

West Deer Township
Board of Supervisors
January 20, 2016
6:30 p.m.

The West Deer Township Board of Supervisors held their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Richard W. DiSanti, Jr., Rick W. Florentine, Leonard Guerre, Shirley Hollibaugh, Joyce A. Romig and Gerry Vaerewyck. Also present were: Daniel J. Mator, Jr., Township Manager; Douglas Happel, representing Griffith, McCague, & Wallace; and Scott Shoup, representing Shoup Engineering.

Chairman Fleming opened and welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator – Quorum present.

No Executive Session was held.

REGISTERED COMMENTS FROM THE PUBLIC:

- Mr. Mike Micklow, MacArthur Drive, Russellton
 - Addressed the Board in regard to a follow-up on his allegation that a Public Works employee used Township equipment on private property in the Russellton II plan. Mr. Micklow was informed that the Township did investigate the issue and determined that the area cut was within the Township’s right-of-way. Mr. Micklow requested a letter from the Township stating its determination, and Mr. Mator stated he would send one.

COMMENTS FROM THE PUBLIC:

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Jack Best, West Starz Road
 - Mr. Best addressed the agenda format, Public Comments, the Seven Springs Conference in regard to the spouse’s expense, and the revising of Home Rule Charter.

He stated that he has always been against the current public comment format, but that if the Board used that format, then the public should have greater detail in the agenda so they know what the Board will be voting on. He cited an example from the current agenda where an item simply said “Home Rule Charter.” He stated that the title gave him no idea what the Board was going to be talking about in regard to the Home Rule Charter.

Mr. Best then commented that he heard a rumor that the Board had approved sending spouses to the Seven Springs Conference, and that – if the rumor was true – he was opposed to it. Supervisor DiSanti asked where Mr. Best heard this rumor, and Mr. Best replied that he saw it on the internet. He then asked the Board if the information was true or not.

Supervisor Vaerewyck replied that spouses were paid to attend the conference the past five or six years, and that the Board had voted to do the same this year. Supervisor Florentine replied that he didn't recall them voting on sending spouses to the conference at the Board's January meeting, however, which caused Mr. Best to ask his question again.

Dr. DiSanti and Chairman Fleming stated that the information was incorrect, as there was no such motion made at the January meeting. Mr. Happel clarified that there was a discussion which took place at the January meeting on whether or not spouses could be taken, that the motion was tabled, and that no motion was made to pay for spouses to attend the conference at the January meeting.

Mr. Best then returned to the discussion of why the Home Rule Charter was on the agenda by asking if the Charter was going to be rewritten. Mr. Happel explained that the motion was on the agenda because there have been comments made over the past decade that the Charter – adopted in 1974 – was in need of updating. Mr. Best then curiously replied that if the Charter needs updating, it should be done by a group of citizens and sent to a public vote, and not rewritten by the Township Manager and Township Solicitor. Mr. Happel agreed with Mr. Best that there needs to be community involvement, and supported Mr. Best's argument by stating that such a change *has* to go before the voters as a referendum. Mr. Best then asked who would then be responsible for making any changes.

At this point, Mr. Mator realized there might be confusion in the room as to where Mr. Best heard that the manager and solicitor were rewriting the Charter, and informed everyone in attendance of the source of that confusion. He read from a Facebook post which read, "They have on the agenda to have the manager and solicitor rewrite the Charter." Mr. Mator then read the actual motion on the meeting agenda. It stated, "I move to authorize the Township Manager and Township Solicitor to explore possible methods to update the Township Charter."

Mr. Mator explained that exploring options for updating the Charter and bringing them back to the Board of Supervisors is completely different from he and the solicitor rewriting the document on their own. He added that nowhere in any of the documentation provided to the Board did it state that he and the solicitor were rewriting anything.

Supervisor Vaerewyck replied to Mr. Mator's explanation by stating that it was he who made the aforementioned Facebook post. He asserted that he had done so because the issue of exploring options to update the Charter was not discussed at the prior meeting, the motion was added between the meetings, and that the agenda was not published one week prior to the meeting. Mr. Vaerewyck therefore reasoned that when he "all of the sudden" saw the motion to explore options of updating the Charter – and that he recalled people on Facebook posting that Township "decisions are made in the back room" – he saw this as a perfect example of a such a back door decision.

Mr. Best again expressed his concern that the Home Rule Charter should not be rewritten by a paid employee (the manager) and a contractor (the solicitor). Mr. Mator agreed, and explained to Mr. Best that – contrary to Supervisor Vaerewyck's statement – this matter did not come up "all of the sudden" and that he never excluded the public from his recommendations to the Board. To support his argument, he read from one of his manager's report to the Board of Supervisors in 2011 where he stated, "I feel it would probably be wise to set up a commission [a commission is made up of citizens] to review the rest of the Code and Charter."

Mr. Mator then stated that he went through his reports, and that about every three months he would remind the Board that they cannot let the matter slide because there are items which need updated. He added that the Charter has some good parts, but there are parts which need updated because they fail the public– as Mr. Best mentioned that evening and Mr. Vaerewyck brings up regularly. Mr. Mator then asked Mr. Best that – in that light – what would be wrong with reviewing the document.

Mr. Best agreed with the idea of reviewing the Charter, and stated that he just wanted to make sure it was done properly. He said he felt that the last tax increase was done improperly, unlike when the Township instituted the Fire Tax in 2005.

