

FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
July 30, 2014

Call to Order:

Supervisor Caldwell called the meeting to order at 6:00 p.m. prevailing time and led the Pledge of Allegiance.

Roll Call:

Fallowfield Township Supervisors met for the July 30, 2014, regular monthly meeting @ 6:00 p.m., at the Fallowfield Township Municipal Building, 9 Memorial Drive, Charleroi, Pa. Present were Supervisor Wilbur Caldwell, Supervisor Earl Sadler, Supervisor Bruce C. Smith, Secretary/Treasurer Karen Talbert, and Solicitors, Thomas P. Agrafiotis and D. Keith Melenyzer.

Immediately following Roll Call @ 6:05 p.m., Supervisor Caldwell stated that the Board was going into an Executive Session for about 15 or 20 minutes regarding a labor/personnel issue. At 6:30 p.m. the Board returned to the regular session.

Approval of the Agenda:

Supervisor Caldwell asked if there were any additions or corrections to the Agenda and Supervisor Sadler stated that Item No. 8. Executive Session should be removed as it was on the Agenda twice. Supervisor Smith made a motion to accept the Agenda as corrected, second by Supervisor Sadler.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

Approval of the Minutes:

Supervisor Caldwell asked if there were any corrections or additions to the minutes of the June 25, 2014, meeting, and if not, called for approval of the minutes. Supervisor Sadler made a motion to approve the minutes, second by Supervisor Smith. Supervisor Caldwell called for discussion and there being none, a roll call vote was taken:

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

Supervisor Caldwell asked if there were any corrections or additions to the minutes of the continued meeting of June 25, 2014, held on July 2, 2014, and if not, called for approval of the minutes. Supervisor Sadler made a motion to approve the minutes, second by Supervisor Smith. Supervisor Caldwell called for discussion and there being none, a roll call vote was taken:

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

Approval of the Bills and Payroll:

Supervisor Caldwell called for the approval of the bills and payroll as prepared by the Secretary. Supervisor Sadler made a motion to approve the bills and payroll, second by

Supervisor Smith. Supervisor Caldwell called for discussion and there being none, a roll call vote was taken:

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell - yes.

Correspondence:

A. Permit Application Rice Poseidon LLC; Mama Bear to Shotski Pipeline and Waterline – Supervisor Caldwell received notification of a Permit Application made by Rice Poseidon LLC pursuant to the requirements of Act 13. Rice Poseidon LLC is applying for coverage under the Erosion and Sediment Control Permit for earth disturbance associated with oil and gas exploration. This pipeline is in the Ginger Hill area.

B. Request from Monongahela Valley Hospital regarding sponsorship for the Lois Orange Ducoeur Breast Cancer Walk on October 11, 2014. Funds received benefit the Charles L. and Rose Sweeney Melenyzer Pavilion, the Regional Cancer Center and its patients. Supervisor Caldwell read aloud the different types and amounts of sponsorships. Supervisor Sadler asked if we could discuss this matter at the working meeting and Supervisor Caldwell and Smith concurred.

Old Business:

A. **Status update of Multi-Municipal Comprehensive Plan** – Supervisor Caldwell reported that he spoke with Susan Morgan approximately ten (10) days ago and they are still awaiting the determination from the LGA regarding the grant. Supervisor Caldwell called for any questions or comments and there being none moved on.

B. **Status update of Delta Development Group. i.e., Development Strategy Plan and Parks and Recreation, Phase One** – As to the Development Strategy Plan, Supervisor Caldwell reported that the Planning Commission met with Delta last night and reviewed the study up to this point. He further reported that it appears that the study will be completed at some point in September, at which time a Special Meeting will be held to present the results of the study. Supervisor Sadler requested an update as to cost to this point because he felt the public should be advised. Supervisor Caldwell stated we could prepare that for the next meeting and that the payment thereof has been coming out of the Act 13 monies.

Supervisor Caldwell stated that as to Parks & Recreation, Delta had some issues with the mailing of the post cards but that had been corrected. He further stated that this report will also be ready sometime in September.

C. **Status update of Codification Program** – Supervisor Caldwell reported that he received an email on today's date regarding this matter. The editor, who will be handling the project, is going to send out an Organizational Analysis Report; an overview of the project; list of questions; proposed table of contents and new code disposition of ordinances. The Township will have twenty (20) business days to respond to the organizational analysis. Upon receipt of these items they will be provided to the Planning Commission (next meeting 8/5/14) for action. Supervisor Caldwell called for any questions or comments.

