pocket expenses. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- 1) Buddy Rhoades asked if the auditor is the same as last year. Steve Herzog said yes._

VOTE: 4-0

AA. Agricultural Security Area Commission.

- 1) Reappointment of Garth Monaghan to the Agricultural Security Commission 2016 to 2019 term.

MOTION: Steve Herzog made a motion to appoint Garth Monaghan to the Agricultural Security Area Commission 2016 to 2019 term. Ed Porter seconded.

VOTE: 4-0

- 2) Reappointment of Charles Kilgore to the Agricultural Security Commission 2016 to 2017 term.

MOTION: Steve Herzog made a motion to appoint Charles Kilgore to the Agricultural Security Area Commission 2016 to 2017 term. Ed Porter seconded.

VOTE: 4-0

- 3) Appointment of 2016 Chairman.

MOTION: Steve Herzog made a motion to appoint Charles Kilgore as the 2016 Chairman of the Agricultural Security Commission. Ed Porter seconded.

VOTE: 4-0

Charles Kilgore – Chairman for 2016 and Resident - 2016-2017 (2 year term)

William Elkins – Farmer - 2015 to 2017 (3 year term)

Garth Monaghan – Farmer - 2016 to 2019 (4 year term)

Arthur DeLeo – Farmer - 2012 to 2016 (5 year term)

BB. Zoning Hearing Board.

- 1) Discussion on adjusting the compensation for a zoning hearing from \$25 to \$50 per Al Wright's request.

Ed Porter asked how often the Zoning Hearing Board meets. Pani Martin said they met once last year. The rate has been \$25 for a long time.

MOTION: Steve Herzog made a motion to adjust the compensation for a zoning hearing from \$25 to \$50. Ed Porter seconded.

VOTE: 4-0

- 2) Resolution to appoint Ellis Weiss as a Zoning Hearing Board member for the term ending December 31, 2017.

MOTION: Steve Herzog made a motion to adopt Resolution 2016-03 appointing Ellis Weiss as a Zoning Hearing Board member for the term ending December 31, 2017. Ed Porter seconded.

QUESTIONS AND COMMENTS:

- a) Sharon Scott asked who Ellis Weiss is. Lisa Valaitis said Ellis Weiss is already on the Zoning Hearing Board. His term changed when he went from an alternate member to a member.

VOTE: 4-0

Vacant – Member - 2016 to 2018
Dennis O'Neill – Member - 2014 to 2016
Ellis Weiss- Member - 2015 to 2017

CC. Planning Commission.

MOTION: Steve Herzog made a motion to appoint Garth Monaghan and Jim Weeks to the Planning Commission 2016-2019 term. Joe Pomorski seconded.

John Schwab - Member – 2014 to 2017
Richard Agatone - Member – 2014 to 2017
Dennis Crook - Member – 2015 to 2018
Joe Perzan - Member 2015 to 2018
Jim Durborow - Member – 2015 to 2018
Garth Monaghan - Member – 2016 to 2019
Jim Weeks - Member – 2016 to 2019

QUESTIONS AND COMMENTS:

- 1) Buddy Rhoades commented on Garth Monaghan holding positions on three committees: Agricultural Securities Commission, Historical Commission and Planning Commission. Other people interested in the position should also be considered. The Board's goal should try to get more people in the community involved.
- 2) Dennis Crook, Chairman of the Planning Commission, said he has not been notified of anyone interested in the Planning Commission. Mr. Crook stated he has had no one apply and is recommending the two on the agenda. There are two alternate positions created by the State Supreme Court. Steve Herzog said we got a letter of interest today. Dennis Crook said anyone interested can go through the interview process. Ed Porter asked if this decision could be tabled to the next meeting. Sharon Scott commented on meeting with the Planning Commission and said she has done that twice and has been rejected twice. Ms. Scott said the Board can vote and does not have to go with the Planning Commission recommendation.

VOTE: 3-1 (Steve Herzog, Ed Porter and Joe Pomorski voted yea. Carol Kulp voted nae.)

DISCUSSION: Ed Porter asked Dennis Crook if there are any Planning Commission members that may be coming off soon that could allow another resident to get involved. Dennis Crook said there are two alternate positions open. Ed Porter asked Dennis Crook if he'd consider Sharon Scott for an alternate position. Ed Porter asked Dennis Crook if he'd allow the Board to make a motion to appoint the applicant as an alternate. Dennis Crook stated he would not surpass the Planning Commission members' opinions. Steve Herzog said we could add an alternate at a later time.

DD. Park and Recreation Committee.

Steve Herzog stated this committee is completely vacant. Anyone interested in volunteering please
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contact the Township office.

Vacant - Member - 2015 to 2019
Vacant - Member - 2015 to 2019
Vacant - Member - 2012 to 2016
Vacant - Member - 2014 to 2018
Vacant - Member - 2012 to 2016
Vacant - Member - 2016 to 2020
Vacant - Member - 2016 to 2020

EE. Historical Commission.

Joe McCormick - Chairman– 2015 to 2019
Sue Monaghan - Secretary – 2012 to 2016
Garth Monaghan - Member – 2015 to 2019
Arthur DeLeo - Member – 2012 to 2016
Lee Schlingman - Member – 2014 to 2018
Fred Bissinger – Member – 2014 to 2018
Clarence Rhoades III - Member– 2012 to 2016

FF. Uniform Construction Code (UCC) Township Representative and Alternate.