Supervisor Vaerewyck stated that he felt the Charter should not be updated, but that he felt it should be followed as it is.

Supervisor DiSanti used the Fire Tax comment to alert the public that when the Fire Tax was placed on the ballot in 2005, he had suggested updating the Charter in at the same time because he felt it would help West Deer. The sentiment of the fire departments, however, was that they did not want to tie the Tax to the Charter updates for concern one might cause the other to be defeated. Mr. Best agreed, and Dr. DiSanti restated that he felt now – as he did back in 2005 – that Charter updates would be beneficial for West Deer Township.

- Mr. Jim Cesnick, Michael Road
 - Mr. Cesnick addressed the Board in regard to the Home Rule Charter, and two items from the last meeting: the Treasurer position and expenses for spouses attending the Seven Springs Conference.

He mentioned that he read the copy of the Charter that had been given to him, and agreed that there were parts of the Charter that could be made better. Mr. Cesnick also echoed Mr. Best’s concern, however, that he felt any changes should be done through an open process that involved citizen input.

Mr. Cesnick then addressed the Board and offered his opinion that the Treasurer’s duties are spelled out specifically in the Charter, and that the position should be separate from that of the Township Manager.

Mr. Happel asked Mr. Cesnick to clarify if he was saying that the Charter explicitly states that one person is prohibited from holding both offices. Mr. Cesnick replied that the Charter does not prohibit it, but that it delineates each position. Mr. Happel then remarked that the issue is an agenda item that would be discussed during the meeting.

Mr. Cesnick lastly addressed the matter of spouses being reimbursed for their attendance at the Seven Springs Conference. He said that the Board could pay for spouses, but – if they did – then the IRS would view that as income. Mr. Cesnick then cited the Charter where it states that supervisors are not permitted to receive income.

- Mr. John Hollibaugh, West Starz Road
 - Mr. Hollibaugh addressed the Board on the Treasurer position and the Seven Springs Conference.

He first asked Mr. Mator if the Treasurer position was a paid position. Mr. Mator replied that it is not.

Mr. Hollibaugh then stated that he was at the last meeting and heard the discussion. So he asked Mr. Mator that if the Finance Officer could not be the Treasurer because of segregation of duties, and Mr. Mator as the Township Manager could not be the Treasurer as some argued, then the Township would have to pay someone to perform the duty. Mr. Mator again responded affirmatively.

At this point, Supervisor Vaerewyck interjected, and stated that Mr. Mator's response was incorrect. Mr. Vaerewyck asserted that because the Finance Officer position was not in the Township Charter, the position did not exist. He added that the Treasurer duties spelled out in the Charter were being performed by Mrs. Nardis.

Mr. Hollibaugh then asked Mr. Vaerewyck if Mrs. Nardis was permitted to serve as the Treasurer. Supervisor Vaerewyck answered that she is indeed permitted to be the Treasurer, to which Mr. Hollibaugh replied that he shared Mr. Mator's concern from the previous meeting that putting someone in a position to both cut the checks and sign the checks presents a greater chance of fraud. He added that Mr. Mator serving as the Treasurer added a level of "checks and balances."

Supervisor Vaerewyck disagreed by responding that the checks and balances would exist in the fact that the Treasurer reports to Mr. Mator, and that Mr. Mator would still sign the check as well. Mr. Mator corrected Mr. Vaerewyck by saying that the only people who sign the checks – as per the Charter – are the Treasurer, the Chairman of the Board, and the Vice-Chairman. He added that, in their stead, another Supervisor would be permitted to sign the check.

Mr. Hollibaugh brought the conversation back to his original question and again asked Mr. Mator if he was paid to be the Treasurer. Mr. Mator replied that he was not paid to be the Treasurer, and that if Mr. Hollibaugh was asking if he had a vested interest in being the Treasurer, the answer is "absolutely not." Mr. Hollibaugh responded that was what he was asking.

Mr. Hollibaugh then asked about the Seven Springs Conference. He said he too read the Facebook posts by Mr. Vaerewyck where Mr. Vaerewyck claimed he was against paying for spouses to attend the conference in an effort to save the Township money – a position Mr. Hollibaugh applauded. Mr. Hollibaugh, however, said he found it ironic that Mr. Vaerewyck was opposed to this practice, yet voted on the same practice the past three years. He also asked Mr. Vaerewyck if he took his own wife last year. Mr. Vaerewyck answered that he did take his own wife, and that it was the incorrect thing to do.

Mr. Hollibaugh followed that question by asking Supervisor Vaerewyck if – when he posted his posts on Facebook – he notified the public that he voted for the practice and that he took his own wife in the past. Mr. Vaerewyck responded that he did notify the public. Mr. Hollibaugh stated that he had not seen such posts, and again asked Supervisor Vaerewyck if he voted on the practice and took his wife last year. Mr. Vaerewyck responded that he did not, then immediately corrected himself and said he took his wife one time in 2015, and that he gave Mrs. Nardis a check reimbursing the Township for his wife's expenses. Mr. Hollibaugh was confused by Supervisor Vaerewyck's answers and asked for clarification.

Mr. Vaerewyck explained that the motion did not mention spouses, and asked Mr. Hollibaugh if he felt spouses should be paid for to attend conferences. Mr.