Melvin Fox spoke from the audience stating that on the previous item (Delta), the Chairman did not call for questions or comments, and he had one. Mr. Fox further went on to ask why this money is not being shown to the people as to how much money is being spent, it should be in the report (paid bills and unpaid bills list prepared for monthly meetings). Supervisor Caldwell stated that he had already addressed this, it is there, we just have not totaled it and put it into a report, which we will have for the next meeting. Mr. Fox asked if it is more than what was supposed to be spent. Supervisor Caldwell stated, no. Mr. Fox stated that it was two different dollar figures and it was \$30,000.00 and \$17,000.00. Supervisor Caldwell stated that he was not sure of the exact figures. Mr. Fox stated that he thinks that it should be written in here (apparently paid bills and unpaid bills list prepared for the meeting) when you guys said up front you would let us know how much money is being spent, we have a right to know. Supervisor Caldwell stated that every one of the Delta invoices has shown up on the bills that were paid, there is just not a total and that will be provided at the next meeting.

D. **State of Evidence Room** – Solicitor Agrafiotis stated that he had talked to the detective today and they will be here next Wednesday and Thursday around 9:00 a.m. and that should be finalized by the end of next week. Supervisor Smith stated that he will make arrangements to be available. Supervisor Caldwell called for any questions or comments. Solicitor Agrafiotis stated that everything will be done but that does not mean that all the evidence will be destroyed by the end of next week.

E. **Opening of bids for sale of 2000 F550 truck** – All sealed bids were opened and handed to the Solicitor for review. The Solicitor read the bids aloud and they were as follows:

Victor Paving & Construction, Inc. - \$10,595.25.
T & C Remodeling, Inc. - \$6,800.00.
J & M Service & Repair - \$6,729.09.
Ted Yowonske - \$6,608.00.
GG&C Bus Company, Inc. - \$6,480.00.
Robert Steffan - \$6,311.00.
Patriot One Inc. - \$6,000.00.
Wayne Helster - \$5,501.00.
William D. Dodds - \$4,975.00.
Steve Payton - \$2,500.00.

Supervisor Sadler made a motion to accept the bid of Victor Paving & Construction, Inc. for the sum of \$10,595.25, second Supervisor Smith. Supervisor Caldwell called for any questions or comments and there being none, a roll call vote was taken.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

F. **Motion to adopt Ordinance No. 213 - Dye Test Ordinance** – Solicitor Agrafiotis stated that he had originally passed around a copy of a model Dye Test Ordinance that he received from the Washington County Sewage Council. However, after review, that model did not meet what needed to be done. The Washington County Sewage Council only wants to do individual on lot sewage and the Authority of the Borough of Charleroi only wants to do the sanitary sewer dye test. Therefore, it had to be adapted to meet both of these needs. The

Ordinance will be applicable to the sale of property in the Township that is either serviced by on lot individual sewer system or by the sanitary sewer system (public system). The County is concerned about illegal sewage flows which would be discharge of sewage into the soil or waters of the Commonwealth because of a malfunctioning on lot sewer system. As far as the Authority is concerned, they are looking for illegal storm water or surface water connections which are the discharge of basement water, ground water, downspouts, roof drainage, etc., into the public sanitary sewer system.

Therefore, the Ordinance designates the Washington County Sewage Council as our enforcement officer for on lot individual sewage systems. It also designates the Authority of the Borough of Charleroi as enforcement officer for the public sanitary sewer system. He explained that basically no real estate can be sold or purchased unless a dye test is performed to insurance everything is working properly. A Document of Certification will be issued and the Dye Test will be good for one year. There are some situations where the Document of Certification is not required; there are provisions for a temporary Document of Certification; fines can be issued and/or we could take people to Court. The Solicitor stated that he did have some calls from people, who are in the middle of a sale, and if the Ordinance was immediately enacted, this would delay the closing until they could obtain the Document of Certification; therefore, perhaps we should consider an effective date in 30 days to accommodate this situation. Supervisor Caldwell suggested an effective date of September 1st. Supervisor Sadler made a motion to adopt Ordinance No. 213, to be effective September 1, 2014, second Supervisor Smith. Supervisor Caldwell called for questions or comments. Supervisor Smith stated this is for new sales and does not give them the right to go into or on existing residences, correct? Solicitor Agrafiotis stated, yes. Solicitor Melenyzer reminded all that the DEP has the authority to come in if there is exposed sewage running onto roads or onto other people's property. A representative from the Authority of the Borough of Charleroi also spoke about the Dye Test Ordinance. There being no further questions or comments Supervisor Caldwell called for a roll call vote.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

G. Opening of bids for the paving of Memorial Drive and Municipal Building Parking Lot and discussion of payment thereof – The Secretary reported that we had received three sealed bids, which were opened and provided to the Solicitor, for his review. He reviewed all individually and found them to be in order. The bids were as follows:

E. J. Burns Construction, Inc., 459 Finley Road, Belle Vernon, PA 15012 – total bid price for Contract #2014-01 - \$87,705.50. Breakdown of each of the individual items of the bid are attached hereto as Exhibit "A".

