

FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

July 29, 2015

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 their Regular Monthly Meeting on July 29, 2015, @ 6:00 p.m., at the Fallowfield Township Municipal Building, 9 Memorial Drive, Charleroi, PA. Roll call was taken and present were Supervisor Wilbur Caldwell, Supervisor Earl Sadler, Supervisor Bruce C. Smith, Secretary/Treasurer Karen Talbert, and Solicitor Thomas P. Agrafiotis.

Approval of Agenda:

Supervisor Caldwell asked if there were any corrections or additions to the Agenda, and there being none, called for a motion to approve the Agenda. Supervisor Sadler made a motion to approve the Agenda, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

Approval of the Minutes:

Supervisor Caldwell asked if the Board had reviewed the minutes of the Regular Meeting of June 24, 2015, and both Supervisor Smith and Sadler responded, yes. Supervisor Sadler stated that he had reviewed the minutes and made a motion to accept the minutes of the regular monthly meeting held June 24, 2015, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

Supervisor Caldwell asked if the Board had reviewed the minutes of the Special Meeting held July 8, 2015, and both Supervisor Smith and Sadler responded, yes. Supervisor Sadler stated that he had reviewed the minutes and made a motion to accept the minutes of the Special Meeting held July 8, 2015, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

At this point in the meeting Supervisor Caldwell reported that an informational meeting was held on July 21st and also an Executive Sessions was held July 27th.

Approval of the Bills and Payroll:

Supervisor Caldwell asked if everyone had a chance to review the bills and payroll for the month of June and Supervisor Sadler stated that he had reviewed the list of paid bills and unpaid bills and stated that they look in order and made a motion to approve them, second Supervisor Smith. Supervisor Caldwell called for discussion. Supervisor Caldwell asked what the payment to Plgit Lockbox was for on the paid bills list. The Secretary explained that Plgit is the depository for the Liquid Fuels, Debt Service and Equipment Fund accounts. He questioned why there were two different payment amounts on the same date. The Secretary explained that the smaller amount was the final for 2014 and that the larger amount was for the first half of 2015 (Equipment Fund and three mill Fire Tax). Supervisor Caldwell called for any further discussion and there being none, called for a roll call vote:

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

Correspondence:

Supervisor Caldwell stated that we had received the following correspondence:

1. Letter from the John K. Tener Library with an attached flyer about July's activities. The Secretary stated that she would post the same on the Bulletin Board in case anyone was interested in seeing what was happening at the Library.

2. A notice from Washington County with a list of Fallowfield Township properties that were being sold at the Upset Sale on September 22, 2015. Supervisor Caldwell also stated that the Board had looked at the list at the working meeting and decided that there was nothing of interest to the Board. The Secretary stated that likewise she will post the notice on the Bulletin Board.

3. Letter from Bearcat EMS stating that they were in business and were located in Ellsworth Borough which will be discussed at the working meeting as an additional option.

4. Letter from the Washington County Commissioners. The Secretary stated that the letter was directed to Earl Sadler, which she read aloud, and appointed Earl Sadler to the Washington County Farmland Preservation Board for a three year term ending December 31, 2016. The Secretary awarded Supervisor Sadler with his Certificate of Appointment.

Solicitor Agrafiotis stated that he would like to go back to Item No. 2 in Correspondence (Upset Sale List) and asked the Secretary if we had any liens on any of these properties. The Secretary stated that this may be our opportunity to collect some of the delinquent hydrant/street light taxes and that she had spoken to Wayne and had also sent an email to the Supervisors regarding this matter. Deadline to file the liens is August 31st. Solicitor Agrafiotis stated that he would look into this matter for the working meeting.

Old Business:

A. **Park and Recreation Board request** - Supervisor Caldwell stated at the working meeting, the Parks and Recreation Board had requested operating capital for their upcoming Car Cruise budget asking for \$2,844.00 to get them started. He further stated that this money will be paid back to the Township out of the profits of the September 12th Car Cruise.

Supervisor Smith moved to approve the request, second Supervisor Sadler. Supervisor Caldwell called for discussion. Supervisor Sadler asked if they do not make any profit then the Township will eat the \$2,844.00? Supervisor Caldwell stated, yes. Supervisor Sadler stated so at the end of the event, they will give us a report on everything that was made, etc. Supervisor Caldwell stated they will provide all expenditures, anything taken in by donation from the various raffles, everything will be accounted for. Supervisor Smith said he would like to restate the motion. Supervisor Smith moved to approve the request based on the premise that the Park and Recreation Board would provide the aforementioned documentation, second Supervisor Sadler. Supervisor Caldwell called for any further discussion. Solicitor Agrafiotis asked if that event had been added to the liability insurance. The Secretary stated that she did contact the insurance company about the event. Supervisor Caldwell called for a roll call vote.