Hollibaugh responded that he was not sure how he felt on the matter, but that he felt Mr. Vaerewyck should divulge all the information, not just the portions that support his argument. Supervisor Vaerewyck replied that he brought the information to the attention of the residents, and that some citizens commented that they had not known spouses were being paid for to attend the conference based on the motion as stated.

Supervisor DiSanti asked to speak on the matter of the Home Rule Charter, and stated that he felt issues like this are proof that Charter revisions need explored. He then rebutted Supervisor Vaerewyck's earlier statement that the Charter discussion is a new one by adding that revisions have been discussed for over a decade.

Mr. DiSanti then questioned why a Township Supervisor was on Facebook discussing meeting actions when the minutes have not yet been approved by the Board. Supervisor Vaerewyck responded that he has a First Amendment right to speak on the actions. When Supervisor DiSanti responded, "but not to lie, Gerry," Mr. Vaerewyck replied, "Yeah, actually I do."

When the discussion became more argumentative with both the Board and the members of the public, Chairman Fleming brought the discussion to a halt and had the solicitor clarify the matter of whether a supervisor has a First Amendment right to misstate a vote. Mr. Happel explained that there is a duty of each supervisor to the Township to "accurately and timely state for the record" the business that was conducted at the prior meeting. He added that what that means is supervisors have the ability to offer opinions, etc. on matters, but are legally obligated to accurately depict the actions made by the Board of Supervisors.

Mr. Happel then explained that the accurate and timely reporting to the public is done through the approval of the minutes at the following meeting. He stated that the minutes from the January meeting had not been approved yet, but – until they are – changes can be made to the minutes. He therefore said that when a supervisor states that they have a First Amendment right to misrepresent both a motion and a vote at a prior meeting is not correct.

Supervisor Vaerewyck challenged Mr. Happel by stating that the Commonwealth Court "strongly disagrees" with what he just said. Mr. Happel interjected and replied that if Mr. Vaerewyck could provide him a Commonwealth Court case which states that a supervisor can mispresent a motion and a vote, then "please provide me with that case," because he had cited a Superior Court case in an email he sent to Mr. Vaerewyck regarding this matter which says otherwise.

Mr. Happel further explained that the Board of Supervisors – at their January meeting – voted 6-0 to table the motion regarding the Seven Springs Conference to give him time to research whether spousal reimbursement was considered a fringe benefit. He read from Supervisor Vaerewyck's Facebook post that "Last night the West Deer supervisors voted 4-2 to pay for their spouses to attend Township official's conference." Mr. Happel stated "that never happened."

Supervisor Vaerewyck asked Mr. Happel if he would like to discuss the motion prior to the vote to table, which limited the reimbursement to supervisors only. Supervisor DiSanti replied that the issue is what was posted on Facebook, and asked Mr. Vaerewyck if he posted all the motions, or just the one Mr. Happel read. Dr. DiSanti then offered his opinion that he felt what the Solicitor read from Supervisor Vaerewyck's Facebook post was a "distorted comment that never should have been posted."

Mr. Vaerewyck then replied that Supervisor DiSanti and the Board “were caught paying for spouses going that the Township residents don’t like and now you’re upset that you were caught.” Dr. DiSanti took offense to the accusation of wrongdoing. He commented that Supervisor Vaerewyck took his own wife, then asked if Mr. Vaerewyck reimbursed the Township for his wife. Mr. Vaerewyck replied that he did indeed reimburse the Township. When Supervisor DiSanti asked when that reimbursement took place, Supervisor Vaerewyck responded that he gave Mrs. Nardis a check the prior month in December.

Mr. Mator requested a copy of the cancelled check from Mr. Vaerewyck, because he stated he specifically asked Mrs. Nardis if any reimbursements were ever made to the Township, and in the report she provided from 2007-2016, only one reimbursement was ever made, and that took place in 2008 for \$390 when a supervisor was unable to attend. Supervisor Vaerewyck agreed to provide Mr. Mator a copy of the check.

Supervisor DiSanti then stated that Mr. Vaerewyck took his wife the past two years, but Mr. Mator corrected him by stating that Supervisor Vaerewyck took his wife the past two *times*. Mr. Vaerewyck disagreed, and stated that he only took his wife once, but Mr. Mator said the registration forms he had with him at the meeting showed both the spring and fall conference registrations of his wife.

Dr. DiSanti then chided Supervisor Vaerewyck for accusing the other Board members of doing something he did himself. Supervisor DiSanti again commented that he disapproved of Mr. Vaerewyck posting misstatements on Facebook, and that doing so makes it harder for the Board of Supervisors to perform its duties to the people.

Supervisor Guerre commented that when he first came onto the Board, the supervisors paid for their own spouses. However, he stated, the Board changed that policy many years ago, and voted to pay for the spouses’ attendance.

Mr. Hollibaugh again asked to speak, and stated that he recalled the January discussion that the spousal cost was around \$200 to attend the conference. Mr. Mator generally agreed with that amount, and specified that the actual cost was \$243 in past years. Upon hearing this, Mr. Hollibaugh asked the Board to confirm that they are not paid for being supervisors. The Board concurred with his statement, and Mr. Hollibaugh said that, for \$200, he does not know why the Board is even discussing the matter, and that as a resident he would not mind paying such a small amount for spouses to attend conferences.

Mr. Hollibaugh again criticized the entire discussion and stated he did not know why Mr. Vaerewyck would even post what he did on Facebook. Supervisor Vaerewyck replied that he posted what he did because the Charter forbids it. In response, Dr. DiSanti asked Mr. Vaerewyck why he did it, then.

