

**Elizabeth Township  
Board of Commissioners  
Monday, October 16, 2017  
Commissioners' Workshop Meeting**

**Call to Order**

**Pledge of Allegiance & Moment of Silence**

**Roll Call**

Commissioner Similo-present  
Commissioner Saxon- present  
Commissioner Kuzma-absent  
Commissioner Blake-present  
Commissioner Rhoderick-present  
Commissioner Evans-present  
President Beckowitz- present

**Executive Session Acknowledgement:** President Beckowitz states that there was an Executive Session Monday, October 16, at 6:00 p.m.

**Citizens to address agenda items:**

**Pat Talavinia.** Ms. Talavinia discusses problems she has had for over three (3) years. The microphone is not working properly and it is difficult to hear what Ms. Talavinia is saying to the Board.

Chief Kerestes answers that the Police Department has done what they can to help her. She tells the Board she has reached out to the Magistrate and the Assistant District Attorney. She took a day off work and waited three (3) hours to speak to the ADA and was told that it is a Magistrate problem and he can't do anything for her, he only does criminal. She tells him that it's criminal what is happening and he tells her she needs to speak to her Commissioners and Chief of Police. So for three (3) years she has been dealing with this and nothing has improved. She states she knows that the police have been down there but nothing changes. Chief Kerestes tells her it was Officer Makosey who went down there and spoke to Mr. Brown about the car. He will find out from Makosey whether he tagged it or handed him the violation. Ms. Talavinia asks what good are these violations because he just moves the car down to the next block then he moves it back. Chief Kerestes tells her they have towed his cars. She claims it has not solved the problem and Chief Kerestes tells her he will discuss it with the Magistrate to see how she wants him to handle it. He has to find out if he can send the road crew down to clean it up or if he still has to give him a ten (10) day notice. Ms. Talavinia tells him in the meantime she still has to look at it, sometimes it's a car, sometimes it's an air conditioner, washers, dryers, and right now he's collecting crates of wood. President Beckowitz will follow up with Code Enforcement Officer John Snelson and speak to him personally about it. Commissioner Similo asks if he's ever been fined and is told yes, many times, and then what happens is when he goes to the hearing, she forgives the fines, so what incentive does he have. President Beckowitz tells her she will follow up with John Snelson to have him cited and then attend the next hearing with her.

**Chris Thoma.** Mr. Thoma discusses the Bill Warrant. He explains that he noticed one of the payments was higher than normal and asks the Board about the Lauren Zang and P.J. Murray, Esq. \$59,000 payment. Solicitor Racunas tells him that it was part of a negotiated settlement involving employment matters and that is what's being paid by the Township. Mr. Thoma asks if there is more being paid by our insurance and if that will make the Township's insurance payments go up. Solicitor Racunas explains to Mr. Thoma that it's an employment and litigation matter so the Board has to be careful what they discuss. Mr. Thoma then asks why it wouldn't be discussed openly with Township residents with that kind of money and is told again that it's employment plus litigation so it's very difficult to do that. It is excluded under the PA Sunshine Act as Executive Session discussion type material. Mr. Thoma asks the Board if they all voted yes for this and is told by Commissioner Rhoderick that there was one absent, one abstain, and one no vote. Mr. Thoma states he can understand a yes or no vote because you have the evidence, but he questions why one person would abstain. Was it a lack of knowledge of the information being brought to them? With that kind of a lawsuit or settlement, they should know what it is the Township is being billed for and they should make it part of their routine to find out so they can make an executive decision. Usually insurance payments cover 50%, they cover 60%, they cover 70%, so this is probably just a drop in the bucket of what was actually paid out. He wishes that the Commissioner, and he doesn't know who it was, would make an attempt to find out what's going on so you can make a decision on it. Although at the same time, he feels that this was just 'slid' through and he's disappointed.

Solicitor Racunas advises President Beckowitz against responding but she does tell Mr. Thoma that she is not sure if that person was aware of everything that was going on. Commissioner Rhoderick states that it was him and he explains there was an email sent to the Board and he was excluded from Executive Sessions. He reiterates that they must watch what they say but there was an email that's on record that was sent to the Board explaining why and it's because he didn't attend Executive Sessions. President Beckowitz states he didn't attend those sessions purposely and Commissioner Rhoderick states that it is in an email so if anything comes out there's a record why and why he didn't attend the Executive Sessions.