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

B. Status of Sewage Overflow Project – Supervisor Caldwell stated that he was not at yesterday's meeting but the opening on the Board (Frascatore's position was filled by DiPiazza. He also said that basically as far as the sewage issue, it is still before the DEP and at this point there has been no word from the DEP. He did say that it was reiterated that if the 85% capture rate is accepted by the DEP, there will be no additional storage tanks needed and the cost will be significantly reduced but will still be in the neighborhood forty to forty-five million dollars down from the sixty-six million dollars originally predicted.

C. Appointment of Emergency Management Officer tabled from previous meeting - Supervisor Smith made a motion to table this again, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

D. Discussion to determine if Municipal Liens on delinquent taxes should be filed, tabled from last meeting - Supervisor Caldwell stated that this was also tabled previously and that he did see some correspondence and emails today (which he had not had a chance to review) and he assumed they were related to this matter. Solicitor Agrafiotis stated, that is correct, and that he had finally gotten somewhere with Keystone. He reminded everyone that in the past we had discussed filing liens on these properties but with the amount owed and the amount of properties, it was cost prohibitive and that we had discussed getting someone to collect it for us. He stated that Keystone is interested and there is no fee involved unless they actually collect money for us, so it sounds like a good deal. However, he stated that he had just received it today and suggested that it be reviewed and then potentially give it a shot to be approved in August. Supervisor Smith moved to table, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

E. Status of oil and gas title search of Township properties - Solicitor Agrafiotis stated that we own gas under four of our seven properties, so at some point; I guess when gas goes up a little, we might want to see if someone is interested in acquiring those rights. He also stated that currently there are leases on some of these properties. Supervisor Smith stated that he had a township resident inquire, if a well pad exist outside the township and the laterals are running under Fallowfield Township, are the drillers required to permit within the

Township. Solicitor Agrafiotis stated that he would have to check into that. Supervisor Caldwell stated then you will look into this? Solicitor Agrafiotis stated, yes I will.

F. Status and discussion of investigation of gas well ordinances and associated costs tabled from previous meeting – Solicitor Agrafiotis stated that he will have a draft for the Board shortly and explained that he has been working on four Ordinances for the Township and two took precedence in the last few weeks, i.e., the Flood Plain and Property Maintenance Code. Supervisor Smith asked if the draft included permitting fees and practices. Solicitor Agrafiotis stated that there is a fee section and as far as permitting goes that usually goes through the DEP. Supervisor Smith made a motion to table, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

G. Status of cell tower ordinance investigation tabled from last meeting - Solicitor Agrafiotis stated this is the same thing as F. and he would have a draft of this Ordinance in short order. Supervisor Smith made a motion to table this matter, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

H. Status of Redds Mill Bridge – did Chester Engineers' prepare a scope and advertise for bid or quote - Supervisor Sadler reported that he was with Chester Engineers today and that they did not have time to complete this but they did say that it should be up for bid next month. Supervisor Sadler made a motion to table, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

I. Status of Grange Road culvert replacement project. Project deadline was jeopardized by DEP approval of plans. Should we officially request in writing an extension for completion – Supervisor Sadler stated that he checked on this today with the Engineers and we have nothing to do with this. He stated that we are two weeks behind getting into the creek because of the DEP; therefore the State is going to add onto our time. Supervisor Smith asked, without penalty? Supervisor Sadler replied yes, because it is a DEP problem. Supervisor Caldwell asked, then we need to take no further action on this matter, and Supervisor Sadler replied, no, no action at all.

J. Flood Plain Ordinance update – Solicitor Agrafiotis stated that he had a conference call last week with Leslie Rhoades, local designee of FEMA, and some changes were made to the draft. He further stated that the draft with changes was circulated. He stated that this Ordinance needs to be in effect by September because the official map comes out in September. He stated that we need a motion to advertise for the adoption of this Ordinance for our August meeting. Supervisor Smith made a motion to advertise the Flood Plain Ordinance for the August meeting, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

K. Adoption of Ordinance No. 219 – International Property Maintenance

Code – Supervisor Caldwell stated that the Solicitor had sent an email around this afternoon about needing to discuss a UCC appeals board. Solicitor Agrafiotis stated that the Ordinance was in last Wednesday's Valley Independent, July 22nd, so it is ready for adoption. He went on to say that our previous Property Maintenance Code was the 1996 BOCA Code, which is not even in existence today, so it is good that we are updating with the latest addition of the Property Maintenance Code. The only issue we have is that we have to have an Appeal Board. California Borough combined their appeal board with their UCC Appeal Board; however, Fallowfield does not have either of those so at some point we may need to get a UCC Appeal Board. He stated that in the interim, we need an appeal board for the International Property Maintenance Code. If someone gets a citation, they have 20 days to appeal to the Township before we can proceed to the Magistrate. He stated that if the board is happy with the Ordinance, we need to adopt it, which will also create the board and then we need to find some people fill it. There must be three members and two alternates on the board. A Board member cannot be a township employee. Frank Monack is waiting for the adoption of this Ordinance as there are some properties that need to be addressed.

Supervisor Caldwell asked if the Zoning Hearing Board could do it. The Solicitor stated, no, but he would double check that. The Solicitor stated that we need to pass the Ordinance tonight and try to get some people to serve on the Board for the next meeting. Supervisor Smith moved for the adoption of Ordinance No. 219 as just discussed, second Supervisor Sadler. Supervisor Caldwell called for any discussion and asked the Solicitor if he was going to check into the matter of whether or not the Zoning Hearing Board can be the Appeals Board, the Solicitor replied, yes. Supervisor Caldwell questioned what would happen if don't have the right amount of people that the Board can approve for the next meeting. The Solicitor stated that I am sure we can find three people to fill it on an interim basis. Supervisor Smith asked if it could be the same people, just sitting on a different board. The Solicitor stated that you probably could get away with that. Supervisor Caldwell asked the Solicitor if he would check into this and the Solicitor replied, yes.

L. Status of Rodgers Manor phase one engineering – Supervisor Sadler

stated that he was with the Engineer today but they have been so busy with the Grange Road project that they did not have this done but will have it done as soon as possible. Supervisor Caldwell stated then no action is required, and Supervisor Sadler stated, yes, there is no action required.

New Business:

A. Mon Valley Hospital request for Cancer Walk Donation – Supervisor

Caldwell stated that we had received a letter dated July 8th about a donation for the breast cancer walk for Lois Orange Ducoeur. Supervisor Sadler stated that last year we donated \$250.00. The Secretary said that is correct, we were a Rose Quartz Sponsor for \$250.00. Supervisor Sadler made a motion to make a donation to be a Rose Quartz Sponsor in the amount of \$250.00, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

B. Motion to pay dues in the amount of \$200.00 for membership in the Washington County Association of Township Officials – Supervisor Smith stated so moved, second Supervisor Sadler. Supervisor Caldwell called for any discussion and there being none called for a roll call vote:

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

Other Business:

None

Reports:

Parks & Recreation: Provided by Supervisor Caldwell.

Planning Board: Provided by Supervisor Caldwell.

Solicitor's Report: Nothing further.

Code/Zoning/Building Report: Provided by the Secretary.

Road Report: Provided by Supervisor Sadler.

Fire Report: Provided by the Secretary.

Animal Control Report: Provided by the Secretary.

Mon Valley Transit Report: Nothing available.

Public Safety Liaison: Supervisor Smith reported that we are finally ready for destruction of police documents. In August, 2014, the Board approved \$3,000.00 for that process with Document Exchange Company. Document Exchange Company has been assumed by another company, Business Records Management, and their fee is \$7.00 per box with a \$75.00 trip fee, and he estimated that we have 40 large boxes so this is probably going to cost us just a shade under \$400.00 as opposed to what we had approved.

Public Discussion:

Gary Ainsley – Paving Evans Road; burning.

Beth Pullion – Deplorable condition of property adjacent to her property (Jefferson Avenue – George McLuckie).

Theodore Marchand – Gas well water runoff on Lover Jonestown Road.

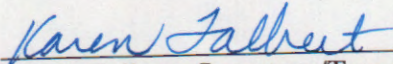
Rich Sheppick – Gas well water runoff on Lover Jonestown Road.

Duane Forie – Gas well water runoff on Lover Jonestown Road.

John Cooper – Deplorable condition of property on Wisetown Road.

Cameron Cooper – Deplorable condition of property on Wisetown Road and speeding on Wisetown Road.

Supervisor Caldwell stated that the date of the next work session is August 17, July 20, 2015, at 6:00 p.m., the next regular meeting is scheduled for August 26, 2015, at 6:00 p.m. There being no further business, the meeting was adjourned @ 6:59 p.m.


Karen Talbert, Secretary/Treasurer