Chairman Fleming felt it was time to move on, and moved forward to the other agenda items.

ACCEPT MINUTES:

MOTION BY Supervisor Romig and SECONDED BY Supervisor Hollibaugh to accept the minutes of the December 16, 2015 meeting as presented. A roll call vote was taken. Members voting yes, Dr. DiSanti, Mr. Florentine, and Mr. Fleming. Members abstaining/not present at the meeting. Mr. Vaerewyck, Mrs. Hollibaugh, Mr. Guerre, and Mrs. Romig. Motion carried, 3 – yes, 0 – no, 4 – abstention.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Romig to accept the minutes of the January 4, 2016 meeting as presented. Members voting yes, Mr. Vaerewyck, Mrs. Hollibaugh, Mr. Florentine, Mr. Guerre, Mrs. Romig, and Mr. Fleming. Member abstaining, Dr. DiSanti/not present at the meeting. Motion carried, 6 – yes, 0 – no, and 1 – abstention.

Dr. DiSanti thanked Board members for their vote for the appointment of Vice Chairman for 2016 at the Reorganization Meeting and also congratulated Mr. Fleming for his appointment of Chairman along with the reappointment of the Solicitor and the Engineer for 2016.

MONTHLY FINANCIAL REPORT:

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
December 31, 2015

I - GENERAL FUND:

	<u>December</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues	318,590.12	5,666,844.26	108.73
Expenditures	1,175,969.76	5,730,753.12	109.96

Cash and Cash Equivalents:

Sweep Account		65,810.96	
			65,810.96

II - SPECIAL REVENUE FUNDS**Cash and Cash Equivalents:****Street Light Fund:**

Sweep Account - Restricted		15,108.01	
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Fire Tax Fund:

Sweep Account - Restricted		98,796.87	
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State/Liquid Fuels Fund:

Sweep Account - Restricted		227,489.52	
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341,394.40

Investments:**Operating Reserve Fund:**

Sweep Account - Reserved		1,295,849.43	
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Capital Reserve Fund:

Sweep Account - Reserved		346,715.71	
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1,642,565.14

**III - CAPITAL PROJECT FUNDS:
Cash and Cash Equivalents:**

	0.00
TOTAL CASH BALANCE 12/31/15	2,049,770.50
Interest Earned December 2015	34.84

Restricted - Money which is restricted by legal or contractual requirements.
Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor Hollibaugh and SECONDED BY Supervisor DiSanti to approve the Finance Officer's Report as submitted. Motion carried unanimously 7-0.

LIST OF BILLS:

Best Wholesale Tire Co., Inc.....	173.95
CDW Government, Inc.....	1802.23
Culverts, Inc.	2704.00
Fifthroom.....	1990.00
Griffith, McCague & Wallace, PC.	959.50
Hei-Way, LLC.....	2102.59
Jordan Tax Service, Inc.	1313.46
Kress Tire	1973.42
Neville Terminal Services LLC.....	690.90
North Hills COG	6350.00
North Hills COG CATV Fund.....	5082.11
Office Depot	588.48
Shoup Engineering Inc.	1861.50
Staley Communications.....	4422.79
Toshiba Financial Services.....	619.54
Trib Total Media	116.80
Tristani Brothers, Inc.....	367.09

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 7-0.

UTILITIES & PAYROLL:

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to pay utilities and payroll from January 21, 2016 to February 17, 2016. Motion carried unanimously 7-0.

TOWNSHIP TREASURER:

At the Reorganization Meeting, there was no action taken on appointing the Township Treasurer for 2016. Mr. Vaerewyck stated it was a violation of the Township Code and Second Class Township Code for the Township Manager to also serve as the Treasurer, and he made the recommendation that Barbara Nardis be appointed the Township Treasurer. Mr. Mator alerted the Board that appointing Mrs. Nardis as the Treasurer would expose the Township to a much greater possibility of fraud.

The Board requested Mr. Mark Turnley, the Township's appointed Auditor, be present to clarify the matter.

Mr. Turnley was present and indicated when he performs an audit, he looks at the positions/job responsibilities, internal controls, and compliance with rules and regulations. Mr. Turnley indicated the Township has a limited staff with only three main people in the office: Daniel Mator, Barbara Nardis, and Cathy Sopko. He stated that most statutory controls are created with larger staffs in mind, and with that being said, he advised that the Board apply a more common-sense approach in interpreting the laws and requirements.

He said that he would first advise that the Board look at the Home Rule Charter in an issue like this. He then added that – absent specific language not allowing those duties to be overlapped – the Board should defer to the Second Class Township Code.

Mr. Turnley stated that it is true in the Home Rule Charter delineates the duties of the Township Manager and the Office of the Treasurer, but he added that – to his knowledge – there is nothing in the Charter which states the two offices cannot be filled by the same person.

He then advised that when one moves to the Second Class Township Code, there is a sentence that says the the responsibilities of the Township Manager do not preclude a person in that position from also acting in a capacity as the Treasurer. He added that, whereas the Home Rule Charter does not specifically say that, the Second Class Township Code does.

Mr. Turnley advised that once that argument has been resolved, one must ask what is good for the Township. He asked if it would be considered *reasonable* to have those two positions combined.