El Grande Industries, Inc., 348 Helen Avenue, Monessen, PA 15062 – total bid price for Contract #2014-01 - \$83,632.00. Breakdown of each of the individual items of the bid are attached hereto as Exhibit "B".

Morgan Excavating L.P., 445 Cherry Blossom Drive, Belle Vernon, PA 15012- total bid price for Contract #2014-01- \$82,262.75. Breakdown of each of the individual items of the bid are attached hereto as Exhibit "C".

Supervisor Sadler felt at these prices, perhaps the Board should think about it before doing anything. Supervisor Smith asked if the Board wanted to think about it for a month. Supervisor Caldwell asked if we wait a month, will we lose the opportunity for this year. Supervisor Sadler stated, there is that possibility. Supervisor Caldwell stated that he does not see it being any different next year and that we have the funds available. There was some discussion about what other expenses will be coming in for paving and the availability of funds in different accounts to pay for the project.

Based on this discussion, Supervisor Sadler made a motion award the bid to Morgan Excavating LLP, the lowest bidder, for the sum of \$82,262.75, to be paid for by taking \$50,000.00 out of the Liquid Fuel Funds and the sum of \$32,262.75 out of the General Fund, second Supervisor Smith. Supervisor Caldwell asked for any questions or comments.

Melvin Fox spoke from the audience, asking why the Board wanted to spend all of that money on this paving project, when our roads are so bad. He also said that he could think of a hundred things that we need more than this paving project. He went further onto say, what about purchasing a nice piece of equipment that the road crew, to use to put some black top down on the roads. He also said it does not make sense, you are spending the tax payer's money foolishly. Supervisor Sadler stated that before we could do any paving ourselves, you have to have more man power than we have. Supervisor Sadler stated that you would need a crew of about seven men to do that type of paving, and by the time you figure out what each man costs you per year, you could not justify it.

Supervisor Caldwell stated that the Board is trying to entice development in the township to increase the tax base and improve the quality and quantity of homes. He further stated that the first place they see is our Township Building and that is why the paving needs to be done. Melvin Fox spoke again, stating that it is not that bad and not as bad as the roads in our township, our roads are a disgrace compared to other communities, if you ride the roads they are a disgrace. Supervisor Sadler stated that we are doing as much of the roads as we can to improve them but your cannot do 60 miles of road in a year. A resident from Wisetown wanted to speak but since it was not related to this motion, he was asked to wait until the public discussion. There being no further discussion, Supervisor Caldwell called for a roll call vote:

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

H. **Status of tree removal by Jim's Tree Service** - Supervisor Sadler reported that Jim was backed up but he will be getting started soon and it is going to take a while since there are quite a few trees to be cut.

I. **Motion to authorize Solicitor to draft an Ordinance for Jake Brake restrictions on State Route 481 per PennDOT letter dated July 15, 2014** - Supervisor Caldwell explained that there were complaints by residents regarding this matter and that a letter was written to PennDOT regarding the same. He reported that PennDOT reviewed this matter and they approved the Township to put signs in two specific areas of Route 481. Supervisor Sadler made a motion to authorize the Solicitor to prepare an Ordinance to have a jake brake restriction on Route 481 pursuant to PennDot's letter, second Supervisor Smith. Supervisor Caldwell called for any questions or comments. Mrs. Colvin spoke from the audience and questioned where the signs would be located. Supervisor Caldwell read from the July 15, 2014,

PennDOT letter as to the placement of the signs. Gary Ainsley spoke from the Audience and asked if they could do this on other township roads without the state. Supervisor Sadler stated, no, a study has to be done by our engineers. There being no further discussion, Supervisor Caldwell called for a roll call vote.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

J. Continued discussion regarding Solicitor's review into the preparation of an Ordinance regulating outdoor wood and other outdoor fuel furnaces -

Supervisor Caldwell stated there had been a discussion at the working meeting regarding this matter. He further stated that the Solicitor had provided a copy of the Borough of California's Ordinance this past week. Supervisor Caldwell suggested that this matter be tabled until the working meeting after the Board has had a change to read over the Ordinance and then discuss again at the working meeting. Supervisor Sadler and Supervisor Smith concurred.

