

**FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS**  
**Special Meeting**  
**December 12, 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 December 12, 2016, Special 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 and there being none, Supervisor Sadler made a motion to approve the Agenda, second Supervisor Smith. 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 the Board had an executive session earlier this evening and it was regarding a legal matter within the Township.

**Old Business:**

A. **Motion to equip the 2017 Peterbilt with a salt spreader** – Supervisor Caldwell said that we need a motion to equip the 2016 Peterbilt with a salt spreader as it was not ordered with the truck. Supervisor Sadler explained that what happened was that he dealt with Peterbilt and then when he had all the other places, we also had Walsh Equipment do the body and that was done through Somerset also all the other was added from another company and the salt spreader from another. He said that everyone he had International, Freightliner, Peterbilt, they all had salt spreaders on them but he had three different sets of paperwork and by the time he got it back, we both overlooked it. He said that he had all the equipment on it, the controls to work it, the hydraulic connections but no spreader. He said that this spreader is Costars price totally installed for \$6,160.00. Supervisor Sadler made a motion that we have a salt spreader put on the truck at a total cost of \$6,160.00 to be paid from Act 13, Supervisor Smith second for discussion. Supervisor Caldwell called for discussion. Supervisor Smith ask, is the rest of the truck the way we ordered. Supervisor Sadler replied, yes. Supervisor Smith said automatic transmission, Supervisor Sadler replied, yes, it all come back because we discussed it and we finally decided it was best to have an automatic transmission. He also said that this truck must last 20 to 25 years, way down the line, we are having trouble finding any basic drivers to drive even now with the new CDL test depending upon a certain class you can go with, strictly an automatic transmission, believe it or not. Supervisor Smith said so we changed it, they did not send the wrong truck, Supervisor Sadler said, no, he said that they had the truck there this weekend and we just didn't

have the salt spreader, I got the plow, I got everything. Supervisor Caldwell called for any further discussion and there being none called for a roll call vote:

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

**B. Motion to pay General Code an additional \$3,374.00 for additional legislation after entering original contract** – Supervisor Caldwell stated that there were several additions, in particular, the construction code (ICC) and the added cost was \$3,374.00 which was included in the codification and he suggested that we make a motion to pay the \$3,374.00 and use Act 13 funds to pay it. Supervisor Smith said, is this the final payment and Supervisor Caldwell replied, yes, the final payment. Supervisor Smith said I move that we pay General Code the sum of \$3,374.00 taken from Act 13 funds for the additional legislation after entering our original contract, understanding that this is final payment, second Supervisor Sadler. Supervisor Caldwell called for discussion. The Secretary asked what happens when we enact a new Ordinance (example Ordinance #227 – Monack Way). The Solicitor replied every time you enact a new Ordinance you must keep it up. Supervisor Caldwell said this is the final payment up to where we are now. He said that in the future, they are going to send another contract to enter with them, a yearly contract, of whatever the associated fees will be to update the book and website as we go along. He said that once we get the information about that and we decide whether to enter into it, if we enter into it, we can send it down and it will automatically be updated. Supervisor Caldwell called for a roll call vote:

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

**C. Motion to authorize Solicitor to draft a Resolution regarding the percentage of tax dollars for the Fallowfield Township Volunteer Fire Company** – Supervisor Caldwell stated that he thinks he made an error using the word Resolution and it should have been Ordinance. Solicitor Agrafiotis said if I understood this correctly, there was some discussion about this so maybe I was wrong. He explained that for many years we did a Resolution every year because it never changed, now with the new assessment amount, these are changing, so are we going to do a Tax Ordinance for equipment, fire, general, I would think that would be the appropriate way to handle it.

Supervisor Smith said this was originally done under referendum and asked what is the legal way of modifying this. Solicitor Agrafiotis replied, by Ordinance. Supervisor Smith said the referendum was the way to establish it. Solicitor Agrafiotis said at some point it went up because it is my understanding that it was two mills when it started. Supervisor Smith ask, so an Ordinance can replace the referendum, and Solicitor Agrafiotis replied, yes. Supervisor Smith said so yearly a Resolution could change the percentage. Solicitor Agrafiotis said I think that they did because ever since I started coming here they did a Resolution on the mills every year and I think they got away with that because it never changed. He said for example, California Borough does a tax ordinance every year or every other year so at some point if you are going to change the figures and we must because of the new assessment, I think we must do an Ordinance for everything.

Supervisor Caldwell stated, I think we said at the discussion stage that we were interested in discussing giving whatever the amount was this year of the total collected dollars, whatever percentage that was, that would be the percentage of collected tax dollars going forward. Supervisor Smith said if we authorize the Solicitor tonight to draft this, we do not have to have

that percentage tonight, correct? The Secretary asked if everyone saw the email from Brad Boni that she sent around. The Secretary said to let her know if they did not get the email and she would re-send it. She said that the email had some figures in it that the Board should take a look at.

The Secretary also stated that she has a millage reporting form that she does every year and it is due by December 31<sup>st</sup>, setting our mills as that is how they do our Tax Duplicate Book. Supervisor Smith said my question is, we don't have to set the amount tonight, we just have to authorize the Solicitor to draft the Ordinance. The Solicitor replied, correct, and we can plug the number in prior to adoption of the Ordinance. Supervisor Caldwell ask does that affect next week's meeting with the adoption of the budget, if it ends up being different. Supervisor Smith, said I don't know how we could make it different. Solicitor Agrafiotis said you might have to adopt the Budget and then have a special meeting or continue your regular meeting. He said that once the Budget is adopted, continue your regular meeting toward the end of the year, to give us, we have the figures, when the Budget is adopted. The Secretary said we have all the figures why would we have to continue the meeting. The Solicitor said how are we going to have an Ordinance when you must have seven days advertised in the paper. Supervisor Caldwell so we would have to have a continuance meeting. Solicitor Agrafiotis said you would adopt your budget, you authorize me to advertise it, then we would be meeting on December 30<sup>th</sup> which is a Friday night, but that might be the way we must do it. It could be a very brief meeting.

Supervisor Sadler said, do we have to set the millage at that time, I thought that is what we were doing. Supervisor Smith said there is no more millage, it will be a percentage of revenue. Supervisor Sadler said, yes, for the Fire Department but we must set our mills. The Secretary said, that is right, we must set our mills. Supervisor Sadler said, so in other words, we would have to know exactly what the millage is going to be and the percentage for the Fire Department and the Equipment Fund.

Supervisor Smith said, I can tell you what it is based on the budget but I cannot tell you exactly what it is on 2016 because we do not have the yearend figures. Solicitor Agrafiotis said even if you authorize me tonight to do the Ordinance, by the time we get it to the paper with the way Observer-Reporter is, they don't do the next day, so it would be Thursday and we would not have the seven days for the meeting. He said that the easiest thing in my opinion would be when you adopt your Budget next Wednesday, continue the meeting for 8 days, put the ad in the next day so it should be in by the 23<sup>rd</sup> and we could do it on the 30<sup>th</sup> or the 31<sup>st</sup>. Supervisor Caldwell ask, so we don't need anything tonight, and the Solicitor replied, no. Supervisor Sadler said, so we don't need a motion for you to proceed. The Solicitor said you could but usually the way it falls in line is you just do it when the budget is approved and it was always so easy because we just had that Resolution, it never changed anything, but this year with the re-assessment it is a little complicated.

Supervisor Smith said let's follow that time line again, we don't do anything tonight, we approve the budget on the 21<sup>st</sup> and authorize you (the Solicitor) to draft. The Solicitor interjected saying draft and advertise and have it in by. Supervisor Smith said so by next week, we need to have exact numbers. The Solicitor said you would, based on the Budget you are going to adopt. Supervisor Smith replied, yes, it would be based on our budget. Supervisor Caldwell said it will be based on last years to get the percentage. Supervisor Smith replied, no, it must be based on this years.

Supervisor Smith said when we worked on the Budget, the Secretary said there will be one more disbursement before the end of the year. The Secretary said there will be but this needs done before the end of the year and Wayne will not give me December's until January. Supervisor Caldwell said we must go back a year, see what the taxes were what we paid them, that will give us the percentage, the percentage is not going to change year to year, only the amount.