He mentioned that the main practice he evaluates when performing the audit is the segregation of duties. Mr. Turnley explained what that means by saying a person responsible for handling the accounting/bookkeeping should not be the same person who has access to the physical asset for which they're doing the accounting. In other words, the person who is doing your bookkeeping should not be handling cash or cash-like items (checks).

Mr. Turnley concluded that in his professional opinion – even though West Deer only has three people to perform all the financial duties – it would not be ideal to have Barbara Nardis serve as both the Finance Officer and the Treasurer. He supported his position by stating that appointing Mrs. Nardis as the Township Treasurer would increase the level of risk to the Township, and that it would be much riskier to have her in that position than it would to have Mr. Mator fulfill the duty since he has a much greater duty of oversight.

Mr. Turnley finished his presentation by stating that the Township has the duties segregated about as well as they can be segregated in a three-person staff. He then reiterated his stance that even though the Home Rule Charter does not address the issue of whether Mr. Mator could serve as both the Township Manager and Township Treasurer, the Second Class Code specifically says that the functions of the Township Manager and the Treasurer can indeed be one in the same.

Supervisor DiSanti asked Mr. Turnley about his opinion of the Township financial operations and whether the Township is helpful toward Mr. Turnley when he performs his audit. Mr. Turnley spoke favorably in regard to the financial operations and confirmed that the staff is always helpful and accommodating.

When Dr. DiSanti began to make the motion, Supervisor Vaerewyck requested discussion. Mr. Mator agreed, and asked Mr. Turnley what other options existed to the Board beyond appointing Mr. Mator or Mrs. Nardis. In particular, he asked how Mr. Turnley's other municipalities handled this issue and whether or not they hired an additional employee, hired an outside firm, or appointed a citizen volunteer to serve as the treasurer.

Mr. Turnley mentioned that in the Township's three-person operation, only one other person could be considered as Treasurer, and that would be Mrs. Sopko. He said he was not recommending such an appointment, but that Mrs. Sopko would have to want to perform the duty, and already handled the deposits.

He mentioned that in the past many depositories (banks) served as the treasurer for municipalities, but that they have deviated from that practice for liability reasons. He said that was a "risk factor" for banks, because they do not have any say-so in the operations of the municipality.

Supervisor Vaerewyck stated that his concern was that the Township Charter spells out the duties of the Treasurer, and that Mrs. Nardis currently fulfills each of those duties. He questioned how – if she was already performing those duties – giving her the title of Treasurer affects the operation of the Township.

Mr. Turnley replied that he would not disagree with what the Charter says regarding the duties, but that when he looks at the Township operation and compares it to other municipalities, the other municipalities "have their Bard Nardis," but that their Barbara Nardis does not sign checks. He therefore questioned whether the Township Charter's language was outdated based on "prudent internal controls" regarding the Township's finances.

Mr. Vaerewyck stated that Mrs. Nardis was already on the signature cards, so he assumed she already has authorization to sign the checks. Mr. Mator and Mr. Turnley, however, clarified the matter by stating that Mrs. Nardis is a signatory for the *bank accounts*, but that only the Treasurer and Chairman/Vice-Chairman can sign checks.

Supervisor Vaerewyck then mentioned that if Mrs. Nardis already has access to our accounts, she can already commit fraud, so there would be no reason to not appoint her the Treasurer based on the description in the Charter.

In response to Mr. Vaerewyck's comment, Mr. Mator asked Mr. Turnley and Mr. Happel if the duties described in the Charter can be delegated, and – if so – if he (as the Treasurer) could delegate part of those listed duties to Mrs. Nardis. Mr. Turnley deferred to the Solicitor, but said he did not see any language which precludes Mr. Mator from delegating his Treasurer duties. However, Mr. Turnley did mention that if the duties were delegated, any adverse actions by the delegate would fall on Mr. Mator. Mr. Mator agreed.

Mr. Happel was in agreement with Mr. Turnley on all points, but he said he did not know if there was any provision in either the Charter or Second Class Township Code permitting delegation. He did, however, read from the Second Class Township Code, which states that the office of Township Manager and Township Treasurer are "not incompatible."

Supervisor Vaerewyck asked for additional clarification in regard to – if the Charter says the Treasurer *shall* make deposits – does that person have to physically make those deposits. Mr. Mator concurred, and mentioned that is why he asked about delegation. He re-phrased his question by asking if he, as the Treasurer, could delegate the deposits to Mrs. Nardis to perform.

At this point, Mr. Mator brought up the earlier discussion regarding the Charter revisions. He stated that if the Charter is going to be followed literally as it is written in 1974, the Township could be in trouble in 2016. He read the Charter's description of the duties of the Township Manager/Secretary as an example, and showed everyone in attendance how almost all the duties listed are performed by Mrs. Sopko.

Dr. DiSanti addressed the Chairman and stated that he supported how Mr. Turnley had advised the Board, and did not see why the Manager could not also serve as the Treasurer and delegate/oversee some of those responsibilities. He added that the Township hired the Manager to oversee all the departments in the Township, that is what the Township pays him to do, and that is what he does.

Supervisor DiSanti concluded that he does not have a problem with the current operation of the Township, and Chairman Fleming concurred. The Chairman then asked if everyone was willing to move on with the motion, and received agreement from the other supervisors.

