

# FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
January 25, 2017

## 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 January 25, 2017, 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 stated that the Board had planned to have an Executive Session at the beginning of the meeting but decided to move it to the end of the meeting and that will proceed approximately ten minutes after the meeting. Solicitor Agrafiotis said you may want to have it at the end of the meeting but before the meeting is adjourned. Supervisor Caldwell called for any additions or corrections to the Agenda and there being none called for a motion to approve the Agenda. Supervisor Sadler made the 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 Smith – yes, Supervisor Sadler – yes, Supervisor Caldwell – yes.

Supervisor Caldwell reported that an Executive Session was held January 16, 2017, regarding litigation.

## Approval of the Minutes:

Supervisor Caldwell asked if there were any corrections or additions to the minutes of the regular meeting held on December 21, 2016, and if not, called for approval of the minutes. Supervisor Sadler stated that he had read the minutes and made a motion to accept the minutes of the regular meeting of December 21, 2016, second Supervisor Smith. Supervisor Caldwell called for 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 there were any corrections or additions to the minutes of the Continued Meeting held December 30, 2016, and if not, called for approval of the minutes. Supervisor Sadler stated that he had read the minutes and made a motion to accept the minutes of the Continued Meeting of December 30, 2016, second Supervisor Smith. Supervisor Caldwell called for any discussion. The Secretary spoke and said that Wayne Ray had brought to her attention that in the minutes of the regular meeting of December 21, 2016, that there was an error on the Fire Hydrant rates which should be corrected to reflect that currently the penalty for paying

the fire hydrant tax late is \$3.00 and not \$3.50 as stated in those minutes. Supervisor Caldwell called for a roll call vote on the minutes for the Continued Meeting held December 30, 2016.

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

Supervisor Sadler rescinded his motion to approve the minutes as written for the December 21, 2016, regular meeting and Supervisor Smith rescinded his second. Supervisor Caldwell called for a roll call vote:

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

Supervisor Caldwell stated that we need to amend the minutes of the December 21, 2016, regular meeting to correct the penalty for the Fire Hydrant Tax. Supervisor Smith made a motion to accept the minutes of the regular meeting of December 21, 2016, as amended to show that the current penalty for the Fire Hydrant Tax is \$3.00 and not \$3.50, second Supervisor Sadler. Supervisor Caldwell called for 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 there were any corrections or additions to the minutes of the Reorganization Meeting of January 3, 2017, and if not, called for approval of the minutes. Supervisor Sadler stated that he had read the minutes and made a motion to accept the minutes of the Reorganization Meeting of January 3, 2017, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote.

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

#### **Approval of the January Paid Bills and Payroll:**

Supervisor Caldwell called for a motion to approve the January paid bills and payroll. Supervisor Sadler said he had read over the bills from December 23, 2016 through January 24, 2017, and made a motion to approve the paid bills and payroll, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote.

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

#### **Approval of the January Unpaid Bills:**

Supervisor Caldwell called for a motion to approve the January unpaid bills. Supervisor Sadler said that he had read over the unpaid bills as of January 24, 2017, and everything seems to be in order and made a motion to accept them, Supervisor Smith with a second for discussion only. Supervisor Caldwell called for discussion. Supervisor Smith stated that there were three bills on the list that he did not feel were appropriate. He said there were bills submitted by the three elected auditors, Mr. Cialone - 91 hours for \$910.00, Mrs. Sadler - 37.5 hours for \$375.00 and Joan Rakosky - 59.5 hours for \$595.00. He further stated that he did not feel that the charges were appropriate and he thought we should amend this motion to remove those three for the time being until we can, whatever your pleasure, either sort through it tonight or in the future at another public meeting.

Supervisor Sadler said these people were elected by the people, we made a motion previously that they were not to give us our final audit, that the C.P.A. was to do our final audit, these auditors were put in for you so they can check the daily bills and they have done that so even

though the motion, Tom (the Solicitor) am I not right, you made by Resolution that they (auditors) are not to do the audit that the C.P.A. does. The Solicitor said I think the last two years we did an Ordinance, that if I recall correctly, put Ed Opst in replacement of the Auditors but the Auditors could do whatever else is appropriate under the Second-Class Township Code, such as setting salaries, but I think putting Mr. Opst in as C.P.A. by the Resolution gave him most of the powers of the Auditors. Supervisor Sadler said that was the final end of the year when he does our final billing to check that but he does not check everyday usage of what we do. Supervisor Sadler went onto say that is why the Auditors are put in by the public, not do to what the C.P.A. does.

