

Westfall Township, Matamoras, PA
September 13, 2022

The Regular meeting of the Westfall Township Board of Supervisors was held on Monday, September 13, 2022, at 7:00 pm. The meeting was held at the Township Building on Delaware Drive and LaBarr Lane, Westfall Township.

Those present were Chairman, Jerry Dotey; Vice Chairman, Paul Schaldonat; Supervisors; Paul Fischer; David Twiss; Robert Llewellyn; Temporary Secretary, Barbara Sinclair, and Solicitor Robert F. Bernathy. Also present were Road Master, Keith Rodriguez; EPRPD; Corporal Chelsea Adams; Westfall Township Fire Department Chief Fred Jacobs, Assistant Chief, Kyle Innella; and Accountant Scott Myers. Attorney John Stieh and Ed Verbraak and an associate from PCLP were in attendance. There were approximately 5 members of the general public present.

EXECUTIVE SESSION: The last executive session was held on August 22, 2022, at 6:30 pm for personnel matters.

APPROVAL OF AGENDA:

Solicitor Bernathy stated the agenda needed to be amended adding on as old business under #2 the litigation between the Township and Mr. Lamac.

A motion was made by Supervisor Fischer to approve the amended agenda. The motion was seconded by Vice Chairman Schaldonat and carries with all in favor.

PUBLIC COMMENT: A member of the public stated he attended the sewage authority meeting last week and asked about the Earned Income Tax regarding to contractors while working for Westfall. Chad did not have an answer and I wanted to address it to see if we have gone after these contractors that are doing these buildings and did, they pay the Earned Income Tax.

A conversation was had about who is paying the 1% Earned Income Tax and who is monitoring who is and is not paying the 1% as the member of the public feels millions of dollars are going out the door. Solicitor Bernathy advised that the money is not going out the door, but this is something we can look into. Solicitor Bernathy advised that it is Berkheimer's responsibility to make sure they are paying.

Supervisor Twiss said that to his understanding if you reside in Westfall and work in Westfall, you pay the 1% and if you live outside of Westfall Township and work in Westfall Township you pay the 1%. The question was asked "who is going around to all the contractors to ask what their contractor number is and are their employees paying the Earned Income Tax. Supervisor Dotey and Solicitor Bernathy responded that they do not know. Solicitor Bernathy said we can investigate it. It's up to our tax collector to make sure they are paying this.

A motion was made by Supervisor Fischer to send a letter to Berkheimer to see if they are pursuing that avenue of checking with all contractors who are working in Westfall to make sure that each employee is paying the 1% Earned Income Tax. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

MINUTES:

August 1, 2022 – Regular Supervisor Meeting Minutes: A motion was made by Vice Chairman Schaldonat to approve the August 1, 2022, Regular Supervisors Meeting Minutes with the correction being made to Zoning/Permit report reflecting the correct amount of the permit fees. The motion was seconded by Supervisor Fischer and carries with all in favor.

POLICE REPORT: Corporal Chelsea Adams from Eastern Pike Regional Police Department gave the report for the month of August 2022.

Miles Patrolled: 6,202
YTD: 44,896

Motor Vehicle Accidents: 24
YTD: 143

Calls for the Month: 231
YTD: 1,523
Westfall: 183
Matamoras: 48

Significant Happenings:

- Meeting with DA Tonkin in reference to grants
- PA Chiefs of Police & Blue Zoom Meeting
- Prescription Drug Drop-off Box is available for medication disposal located in the PD Lobby

A motion was made by Vice Chairman Schaldonat to approve the Eastern Pike Regional Police Department Report for the month of August 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

WESTFALL FIRE DEPARTMENT: Chief Jacobs gave the report for the Westfall Fire Department month of August 2022 which reflects the following:

Assist EMS – 6; Assist PD – 0; Automatic Fire Alarm – 7; Brush Fire – 1; Gas Leak – 0; Investigation Chief – 1; Investigation Inside – 0; Investigation Outside – 3; Land Zone – 1; Water Rescue – 4; Stand by 1; Structure Fire – 4; Utility Wires Down – 2; Vehicle Accident – 9; Vehicle fire – 3

Total Calls for July 2022 were 40; Year to Date calls 227; Man Hours 166; Year to Date Man Hours 1019.34

Calls covered by Westfall Ambulance – 99; 1 Matamoras; 1 Orange County – total: 101 Calls
Calls covered by Mutual Aid Ambulances – 2

Total year to date EMS calls: 590
Man Hours: 48
Year to Date Man Hours: 508.5

Supervisor Twiss asked what kind of system we use for dispatch and Chief Jacobs advised it is a forge. Supervisor Twiss asked that once we transition to a paid EMT system will that automatically report monthly response times, calls, etc. or will it be a manual process and Chief Jacobs responded that it will all be there.