Based on the information and recommendation received by the Township's appointed Auditor Mr. Mark Turnley, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to appoint Daniel Mator as the Township Treasurer of West Deer Township for the Year 2016. Members voting yes, Mr. Florentine, Mr. Guerre, Mrs. Hollibaugh, Dr. DiSanti, Mrs. Romig, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 6 – yes and 1 – no.

FINANCE OFFICER:

At the Reorganization Meeting, there was no action taken on appointing Mrs. Nardis as the Finance Officer. Mr. Vaerewyck stated that the Board could not appoint a Finance Officer because no such position exists in the Township Code.

After some discussion, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to appoint Barbara Nardis as the Finance Officer of West Deer Township for the Year 2016. Motion carried unanimously 7-0.

POLICE CHIEF'S REPORT:

Chief Lape was present and provided a summary report on the Police Department for the month of December 2015. A copy of the report is on file at the Township. Questions/comments followed.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER'S REPORT:

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of December 2015. A copy of the report is on file at the Township. Questions/comments followed.

ENGINEER'S REPORT:

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Mr. Scott Shoup represented Shoup Engineering, Inc., and summarized his meeting attendance and details of his formal report:

- Development/Subdivision Reviews:
 - Copper Creek Plan – Subdivision reviews were performed and review letters were issued on November 24, 2015, December 18, 2015 and January 11, 2016.
 - Concordia Senior Living and Dollar General – Staff level meetings were held with developers on December 15, 2015 to discuss prospective projects.

2016 SALVAGE YARD LICENSE APPLICATIONS:

The Township received the following four (4) applications for the 2016 Salvage Yard License in West Deer Township:

- A) Blazczak Salvage, Inc.
- B) Boulevard Auto & Truck Salvage, LLC
- C) Catanese Brothers Salvage
- D) IAA Acquisition Corp.

All four (4) applicants have paid their fees. Mr. Payne inspected the properties on December 15, 2015 and submitted the checklists as per Township Ordinance Number 349.

- A) **BLAZCZAK SALVAGE, INC.:**
115 Kaufman Road, Gibsonia, PA 15044

The Board received Mr. Payne’s inspection/checklist report of the property.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to approve the Blazczak Salvage, Inc., application for the 2016 Salvage Yard License. Motion carried unanimously 7-0.

- B) **BOULEVARD AUTO & TRUCK SALVAGE, LLC**
1813 Saxonburg Blvd., Tarentum, PA 15084

The Board received Mr. Payne’s inspection/checklist report of the property.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to approve the Boulevard Auto & Truck Salvage, LLC application for the 2016 Salvage Yard License. Motion carried unanimously 7-0.

- C) **CATANESE BROTHERS:**
663 Little Deer Creek Valley Road, Russellton, PA 15076

The Board received Mr. Payne’s inspection/checklist report of the property.

At this time, Mr. Vaerewyck commented on various vehicles and tires located on the property and whether the fencing was correct. He called the property an “eyesore” and questioned Mr. Payne’s recommendation to approve the application based on the aforementioned items. Dr. DiSanti commented that a lot of the equipment on the property is for sale.

Mr. Payne indicated that all of Mr. Vaerewyck’s concerns were typical of a salvage yard, and that the issues Supervisor Vaerewyck brought up were – despite their appearance – in accordance with the applicable standards.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to approve the Catanese Brothers application for the 2016 Salvage Yard License. A roll call vote was taken. Members voting yes, Mrs. Hollibaugh, Dr. DiSanti, Mr. Florentine, Mr. Guerre, Mrs. Romig, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 6 – yes and 1 – no.

- D) **IAA ACQUISITION CORPORATION:**
49 Bairdford Road, Gibsonia, PA 15044

The Board received Mr. Payne’s inspection/checklist report of the property.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to approve the IAA Acquisition Corporation application for the 2016 Salvage Yard License. Motion carried unanimously 7-0.

COPPER CREEK SUBDIVISION PLAN:

The Planning Commission approved the Copper Creek Subdivision Plan at their December 17, 2015 meeting.

Developer: Anthony Glasso
 Location: McIntyre Road
 Property Measures: 35.48 acres
 Zoning District: R-2 Semi-Suburban Residential

The Subdivision Plan is for the construction of 29 lots.
 27 lots will be duplex style patio home – 2 lots will be single family detached homes

Duplex style patio homes will be subdivided using a zero lot line subdivision, similar to Whispering Pines. The Planning Commission recommended approval of the Copper Creek Subdivision Plan contingent upon Shoup Engineering comments in his December 18, 2015 review letter. The Board received the review letter dated January 11, 2016 from Shoup Engineering indicating the following comments should be considered:

1. A draft of Homeowner's Association documents including covenants and restrictions should be submitted to the Township for review.
2. A Pennsylvania DEP General Permit must be obtained for the wetland/stream crossing of Copper Creek Trail near station 5+50.
3. An NPDES General Permit must be obtained from the Allegheny County Conservation District prior to the initiation of any earthwork.
4. Pennsylvania DEP Sewage Facilities Planning Module documents must be submitted to the Township.

After some discussion, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to approve the Copper Creek Subdivision Plan as per the recommendation by the Planning Commission including the above four (4) items listed by Mr. Shoup and subject to the Solicitor's approval to the Homeowner's documents. Motion carried unanimously 7-0.

AUTHORIZE ADVERTISEMENT/PART TIME POLICE:

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Florentine to authorize the advertisement for a part time police officer. Motion carried unanimously 7-0.