Supervisor Smith said according to the Second-Class Township Code and the auditor guidelines published by (unable to hear name of publisher), once that C.P.A. has been appointed, they replace the auditors for all financial audits. He went onto say that according to a lengthy telephone conference with PSATS, once that is done, the only thing left for the auditors to do within that year, is they are required to have a reorganization meeting, they are to set the chair person and an assistant chairperson for their board, and if necessary, they are to set the salary or wage rates for any Township Supervisor that is also filling a paid position. In our case that would be Mr. Sadler and myself, he being Road Master and myself being the Secretary/Treasurer.

Supervisor Sadler said have you checked the daily reports? Supervisor Smith said that is our responsibility. Supervisor Sadler said are you doing it? Supervisor Smith said I look at the checks I countersign every month. Supervisor Sadler said you never check the bills themselves to see if anything about them that is what they did before. Supervisor Smith said how are they checking those, they are not supposed to have access to that information. Supervisor Sadler said that is why they are appointed by the public. Supervisor Smith said the Township Code is very clear about that. Supervisor Caldwell read from the Township Code, Item C, as follows:

“When an accountant or firm is appointed under subsection (a) or (b), the board of auditors shall not audit, settle or adjust the accounts audited by the appointee but shall perform the other duties of the office. The accountant or firm has the powers given to the board of auditors under this act, except the audit shall be made in accordance with generally accepted auditing standards, and further provide that the accountant or firm appointed under subsection (a) or (b) shall not have the power to determine compensation and they are subject to the same penalties as the elected auditors under this act. The report of the accountant or firm is subject to appeals the same as reports of the board of auditors under this act.”

Supervisor Caldwell said it was also pointed out when we contacted PSATS that it needed to be done by Resolution which we have followed. He further went onto say that we tried last year to resolve this issue, a couple of times, to set meetings up and we could not do it because we could never coordinate the schedules. He said that once we put the C.P.A. in place, at that point going forward, we did not realize that the auditors were meeting. He said that there was no mention of it to this Board of Supervisors that they were even doing such a thing. Carol Fox said she had a question. Supervisor Smith said this is not open for discussion, it is our discussion not the public. Supervisor Smith said his understanding of the information provided by PSATS was that any meetings the Auditors do have, just as ours, are to be public and advertised as such and during those meetings there should be opportunity for public discussion or public comment to be made. Supervisor Smith said that he was told very specifically during a lengthy telephone conversation with Megan McDonough of PSATs, I asked the question, is it within our right as a Board of

Supervisors to ask for periodic reports of what the auditors are doing or what they have accomplished and she said that it is a moot point because once you appoint a C.P.A. to do your audit they should not be doing anything, period. Supervisor Caldwell said she also commented during that conversation since the elected board of auditors are relieved of their duties at the appointment of the C.P.A. should anyone on the board of auditors request to view Township documents, they would need to file a Right to Know Request for the documents, just as any citizen of the Township would have to do and that is again under Section 901 of the Second-Class Township Code.

Supervisor Sadler said then what are they elected for? Supervisor Smith said pretty much to set our salary or wages. He said that there is another thing they are entitled or encouraged to do and that is auditing the accounts of the district magistrate as they come into the Township to make sure that we are getting the Township's share and that is about it.

Supervisor Caldwell said what sparked the call to PSATS was at last years' meeting (reorganization), I did not personally understand the exact duties and responsibilities of the Board of Auditors. He said he did not know that Assistant Secretary/Treasurer was a paid position so at that point I contacted PSATS the next morning to get clarification on what the rules and regulation were governing the Board of Auditors. He said in the meantime, the day after I made that call to set up the call to talk Megan McDonough, Karen received a letter from the Board of Auditors. Supervisor Caldwell started to read the letter from last year; however, he realized he only had a copy of this year's letter. He went onto state that the letter specified that it was going to be a set rate for the Assistant Secretary/Treasurer and there were certain things they had to do the following year as far as whatever the standard was going to be. He said first, they are not allowed to set the scope of whatever the action of this person is going to be in that office, only the hourly rate. Second, there was no mention of the Road Master for his compensation or his guidelines, it was only the Assistant Secretary/Treasurer, and that almost looks political to some degree, because Bruce was appointed Assistant Secretary/Treasurer, somehow or another we have to have certain rules and regulations covering him whenever we never did it in the past and that is what started this whole flare up and going to PSATS to find out exacting what is going on and what the responsibilities are, again there was no meeting to discuss it, so here we are.

There was some discussion about the motion on the floor and ultimately Supervisor Sadler rescinded his motion to pay the bills, second Supervisor Smith. Supervisor Caldwell called for a roll call vote:

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

Supervisor Sadler said I want to clarify one thing, when I first came in as a Supervisor, we had a set a salary at the very beginning of the lowest paid worker on the road crew and that is why I get the lowest paid and that was set and never increased over that many period of years, it was not nepotism or anything of that nature. Supervisor Caldwell said that no one questioned how you were compensated. Supervisor Sadler, said no, you said that is the way it was done. Supervisor Smith, we wanted it to be clear, very clear this year. Supervisor Sadler said I want to clarify it is not nepotism cause my wife is not allowed to vote on anything I do, I want that clarified. Supervisor Caldwell said no one is saying you are not. Supervisor Smith said he asked the question of Ms. McDonough about conflict of interest and she said no, the only thing pertaining to that would just be what we said, that she has to abstain from anything involving you.

Supervisor Sadler said that is right, it is not nepotism. The Solicitor said let me say this, we just had a motion rescinded, so there is no roll call vote, you are going to do another motion for the unpaid bills. Supervisor Smith made a motion to pay the unpaid bills as published except for the three that he mentioned, Albert Cialone for \$910.00, Mrs. Sadler for \$375.00 and Joan Rakosky for \$595.00, remove those from the list of unpaid bills, at least for the time being, second Supervisor Caldwell. Supervisor Caldwell called for discussion and Supervisor Sadler said what do you mean for the time being, I have never heard of a motion made of that nature. Supervisor Smith said they are entitled to something and we are going to have to discuss this. Supervisor Sadler said that part has to be tabled, correct Mr. Solicitor. The Solicitor said those bills are excluded, so if you would like to meet with them at future date and try to resolve the dispute, that is certainly in your purview. Supervisor Sadler but that part would have to be tabled, am I, not right? Solicitor said, no, they were excluded for now they can be brought up again, technically anytime, if we table any part of that, then the unpaid bills cannot be voted on. Supervisor Caldwell called for a roll call vote:

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

### **Correspondence:**

Supervisor Caldwell reported the following correspondence:

1. Letter from Bruce Smith regarding the annual compensation pay rate for Assistant Secretary/Treasurer. Supervisor Caldwell read the letter aloud wherein Supervisor Smith waived his pay rate as Assistant Secretary/Treasurer.

2. Letter from Gulisek Construction regarding the Route 70/481 Interchange work. Supervisor Caldwell read the letter aloud and it was regarding road closure periods. The Secretary stated that she had posted the information on the bulletin board and Supervisor Smith stated that he had forwarded the information to Mon Valley EMS.

Supervisor Sadler spoke regarding seismic graphic testing that was performed in the Township approximately four or five years ago, using a truck and laying cable. He stated that they are coming back again along Route 481 from the BP gas station down in Monongahela; however, now instead of the truck and cable, they use something which is the size of coffee can and they set that down and read it right from there. He said if they come on your property, they must deal directly with you. He said that the Township will be dealing with them in our rights-of-way and that it will be starting next month.

The Secretary reported that she had received a letter from Washington County which she read aloud and was official notification that the Board of Commissioners had re-appointed Earl Sadler to the Washington County Farmland Preservation Board for a three a year term effective through December 31, 2019.

### **Old Business:**

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

Caldwell stated that the Mon Valley Alliance has received a \$252,000.00 grant to tear down the old stadium, he said they are hoping to start demolition in August or September. He also reported that Charleroi Borough has received enough funds to start to tear down the old Atlas Building and that is to start sometime in the next week or two. He reported that the next meeting of that Board has been scheduled for February 15<sup>th</sup> at Fallowfield's Municipal Building.

**B. General Code update on codification and ecode link** – Supervisor Caldwell stated that the codification of the Ordinances is complete, the only thing remaining is to sit down to determine how best to set up the ecode link to their system and take a webinar and after that it will be finished.