- ❖ Received the Richard L Snyder grant through the Greater Pike community foundation to install iPads in all the apparatus.
- ❖ Attended the NY airshow in Montgomery NY to standby with the brush truck
- ❖ On Saturday, October 1, 2022 – we will be doing a prearranged standby for the Newton FD while they attend their county parade.
- ❖ Followed up with the Garden APTs and Planet Fitness – both are moving along with no current issues.

- ❖ Followed up with Best Western – they still have not upgraded the door closures yet. Solicitor Bernathy asked in the Chief’s opinion – how did he feel about this situation, and he responded that this is a safety issue. He stated that when he went there the first time, he was told that the doors were being ordered and they were on backorder. When he went there last week, they were still not in. Solicitor Bernathy asked if he has a paper trail on the conversation with the manager at Best Western and Chief Jacobs responded he did not as it was all face-to-face conversations. After a brief discussion – it was decided that we needed to file an injunction relief to close the Best Western until the doors were fixed for the customer’s safety.

A motion was made by Supervisor Llewellyn to file a preliminary injunction relief to close Best Western. The motion was seconded by Supervisor Fischer and carries with all in favor.

- ❖ Conducted interviews for the EMTs.

A motion was made by Supervisor Twiss to approve the Westfall Fire Department report for the month of August 2022. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

HIGHWAY DEPARTMENT: Mr. Rodriguez gave the highway department report for August 2022 which reflects the following:

- ✓ Replaced the electronic pedestrian crosswalk signal and the Do Not Enter that were damaged in a vehicle accident.
- ✓ Westfall Highway and Port Jervis DPW met with the Army Corp of Engineers, and the Delaware River Basin Commission for our annual inspection of Mashipacong Island Ice Diversion Channel. There are several areas between the mouth of the channel and the access road that will need to be cleared. Westfall, Port Jervis, and Matamoras will coordinate for a scheduled work date this fall.

Chairman Dotey asked when this will be scheduled, and Mr. Rodriguez responded they usually wait until the leaves are off the trees. It was discussed with the Army Corp of Engineers, and they didn’t see a problem with it as it would be Westfall getting a permit to get an excavator in there. A discussion was had about if this can be done from the shore and where they would need to get the permit from. Mr. Rodriguez said they can get to it from the shore, and they would probably have to go through Montague and DCNR for the permits.

- ✓ Shoulder work was done on Rueben Bell, Pond Drive, and Cummins Hill
- ✓ Mowing was done on Pine Hill Farms, Old Milford Rd., and Rueben Bell.
- ✓ We have officially moved into the new Maintenance garage, but we’re still in the process of moving tools and supplies.

Supervisor Twiss asked Mr. Rodriguez a question regarding the residents living on Blue Stone Boulevard. Do we have a commitment of a date when the contractor plans to pave up there so we can make the appropriate notices to the public. Mr. Rodriguez advised that they know our deadline is October 1st so it will probably be the last week of September. Supervisor Twiss then asked how the residents are notified and Mr. Rodriguez stated that he usually prints something up and goes door knocking the best he can and if no one is home he leaves the notice on the door handle. This is what he has done in the past and has worked. Supervisor Twiss thanked him for the information.

A motion was made by Vice Chairman Schaldonat to approve the Highway Department Report for August 2022. The motion was seconded by Supervisor Twiss and carries with all in favor.

BUILDING/ZONING REPORT: The Building/Zoning report was read by Supervisor Llewellyn for August 2022 in the absence of the building and zoning office and reflected the following:

Building Permits – 11; \$14,539.20

Zoning Permit – 11; \$1,425.00
Total Fees Received: \$15,964.20

A motion was made by Vice Chairman Shaldonat to approve the Building/Zoning Report for August 2022. The motion was seconded by Supervisor Twiss and carries with all in favor.

EMERGENCY MANAGEMENT: The Emergency Management report was read by Supervisor Llewellyn for August 2022 in the absence of Mr. Fischetta who stated there were no calls for service for the month of August.

The notification of the Delaware Drive Road closure on social media was well received by the community.

A motion was made by Supervisor Llewellyn to approve the report for August 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

TREASURER’S REPORT: Mr. Scott Myers gave the report for the month of August 2022.

We are 2/3rds of the way through the year. These reports are through August. We collected 100% real estate tax, over 100% transfer tax, 90% of Earned Income Tax, 90% LST, and 477% made over in permits charges for services so from an Income standpoint well above budget and from an expense standpoint everything is in line with the budget, so all is going as planned.

A few questions were asked by the board pertaining to code 360 Charges for Services - is that just solely building permits? Mr. Myer responded that the report has subcategories but the bulk of it is building permits. A question was asked about the Earned Income Tax and where that would be found on the report. Mr. Myer advised that we the year to date on budget basis we should be at 66% in collecting Earned Income Tax and we are at 90%. There is a Year-to-date report for a Profit & Loss comparison for January to August of 2022 and a Profit and Loss Comparison for January 2021. For Earned Income Tax for that period for January to August of this year vs. last year 113,000 ahead of last year. A question was also asked about what kind of accounting system we are, and Mr. Myer confirmed that we are a cash accounting system.

A motion was made by Supervisor Llewellyn to approve the treasurer’s report for August 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

CORRESPONDENCE: On desk for review.

OLD BUSINESS:

1. **Clarification on the Juneteenth Holiday – observed June 19th.** Chairman Dotey stated as it stands right now, we have checked throughout the community in Pennsylvania and pike county, and everyone is observing that day on June 19th.

A motion was made by Supervisor Dotey to observe June 19th as a holiday and close the office. The motion was seconded by Supervisor Fischer and carries with all in favor.

2. **Lamac** – The township requested and received an injunctive relief from the court regarding his property and the conditions of his property as it relates to among other things the burning that is going on at his property. After that relief was requested, he continued to violate the township’s ordinances by doing among other things burning and also violating the court order which led to us filing a contempt against Mr. Lamac. He was held in contempt a few months ago and part of that contempt was that he pays the township’s attorney fees and pay per day fines in the event he did not evict the tenants within 30 days of that order being entered in the court. Unfortunately, more than 60 days have passed, and he has not complied with that order holding him in contempt. We have an

order of injunctive relief and an order holding him in contempt so now we need a motion to file for a second contempt petition. At this particular juncture, Solicitor Bernathy does not know what else to request because there is a 30-day fine and at some point, they may convert that into a judgment and execute that against the property. He also believes there is foreclosure action with the bank, and we hope the bank if they do foreclosure will clean the property up. There is extreme relief that can be asked for now as he was previously held in contempt and that's looking at a period of incarceration in the event he does not comply.

A motion was made by Supervisor Twiss to file a second contempt against Lamac. The motion was seconded by Supervisor Fischer and carries with all in favor.

NEW BUSINESS:

- 1. Schedule a budget Meeting**– The Supervisors have all agreed on Monday, October 17, 2022, at 6:00 to hold a Budget Workshop Meeting.

A motion was made by Supervisor Fischer to hold the Budget Workshop meeting on October 17, 2022, at 6:00. The motion was seconded by Chairman Dotey and carries with all in favor.

- 2. PCLP Representative Ed Verbraak** – Mr. Verbraak and an associate attended the meeting and acknowledged the issues that have been happening with power outages and wanted to provide us with a brief overview of what has been going on and what they have been doing to hopefully correct the problem. Mr. Verbraak gave us a background of how the system works

He advised that we have 2 categories of outages. Momentarily which is a couple seconds to minutes and Substantial which is a long period of time outage. PCLP is not always aware of the momentarily outages until someone calls them on it. They do not have the technology to track them.

For the month of June, we experienced about 7-8 momentary outages, and for July 4-5 of these outages. When looking into the cause of the outages he found that some were caused by trees contacting the lines. The wind blows, the trees make contact, and we experience a blink of power.

He further states that normally they do tree trimming every 3-4 years and cycle trimming should have been 2020 but it wasn't done due to covid. They probably should have done it last year and he can't say why it wasn't done as he wasn't there. He talked to the tree guy and asked him when he could come back, and he stated he can come back in December to do more trimming. We are now into a 6-year cycle instead of 4 years so he asked his tree contract if he could come in and do hotspot trimmings. Hot spots are trees that are already into the wires; he trims them quickly to get them out of the way until they can come back and do the normal trimming. The Nelson trucks have already been out. In December they will be out to do the normal cycle trimming.

The second cause of outages is animal contact especially birds and squirrels. Squirrels get out on the wire or transformer insulation, and they get electrocuted, so they put animal guards on them. The animal guards stop the squirrels but create an environment for the insects which the birds go after and they start pecking at the animal guards. This has led to the birds now being killed and causing outages. The animal guards have come off in the areas the birds frequent and have put insulated tape up in the area it appears the squirrels are making contact and it has helped to eliminate the outages.

We had 2 major outages the day before and that morning from trucks that hit the poles and crews were out all-night getting power restored.

Some outages are out of PCLP's control. They have two feeds from across the river from Orange & Rockland. One that comes straight up Pennsylvania Ave and feeds Milford and the Second one that comes into the substation in Matamoras. We lost that feed two weeks ago from O&R which caused an outage.

Mr. Verbraak also noted that there are a lot of dead trees (ash) out there and they can't keep up with them. His problem is they can trim trees that are in the road right away, but they can't trim trees that are 10 feet off the road and on personal property. They would have to get permission from the property owners to do them.

Supervisor Twiss asked if they can go back and do a look back at an extended period of outages and identify if the root cause was in excess of your 15-foot perimeter and come up with a common denominator of where they are occurring so that we can identify the root cause (ash), is it a homeowner who cannot afford to have the dead tree removed and come up with a proactive plan instead of waiting for a tree to come down on someone driving. Who is ultimately paying for the down trees that are on private property and coming down on the power lines? Who is paying for that cleanup, is it the homeowner or the taxpayers? Mr. Verbraak stated that they have already looked into this, and they know where the spots are. It's the same spots – like on Delaware Drive. He spoke to their tree contractor and some of these trees they cannot even reach as they are too far off the road and too high. The contractor said even with a crane he doesn't think he can get them. Ultimately, they would have to work with the town on a plan to get these down. He cannot afford to do it himself and his tree guy doesn't really have all the equipment to cart the stuff away. If this is something we can work together with then absolutely and he would suggest that have someone from the highway department get a hold of him as he has his tree guy coming back in December that would be the time to start looking to do this stuff. Mr. Rodriguez was introduced to Mr. Verbraak. Mr. Rodriguez informed us that he spoke to a property owner today of one of the bad areas who is willing to have the trees taken down.

The supervisors thanked Mr. Verbraak and his associate for coming to the meeting.

- 3. Pine Hill Farm Preserve** – Attorney Stieh appeared on Pine Hill Farm Preserve's behalf to clean up a little problem that arose back in March. There was an agreement that was signed by both the supervisors and Pine Hill Farm Preserves, and they recorded them. They didn't attach any of the agreements, the supporting documents that were supposed to be attached and identifiable in the courthouse. The appendix was never filed with the signed documents. He is hoping to get the supervisors to sign the same documents but with the appendix attached. Solicitor Bernathy asked Mr. Stieh if there were any changes to Appendix A? Mr. Stieh provided to the Board and Solicitor Bernathy what he was able to find that was missing from the Stormwater Agreement. Solicitor Bernathy advised him that we will compare the documents that he provided to us with the documents that we signed back in March and if there are no changes, he does not have a problem with the Supervisors signing it.

A motion was made by Vice Chairman Shaldonat to amend the Plan approval to reflect the attachment of the exhibits to be conditioned upon documents provided to us matching the original documents that we have on file. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

- 4. Approve Westfall Township EMT job description** – Supervisor Twiss made some minor tweaks to the job description and presented it to the board for approval. Solicitor Bernathy advised that the job description is available to the public.

A motion was made by Supervisor Twiss to approve the EMT job description. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

- 5. Approve the hiring of EMTs** – Westfall Fire Chief Jacobs, Assistant Chief Innella, and President Bill Kofert conducted the interviews on August 29th. Nine individuals applied for the job and 7 requested interviews.

Solicitor Bernathy read out loud the names of the individuals who were interviewed. Solicitor Bernathy asked if they were given the Township employee manual and had their physicals, drug testing, and background checks done. Temporary Secretary Barbara Sinclair advised that the background checks have all been done and all have returned clean. One individual we are still waiting on the results. Assistant Chief Innella advised that the employee manual and all paperwork will be given out to everyone, and he will coordinate with a doctor's office in setting up pre-employment physicals and drug testing for all the EMTs.

A motion was made by Supervisor Fischer to hire all the individuals listed based on the above conditions being met. The motion was seconded by Vice-Chairman Shaldonat and carries with all in favor.

- 6. Revisions to Township Secretary Remuneration** – In lieu of benefits, we are raising Secretary Kaitlin Hildebrandt's salary from \$55,000 to \$58,600 per year.

A motion was made by Vice Chairman Shaldonat to increase Secretary Hildebrandt's salary from \$55,000 to \$58,600. The motion was seconded by Supervisor Fischer and carries with all in favor.