Supervisor Smith said our 2017 proposed would be 15.4%, if you go back to 2015, the total year comparing our total tax revenue compared to the Fire Department disbursement, it is 21.5% but when we did the budget that 21.5% represents almost \$85,000.00, when we did the budget preparation we agreed that in 2015 there was a correction made from a previous year so it would be significantly less. Supervisor Sadler said that is because you have some money owed from the previous year in that year. The Secretary said that happens every year. Supervisor Smith said our 2017 proposal is \$67,000.00 against \$435,000.00 revenue, that is 15.4%. Supervisor Caldwell said so you use 15%. Supervisor Smith said 15% is \$65,250.00. Supervisor Sadler said on the collected revenue. Supervisor Smith said 15% is \$65,250.00; 15.5% is \$67,425.00 and 16% is \$69,600.00. Supervisor Smith said, so to meet our proposed budget, it would have to be 15.4%, we budgeted \$67,000.00 and 15.4% would be \$66,990.00 and if you leave it at that, taxes go up they get more, if the taxes go down they get less and until it is changed by another Ordinance or Resolution. Supervisor Caldwell said I would just leave it at a standard number of 15% and Supervisor Sadler said, so would I. Supervisor Smith said, okay.

Supervisor Caldwell said so where do we go from here. The Solicitor said so after next Wednesday's meeting, you authorize the me to do that and I should be able to have it in the paper. Supervisor Smith said so we will authorize you to prepare that, Solicitor said, based on the budget, and the Equipment Tax will be 5%. The Solicitor said, so we are not doing decimal points, we are doing percentages. Supervisor Smith said .05 and .15. He said 5% of our projected revenue will be \$21,750.00 and we budgeted \$22,500.00 so we are close there and that is based on an estimate of our revenue because you do not always get that exact revenue. Supervisor Smith went onto say that .15 or 15% to Fire and .05 or 5% for Equipment Tax of collected revenue from both of our revenue streams, standard taxes and delinquent tax collections, that was taken from that total that is the bottom line of that. Supervisor Smith said I will have that cleaned up and give it to the Solicitor next week. Supervisor Caldwell said so we need no action tonight. The Solicitor said we must continue the meeting based off what you do next week but it looks like we will be meeting on the 30<sup>th</sup> or 31<sup>st</sup>.

**D. Motion to adopt Resolution required by CFS Bank regarding the loan for the purchase of our 2017 Peterbilt truck**– The Secretary stated that she had sent the Resolution around by email prior to tonight's meeting. She stated that it was part of our loan for the 2017 Peterbilt truck and that the loan closed on Wednesday 12/7/16. She stated that the bank requires the resolution and it was provided to her at the closing. The Solicitor said that the Resolution looks standard and is for the \$120,000.00 loan. Supervisor Caldwell made a motion to adopt the Resolution, at whichever number is next in the Resolution Book, for CFS Bank for \$120,000.00 regarding the loan for the purchase of the 2017 Peterbilt truck, 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.

E. **Motion to use the 2017 CDBG monies for demolition** – The Secretary stated that she spoke with Tammy Mayton on today's date and said that the Board had already concluded that the Township would not be able to use the funds for paving due to the income criteria. She went onto say that since we were not able to use the funds for paving, that instead, they could be used for demolition. She also stated that when using the funds for demolition, you do not have to say exactly what you are going to demolish giving the Board some time to make those decisions. She did state that Tammy Mayton needs a letter from the Township stating that the monies will be used for demolition and it also must be in the minutes.

Supervisor Smith ask if there was a deadline for submitting the letter and Supervisor Sadler asked how much time do we have to use it. Supervisor Smith replied, all next year. The Secretary said I don't understand the purpose of waiting since we know we are going to use the funds for demolition, correct? Supervisor Smith explained that if we apply for it for demotion and later can justify using it for a paving project, we can do that. The Secretary asked if we make a motion in that manner. Supervisor Smith made a motion to elect to use our 2017 CDBG money for demolition and that we authorize our Secretary to prepare the letter for return to Ms. Mayton and reserve the right to use the funds for other acceptable means once justified, 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.

**Other Business:**

None.

Supervisor Caldwell stated that the next working meeting is scheduled for December 12, 2016, (tonight) 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*  
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Karen Talbert, Secretary/Treasurer