HOME RULE CHARTER:

The Home Rule Charter of West Deer Township was first adopted in 1974, and has been amended five times since then. The Law has served the Township well, but has become outdated in many respects, and the provisions of the Charter many times conflict with modern township requirements and administration.

Members of the Board and the Township Manager have brought up this concern many times over the past few years, and the conflicts are becoming more and more frequent as the Charter becomes more and more outdated.

Mr. Mator and Mr. Happel have discussed this issue, and request board authorization to explore options for updating the Charter. They could then present their findings to the Board at a later meeting for possible action.

Supervisor Vaerewyck asked for clarification as to what exactly the Manager and Solicitor were proposing. Mr. Happel summarized the different possible methods for the review of the Home Rule Charter, such as:

the appointment of a commission, the solicitor's firm, or a third party organization. Mr. Happel also explained there is a lot to consider on the process such as the time frame and cost/expense to review the Home Rule Charter.

Mr. Mator added that he had reached out to the Department of Community and Economic Development (DCED) as a possible avenue to review the Charter. He stated that the DCED assists municipalities in creating home rule charters, and assumed they would most likely assist in updating charters, as well. Mr. Mator added that this may be the best method, as it involves the public and is done at no cost to the Township. He said he would report back after hearing from the DCED.

It was also noted by both the Manager and the Solicitor that any amendments to the Home Rule Charter would have to be approved by the voters on a referendum.

After further discussion, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to authorize the Township Manager and Township Solicitor to explore possible methods to update the Township Charter. Members voting yes, Dr. DiSanti, Mr. Florentine, Mr. Guerre, Mrs. Romig, Mrs. Hollibaugh, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 6 – yes and 1 – no.

CONFERENCES:

The Allegheny County Association of Township Officials 2016 Seven Springs Conferences are held in the Spring and Fall. This item was tabled at the Reorganization Meeting to give the Township Solicitor the opportunity to research whether the Township paying for a supervisor's spouse is considered a "fringe benefit" or not.

Mr. Happel explained the term "fringe benefits" is not defined in the Home Rule Charter or the Second Class Township Code. Mr. Happel looked at the PA Wage Payment Collection and based on what he read, payment of expenses for spouses attending Seven Springs could be considered be a "fringe benefit" and he would not recommend the Township to pay at this point of time.

Mr. Mator asked Mr. Happel for clarification on the motion as it stood. He read the motion – which did not include any language for or against the reimbursement of spouses – and asked if the motion would need to be modified to be in agreeance with his legal advice. Mr. Happel said it could, but that it was not necessary.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to authorize the Board members to attend the Spring and Fall conferences of the Allegheny County Association of Township Officials, with only the Supervisors' expenses being paid.

Chairman Fleming hypothetically asked all the Board members "Why should we pay for you (as supervisors)?" Mr. Vaerewyck responded that the supervisors should have their trips paid for because they bring back good information and use the event to work with other elected officials. Mr. Fleming, however, countered that it was discussed earlier that the supervisors are not to receive anything, so he was questioning why even the supervisors should be paid for, and why the supervisors being reimbursed is not viewed as a "fringe benefit." Chairman Fleming added that he never took his wife to any of the conferences, and then hypothetically suggested that the Board members pay their own way, and that "we'll see how many people will go then."

Mr. Fleming then asked Mr. Vaerewyck what he was trying to do. The Chairman brought up the numerous accusations made over the years by Mr. Vaerewyck against the Township, the Board, and the employees, and questioned the truth of the accusations. He also asked what ever happened to items Supervisor Vaerewyck stated to the public he received – such as the \$2 million Mr. Vaerewyck said he got for Russellton. Finally, Chairman Fleming asked Supervisor Vaerewyck if there was anything the Board ever did that he felt was "good."

Mr. Vaerewyck replied that he was simply passing on that the residents were upset that spouses were being paid for, and again said supervisors were just upset at being caught. Chairman Fleming challenged Mr. Vaerewyck's assertion that anyone was "caught," and Supervisor DiSanti agreed by stating that Mr. Vaerewyck was implying that the Board and the Township was corrupt. Dr. DiSanti stated that we have professionals, such as our Solicitor and our Auditor, ensuring that the Board is doing things the right way, and that to assert that there is wrongdoing is not being truthful.

Supervisor Vaerewyck retorted that he posted on Facebook that spouses were being paid for, and that the public was outraged. Supervisor DiSanti argued that was not what Mr. Vaerewyck put on Facebook, and again felt that Mr. Vaerewyck's misstatement was wrong.

At this time, Supervisor DiSanti withdrew his Second to Mr. Vaerewyck's Motion.

Mr. Happel explained that many other municipalities pay for spouses, and that there is nothing illegal or unethical about doing so according to the law. He did, however, state that the Charter does not permit fringe benefits, and that it was his opinion that spousal reimbursement could be considered a fringe benefit. Mr. Happel made it clear, though, that nothing had been done "illegally or underhanded" by the Board, and that the practice had been maintained for many years.

After further comments, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Guerre to authorize the Board members to attend the Spring and Fall conferences of the Allegheny County Association of Township Officials, with only the Supervisors' expenses being paid. Motion carried unanimously 7-0.

APPOINT DELEGATE & ALTERNATE TO THE NORTH HILLS COUNCIL OF GOVERNMENTS FOR THE YEAR 2016:

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to appoint Gerry Vaerewyck as the Delegate to the North Hills Council of Governments for the Year 2016. Motion carried unanimously 7-0.