### **Items for Consideration:**

1. Motion to approve the General Fund Bill Warrant dated October 16, 2017 in the amount of \$275,470.46.  
**Motion:** Commissioner Blake. **Second:** Commissioner Saxon. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**
2. Motion to approve the Sanitary Fund Bill Warrant dated October 16, 2017 in the amount of \$28,615.88.  
**Motion:** Commissioner Evans. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**
3. Motion to approve Sanitary Bond Requisition No. 53 in the amount of \$17,041.50.  
Question on the Motion: Commissioner Similo asks about a budget moving forward with the bonds. Engineer Churilla answers that he has presented this several times and he can get Commissioner Similo a copy, but his last discussion with DEP was they wanted to go with West Penn Funding to see if we can get grant funding and the response was that would not be considered until the Part 2 Permits were submitted which is still on hold because the DEP is deciding how they are going to move forward with Sewickley Township on the Act 537.

**Motion:** Commissioner Saxon. **Second:** Commissioner Evans. **Roll Call Vote: 5:1 absent.**  
**Motion carries.**

4. Motion to approve invoice #3 from Ackenheil Engineers for the Forest Hills Investigation in the amount of \$180.00. **Motion:** Commissioner Blake. **Second:** Commissioner Evans. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**
  
5. Motion to approve and execute Right of Way Agreement for sewer line constructed on parcel 1127-E-285 during Wildcat Hollow Sewer Relocation Project. (*Township is only party to the Agreement because it is our sewer. Contractor is responsible for error.*)  
**Motion:** Commissioner Saxon. **Second:** Commissioner Evans. Engineer Churilla provides the Board with an explanation of this Motion. He tells the Board this is the Penn DOT Wildcat Project and the plans called for a manhole to be installed in an existing right-of-way. The contractor installed it on private property rather than in that right-of-way. The contractor has taken full fault and responsibility for the error and what the agreement is saying the contractor will remit payment to the property owner but the Township is party because it's a Township sewer and will be a Township easement. The Township will record the easement but the contractor is paying. **All in Favor: The Ayes have it, Motion carries.**
  
6. Motion to place 2007 Chevrolet Impala VIN2G1WS55R379254545 mileage 86, 561 out for bid. **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
  
7. Motion to waive rental fees of Community Center for Twin Rivers Outreach Ministries Meetings for 10/16/17, 10/23/17, and 10/30/17. **Motion:** Commissioner Saxon. **Second:** Commissioner Blake. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
  
8. Motion to purchase gift cards for all full-time employees for Thanksgiving as done in years past. **Motion:** Commissioner Similo. **Second:** Commissioner Evans. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries**  
  

**ADDED MOTION:** Commissioner Rhoderick has a question on Motion #6. Dave Baumgartner came to him before meeting and showed interest in the car for the fire department. Dave tells the Board that they would like to see if they can fix the car to use it instead of using their squad truck for travel back and forth to training. Chief Kerestes tells the Board that the car needs work in the front end passenger side the air conditioner needs charged every summer and the police department doesn't want to sink money into fixing it. Commissioner Saxon makes a Motion to rescind Motion #6. **Motion:** Commissioner Saxon. **Second:** Commissioner Rhoderick. Motion. **All in Favor: The Ayes have it, Motion carries.**
  
9. Motion to ratify approval of 3% raise for Code Enforcement Officer, John Snelson retroactive to his anniversary date of 7/21/17. **Motion:** Commissioner Blake. **Second:** Commissioner Saxon. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
  
10. Motion to ratify approval for salary increase to \$85,000 annually for Police Chief Dave Kerestes retroactive to his anniversary date of 3/2/17 as well as Longevity back pay.

**Motion:** Commissioner Blake. **Second:** Commissioner Evans. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**

11. Motion to hire Joseph Volpe part time as Assistant to Code Enforcement Officer at the rate of \$10.00/hour.

President Beckowitz pulls Motion #11 to do more research.