K. Status update of Lover Jonestown Road water issue - Supervisor Sadler stated yes, it was still flowing. (I COULD NOT UNDERSTAND WHAT ELSE EARL SAID HERE).

L. Status of Hess Road Paving Project – Supervisor Sadler stated that the cross drains were put in on Monday and Tuesday, the binder was being put down today, and tomorrow the wear coat will go down.

New Business:

A. Motion to hire new hourly employee - Supervisor Smith stated that after an extensive review process, he made a motion to hire Dustin Ginsburg, as a full time road crew employee, second Supervisor Sadler. The Solicitor suggested that we mention the probationary period and the hourly rate. Supervisor Sadler stated that it would be at the hourly rate of \$15.00 per hour pursuant to the Agreement with the Steelworkers Union and that the probationary period is 180 days. Supervisor Caldwell called for any questions or comments. Ronald Large spoke from the audience asking the Board if he was from the Township because there are a lot of people that qualify. Supervisor Caldwell stated that the Board went by qualifications, and that after an extensive review process, the Board decided on the best fix for the Township and the residents thereof. Ron Large stated that there are people in the Township that need jobs too, that guy has a job in Belle Vernon Borough. Supervisor Caldwell asked if there were any other questions or comments and there being none called for a roll call vote.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

B. Motion to establish a position of Road Master – Solicitor Agrafiotis stated that Resolution No. 452 would establish a position of Employee Road Master. The Township has always had at least one elected Township Supervisor as a Road Master and are now desirous of creating the position of Employee Road Master to serve at the pleasure of the Board. Solicitor Agrafiotis stated that the Duties of Road Masters are defined in 53 P.S. §67302 of the Second Class Township Code and he read them aloud. Supervisor Smith made a motion to adopt Resolution No. 452 as read by the Solicitor, second Supervisor Sadler. Supervisor Caldwell called for any questions or comments. Gary Ainsley spoke from the audience asking if the Road Master would be a non-union employee. Supervisor Caldwell

stated, yes, he is an at will employee. Melvin Fox spoke and ask if he was a friend or relative of anyone on the Board. Supervisor Smith stated, no. Carol Fox asked if he knows what to look for in roads and bridges and things and if he had any experience. Supervisor Smith and Supervisor Caldwell both stated, we will know very shortly, in the 180 days of probation. Supervisor Caldwell called for any further questions or comments. Supervisor Smith stated that this particular motion is simply to establish the position. Ron Large spoke from the audience and ask if he was from the Township and the Board reiterated that this was just to create the position.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

C. Motion to hire a new Road Master – Supervisor Smith stated that after an extensive interview process, he made a motion to hire John Dominick Grossi, currently a resident of New Eagle, to fill the position just created as Road Master, under a 180 day probationary period, he will be an at will employee at the salary of \$41,600.00 per year, second Supervisor Sadler. Gary Ainsley spoke from the audience and asked what that is per hour. Supervisor Caldwell stated that it comes out to \$20.00 per hour. Ronald Large also spoke and asked if he was from the Township and the response was, no. Ronald Large also asked if he is going to be allowed to do anything. Supervisor Smith stated, yes. Ronald Large stated that if he is an at will employee, then he is not allowed to do any work with the employees. Supervisor Smith stated that we will have to work through that. Supervisor Caldwell called for any further questions or comments and there being none, a roll call vote was taken.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

D. Status of EQT – Flint Road Bond – Solicitor Agrafiotis stated that he reviewed the file and Flint has a cash bond, so we are in no danger of it expiring (as the case with a Surety Bond). He further stated that there is still work that they (Flint) proposes be done on Butsko Road to fix the problem. The Solicitor advised that he had spoken to the Township Engineer, as did Supervisor Sadler, and were advised of Flint's plans. Supervisor Sadler will be monitoring the progress, and if the work is acceptable, at that point the Board can revisit returning their cash bond.

E. Motion to accept bid to have equipment marked with the Township name and numbered – Supervisor Smith stated that he did not have that information and ask that it be tabled.

F. Rodgers Manor water runoff issue - Supervisor Caldwell stated there was a DVD submitted to the Township Office, he was unable to recall the individual's name, and I had advised her that I would have the Township Engineer look at her situation. Supervisor Sadler stated that he already had the Engineer look at this situation and that he did some repairs to dampen the problem by at least 95% but that the rest of the situation is up to the homeowners because it is in their yard.

