

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS SPECIAL WORKSHOP MEETING
May 12, 2015 Approved minutes
6:30 PM

Members Present

Joe Pomorski, Chairman
Steve Herzog, Vice Chairman
Charles Kilgore, Member
Ed Porter, Member

Township Staff Present

Lisa Valaitis, Township Secretary
Pani Martin, Township Treasurer
Tag Gathercole, Public Works

Township Solicitor

Vince Pompo

Township Engineer

Chris Della Penna

1. CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE.

Chairman Joe Pomorski called the meeting to order at 6:30 pm. Steve Herzog seconded.

2. Discussion

A. S. Caln Road Paving Job

The Board and Tag Gathercole discussed the S. Caln Road paving job and the possibility of not doing the additional \$30,000 of work included in the job. Tag Gathercole reported that S. Bailey Road and Fairview Road need repairs done too. S. Bailey Road work was included in the S. Caln Road paving job cost. Fairview Road is not included in the bid total. Tag Gathercole reported that Long's Asphalt, who was awarded the bid, is fine with not doing the extra paving work included in the paving bid. Steve Herzog discussed a concern that doing the full S. Caln Road paving job of \$119,400 will use half of the Liquid Fuels funds for the year. There was a discussion about the need for S. Bailey Road to be repaired. S. Bailey Road has more traffic than Fairview Road. Tag Gathercole estimated Fairview Road's repairs at \$60,000. Tag Gathercole said S. Caln Road repairs will take two and a half days. Long's Asphalt needs to complete the job by June 15th according to the contract. Chris Della Penna suggested putting Fairview Road out to bid to see what cost the bids come in at.

ACTION: The Board decided to have S. Bailey Road marked off and view the area needing work as well as determine the cost before making a final decision.

B. Manchester Farms – Review and possible approval of Draft Manchester Farms Revised Subdivision and Escrow Agreement between DHLP – Manchester Farms, Iron Oak Land Services, LLC, and First Trust Bank

Vince Pompo distributed copies of a last minute revised draft agreement to the Board for review. Ronald Agulnick stated the Engineers Checklist will need to be agreed upon between the two engineers. Otherwise it will go to the Disputing Engineer. He said they would like to avoid any legal expense drains on the agreement. Mr. Agulnick stated there are two issues he wanted to raise with the Township. He said that Phase I road costs listed as owed to the Township should not be included in the total owed to the Township. This is due to the fact that Manchester tendered Deeds of Dedication two years ago. Any money paid to the Township now will reduce the amount of money left to complete the development. Eric Schrock asked the Board if they would take the money owed to the Township at the end of the work rather than taking the money upfront. Joe Pomorski stated the money is owed to the Township and it should be paid up front.

Vince Pompo stated he feels that creating this legal mechanism to complete the development work without putting the work out to bid is in the best interest of the Township. Expiration of the Permanent Extension Act

and the legal notice of default from last summer were discussed. The agreement has the \$27,000+ expenses that are owed to the Township being paid up front. Iron Oak is responsible for gathering bids from contractors for the various mechanics of the work. All bids will be shared with Chris Della Penna and it will be a joint decision who to hire. The contracts will be between Iron Oaks and the contractors. There will be contractor warranties. The two engineers sign off that the work is done which will trigger the release of funds from the bank to Iron Oak. Iron Oak will pay the contractors. Mechanics liens were discussed. The roads need to be dedicated by September in order for those roads to be included in next year's Liquid Fuels. A question was asked if Dewey had talked to any other companies besides Iron Oak. Mr. Agulnick said Iron Oak was the only company considered and he chose Iron Oak because Eric Schrock is familiar with the work.

Joe Pomorski opened the discussion up to the residents.

Siti Crook asked if there would be general liability from Iron Oak to the Township. If so, wouldn't it benefit if Iron Oak named the Township as additional name insured and every subcontractor under that? Mr. Agulnick responded by saying he will require naming the Township and Erick Schrock as additional insured. The contractors will be required to be insured.

Mr. Agulnick stated he will be changing the agreement to have the contractors paid directly from the bank upon completion of work.

