

**FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting**  
**November 30, 2016**

**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 November 30, 2016, 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 Solicitor Thomas P. Agrafiotis.

**Approval of the Agenda:**

Supervisor Caldwell ask if there were any corrections or additions to the Agenda. Supervisor Smith replied, yes, and added Item N. under Old Business - MS4 and GIS program and a bill (Jed Allen Plumbing) to be voted on separately as it was received after the secretary published the list of unpaid bills. The Secretary spoke and said she also had a bill to be added to Chester Engineers and Mercedes Benz Financial Service for the final payment on the Freightliner and the International trucks. Supervisor Caldwell called for the approval of the corrected Agenda and Supervisor Smith said so moved, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none a roll call vote was taken.

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

Supervisor Caldwell reported that informational meetings were held November 3, 9, 15, & 21 of 2016.

**Approval of the Minutes:**

Supervisor Caldwell asked if everyone had received a copy of the minutes of the October 26, 2016, regular meeting and all replied, yes. Supervisor Caldwell called for a motion to approve the minutes, Supervisor Sadler made the motion to approve the minutes of the regular meeting held on October 26, 2016, second Supervisor Smith. Supervisor Caldwell called for any discussion and there being none called for a roll call vote.

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

**Approval of the Bills and Payroll:**

Supervisor Caldwell called for approval of the payment of the November, bills and payroll, said motion being made by Supervisor Smith (as published), with a second by Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

Supervisor Caldwell called for a motion to pay Jed Allen Plumbing. Supervisor Smith reported that the amount was \$415.00, Supervisor Smith said, so moved, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

Supervisor Caldwell called for a motion to pay Chester Engineers in the amount of \$10,981.78 for the Rodgers Manor Storm Water Project. Supervisor Caldwell made the motion to pay Chester Engineers the sum of \$10,981.78, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

Supervisor Caldwell called for a motion to pay Mercedes Benz Financial in the amount of \$54,371.38 which was already allocated out of Act 13. The Secretary stated that this is the final payment on the Freightliner and International and they are now free and clear. Supervisors Sadler made the motion to pay Mercedes Benz the last payment in the amount of \$54,371.38 from Act 13, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

### **Correspondence:**

Supervisor Caldwell reported the following correspondence:

1. Thank you letter from the former Fallowfield Lion's Club regarding the Township following through to keep them informed on the progress involving their donation to the Township and the purchase of the playground equipment with those funds.
2. Thank you letter from Senator Bartolotta regarding the Resolution that was submitted regarding the LSA money and its importance to the municipality.

### **Old Business:**

#### **A. Status of Multi-Municipal Comprehensive Plan Committee –**

Supervisor Caldwell advised that the Committee had a two-hour meeting at the Township Building on November 17<sup>th</sup>. He stated that the meeting was mostly driven by projects in the Charleroi area. He stated that the next meeting in January will be regarding Fallowfield, Speers and Twilight (no date set yet). He said also as a result of that meeting, they are putting a Multi Municipal Blight Task Force together. Supervisor Caldwell said that he was going to provide this information (Blight Task Force) to the Solicitor to review and report on at the next working meeting.

#### **B. Codification by General Code –** Supervisor Caldwell stated that the codification has been completed, the Township having received copies thereof and that there is a Resolution that is required to put it in place. He further explained that there will be a formal invoice coming, the balance of the Code Contract is \$2,518.40. He also explained that since we entered into that contract two years ago, that we have added Ordinances from 212 through 458; those numbers were 213, 225, 388, 419, 420, 421, and 458 for additional \$3,374.00. The Solicitor stated that the Board will need to authorize him (after he has reviewed and prepared a letter stating

that it is okay) to advertise it for an Ordinance for the December meeting. The Solicitor also said you want to authorize me to prepare the Resolution and advertise to adopt the Code. Supervisor Caldwell made a motion to authorize the Solicitor to prepare the Resolution and advertise, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**C. Status of Chester Engineers License Agreement** – Solicitor Agrafiotis stated that this was discussed in the Executive Session, under a legal matter, but that it is ongoing and he has talked to their attorney and does think we are making some progress if we can get our old McDonald files.

**D. Status of Redds Mill Bridge repair and Motion to authorize payment of Estimate #2 from Gary Metzinger Cement Contractor, Inc.** – Supervisor Sadler stated that we have to pay \$49,360.00 and that we retained 5% of the bid which is \$3,977.50 and we pay that after we are sure that everything is completed. He also said that he has gone over everything with the Engineer and what is left to be done will be done by Fallowfield Township. Supervisor Sadler made a motion to pay Gary Metzinger Cement Contractor, Inc. the sum of \$49,360.00 out of the Washington County Local Share account, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**E. Status of Rodgers Manor storm water project** - Supervisor Sadler reported that they are on target; they have all the catch basins in except for one; they have all the cross drains in. He said that they were going to black top today but could not due to the weather. He said they will probably black top tomorrow; put in one more catch basin and finish by dressing the yards. He felt that they would be finished by next week.