- 7. Assign a Fire Liaison/Commissioner** – Supervisor Robert Llewellyn was nominated to be the Fire Liaison.

A motion was made by Vice Chairman Shaldonat to appoint Supervisor Llewellyn as the Fire Liaison. The motion was seconded by Supervisor Fischer and carries with all in favor.

- 8. Assign an EMS Liaison/Commission** – Supervisor Twiss was nominated to be the EMS Liaison

A motion was made by Supervisor Llewellyn to appoint Supervisor Twiss as the EMS Liaison. The motion was seconded by Supervisor Fischer and carries with all in favor.

- 9. Approve the hiring of Charles Shauger for Part-Time Seasonal Help** – Solicitor Bernathy asked what the hiring was for and Roadmaster Rodriguez advised it would be snowplowing. Vice Chairman Shaldonat asked Mr. Rodriguez if this was at his recommendation, and he answered yes. Mr. Bernathy asked what he would be getting paid, and Mr. Rodriguez advised that CDL employees were paid \$20 an hour.

A motion was made by Vice Chairman Shaldonat to hire Mr. Shauger at \$20 an hour for part-time help. The motion was seconded by Supervisor Fischer and carries with all in favor.

- 10. DeerPark Oil's proposal for Repairs for Hanging Heater** – A proposal was submitted from Deerpark for the repair of the hanging heater in the building next door. The proposal is for \$3,529.98. Chairman Dotey stated that this needed to be done as there is equipment and other items of sensitive nature in there. The question was asked if they are the only company that does this, and Mr. Rodriguez replied that they are not, but they are the company that has been maintaining it and is our oil supplier.

A motion was made by Supervisor Llewellyn to accept Deerpark's proposal for the repair of the hanging heater and proceed with getting it fixed. The motion was seconded Vice-Chairman Shaldonat and carries with all in favor.

- 11. Vote on releasing the money for the sidewalk bond for the school** - The sidewalks are not being done so they would like the money to be used as collateral for the sewer. The amount being returned is \$50,020.00. Do we need any recommendation from our engineer on returning this Chairman Dotey said he didn't think we did.

A motion was made by Vice Chairman Shaldonat to release the bond back to the school. The motion was seconded by Supervisor Fischer and carries with all in favor.

12. Approve the police budget - Chairman Dotey advised that last night the police commission met, and they approved the police budget. There is a copy available for anyone who would like to see it and covers everything you need to see

A member of the public asked as far as the budget goes for the Police Department, we are paying a percentage of 1.3 million dollars to which Chairman Dotey stated that Westfall pays more than Matamoros. The question was asked how much Westfall pays and Vice Chairman Schaldonat advised the split is 70/30. The same member of the public said his question to the board is or actually, I'm wondering why I am confused as to why there is a raise to the four people would be so dramatic, Chief, Asst Chief, Sergeant, and Corporal. Chairman Dotey advised him it was a 5% increase to which he argued that it was more than 5%. It was explained that the first column he is looking at is the budget up to September. The second column is this year's budget, and the third column is the projected budget.

A motion was made by Vice Chairman Shaldonat to approve the police budget for 2023. The motion was seconded by Supervisor Fischer and carries with all in favor.

Mrs. Banach stood up and asked to be heard. She stated that Attorney Stieh led the township into an unbelievable lawsuit that we are all paying for and the fact that he can still practice law is a shame. He comes here with that situation, I'm just totally insulted, and you're just going to look it and brush it away. Solicitor Bernathy replied we did not just brush it away, we represented that we would check it and make sure it is accurate. She replied, you didn't let us talk and you need to understand that as a taxpayer why we are insulting and upsetting. How dare he come here. Solicitor Bernathy said that she needed to take it up with Mr. Stieh and she said she was done.

Supervisor Twiss stated just for clarity it is his understanding that the originals are in the building, and we are going to find those originals and attach them to this already signed document as long as they are an identical match – other than that it isn't going to happen.

Solicitor Bernathy advised Mrs. Banach that she should let Mr. Stieh know how she feels to which she replied they tried to, but you didn't let us talk more about the records, but you didn't want us to hold up the agenda. Solicitor Bernathy said correct, we do not hold the agenda to check township records to confirm what is going on.

EXECUTIVE SESSION: Was held at 8:05 and ended at 8:15 for Personnel matters pertaining to past employees.

ADJOURNMENT: Meeting was adjourned at 8:16 p.m. on a motion by Supervisor Llewellyn. Motion seconded by Supervisor Fischer and carries with all in favor.

Respectfully Submitted,

Barbara Sinclair
Temporary Secretary