**C. Motion to approve Deputy Tax Collector** – The Solicitor said it is not a Resolution and stated that he and the Secretary had looked back at the minutes and could not find it. He stated that it was his advice to pass another motion just as a precaution to appoint her as Deputy Tax Collector until the end of the Tax Collector's Term. Supervisor Sadler made a motion to appoint Joyce Ray as Deputy Tax Collector for the year 2017, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**D. Motion to approve Resolution #480 for 2017 fire hydrant tax changes** – The Solicitor stated that he was going to read aloud the next four or five resolutions and if incorrect asked Mr. Ray to correct him. Resolution #480 for adoption by the Board of Supervisors establishing the assessment charges for fire hydrant service for the calendar year 2017. On May 25, 2015, the Board of Supervisors enacted Ordinance No. 218 which was a unification and update of our previous Ordinances regarding Fire Hydrant Services that was pursuant to the Second-Class Township Code. Ordinance No. 218 authorized the annual assessment and collection of the cost and expense for the placing, replacing, operating, maintaining and repairing of fire hydrants within the Township for fire protection. That Ordinance also contained provisions for setting of rates and late fees and authorized our Township Tax Collector to bill the assessment. December 7, 2016, the Township received a letter from the Authority of the Borough of Charleroi that they are undergoing the major restructuring of municipal and private fire hydrant charges that would be taking effect in January, 2017.

The Solicitor stated that Mr. Ray reviewed that for the Township and he made recommendations for the 2017 assessment, that if the instant resolution is adopted, will take effect. The Solicitor said, Mr. Ray correct me if I am wrong, based on the new program by the Authority, we are saying the 2017 fire hydrant assessment will be face amount of assessment \$6.00, if paid between July 1<sup>st</sup>, 2017 and August 30, 2017, discount amount is \$5.00 and that is if it is paid before June 30<sup>th</sup>, and penalty amount is \$9.00 if paid after August 30<sup>th</sup>. The Tax Collector, Wayne Ray, confirmed that the figures were correct. The Solicitor said that is Resolution #480 for consideration. Supervisor Smith made a motion to adopt Resolution #480, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**E. Motion to approve Resolution #481 on Tax Certification fees** – Solicitor Agrafiotis stated that Resolution #481 is amending the fees for Tax Certifications for the years 2017 through 2020 as per Mr. Ray's request. If the Resolution is adopted those new rates will

take effect. The Solicitor said that currently the Board of Supervisors gets \$20.00 per parcel fee for Tax Certifications; Mr. Ray, the Tax Collector, gets 60% of that figure and the Township gets 40% of that figure. The Solicitor said Mr. Ray is asking that if Resolution #481 is adopted that it be raised to \$25.00 per parcel with the Tax Collector receiving 100% of the fee for his efforts and he does do the work for that. that is Resolution #481 and is that correct Mr. Ray? Mr. Ray replied yes, it was correct. Supervisor Smith made a motion to adopt Resolution #481, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**F. Motion to approve Resolution #482 on Tax Bill duplicates fee** – Solicitor Agrafiotis stated that Resolution #482 amends the fees for duplicate bills for the years 2017 through 2020. The Solicitor stated that the Tax Collector requested that fees for the duplicate tax bills be changed from \$10.00 per parcel with the Tax Collector receiving 100% of that fee, if the Resolution is adopted, it would be up to \$12.00 per parcel with the Tax Collector receiving 100% of the fee. The Solicitor asked, is that accurate Mr. Ray, and Mr. Ray replied, yes. Supervisor Sadler made a motion to adopt Resolution #482, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**G. Motion to approve Resolution #483 on fees charged by the Tax Collector for NSF checks** – Solicitor Agrafiotis stated that Resolution #483 is amending the fee for non-sufficient funds checks for the years 2017 through 2020 as per the Tax Collector's request. He said that the current compensation is \$25.00 after any bank fee, which the balance is submitted to the Township's General Fund. He said if Resolution #483 is adopted, it would be \$25.00 after any bank fee, with the balance to go to the Tax Collector, is that correct Mr. Ray, Mr. Ray replied, that is correct. Supervisor Sadler made a motion to adopt Resolution #483, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**H. Motion to approve Resolution #484 on fees for trailer removal permits issued by Tax Collector** – Solicitor Agrafiotis stated that Resolution #484 is amending the fee for trailer removal permits for the years 2017 through 2020. He said that the current compensation is \$10.00 with 100% of the fee to the Township. If Resolution #484 is adopted, it would be raised to \$20.00 with 100% of the fee to the Tax Collector. Is that correct Mr. Ray, Mr. Ray replied that is correct? Supervisor Sadler made a motion to adopt Resolution #484, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**I. Motion to approve Assistant Emergency Management Coordinator** – Supervisor Smith made a motion to appoint Wayne Ray as the Assistant Emergency Management Coordinator, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**J. Motion to approve HRG to revise the Storm Water Ordinance not to exceed \$1,500.00 per second recommendation of Planning Commission** – Supervisor Caldwell read aloud a letter from the Fallowfield Township Planning Commission which stated:

“At the January 10, 2017, meeting of the Fallowfield Township Planning Commission we reviewed certain items and voted to make recommendations to the Board of Supervisors. Our recommendations are as follows:

1. We reviewed information received and believe that the Township should work with its consultant HRG and its Solicitor to update Ordinance #190 as amended by Ordinance #200 to reflect the current standards used. We believe that this would be in the best interest of the Township because of the potential of future development.

2. We also reviewed the California Borough Quality of Life Ordinance and we recommend the Board of Supervisors authorize the Solicitor to draft an Ordinance which is similar to that in California. The Planning Commission will then make a final review of the Ordinance before it is enacted. Signed by Richard C. Mudrick, Secretary.”

Supervisor Smith, so moved, second Supervisor Caldwell. Supervisor Caldwell called for discussion. Supervisor Sadler asked why isn't our engineering firm doing that work. Supervisor Caldwell said I can give you two good reasons, number one the Washington County standard that we are trying to duplicate, was developed by HRG and second we hired HRG as our consultant to revise and work with us on the storm water management and MS4 project, so they are already doing that, so they are the ones that are experienced with it, it has nothing to do with slighting our engineer and there is nothing that says it will be \$1,500.00, it could be substantially less, that is a not to exceed number. Supervisor Sadler said it seems quite high when you are just looking at something. Supervisor Caldwell said they have already looked at it and there are things that need to be fixed. Supervisor Sadler but not \$1,500.00 worth. Carol Fox wanted to ask a question but the Solicitor said the discussion is for the Supervisors only. Supervisor Caldwell called for a roll call vote:

RCV: Supervisor Smith – yes, Supervisor Sadler – no, Supervisor Caldwell – yes.

**K. Motion to have Solicitor to develop a Quality of Life Ordinance per recommendation of Planning Commission** – Supervisor Smith made a motion to have the Solicitor develop a draft of a Quality of Life Ordinance, second Supervisor Caldwell. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**L. Status of Chester Engineers License Agreement along with status of prior Township records** – The Solicitor stated that he brought this up in Executive Session. He said that there are about 150 boxes of documents from the former McDonald & Associates which are ready for pick up but he said he is going to need a hand with that. Supervisor Smith offered to help the Solicitor with the pickup.

**M. Discussion of invoicing costs for services supplied by Chester Engineers for 2017** – Supervisor Caldwell said we received the rates for 2017 from Colin Lampark and ask the other Supervisors if they had a chance to review the hourly rates and they both replied, yes. Supervisor Caldwell called for any questions or comments. Supervisor Smith said it seems to mimic what we discussed. Supervisor Caldwell said what type of motion do we need for this. The Solicitor replied, make a motion to adopt the Chester Engineers' rate schedule for 2017, as

professional service, it does not need to be bid. Supervisor Caldwell said I will make that motion, second Supervisor Sadler. Supervisor Caldwell called for 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 the Tax Collector, Wayne Ray, stated that in his letter to the Supervisors, there was one item that was not addressed, regarding commission on delinquents. The Solicitor said I thought we had discussed that and it was at the maximum of 5%. The Tax Collector said no this is 5% on what the Tax Claim Bureau forwards to the Township on the delinquent taxes that they collect. The Solicitor said I apologize and ask the Tax Collector to approach and the matter was discussed.

**N. Discussion of Chester Engineers being Township Engineer for 2017, tabled at the Reorganization Meeting** - Supervisor Smith said based on the fact that they provided their rate schedule as promised, I hereby make a motion to appoint Chester Engineers as our Township Engineers for 2017, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**O. Motion to pay Gary Metzinger Cement Contractor the sum of \$3,977.50 for the final payment for the Redds Mill Bridge project which was reviewed and recommended for payment by Chester Engineers** – Supervisor Sadler said that he reviewed everything with them and everything is completed and he made a motion to pay Gary Metzinger Cement Contractor the sum of \$3,977.50 as the final payment on the Redds Mill Project, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**P. Status of Rodgers Manor Storm Water Project** – Supervisor Sadler stated that we paid the bill already and everything is working perfectly. The only thing left to do is dress up the area after the weather breaks.