**F. Status of Fox Stop Road Railroad Bridge inspection report** – Solicitor Agrafiotis stated that he had a letter drafted and he enclosed the report to the railroad company; however, he was looking for the proper address of where to send the letter. He explained that the attorney we previously dealt with 7 or 8 years ago, is no longer at that firm, so he would have to find him to see if he is still their attorney or get a better address for Wheeling and Lake Erie. He said it is ready to go he just needed an address.

**G. Status of Riverview Avenue scope of work and GP 3 grant application** - Supervisor Sadler reported that we were granted \$79,000.00, he said that the first step is to put the cross drains in, Fallowfield Township has to do a percentage of the work, so we are going to put three cross drains in. He said that it will be approved by the County and Engineer and then we will turn around and we will purchase the material, install the material and then we will send a bill in. He said then the next step is to put the gabion baskets in when we get permission from the DEP and then also rip rap and then after that put the overlay on it so it will probably take approximately up to August to do all that.

**H. Motion to approve new Ordinance for former Alta Drive to current name of Monack Way** – Supervisor Caldwell called for a motion to adopt the Ordinance for former Alta Drive to the current name of Monack Way, Supervisor Smith said, so moved, second

Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**I. Status of blighted properties. Are they applicable for Block Grant?**

**(Application due today)** – Supervisor Smith said we do not have an answer to that specific question. He said that he did review the paperwork for the Block Grant and he had two questions about today being the deadline. He stated that he reviewed the paperwork that we received and it says the deadline is November 30<sup>th</sup> of next year. The Secretary stated that she read that also. Solicitor Agrafiotis stated that she (Tammy Mayton – Redevelopment Authority) did email tonight stating that we could get an extension. Supervisor Smith said that he asked for an extension because she did not get back to us when she said she would and she said no problem, and she gave us an extension on the application and she is to call me tomorrow.

**J. Motion to award bid for waste removal contract** – Solicitor Agrafiotis

stated that we received two bids at the last meeting and at that time, the apparent low bidder was Advanced Disposal; however, upon reviewing their insurance information they do not meet our specifications. The Secretary stated that there are two representatives here from Advanced Disposal this evening. The Solicitor stated that the insurance does not meet what we asked for in our specs. One of the representatives asked what specifically does not meet the requirements. The Solicitor said general aggregate, it is 5 million, you have 2 million (each occurrence) that is a big difference and the second lowest bidder met all the requirements so I have to recommend that you go with Republic again. The Solicitor read the amounts for Republic as follows: 1/1/17 to 12/31/17 - \$39.72; 1/1/18 to 12/31/18 - \$41.22; and 1/1/19 to 12/31/19 - \$42.87.

The Solicitor said those are Republic's numbers, and with the insurance issue with Advanced, they are now the lowest responsible bidder because they did meet our insurance requirements. Supervisor Sadler made a motion for the year 2017 and all that the Solicitor read off the quote that Republic, is the awarded bidder for our refuse removal, second Supervisor Smith. Supervisor Caldwell called for discussion and Gary Ainsley spoke from the audience and ask if that was the carrier that we had before and Supervisor Smith replied, yes. Supervisor Caldwell called for any other comments. One of the representatives from Advanced Disposal spoke and said that the aggregate is 25 million, Solicitor Agrafiotis stated where is that at, he said under the umbrella. The representative came up to the desk and the Solicitor said that is the pollution liability, that is not the commercial general policy. The representative said that is your combined. The Solicitor replied, each occurrence under commercial general liability is 2 million you have under the commercial general and we called for 5 million. The representative from Advanced Disposal said we will have to look at that and walked back to his seat. Supervisor Caldwell called for a roll call vote:

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

**K. Status of research request as to whether the Board of Supervisors has oversight/review of Fire Company regarding funding and purchases** - The Solicitor stated that you certainly would have the right to review their books if it is money directly related to money given to them in the budget so I think you certainly do have the right to ask them to open their books and review those purchases with them.

Anthony Fleming, Fire Chief, spoke and stated that you are exactly right, we have been through this before back when Mike Savona was the Solicitor and Joe Bongiorno was one of the Supervisors. He said absolutely, the Board of Supervisors have the 100% right and you are welcome to come up and see the books at any time, they are open to you and we would appreciate the opportunity to discuss this matter.