Phase I Discussion:

Charlie Carter brought up the fact that Phase I needs minor repairs and those repairs were not mentioned anywhere in the agreement. Mr. Agulnick stated this is a Phase II agreement only. No Phase I work will be done. Jim Roland, HOA President, asked why Phase I was not included. The money for the two phases had always been kept separate. Now the money from Phase I and II is being combined but only used for Phase II work. Mr. Agulnick stated the cash escrow on Phase I was released by operational law. The money could have been given back to Dewey. Vince Pompo said the HOA would like the small Phase I repairs done. Mr. Pompo believes Phase II needs to take precedence over Phase I. Mr. Pompo said they could have an understanding that any extra money left after Phase II work is complete, could be used for Phase I minor repairs. Jim Roland stated the \$27,000 owed to the Township should never have been coming out of the escrow. That money should have come from Dewey. There was a lengthy discussion about what the Phase I repairs are and how they could be handled. Having a contractor do the few Phase I repairs while they are working on Phase II repairs was suggested. Jim Roland said he is upset about the decreased escrow funds available because money is going to be paid to Eric Schrock's company and the Township for plowing and paving of roads. He also brought up the issue of dead trees in Phase I. Ron Agulnick said there will be no work done on private lots. Landscaping will be assessed after other work is complete. Buddy Rhoades asked what happened to the money in the maintenance agreement. Siti Crook suggested collecting all the bids, documents, insurances, determining costs, and then doing the work. Vince Pompo stated this is how the agreement is set up. Chris Della Penna's November, 2014 punch list is the roadmap and will be used to collect bids. Eric Schrock's company will go through the list and identify contractors, get bids, and determine costs. Eric Schrock and Chris Della Penna will go through the list. They will work with the Conservation District on the basins. Chris Della Penna can communicate between Erick Schrock, the Board, and Manchester. Ron Agulnick is worried about doing any work in Phase I and thereby opening up to other Phase I requests. Ed Porter stated there is a set amount of money and the main concerns are finishing the roads and the basins. He said he will go forward with the agreement if Jim Roland offers his approval. Jim Roland stated the Phase I basins 1 and 2 need to be checked. He feels they are a critical part of Phase I. There was a discussion about the status of the five basins. Ron Agulnick stated the only involvement Dewey has in the process is signing the Deeds of Dedication when the work is complete.

Vince Pompo explained that the bank is "talking" for the escrow. The bank needs direction on where the escrow money goes. The Township does have the option of following through with the notice of default and the escrow money would go to the Township. The Township would then have to hire someone to administer the funds. The Township would have to put the work out to bid and be subject to prevailing wages. Dewey is signing off on the way the agreement is handled. Dewey has no decision making in this process. Buddy Rhoades asked who is responsible for the basins once the roads are dedicated. Vince Pompo said the HOA is then responsible. Buddy Rhoades said he was concerned that if the HOA goes bankrupt, then the Township might end up responsible for the basins. Charlie Carter asked how much prevailing wage would add to costs. Ron Agulnick said prevailing wages add 25%-30% to costs. Mr. Pomorski asked if there is a deadline for the work to be done. Vince Pompo

stated the agreement states there is a deadline of one year. Joe Pomorski Sr. asked why the Board is not liable for Phase I if a previous Board made an error in regard to Phase I. Vince Pompo said using the \$90,000 from Phase I on Phase II work is the best use of that money. Joe Pomorski Sr. stated Dewey has an obligation to the HOA if something is wrong with basin 1 and 2. There was a discussion about basins 1 and 2 and checking them for possible problems. They also discussed who is responsible for basins 1 and 2. Chris Della Penna stated a small repair should be done on basin 1 but beyond that, basins 1 and 2 are the responsibility of the HOA.

The sense of urgency for completion was discussed. Vince Pompo stated the urgency has to do with getting the roads completed and dedicated in time to be included in Liquid Fuels. If the work isn't started soon, construction and planting season will be missed. Mr. Pompo also said that this is the third attempt at getting this finished.

Jim Roland asked the Board how the empty lot will be dealt with. Ronald Agulnick stated Manchester still owns the empty lot and is trying to sell it to a contractor who will build on it. The empty lot has liens on it. Part of the punch list in the agreement is to clear the empty lot.

Jim Roland asked if the Township will get a bond for any money left in escrow that would be held in that bond for 18 months. Vince Pompo said the agreement doesn't allow for it although the law would require it is part of the dedication process. If there is any money left, the Township has made the commitment that that money will be held for at least 18 months.

ACTION: The Board will put the Manchester Agreement on the Board of Supervisors May 26, 2015 agenda and put it to vote. Jim Roland, HOA President, requested time to think about it as well as discuss with the Manchester Farms HOA.