G. Sewer line repair required at upper field – Supervisor Caldwell stated that the sewer line needs repaired at the upper field and that he was going to call Gillice to come up and look at it and will check to see if Karen has a key for up there.

H. Motion to return Road Bond to Dawson Geophysical Company

- Solicitor Agrafiotis stated that it was his understanding that a formal request had been made for the return of the aforementioned Road Bond. He further stated that the Engineer had reviewed this matter, as well as Supervisor Sadler and the Zoning/Code Enforcement Officer and everyone was in agreement to return the bond. Supervisor Sadler concurred. Supervisor Sadler made a motion to return the surety bond of Dawson Geophysical Company, second Supervisor Smith. Supervisor Caldwell called for any questions or comments, and there being none, he called for a roll call vote.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

I. Motion to adopt Resolution No. 453 certifying provision of Local Match for State Operating Financial Assistance to the Mid Mon Valley Transit Authority and payment of the Local Match in the amount of \$659.00 - Supervisor Sadler made a motion to adopt Resolution No. 453 certifying provision of Local Match for State Operating Financial Assistance to the Mid Mon Valley Transit Authority and payment of the Local Match in the amount of \$659.00, second Supervisor Smith.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

J. Forfeiture of cash Road Bond on Hess Road – Solicitor Agrafiotis stated that this has been an ongoing issue. He stated that there is a \$11,500.00 cash bond on the road and we are currently repairing the road. Unfortunately, the \$11,500.00 cash bond will not be enough to repair the damage to the road but he did state that it will at least help out. He further stated that we could formally notice them that we are going to forfeit their bond and maybe threaten them a little bit. Solicitor Melenyzer asked if the Board had a cost analysis of what it is going to cost above the \$11,500.00 bond. Supervisor Sadler stated that it is being paved right now @ the cost of \$137,500.00. Solicitor Melenyzer suggested that a copy of the bid by Alex Paris be forwarded with the letter. Supervisor Sadler made a motion to notify them that their cash bond is being forfeited, second Supervisor Smith.

RCV: Supervisor Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

Other Business:

Supervisor Caldwell reported that an executive session was held on July 21, 2014, regarding a labor issue.

Reports:

Parks & Recreation – provided earlier.

Planning Board – on file.

Solicitors Report – Solicitor Melenyzer discussed how state law regulates the dollar amount on road bonds.

Code & Building Report – the Code & Building report was provided by the Secretary. The secretary reported that should the Supervisors decide it would be appropriate, Frank Monack suggested that he write something up to be put on our website, Facebook or in the newspaper about what can and cannot be burned.

Zoning Report – the Zoning Report was provided by the Secretary.

Road Report - Supervisor Sadler said the road report is on file. He also had

high praise for the hard work and effort of the Road Crew and summer college students this summer.

Fire Report – the Fire Report was provided by the Secretary.

Animal Control Report – the Animal Control report and Mon Valley EMS report was provided by the Secretary.

Mon Valley Transit Report – Olga Woodward was not present to provide a report but had advised the Secretary that the next meeting is set for August 6, 2014, and it will be regarding the jointure with Washington.

Public Safety – Bruce Smith stated that he is going to try and have Sergeant Vignelli attend next month's meeting and also hoped that the evidence room will be behind us next month.

Public Discussion:

Gary Ainsley – new road master attending monthly meetings; replacing drain pipes on Evans Road; Evans Road; high weed and grass ordinance.

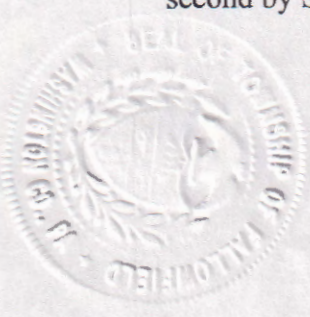
Debbie Colvin – thank you for prompt response on jake brake issue and placing of signs.

William Weaver - police force, crime in township.

John Czina – problem with Frank Monack and high grass/weeds of next door neighbor.

David Lesman – Wisetown Road.
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Supervisor Caldwell stated that the date of the next work session is August 18, 2014, at 6:00 p.m. and the next regular meeting is scheduled for August 27, 2014, at 6:00 p.m. There being no further business Supervisor Sadler, made a motion to adjourn the meeting at 7:53 p.m., second by Supervisor.

A circular seal for the Township of Monaca, Pennsylvania. The seal features a central emblem with a bird and a plow, surrounded by the text "TOWNSHIP OF MONACA, PENNSYLVANIA" and "INCORPORATED 1961".
Karen Talbert

Karen Talbert, Secretary/Treasurer