Supervisor Caldwell responded stating that we will set a time up convenient to all schedules to review your books based on the latest expenditure you made. Chief Fleming said that will not be in there, that is not tax money, you are talking about the property, Supervisor Caldwell replied, yes, then that will not be in there, we are not allowed to do that. He stated that the tax dollars you give us we cannot buy that stuff out of there, because criteria was set years ago, about what we are allowed to buy with tax dollars, so you will not see that in there but again you are welcome to see them of course that is tax dollars collected by the Township. Supervisor Caldwell stated that in other words, you call poor mouth on one side but you have another fund where you can buy an \$80,000 lot and then still want to say it is not involved with your finances.

Chief Fleming said maybe I am misunderstanding you, could you please define that for me. Supervisor Caldwell said, you operate on donations as well as the tax dollars and yet you find enough money to go out and spend \$80,000 on a piece of property, instead of equipment or whatever. Chief Fleming said you are correct, yes, through years and years and years of fund raising, absolutely. He said that when the tax base was set up in the early 90's, we were told by the Supervisors at the time, that was only to aid us in the purchase of certain equipment and we were to raise all of our other money through fund raising and whatever we did with that was over and above but is always to provide better protection for the community. He went onto say that so you are right, money raised through private donations and fundraisers is where it would have come from. He said as I mentioned last month, the sale of the property behind the fire house and the leasing of some other property we own, that is where the majority came from. He also said make no mistake, we cannot spend those tax dollars on anything we want to, that is not allowed nor would we do that, if there is some confusion there I apologize. Supervisor Smith said we can discuss that at the meeting. Supervisor Caldwell said we are going to have further discussions on this because something is not right here, there has to be some more explaining done, tonight is not the night to do it. Chief Fleming said if we could schedule a meeting like we did in October we would like to do that.

**L. Status of consolidation requests of Robert Wheatley and Robert Kyle, Jr.**

- Solicitor Agrafiotis stated that he had written Robert Kyle, Jr.'s attorney, Richard Mudrick, a letter and they are agreeing to do a formal reverse subdivision. The Solicitor also wrote a letter to Mr. Wheatley this past Monday and he spoke with him today, and he said in light of how difficult it has become since the County is not doing the one page form anymore, that they are not going to follow through on it.

**M. Motion to post and advertise the proposed 2017 budget** – Supervisor

Caldwell said he needs a motion to post and advertise the proposed 2017 budget, Supervisor Smith, so moved, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**N. GIS Storm Water Update** – Supervisor Smith reported that he spoke with HRG today and said they have our application for exemption complete. He said that it does need accompanied by a map and they have the base map for that complete. He said that they are going to send an engineering tech out within the next two weeks to go around with somebody from the Township just to mark some specific things on the map. He said that they will submit that before the end of the year and feel strongly that we have a 50/50 or better chance getting the exemption for the MS4 program.

He further stated that he had an extensive phone conference with two representatives from their GIS Mapping Division. He said that our base map is complete; they made the change to the name of Monack Way; SR numbers are shown where the information was available. He said that they talked about adding township road numbers and said that would be done at a later date, at a different level. He stated that he reviewed what they are considering to be the final draft of the base map and aid it looks to be complete, except for a couple streets that are shown, but not named simply because there is not room for the road number. He said that they discussed where we are going to go, three or four different priorities. He said they are going to start formulating some data input sheets and get the program ready to start entering information, which will probably require me making a trip to Harrisburg for some training either in December or January. He said that he would like to ask for travel approval now for that in case it happens before the December meeting. Solicitor Agrafiotis stated that you need a motion to be reimbursed for your lodging and everything. Supervisor Caldwell, do you have a number. Solicitor Agrafiotis said just make it a not to exceed amount. Supervisor Smith said it would at most include a night's lodging and mileage, if it is more than a night's lodging, I will cover the second night. Supervisor Caldwell made a motion not to exceed \$500.00 for Supervisor Smith to make a trip to Harrisburg, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

Supervisor Smith – abstain, Supervisor Sadler – yes, Supervisor Caldwell – yes.

**New Business:**

**A. Request Solicitor's opinion regarding a "Go Fund Me" page to raise donations for the Elementary Park Revitalization Program. Donations would be to the Township Park Fund account** – Supervisor Caldwell said that the Park and Recreation Board ask if they could use a Go Fund Me Page to raise donations for the Elementary Park Revitalization Program. Supervisor Caldwell ask the Solicitor to check into this. Solicitor Agrafiotis said that I can give you a written opinion if you want but my oral opinion is if you can do it, you understand Go Fund Me does keep like 5% of everything, but the funds would have to be to Fallowfield Township and controlled by the Supervisors. Supervisor Caldwell, that is correct.