DELEGATE: Gerry Vaerewyck

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Vaerewyck to appoint Leonard Guerre as the Alternate Delegate to the North Hills Council of Governments for the Year 2016. Motion carried unanimously 7-0.

ALTERNATE: Leonard Guerre

RESOLUTION NO. 2016-1/VACANT PROPERTY:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST DEER ACKNOWLEDGING THAT THE ACQUISITION AND SUBSEQUENT DISPOSITION OF PARCEL WITH LOT AND BLOCK NUMBER 1672-N-162 WOULD BE IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF THE MUNICIPALITY.

Property location – 21 Golden Lane

Mr. Payne explained the property/vacant lot.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to adopt Resolution No. 2016-1 acknowledging that the acquisition and subsequent disposition of parcel with Lot and Block number of 1672-N-162 would be in accordance with the Comprehensive Plan of the Municipality. Motion carried unanimously 7-0.

RESOLUTION NO. 2016-2/FEE SCHEDULE:

The Board received a copy of the Resolution and Fee Schedule.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to adopt Resolution No. 2016-2 establishing the various Township fees. Motion carried unanimously 7-0.

COMMITTEES:

At this time, Mr. Fleming explained he is reviewing the benefits of having Committees. Some discussion was held. No action taken at this time.

OLD BUSINESS:

Mr. Mator and Mr. Happel provided updates on the items listed below:

- Township Website
- Alaskan/MSA Development (Former Rock Airport)
- Rebecca Residence

NEW BUSINESS:

- Supervisor DiSanti announced the West Deer K-9 Unit Luncheon will be held on January 31st at 12 noon at the Clarion Hotel-Quality Inn on Tarentum Bridge Road.
- Supervisor Vaerewyck questioned, as stated in the Home Rule Charter, if we will publish the agenda one week before in the newspaper and release the summary within a week of the meeting.

Mr. Happel indicated the part of the Charter that states the summary, Section C-1035, *the Board shall release an agenda of the regular meeting and within one week after the regular meeting, the Board shall release a summary of action taken at the meeting. Within one week after any special meeting the Board shall release a summary of action taken at the special meeting. For the purposes of this section, releases may appear in any newspaper or other publication generally circulated in the Township on a monthly, weekly or daily basis.*

Mr. Happel explained that, because the Board meets once a month, the Township can provide the notice in the newspaper, but added that can we provide the notice by publishing other ways due to the cost to publish in the newspaper's legal section.

Mr. Mator stated that it was discussed in 2015 and it was agreed that this information would be published on the new website. He also mentioned that the Agenda is completed on the Friday before the meeting and could be posted on that Friday. Minutes, however, are posted on the web site only after being approved by the Board.

- Supervisor DiSanti commented on a Supervisor going on Facebook and discussing issues and feels the Township is vulnerable to any malicious misinformation. He asked if the Township could have some way to counteract incorrect information, and would like to implement something to correct the wrong information supplied on Facebook. Dr. DiSanti also discussed ongoing issues.

Mr. Mator explained the backlash from the Facebook posts, and how he and the staff had to manage it. He stated that many people who spoke with him were angry at first, but when they were given the correct information said "this is what we need to know," and asked how the Township could get that information to the people.

Mr. Mator stated that he put a lot of thought into it, and he proposed a tab on the Township website addressing rumors and social media posting with actual documentation (as opposed to his opinion). This was viewed favorably by all those in attendance.

More discussion was held along those lines.

SET AGENDA/REGULAR BUSINESS MEETING

February 17, 2016

6:00 p.m. – Executive Session

6:30 p.m. – Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
 - A. Finance Officer's Report
 - B. List of Bills
 - C. Utilities & Payroll
 - D. Tax Refunds
9. Police Chief's Report
10. Building Inspector/Code Enforcement Officer's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. Resolution/Allegheny County Hazard Mitigation
14. Employment Agreements
15. 2016 Road Program
16. Public Works Truck
17. Dump Body for 2001 Mack Truck
18. MS4/Memorandum of Understanding
19. Code Software
20. Old Business
21. New Business
22. Set Agenda/March 16, 2016
23. Comments from the Public
24. Adjournment

Items Added:

*Curtisville Stormwater Bid

*Rebecca Residence

*Committees

COMMENTS FROM THE PUBLIC:

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Jim Cesnick, Michael Road
 - Volunteered his services for review of the Home Rule Charter and commented on the Township’s web site.
- Mrs. Sarah Bossart, Grubbs Road
 - Thanked the Board for installing the guiderails on Grubbs and Quigley Roads and questioned the abandoned/vacant properties program in West Deer.
- Mr. John Romig, Christonia Drive
 - Addressed the Board on the 910 II Waterline account/payments.
- Mr. Scott Woloszyk, Shuster Road
 - Addressed the Board on the Spring Clean-Up in the Township and volunteered to help in any way.
- Dr. DiSanti, commented on street lighting and suggested “welcome” signs in the Township.
- Mr. Earl Fish, Aber Road
 - Commented that the Board accomplished a lot last year and credited Tracy Adamik who was on the Road Department Committee and indicated he did a wonderful job and hopes the Township carries it on.

ADJOURNMENT:

MOTION BY Supervisor Hollibaugh and SECONDED BY Supervisor DiSanti to adjourn the meeting at 9:05 p.m. Motion carried unanimously 7-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager