

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
February 22, 2011  
Unapproved minutes  
6:30 PM

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Makely, Temporary Chairman; Gary Barach, Member, Mark Toth, Member; Denise Miller, Township Secretary; Jill Bukata; Township Manager and Treasurer, Vince Pompo; Township Solicitor. Members George Broadbent and Chairman Chris Amentas were absent.

APPROVAL OF MINUTES:

December 21, 2010 minutes – The December 21, 2010 minutes were tabled until the March 22, 2011 meeting because neither Mr. Makely or Mr. Barach were in attendance at the December meeting.

January 3, 2011 re-organizational minutes – The January 3, 2011 re-organizational minutes were tabled until the March 22, 2011 meeting.

January 3, 2011 minutes – The January 3, 2011 minutes were tabled until the March 22, 2011 meeting.

January 25, 2011 minutes – The January 25, 2011 minutes were tabled until the March 22, 2011 meeting.

CITIZENS BY REQUEST:

Buddy Rhoades – Buddy Rhoades stated that there are over 25 vacant houses in the township, farms with 2 houses on the property with no trash cans, and apartments not being billed for trash. Mr. Rhoades also stated that there are trash cans left along certain road banks and his trash can had bags left in it after pick up.

TREASURER’S REPORT:

December 31, 2010 Treasurer’s report – Jill Bukata presented the financial report and payment authorizations.

Cash balances are as follows:

General Fund	\$ 80,856.51
Liquid Fuels Fund	\$286,885.27
Capital Project Fund	\$510,979.59
Escrow and other accounts	\$549,675.43

Due to an error the wire that paid for the Freightliner in December came out of the West Chester Road Account instead of the Liquid Fuels Account. This was corrected in January.

Mr. Makely made a motion to approve December 31, 2010 treasurer’s report as presented. Mr. Barach seconded.

Mr. Barach asked Mrs. Bukata if she reconciled the beginning and ending cash balances. Mrs. Bukata replied “no.”

Mr. Barach stated that he will not approve any financial reports until the reconciliation is completed. Mr. Makely withdrew his motion and tabled the approval of the December 31, 2010 financial report until the March 22, 2011 meeting. Mr. Barach stated that the funds will now be reported separately with respect to revenue. Mr. Barach asked if Mrs. Bukata needs help to do the reconciliation. Mrs. Bukata replied “she needs more of Rosemary’s time.” Mr. Barach stated that he will send someone over from his office. Mrs. Bukata replied “ok.”

January 31, 2011 Treasurer's report – Jill Bukata presented the financial report and payment authorizations.

Payment authorizations for the period of January 21, 2011 to February 22, 2011:

From the General Fund	\$106,840.92
From the Liquid Fuels Fund	\$195,871.61
From the Escrow Account	\$ 67,163.42
From the Park and Recreation Accounts	\$ 316.38
Payroll Transfers	\$ 86,298.43

Mr. Barach asked Mrs. Bukata if the \$63,000.00 on page 26 represents outstanding payments for 2010 trash. Mrs. Bukata replied “yes, including interest and penalties.” Mr. Barach also asked if certified letters were sent to delinquent residents who have not paid their trash bills. Mrs. Bukata replied that she will speak with the current collection agency on Wednesday. The Board tabled the approval of the January 31, 2011 treasurer's report until the March 22, 2011 meeting.

Payment authorizations – Mr. Makely made a motion to approve the February payment authorizations as presented.

Mr. Toth seconded. Sharon Scott asked about the Lamb McErlane \$13,000.00 invoice and police association payments.

Mrs. Bukata replied “they are union payments paid by the police.” Mrs. Scott also objected to the PAWC fire hydrant bills.

Mrs. Bukata replied that presently the township pays the invoices. Mrs. Scott also asked about other payments. Mrs. Bukata

said that if Mrs. Scott submitted a list of questions she will honor it. Bob King asked if Mr. Amentas received the breakdown of the Lamb McErlane invoice he requested. Mrs. Bukata replied that Mr. Amentas received and approved the invoice.

Regarding the schedule reflecting the developer amounts held for West Chester Road repairs, Mr. King stated that the Moser property should have a minus for the amount that he has to pay. Also, the township should send Mr. Moser a letter on his estimated time of completion. Mrs. Bukata replied that the township is currently speaking with Mr. Moser. Vote: Unanimous.

Creation of a Park and Recreation Fund – Mr. Makely made a motion to create a separate fund in the financial records of East Fallowfield Township and to designate it as the General Fund. Mr. Toth seconded. Mr. Barach asked

Mrs. Bukata if money went into the General Fund that wasn't supposed to. Mrs. Bukata replied “yes.”

Mr. Barach asked if this was recently. Mrs. Bukata replied “3 years ago.” Mr. Barach asked Mrs. Bukata if any money came into the township that was not deposited into the Park and Recreation Fund that was supposed to go in the last two years.

Mrs. Bukata replied that there is still money due to the Park and Recreation Fund that is in the General Fund from 2008 and 2009. Mr. Barach asked why this hasn't been corrected. Mrs. Bukata replied that if it was corrected last year then the General Fund would have run out of cash at the end of December. Mr. Barach asked if this will be reflected in the audit.

Mrs. Bukata replied “yes.” Mr. Barach asked why the money was not taken from the Capital Projects Fund to fund the General Fund so it could be put back into the Park and Recreation Fund. Mr. Makely asked Mrs. Bukata to clarify if the township used Park and Recreation money to balance the budget. Mr. Bukata replied that there was money in the analysis previously presented to the Board that is due to the Park and Recreation Fund because in 2009 some grant money went into the General Fund that has not been moved back yet. Mr. Barach stated that when moving the money back it should come out of the Capital Projects Fund. Mrs. Bukata replied “she will do that.” Mr. Barach asked the amount to be transferred.

Mrs. Bukata replied “approximately \$70,000.00.” Bob King stated that previously it was stated that \$70,000.00 was going to be a wash. Mr. King asked about the \$60,000.00 difference between the December and January Park and Recreation Fund balance.

Mrs. Bukata replied that there was approximately \$59,000.00 in the Park and Recreation Account under the Escrow Fund. Mrs. Bukata also stated that the Escrow Fund is a different deposit and Park and Recreation had an account that had a balance of cash, expenses were charged against it and the current balance was a liability of \$59,000.00 owed to Park and Recreation. The auditor said the money was in the wrong place and it should go back to the Park and Recreation bank account. Mr. King also asked if the Park and Recreation Commission wrote their own checks. Mrs. Bukata replied “no.”

Sharon Scott stated that she would like this motion dropped. Buddy Rhoades commented on grants and how they are used. Jim Sisk asked if there are any legal consequences to the township for using the grant money in the General Fund.

Mr. Pompo replied “he is not sure how all the accounting works.” After further Board discussion it was decided that a motion is not needed to designate an account as “Park and Recreation Fund” for the financial records. Buddy Rhoades stated that grant money is strictly for the park and should not be in the General Fund. Mr. Makely withdrew his motion and stated that Mr. Barach and Mrs. Bukata need to further review this. Mr. Barach asked if Mrs. Bukata setting up a new bank account. Mrs. Bukata replied that she is moving all the township accounts. The Board agreed that Mrs. Bukata does not need a motion to create a new fund.

Chief Administrative Officer – Pension Plans – Mrs. Bukata presented the duties of a “Chief Administrative Officer” to the Board. The Chief Administrative Officer executes the administrative affairs of the Pennsylvania Municipal Retirement System, supervises and directs the preparation of reports, certify and file evaluation reports and other necessary forms that may be needed. Mr. Makely made a motion to appoint Jill Bukata, Township Manager and Treasurer, as the Chief Administrative Officer for the Township Pension Plans. Mr. Barach seconded. Vote: Unanimous.

#### PARK AND RECREATION:

January 2011 Park and Recreation report – The January 2011 Park and Recreation report was presented.

Park Pavilion bid – Mr. Pompo informed the Board that McComsey Builders’ bid was rejected because they did not utilize prevailing wages. Mr. Makely made a motion to accept the Park Pavilion bid of \$29,900.00 from Amric Construction of Narvon, PA. Mr. Barach seconded. Sharon Scott asked why a non-elected appointed Park and Recreation Committee person has the authority to open, review, and make a decision on the bid. Mr. Makely asked Mr. Pompo if Amric Construction followed the proper procedure. Mr. Pompo replied “yes.” Mrs. Scott also asked how the bid was advertised. Mrs. Bukata replied that the bids were advertised in the Daily Local News and publicly opened on February 14, 2011 at 1:00 PM with herself and Mr. Dan Johns, a Park and Recreation member. Mrs. Scott also asked if Mr. Broadbent, Park and Recreation Liaison, was in attendance. Mr. Makely replied “no.” Jim Sisk asked why the township would spend \$29,900.00 on a pavilion that is used only a few months a year as opposed to paving along Strasburg Road and through Brook Crossing. Buddy Rhoades commented that pavilions can also be used in the winter time. Mr. Johns replied that the Park and Recreation Commission applied for grants to do the paving but did not get any. Mr. Johns also stated that the Park Pavilion will be built with “Dinniman” grants. Also the pavilion has to be completed by June 30, 2011 or the \$50,000.00 has to be returned. Jim Sisk asked what happens to the \$20,000.00. Mr. Johns replied that the Amric bid is for a concrete pad, electrical work, and construction of the pavilion. The pavilion itself is an additional \$34,000.00 with a total cost of \$63,963.00. Jim Sisk asked why the electrical and concrete work was not part of the bid. Mr. Johns replied that the structure was through COSTARS which eliminated the bidding process and then the erection, electrical, and concrete work was added. Mr. Makely called for a vote. Vote: Unanimous.

Appointment of Michael McClintock – Mr. Carling presented the Board with a recommendation to appoint Michael McClintock as a member of the Park and Recreation Commission. Mr. Makely asked if the proper advertisement was done. Mr. Carling replied “yes.” Mr. Makely asked Mrs. Bukata if she verified all the documentation. Mrs. Bukata replied “yes.” Mr. Makely made a motion to accept the Park and Recreation Commission’s recommendation of Michael McClintock as the seventh voting member completing Jay Hunter’s term ending December 31, 2014. Mr. Barach seconded. Mr. Barach asked Mr. Carling if he knows Mr. McClintock personally. Mr. Carling replied “yes,” Mr. Barach asked if the Park and Recreation Commission did any kind of check to see if Mr. McClintock was qualified. Mr. Carling replied that with Mr. McClintock attending several of their meetings they felt that he is qualified. Vote: Unanimous.

Park Boardwalk Project – Mr. Carling presented the Board with the Park Boardwalk Project that was started in 2010 under a PECO grant “Green Region Program.” Mr. Carling also stated that this was previously approved by the Board of Supervisors.

#### HISTORICAL COMMISSION:

100th anniversary of Zachary Walker – Mr. Toth would like the township to recognize the 100<sup>th</sup> anniversary of Zachary Walker. Mr. Toth also stated that he will meet with the Historical Commission on the details.

#### SOLICITOR’S REPORT:

Chris Della Penna’s February 14, 2011 report – Mr. Pompo would like the Board to formally accept Mr. Della Penna’s February 14, 2011 letter regarding Manchester Farms request under Section 510 of the Municipality Planning Code for final release of escrow money for Phase I. Dewey Homes sent a payment request indicating that all of the improvements have been completed. Once the developer does that then the township engineer has seventy days to inspect the development and give his review. If the proper procedures are not followed the developer can obtain “deed approval.” Mr. Makely made a motion to accept Chris Della Penna’s February 14, 2011 rejection letter for Manchester Farms Phase I. Mr. Barach seconded. Mr. Barach stated that the township has an escrow procedure to follow for all escrow releases. Sharon Scott asked where the escrow releases are in the financial report. Mr. Makely replied that they are not in the financial report because they are not releasing any money. Mrs. Scott would also like to see all the developer escrow money in the monthly financial reports. Mr. Barach replied that the township does not own the escrow money. Bob King asked if there is a certain amount of time for the developer to fix the items. Mr. Pompo replied that there is not a specific time frame but there are items on the deed of

dedication and other legal documents that are required. Mr. Pompo stated that all the developer has to do is sign the paperwork, submit a bond, and correct all the improvements then the Board can accept the roads. Vote: Unanimous.

#### LEGAL ISSUES:

Telecommunications Ordinance – Jen Boyett, representing Comcast, presented the Board with a Comcast agreement with the following terms; a video channel, a \$5,000.00 grant, and \$2,000.00 administrative fee. Mr. Makely made a motion to adopt Ordinance 2011-01 regulating cable service pursuant to sections 1502, 1503, 1532(A) (2), and 2322 of the second class township code and pursuant to applicable federal and state law. Mr. Barach seconded. Mr. Barach asked for the genesis behind this ordinance. Mr. Pompo replied that the changes were requested by Comcast in a desire to essentially make sure that the language is generally standardized in what they would normally expect. Most of the language changed concerns a provision that essentially required parity between all franchisees. Mr. Pompo also stated that Comcast asked that the provisions regarding a company that has gone bankrupt be stricken under the theory “just because a company has gone into Chapter 13 there is no reason why the terms of the franchise should change so long as the company is living up to their terms of the agreement.” Mr. Barach asked for the term. Mr. Pompo replied “10 years.” Mr. Barach stated that according to this agreement the township would not get any revenue for “voice over IT.” Mr. Pompo replied “according to the agreement and the present state of the law.” Mr. Barach would like “if there is case law or cases that decide at some future point that those types of services are defined as cable service added to the contract.” Mr. Barach asked Ms. Boyett if she has knowledge of other areas of the county, from a governmental standpoint. Ms. Boyett replied “no.” Mr. Barach asked Ms. Boyett if she has seen other contracts that included language that suggests voice over IT or other future services that will be included in the gross or the percentage. Ms. Boyett replied “I have not.” Mr. Pompo stated that the ordinance can still be enacted next month and not be re-advertised. Mr. Pompo also stated “he does not want this to be a loop hole of legal fees.” Mr. Barach suggested adding language and asked Mr. Pompo if this would be agreeable “in the future if it is decided that certain services are part of cable service and cite examples.” Mr. Barach also stated that he is concerned with the definition of “service.” Mr. Pompo stated that the township gets the federal cap rate automatically; the definition of cable services is just being extended. Mr. Barach asked Mr. Pompo his opinion on if the language is good enough that the township would get it if the courts recognized it, right now, or can the language be improved. Mr. Pompo replied that the language can definitely be improved. Mr. Pompo asked for any other changes. Mr. Makely stated that the Telecommunications Ordinance and Franchise Agreement is moved to the March 22, 2011 Board of Supervisors meeting.

Use and Occupancy Ordinance – Mr. Pompo stated that the Use and Occupancy Ordinance is paired to the Sewer Connection Ordinance so the township could identify when a property that is required to connect to the sewer system, changed owners. Mr. Pompo briefly went over the changes to the ordinance. Mr. Makely made a motion to advertise an ordinance amending chapter 27 of the East Fallowfield Township code being the zoning ordinance by requiring use and occupancy certification upon transfer of ownership of residential property. Mr. Toth seconded. Mr. Barach stated that in Section 2 C it says “until the Township has inspected the premises” Mr. Barach asked who pays that fee. Mr. Pompo replied “the owner.” Mr. Barach asked how much the fee is. Mr. Pompo replied that it is not referenced in the ordinance; it would have to be set by resolution. Mrs. Bukata stated that she will call Keystone Municipal Services to see what they will charge. Sharon Scott objected to the whole Use and Occupancy Ordinance and the Comcast contract. Bob King commented that most people get home inspections when they buy a house. Mr. Barach asked Mr. Pompo to explain the basis of this ordinance. Mr. Pompo replied that the genesis of this ordinance was to have an enforcement mechanism for those properties which are permitted, because they have an injector pump, not to immediately connect to the sewer system. There is a stipulation that upon the change of ownership of the property they are to connect. This gives the township opportunity to observe whether the property has been connected to public sewer and if it has not, to require the same when the property changes ownership. Mr. Pompo also stated that the original draft was much smaller and only addressed the sewer connect issue. Mr. McLarnon, Code Enforcement Officer, requested that other additional items be added. Ed Porter stated that he is surprised to see this ordinance on the agenda because of the opposition from the public with the International Maintenance Code and that’s why the three to five supervisor referendum was passed. Mr. Porter also stated that he is against the enforcement of sewer connection. Buddy Rhoades stated that a lot of historical homes are not up to date and he opposes this ordinance. Dennis Crook stated that he is opposed to this ordinance and commented on the new home inspections not meeting code. Jim Sisk stated that he is opposed to this ordinance. Conrad DeAbreu stated that the township code officer finds things wrong and issues citation and they never get fined. Mr. Makely called for a vote. Vote failed for lack of vote.

Toter Structures – Mr. Makely tabled this to the March 22, 2011 Board of Supervisors meeting.

Dangerous Structures Ordinance discussion – Mr. Makely tabled this to the March 22, 2011 Board of Supervisors meeting.

Obstructing vegetation ordinance discussion – Mr. Pompo stated that he could not find a township ordinance that required the property owner to maintain obstructing vegetation. Mr. Pompo also stated that if the obstructing vegetation is causing an obstruction of a township road then the township may cut it down. Mr. Toth asked if there is any way the public works department could get reimbursed for time spent on vegetation. Mr. Pompo replied “there is no expressed authorization to do that.” Mr. Pompo suggested putting specific vegetation in the ordinance. Mr. Makely tabled this discussion to the March 22, 2011 Board of Supervisors meeting.

Sewer Connection Ordinance – Mr. Makely made a motion to advertise an ordinance amending chapter 18 of the East Fallowfield Township code, sewer and sewage disposal, pertaining to connections to public sewer. Mr. Toth seconded. Mr. Pompo stated that this provision adds that any property that is allowed to defer connection because they have to install a pump that connection to the sewer it must be made no later than the change of ownership. Mr. Pompo also stated that the Board asked for his view on how to enforce a requirement that if a person would not be required to connect, as the ordinance says today, to the sewer system if they have a working system or an on lot system and they need a pump, that the board said that they think that the exemption should apply only until there is a change of ownership. Mr. Toth asked Mrs. Bukata how many homes have not hooked up. Mrs. Bukata replied “18 out of 77.” Mr. Barach asked if notification was sent to those homes. Mrs. Bukata replied “it will go out certified mail in the next couple of days.” Sharon Scott asked why these residents have to hook up if they have a functioning system. Mr. Pompo replied that the ordinance says that when there is public sewer in front within 150 feet that you are required to connect upon notice from the Township. In addition, as part of an agreement that a prior Board made with Pennsylvania American Water Company (PAWC), PAWC agreed to pay the cost of installing the sewer system, within the subject area and the township agreed that they would enforce that ordinance if PAWC would pay for the sewer system. Mr. Makely stated that as a Board they have done everything they possibly could do to not enforce it and residents who have hooked up have come forward asking why they had to hook up when there are still resident who have not hooked up. Mr. Makely also stated that the current Board has to enforce their agreement. Sharon Scott asked what the tap in fee is. Mrs. Bukata replied “\$575.00.” Jim Sisk asked if the township would block a sale if hook-up was not completed. Mr. Makely stated that the township would deal with it when it happens. Mr. Barach stated “that was the purpose of the Use and Occupancy permit.” Brian Carling stated that this ordinance is not in the best interest of the township residents. Bob King stated that the township should tell the residents about the PAWC hook-up fee increase. Siti Crook asked if you could put a lean on the properties that do not hook-up. Mr. Makely withdrew his motion and tabled this discussion until the March 22, 2011 Board of Supervisors meeting.

#### POLICE DEPARTMENT:

The January 2011 report was presented.

Buddy Rhoades asked for the total money spent on the Chester County Training Facility and the Vermeil tower. Mr. Makely asked Mrs. Bukata to have the totals for the March 22, 2011 Board of Supervisors meeting.

Hiring of part time police officer – Mr. Makely asked Chief Porter is this part time position is to replace an officer that resigned. Chief Porter replied “yes.” Mr. Makely also asked if all the background checks were completed. Chief Porter replied “yes.” Mr. Makely made a motion to hire Matthew Fredericks as part-time police officer effective February 22, 2011 at the pay rate of \$22.75 per hour. Mr. Toth seconded. Jim Sisk asked if the police contract states that a part-time police officer’s uniforms are paid for. Mr. Makely replied “yes.” Mr. Barach asked how many hours will Officer Fredericks work. Chief Porter replied “approximately 20 hours or less.” Mr. Barach asked Chief Porter if he knows Officer Fredericks personally. Chief Porter replied “yes.” Vote: Unanimous. Mr. Barach asked Chief Porter why he needs to hire a part-time officer. Chief Porter replied that there is an officer out on workers compensation. Mr. Barach also asked when this officer went out on workers compensation. Chief Porter replied “December 15, 2010.” Mr. Barach asked Mrs. Bukata to find out when the short term and long term starts. Mrs. Bukata replied that she thinks this is different because it’s workers compensation. Mr. Barach asked Chief Porter how long will this officer be out on workers compensation. Chief Porter replied “approximately July.” Mr. Barach asked Mrs. Bukata to check the township policy. Buddy Rhoades asked where the police bicycles are and is the Township still paying for the S.W.A.T. vehicle. Chief Porter replied “they are paying for the insurance.” Mr. Rhoades also asked why East Fallowfield Township is the only township paying for this vehicle. Chief Porter replied that the vehicle was donated by the Chester County Intermediate Unit to the township in the township name and then transferred to the Western Chester County Response Team. Mr. Rhoades also asked the yearly payment. Mr. Makely replied “\$200.00 per year.” Mr. Rhoades asked why the township pays part-time police officers time and a half. Mrs. Bukata replied that she will review the contract.

PLANNING COMMISSION:

No report submitted.

Mr. Toth asked if there was an update on the Comprehensive Plan. Mrs. Bukata replied "there is no funding." The Board would like Ryan Ray, Planning Commission Chairman, to attend the March 22, 2011 Board of Supervisors meeting and give an update on the Comprehensive Plan. Mr. Barach would like that request put in writing. Sharon Scott stated that West Bradford hasn't had a revision in their Comprehensive Plan since 1989 and objected to any funds being used for the township Comprehensive Plan.

PUBLIC WORKS DEPARTMENT:

The January 2011 road and vehicle reports were submitted.

Buddy Rhoades objected to the township road department delivering trash totes. Mr. Rhoades would like the township to bill York Waste for the use of the township vehicles and labor costs. Bob King asked if there will be a survey on road work that needs to be paved and when will the township road lines be painted. Mr. Makely asked Mrs. Bukata to find out this information. Mr. Toth stated that the Board was presented with a plan for approximately \$50,000.00. Mr. Barach asked Mrs. Bukata to direct Tag to do a project proposal and estimated cost for each job. Mr. Makely asked for the total cost of delivering the totes and a break down on salt, labor, overtime, and stones. Bobby Rhoades stated that when the plastic pipes were installed on South Caln Road that they dropped.

EMERGENCY SERVICES:

No reports submitted.

Buddy Rhoades asked why the EMS personnel were not present at a previous accident. Mr. Rhoades also requested the mileage of the township EMS car. Jim Sisk asked if the Pomeroy Fire Company was still being dispatched to East Fallowfield Township when needed. Mr. Makely replied that this has been resolved and there is another meeting with the Fire Companies on March 12, 2011. Mr. Sisk also asked why the Sadsbury Fire Company was previously dispatched to East Fallowfield Township. Mr. Makely replied that Sadsbury Fire Company has a piece of equipment that was needed.

UNFINISHED BUSINESS:

Report on water discussion – Mr. Barach stated that he had a meeting with Pennsylvania American Water Company (PAWC) and Mr. MacCombie to talk about the situation with the school and the fact that Mr. MacCombie's recommendation is different than what the school is suggesting. Mr. MacCombie believes that there can be a gravity situation and that the township should be pressing the school to do some other things. Mr. Barach stated that he asked Mr. MacCombie to provide a letter with his recommendation and PAWC to provide a letter with their recommendations for the Board to consider.

PUBLIC PARTICIPATION:

Sharon Scott opposed the signing of a Comcast contract and reads a newspaper report on Comcast. Mrs. Scott asked if any Board member attended any meeting regarding the 300% increase. Mr. Makely replied that he attended a meeting. Bob King asked the status of the police cars that were supposed to be auctioned off. Mr. Toth replied that he would like to move forward with that. Jim Sisk asked how much money does Comcast pay the township. Mrs. Bukata replied "\$110,000.00 a year." Mr. Sisk stated that this money comes from the residents and suggested asking Comcast not to pay the township and lower resident bills. Buddy Rhoades read an article from the paper on resident James Gehas who is a veteran from WWII and a paratrooper. Ed Porter stated that there have been at least two members of the Board missing each meeting. Mr. Porter also stated that a five member board follows common law but in a 1999 ruling it was found that the common law rule does not apply to second class townships. Second class townships can only take action by the majority vote of all the members of the Board not just of the majority of the members present if only three of the five are voting. Mr. Porter would like the Board to re-evaluate this law.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 10:10 PM.

Mr. Barach seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller, Township Secretary