C. Audit Requirement after a Township Treasurer Resigns

Pani Martin reported that a question was recently raised about whether an audit needed to be done when a township treasurer resigns. Vince Pompo stated there is nothing in the law that requires an audit. Buddy Rhoades stated he disagrees with Vince Pompo. He feels an audit should be done when a treasurer resigns. He asked if the Township is paying the previous Treasurer to train Pani Martin, the new Township Treasurer. Pani Martin stated she may be in for one more instructional session.

D. Review Gasoline Usage for Westwood and Modena Ambulances

Pani Martin reported that in April, Westwood used 209 gallons at an average of \$2.15 per gallon with the total cost at a little under \$450. Pani Martin reported she did not have a report from Modena yet. Buddy Rhoades asked if the gasoline usage is being monitored with a gas card and that they are only fueling the designated ambulances. Ed Porter stated Westwood and Modena have their own gas cards. Tag Gathercole stated Westwood is only putting gas in one specific ambulance. Tag Gathercole also asked what the gas cost limit is. The Board said the gas limit is \$17,000 per year but this year is not an issue because this program was started in April. Tag Gathercole asked if there is a percentage allocated to each fire department. The annual cash contribution is split 60% Modena and 40% Westwood. The Board stated the gasoline agreement is not structured with a percentage split between the two fire companies.

ACTION: The Board will revisit the gasoline limit in January, 2016.

E. Omega Systems/Compnet

Pani Martin reported we are currently using Compnet for our computers and server. At the last meeting she had mentioned we temporarily ran out of room on our server and this blocked email. As a result, the Police Department was without working email for a day. She reported she met with Omega Systems on Monday to review their proposal. Compnet's proposal recommends purchasing a new server within the next two years. Both proposals recommend an email migration. Pani Martin said she is presenting both proposals before the Board for review. Ed Porter asked Vince Pompo about the law surrounding emails for municipalities and if the Township could use a free service such as google business. Vince Pompo said you need to be able to demonstrate that you can take

custody of your email communications that are considered public records. Vince Pompo does not know how to do this other than to have an in house server to store email.

ACTION: Steve Herzog has a technical background and will review the proposals. Steve Herzog will also look at the Township's server.

F. AT&T

Pani Martin reported AT&T came in and presented a proposal. She feels the costs will be comparable to Verizon. AT&T has given us two phones to test in the field. Chris Porter is currently testing the phones. AT&T offers push to touch. The proposal is only for wireless. Steve Herzog stated the land lines cost is high. Ed Porter asked Pani Martin to look into combination business packages. They discussed the television in the office having cable. Ed Porter requested that Pani Martin pull the bills for the cable. Vince Pompo stated the franchise agreement allows for free cable for the Township.

G. Park Day

Pani Martin proposed the Park Day date of Saturday, October 10, 2015. Bob Knecht had discussed Park Day at the previous Board meeting. The Board would prefer to have Park Day planned by the Township if possible. Joe Pomorski stated Park Day is about community more than making money. Pani Martin asked the Board if she should be working on Park Day outside of her normal working hours. Tag Gathercole asked if we still have money left in a special account for Park Day. The Board stated we don't have money assigned to Park Day. Methods of bringing in revenue from Park Day was discussed. The Township could have food trucks pay for space or the Boy Scouts could provide the food. Other ways to make money were discussed. Having prizes for the car show was discussed. There was a discussion about potential activities and options for the event. Buddy Rhoades made some suggestions. The Board instructed Pani Martin to track her hours working on Park Day.

H. Postage for Comprehensive Plan Mailing

MOTION: Joe Pomorski made a motion to authorize payment of postage for the Comprehensive Plan meeting postcards in the amount of \$945.20. Charles Kilgore seconded.

VOTE: 4-0

Pani Martin stated the post cards will be arriving tomorrow. She asked for volunteers to help label and stamp the post cards. The Board volunteered to help at various times.

I. New Business

- 1) Buddy Rhoades requested relief for the trash bill for his deceased parent's property because there has been no trash generated at this property for two years. The Board stated that Mr. Rhoades should be put on a future meeting agenda under "Citizens by Request" and make a formal request. Ed Porter stated there is no clear definition of hardship.
- 2) Pani Martin asked the Board if she could purchase Asana and expense it for reimbursement. Asana is management software. This will just be for the Township Office. A Township credit card was discussed.

3. ADJOURNMENT

MOTION: Joe Pomorski made a motion to adjourn the Board of Supervisors meeting at 8:49 pm. Steve Herzog seconded. VOTE: 4-0

Respectfully Submitted,

Lisa Valaitis,
Township Secretary