**Q. Status of Fox Stop Road Railroad bridge inspection report** – Solicitor Agrafiotis spoke and said that it is being considered by Wheeling and Lake Erie as we speak as per their former counsel, Kevin Allen, of Pittsburgh.

**R. Motion to reinstate Jason Walsh, Esquire, Solicitor for the Planning Commission for 2017** – Supervisor Smith made a motion to reinstate Jason Walsh, Esquire, Solicitor for the Planning Commission for 2017, second Supervisor Sadler. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**New Business:**

**A. Discuss West Penn Power offer to convert street lights to LED per information and cost provided in email dated December 14, 2016** – Supervisor Caldwell asked if everyone had a chance to review the spec sheets on this. Supervisor Smith said I did but I think

it would be worth asking for a sit-down meeting with them to discuss this. Supervisor Sadler made a motion to meet with West Penn Power to get more information regarding this matter, second Supervisor Smith. Supervisor Caldwell called for discussion and there being none called for a roll call vote:

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

**B. Park and Recreation Board request for Act 13 funding for the revitalization program for the 2017 season** – Supervisor Caldwell said that he did not have all of this information for the working meeting but I will pass this out (paperwork prepared by Supervisor Caldwell) and we can go through it. Supervisor Caldwell said that the Park Board and myself have been working on this. Supervisor Caldwell said it was either at the last meeting or the meeting before last, there were a couple comments made that we have been favoring Parks and Recreation more so than roads, bridges and equipment. He stated that here are some rough numbers on the Act 13 funds over the last five years, which is approximately \$525,000.00, 47% of that has gone to Township equipment; 15% went to road repair, that is 62% to Township Equipment and Roads; 27% to Parks and Recreation; approximately 6% to economic development and 2% to the codification. He stated, again, these are estimates and could fluctuate a few percentage points either direction based on how much expenses were during the project. He stated that we believe that on the Park and Recreation side of it, that this has been set up consistent and equal.

Supervisor Caldwell said we are not asking for specific approval to be made tonight, we are asking for approval that \$23,050.00 be set aside and earmarked for the scope of work that is listed on the paperwork he passed out. He said it is to get the ball fields up to snuff. Supervisor Caldwell read from the paper that he had passed out. A copy of this paperwork is which detailed what needs to be done, is attached hereto as Exhibit “A”. Supervisor Caldwell said this is not to exceed \$23,050.00 and we believe we could be slightly under that with participation from the public; however, (Secretary apologizes but was unable to hear some of what was said at this point on the tape).

Supervisor Sadler spoke and said to date you have spent one quarter of a million dollars on Parks and Recreation. Supervisor Caldwell said no, we have not. Supervisor Sadler, yes you have, do you want me to itemize it. Supervisor Sadler said most other municipalities turn around and try to get grants for this and they also try to get people involved. He said that a quarter of million dollars is a lot a money for the majority of municipalities with older aged residents and are not really using it, also there are teams that come up there playing and they are not paying and we are paying \$97.00 a month just for sewage before we put a drop of water down it. He said it is a lot of money for the municipality to pick up for water and utilities.

Supervisor Caldwell said, first I dispute the \$250,000, I do not think that is correct, Supervisor Sadler said I will prove that to you, Supervisor Caldwell said, I hope you do, because there is no way, Supervisor Sadler said, I will. Supervisor Caldwell went onto say that he sent out 56 brochures showing the plans and everything to different business, to date, we have received four donations. \$2,000.00 from EQT, \$1,000.00 from 84 Lumber, \$500.00 from Gulisek Construction and \$300.00 from Gardner Denver Nash; we have also applied to the Pittsburgh Pirates for a grant, we also have the Mon Valley Alliance working through three or four different sources to get funding to help us add an addition to the Pavilion. Supervisor Caldwell stated that

for us to get more people into our community we need some amenities and things that people can utilize. He went on to say that all the recommendations and studies including the Multi-Municipal one we are participating in now, you need to start to develop a Park and Recreation Program. He stated that if we do not continue, we will begin to become stagnant, go now where. He stated that just this past week, he was contacted by two separate developers wanting to look at separate tracts of ground within the township for possible development and he said that we do have land owners who are also interested. He said again and again, the Park and Recreation has come up each and every time. He went onto say that he did not think that that it is a bad investment in the future of this Township. He said we have struggled with this for the last four years and it is ridiculous how much we have struggled, every time you want a piece of equipment for this Township, we have all agreed. Supervisor Sadler said, no you didn't, the last time you refused me. Supervisor Caldwell said I refused to buy the skid steer but you can talk to anybody down there, I was for that skid steer but because you voted against the playground equipment, I voted against the skid steer. Supervisor Caldwell said everybody says that it's me, I am only one person of three.

Supervisor Sadler said why don't we discuss this at the work session. Supervisor Caldwell said wait until next month and then we wait another month and another month. Supervisor Caldwell said we are not purchasing anything just asking for an earmark. There was a great deal of arguing between Supervisor Sadler and Supervisor Caldwell. Supervisor Smith ask if Supervisor Caldwell was making a motion and he replied I am making a motion that we accept the Park and Recreation's request for earmarking Act 13 funds for this scope work in the amount of \$23,050.00 and they must come back to this Board for the purchases, second Supervisor Smith. Supervisor Caldwell called for discussion. Solicitor Agrafiotis said to answer the question that once it is earmarked that is what the money is there for but you can always rescind that motion later, but correct it will be for that purpose. Supervisor Caldwell called for a roll call vote:

RCV: Supervisor Smith – yes, Supervisor Sadler – no, Supervisor Caldwell – yes.

**C. Park and Recreation Board request to maintain Act 13 matching fund for future grant applications** – Supervisor Caldwell stated that right now there is \$45,000.00 in the Park and Recreation Board matching fund for the DCED grant, which we did not get. He stated that the Park and Recreation Board would like to have those matching funds left intact to see if Mon Valley Alliance can get another corporation to match those funds. Solicitor Agrafiotis asked when those were earmarked for the DCED grant, was there a contingency that if the grant was not awarded, the funds would go back to the General Fund because if it was set up that way, at that point, those funds would cease to exist and then go back and you would have to reestablish the matching funds as opposed to rolling it over. The Solicitor thought that there was a contingency that they go back to the General Fund. Supervisor Smith said that needs to be researched. Supervisor Caldwell made a motion to table this matter until the February meeting, second Supervisor Smith. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

**D. Discuss debris and garbage road pickup program identifying who is doing the cleanup** – Supervisor Caldwell stated that he had received an email from \_\_\_\_\_, I believe he lives on Fox Stop Road, and he was asking if we had a program to recognize people who clean up Township Roadways. Supervisor Caldwell stated that he responded that he would have to look into it and get back to him. Supervisor Sadler said it is not

a good idea because if you authorize people to go out there and do any clean up on the roads and you don't give them the proper identification anything happens; it is a liability factor on the municipality.

**E. Discussion to consider using Paychex Payroll Services in place of ADP –**

Supervisor Smith said based on the price structure that they gave us for 2017, which is significantly less than ADP, I move that we switch to Paychex Payroll Services for 2017, second Supervisor Sadler. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

**F. Return of Bond in the amount of \$1,596.00 to Jack Kruell for the 2015-2016 antiskid bid** – Supervisor Sadler made a motion to return the bond for the 2015-2016 antiskid contract in the amount of \$1,596.00 to Jack Kruell, second Supervisor Smith. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

**Other Business:**

Solicitor Agrafiotis apologized to Mr. Ray for the confusion, I thought after discussion we could not do that, I misunderstood you, could you please make your request to the Board and we can make a motion to adopt Resolution #485, if they so choose, and we can type it up and sign it another day. Wayne Ray, Tax Collector, spoke and explained that when I collect the taxes throughout the year at the end of the year I file a lien with the County, those taxes are then collected by the Tax Claim Bureau. When that money comes into the Township from the Tax Claim Bureau, I have never been paid on that even though I track them all year and submit the liens. So, I am requesting a 5% commission on the Tax Claim Bureau Dollars. Supervisor Smith made a motion to adopt Resolution #485 to pay five (5%) of the monies that the Township receives from the Washington County Tax Claim Bureau to the Tax Collector, second Supervisor Sadler. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

Solicitor Agrafiotis spoke and stated that on December 21<sup>st</sup> we past Resolution #476 which was the Multi-Municipal Blight Task Force; however, in that Ordinance the Township must appoint two individuals to the Blight Task Force, that was not done and I think we need to do that. He said you could do it tonight, the Resolution as a whole has been approved, it is just the two individuals for the blight task force. Supervisor Caldwell said that the Multi-Municipal, who is putting this together, this more concerns Charleroi than us, it was just a participation issue. He went onto say that the Planning Commission had discussed that and they had suggested that Don Barnot and myself do it but if this Board decides to do something else, that is fine. Supervisor Smith said is there a deadline on that, Tom. The Solicitor replied, I am not sure. Supervisor Caldwell said there first meeting is supposed to be sometime in February. The Solicitor said the Resolution is passed, the Township as a whole passed a Resolution authorizing the Multi-Municipal Blight Task Force but at some point, we must put two individuals in. Supervisor Smith made a motion to table this until we can find out if we have other individuals interested in serving, second Supervisor Sadler. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