MOTION: Steve Herzog made a motion to appoint Joe McCormick as the Township Uniform Construction Code (UCC) representative. Ed Porter seconded.

VOTE: 4-0

MOTION: Steve Herzog made a motion to appoint Clarence Rhoades III as the Township Uniform Construction Code (UCC) alternative representative. Joe Pomorski seconded.

VOTE: 4-0

GG. Elected Auditors.

Steve Herzog stated all three Elected Auditor positions are open. Ed Porter asked if anyone put in a letter of interest. Lisa Valaitis said yes, Sharon Scott. Ed Porter asked Sharon Scott what term she is interested in. Ms. Scott said the 6 year term. Sharon Scott stated she has been an Elected Auditor at least four times. Lisa Valaitis said she called Voter Services and all positions are vacant. Sharon Scott said Glenn Colyer and Jim Sisk were Elected Auditors with her.

MOTION: Ed Porter made a motion to appoint Ms. Sharon Scott for the vacant position of the 2016 to 2021 for the full 6 year term that she requested in her application with the Township Board. Steve Herzog seconded.

VOTE: 4-0

QUESTIONS AND COMMENTS:

- 1) Sharon Scott stated per the Second Class Township Code, the Elected Auditors are required to meet the first Tuesday after the Reorganizational meeting. She asked the Board what to do because it was not advertised. Lisa Valaitis stated it was advertised as part of the Calendar of Events which was

advertised. Lisa Valaitis said the meeting was advertised for 6:00 pm.

- 2) Ed Porter asked if anyone else was willing to volunteer. They meet once a year. There are no serious decisions other than trying to decide if a supervisor should be compensated for additional work such as snow plowing.

Sharon Scott – 2016 to 2021 (full 6 year term)
Vacant – 2016 to 2019 (4 year unexpired)
Vacant – 2016 to 2017 (2 year unexpired)

HH. Tax Collector 4 year term 2014 to 2017.

Chris Amentas – 2014 to 2017

II. Designated Banks.

MOTION: Steve Herzog made a motion to recognize the Township's designated banks as presented. Ed Porter seconded.

First Niagara Bank
Fulton Bank

VOTE: 4-0

JJ. New Business.

- 1) 94th Annual Educational Conference and Trade Show Supervisor Attendance – Steve Herzog stated he will attend. Ed Porter discussed having an alternate.

- 2) Bank Signature Authorization.

MOTION: Steve Herzog made a motion for all members of the Board to sign the Municipal Deposit Resolution and Signature Card from First Niagara Bank. Ed Porter seconded.

VOTE: 4-0

KK. Public Participation.

- 1) Joe Pomorski said during his four years on the Board his communication with Chief Porter has been tremendous. Chief Porter has always returned his emails and phone calls. He has not had any issues. The attack on Chief Porter was unjust.
- 2) Buddy Rhoades spoke about Mortonville Road and said having the road closed is causing problems. He said he has been in contact with Mr. Lewis and Senator Dinniman regarding Mortonville Road. We need a grant to get this road fixed. He also talked about the covered bridge on Frog Hollow Road. He said the purpose of the Board is to provide safety, welfare and transportation for residents. Two major roads are not open. Ed Porter asked Mr. Rhoades where we stand with that bridge. Mr. Rhoades said they are taking off the roof right now and itemizing the things they will put back. Mr. Rhoades said he be glad to take Joe Pomorski down to the bridge for inspection. Tag Gathercole said they agreed that half of the bridge is owned by East Fallowfield and half by West Marlborough. There was a discussion about the details of the bridge. Buddy Rhoades also briefly discussed King Ranch.

- 3) Resident refused to provide name. The resident said that Buddy Rhoades has the utmost respect for East Fallowfield Township. She made comments about Ed Porter. She said Ed Porter needs to have the best interest of the children in the Township. She made comments about Mr. Richard Como. Ed Porter said he is trying to do the best job he can for residents. She asked Mr. Porter if eliminating police is best for children. Ed Porter said eliminating police was not his intension. Ed Porter talked about his intent to cut costs. He said he was open minded, listened to residents and rescinded his motion regarding hiring Lou Wilson.
- 4) Randy Scott asked Ed Porter for clarification that Lou Wilson was not hired and is not employed by East Fallowfield Township. Ed Porter stated that he rescinded that motion and Lou Wilson does not work for East Fallowfield. Mr. Scott stated this should have been discussed in executive session. Ed Porter stated he did keep an open mind and he did rescind the motion. Ed Porter stated he also has some new financial solutions. Randy Scott also commented on changing solicitors.
- 5) Nancy Baker asked if everyone can agree that by not hiring Officer O'Donnell tonight, there was a cut to the police department. Many people in the room said yes. Joe Pomorski said spread the word, we can motion to hire John O'Donnell as a full time officer at the next meeting.
- 6) John Abel said the best plan now is to go to Chief Porter and work out the budget. Chief Porter understands what his department needs. There was a discussion about state police coverage.
- 7) Buddy Rhoades talked about rules of conduct at a public meeting. Attacking supervisors is not allowed. Mr. Rhoades talked about trash pickup and said it is a big part of our budget.

4. Adjournment.

Steve Herzog made a motion to adjourn the January 4, 2016 Reorganizational meeting at 10:35 PM. Joe Pomorski seconded. VOTE: 4-0

Respectfully submitted,

Lisa Valaitis,
Township Secretary