**B. Partnership with Mon Valley Alliance as our 501C3 partner to request grants for the Elementary Park Revitalization Program. Mon Valley Alliance uses 10% of grant amount for administration and reporting** – Supervisor Caldwell said that the Mon Valley Alliance is the combination of MIDA and the Progress Council. He stated that he sent letters out to 16 businesses within the Township asking for donations for the park and but has been finding out that they would like to be able to take a tax deduction. He explained that the only way that they can properly get a tax deduction is through a 501C3. He said that we also had one of the gas drillers considering making a considerable donation to the Township but they were also wanting

to have a 501C3 to contribute to. Supervisor Caldwell said since we deal with Alta Vista, it seemed like a good fit. He stated that they (Mon Valley Alliance) provided a sample Resolution and he had passed it on to the Solicitor for his review. Solicitor Agrafiotis ask if we are going to have a written agreement with them, Supervisor Caldwell said, there is a Resolution that I forwarded to you in an email. The Solicitor said he reviewed the Resolution and it was acceptable. Solicitor Agrafiotis said the only comment I will make is instead of the Township trying to get 5013 status, which is a pain and a lot of hard work, if they already have it, we can get some grants we would otherwise not normally get, the 10% they are going to hold for administration is not outrageous for all the extra aggravation it would take to get that status. Solicitor Agrafiotis said so if you want to pass the Resolution it is fine with me.

Supervisor Caldwell said we could type it up and have it for the next meeting but I would like to be able to send a letter to the people we have already solicited from because it is the end of their fiscal year in December. The Solicitor said you could approve the Resolution tonight and we can type it up and we can sign it for tonight, we could sign it any day for tonight, because it was approved tonight and you could tell them it was approved at our November meeting. Supervisor Caldwell stated that the basics of the Resolution were “Mon Valley Alliance operates a 5013C, Mon Valley Alliance foundation is registered with the State of Pennsylvania to solicit donations from individuals and corporations as well as grants from foundation, government and corporations. Contributions made to Mon Valley Alliance are fully tax deductible. Mon Valley Alliance is also authorized to act as a fiscal sponsor for qualifying entities that do not have nonprofit status including municipalities. Mon Valley Alliance receives the donation or grant on behalf of the municipality and generates a tax receipt free gift. Mon Valley Alliance collects a 10% fee for operating expenses and transfers the balance for the municipalities projects or can invest the money on behalf of the entity based upon an agreed upon schedule. Mon Valley Alliance also provides support in grant writing and applications. An online donation portal also can launch in 2017 allowing for online gifts to community projects from the general public”. The Solicitor said again, it is fine with me. Supervisor Smith made a motion to approve the concept, proceed with having the official Resolution drawn up for signatures in December and we go ahead and notify all parties involved of that and we see no reason not to proceed, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**C. Gift cards of employees for Christmas** – Supervisor Caldwell ask what we did last year and the Secretary replied \$25.00 at Giant Eagle. Supervisor Caldwell said do you want to make it the same or make a motion for more or less or what. Supervisor Sadler made a motion to get \$35.00 gift cards for the employees for 2017, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**D. Motion to advertise for anti-skid bids** – Supervisor Sadler made a motion to advertise for 800 tons of anti-skid for 2017, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**E. Motion to have Penn Print and Graphics do lettering on the new 2017 Peterbilt truck** – Supervisor Sadler made a motion to have Penn Print and Graphics do the lettering on the new 2017 Peterbilt truck, second Supervisor Caldwell. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**F. Motion to remove critical trees located in Township right-of-way's -**  
Supervisor Sadler said at the present time he has some critical trees, Lover-Jonestown Road; two major ones on Evans Road and a possibly a third one. Supervisor Sadler made a motion to have the trees removed in the aforementioned areas not to exceed \$3,000.00 possibly in the year 2016, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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.

Solicitors Report: The Solicitor said nothing further except that at the December meeting, we should consider some of the Resolutions that Mr. Ray recommended regarding some increased fees and I think we should do that before the end of the year so if anyone has any questions for Mr. Ray we should talk to him before the end of the year.

Code/Building/Zoning Report: The Secretary said she does not have a report but Frank did drop off a letter regarding 1592 Grange Road which she provided copies of to the board members.

Road Report: Supervisor Sadler said he has been off for the last two weeks so he will probably put one on file.

Fire Report: Provided by Secretary. Chief Fleming also provided an oral report.

Animal Control Report: Provided by Secretary.

Public Safety Liaison: Nothing at this time.

**Public Discussion:**

Gary Ainsley – Executive sessions; fracking near Amish Store.

Supervisor Caldwell stated that the next working meeting is scheduled for December 12, 2016, and the next regular meeting is scheduled for December 21, 2016. Supervisor Caldwell called for a motion to adjourn the meeting, Supervisor Smith, so moved, second Supervisor Sadler.

*Karen Talbert*

Karen Talbert, Secretary/Treasurer