Solicitor Agrafiotis told Supervisor Sadler that we received a notice from Carl Fekula that their bond is going to be coming up for expiration and he asked if there is any reason why we need to object to that? Supervisor Sadler said, no and the Solicitor said so there is no reason to tell the bond company that we object, and Supervisor Sadler replied, no.

Solicitor Agrafiotis asked if Mr. Monack was present and he was. Solicitor Agrafiotis asked if we were going to have an Executive Session now or do you want to have it at the end of the meeting with the understanding that we may come back to vote. Supervisor Caldwell said let's do it at the end of the meeting. Solicitor Agrafiotis said so other business is going to be also at the end before adjournment, the Township Supervisors reserve the right to vote on an issue after Executive Session which will occur tonight, they don't have to, but they have reserved that right.

### **Reports:**

Parks & Recreation: Provided by Supervisor Caldwell.

Planning Commission: Provided by Supervisor Caldwell.

Solicitor's Report: Tax Assessment Appeals have been coming in and I didn't know if the Township wanted to spend the money to send me, another municipality that I represent they were of the opinion that the Township has the least to gain from these things as opposed to the County and School District which were both going to be more than likely opposing these assessment appeals anyway so with their attorneys fighting the assessment there is really no need to send the municipal solicitor. I just wanted to put this out there.

Code/Building/Zoning Report: No report.

Road Report: On file.

Fire Report: Provided by Secretary.

Animal Control Report: Provided by the Secretary.

Public Safety Liaison: Nothing further.

### **Public Discussion:**

Bill Henderson – Parks & Recreation.

Carol Fox – Auditor's pay; HRG - \$1,500.00; Ball team fees; Act 13 funds, when public discussion should take place.

Helen Sadler – Helen spoke on behalf of the Auditors and explained all the various things that the auditors do to provide a check and balance system for the Township; audit not being published in the newspaper.

Alex Burton – He passed.

Solicitor Agrafiotis speaking to Alex Burton said Alex, I encourage you to stay because when we adjourn from the Executive Session there may be a decision on your matter. The Board went into Executive Session. The Board returned from the Executive Session at 7:51 p.m. and the Solicitor stated that we had an Executive Session, myself, the Board of Supervisors and our Zoning/Code Enforcement Officer, Frank Monack, regarding a legal issue on the property violations at 1592 Grange Road owned by Ms. Kimberly Watson. He stated that on December 21<sup>st</sup> we had a hearing which was transcribed. Mr. Burt attended on behalf of his mother that was based off a Notice in Violation to Abate Violation of Code pursuant to the International Property

Maintenance Code issued by Mr. Monack as our Code Officer. Based on his findings which are of record on the transcript, Mr. Burt and his mother had so long to appeal his findings, which they did which was the necessity for the hearing on December 21<sup>st</sup>. He said it is my recommendation now, that the Board make a vote either up or down, if it was up to me based on the testimony of Zoning/Code Enforcement Officer to deny Mr. Burt's appeal of the Notice in Violation to Abate Violation of Code. Supervisor Smith made a motion to that effect, second Supervisor Sadler. Supervisor Caldwell for discussion and there being none called for a roll call vote:


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

Solicitor Agrafiotis stated that you (Alex Burton) will get a written notice of that and you do have the right to appeal that Sir, however, the second recommendation based on our discussion with Mr. Monack that Mr. Burt has met with him and they are trying to work to correct some of these violations, it is up to the Supervisors, but I think it would be appropriate to stay any condemnation for thirty days and give Mr. Burt a chance to further address Mr. Monack's concerns on a time line with certain tasks designated by the Code Officer and to revisit this situation at our regular February meeting. Supervisor Caldwell said I will make that motion, second Supervisor Sadler. Supervisor Caldwell for discussion and there being none called for a roll call vote:

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

Supervisor Caldwell stated that the next working meeting is February 13, 2017, and the next regular meeting is scheduled for February 22, 2017. Supervisor Caldwell called for a motion to adjourn, Supervisor Smith, so moved.



  
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Karen Talbert, Secretary/Treasurer