12. Motion to terminate current Telephone Maintenance Agreement with David Davis Communications.

**Motion:** Commissioner Blake. **Second:** Commissioner Evans. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

13. Motion to approve Comcast Voice Edge as the new phone system for Elizabeth Township. (*Phone line service is currently provided by Comcast.*) **Motion:** Commissioner Similo. **Second:** Commissioner Blake. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

14. Motion to authorize Comcast to expand service to the Chapel Drive facility at no cost to Elizabeth Township. Comcast will assume full construction cost of at least \$9,165.24, a benefit of switching to Comcast Voice Edge Phone System. **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**

15. Motion to approve and execute Boston Field Cameras Cooperative Installment and Maintenance Agreement as prepared by Township Solicitor between Elizabeth Township and Mon Yough Trail Council. **Motion:** Commissioner Blake. **Second:** Commissioner Saxon. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

16. Motion to deny a Conditional Use Application submitted by Christopher Farkas for a two family dwelling to be located at 702 Greenock Buena Vista Rd. Greenock, PA 15047. **Motion:** Commissioner Saxon. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**

17. **ADDED MOTION:** Motion to purchase a 2018 Mac Stainless Steel Dump with plow equipment at a cost of \$147,227.00. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. Question on the Motion: Commissioner Evans asks if the Township is going to finance the truck or pay for it and President Beckowitz tells him it is a 3-year finance payments at a total of \$52,151.42 a year. Commissioner Evans confirms that it fits our budget. **Roll Call Vote: 5:1 absent. Motion carries.**

18. **ADDED MOTION:** Motion to advertise a Public Hearing on November 15, 2017, at 6:00 p.m. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. Solicitor Racunas explains that this is going to be in anticipation of the Conditional Use Application filed by Huntley & Huntley. It's currently going to be before Planning on Wednesday. Because of the time frames that are set forth by the MPC, we need to schedule a hearing so that will be on November 15 at 6:00. **Roll Call Vote: 5:1 absent. Motion carries.**

19. **ADDED MOTION:** Commissioner Saxon makes a Motion that any applications submitted to the Township are public record and that they would be placed on the Township website. **Motion:**

Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

**20. ADDED MOTION:** Commissioner Saxon makes a Motion to amend the meeting minutes from October 17, 2016, to change the word 'resignation' to 'retirement' for Sgt. Robert Donnelly. In the minutes it states that he resigned and actually Sgt. Donnelly retired. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

**21. ADDED MOTION:** President Beckowitz makes a Motion to remove personnel items from Joelle Whiteman's file. **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**

### **Discussion Topics:**

#### Proposed Poultry Ordinance

**George Dukic.** He's following up on the proposed Poultry Ordinance and states that it's actually a Farm Animal Ordinance. He tells the Board it was brought to their attention to vote on in June but was postponed by President Beckowitz for a Public Hearing. He claims it was back in June and he's paid attention to all these meetings to see if there's been any discussion on it since and there has not and he would like to know why. President Beckowitz tells him that they have been busy with a lot of other stuff that's more important than chickens right now. He asks her, 'so it's not important?' and she explains other things take precedent. He asks if they will have time tonight and she tells him that is what they are doing right now, they are going to discuss the chicken ordinance. He tells her that he appreciates that and if she has any questions, he would be happy to answer them for her.

President Beckowitz asks the Board if they had a chance to look at the handout that was given to her. She asks if anyone has any comments or suggestions on the ordinance itself. She changed the 40,000 sq. feet to an acre because 40,000 is less than an acre. Commissioner Saxon confirms that you must have at least an acre. Commissioner Similo still feels that we must destroy the integrity of residential zoning and an acre is certainly not big enough. It should be kept to agricultural and industrial. He states that we've already had problems and in Greenock we've had the police over on account of chickens. Chief Kerestes confirms that he's had a gentleman speak to him about being threatened over possibly hitting one of the chickens. President Beckowitz states that the ordinance is for five (5) chickens but she believes five (5) is too many and Commissioner Similo states again that he believes an acre is too small. Commissioner Blake states that they should not be allowed to run free, that they should be fenced in.

Mr. Dukic asks if the Board actually read the ordinance because it outlines everything they are discussing in detail. The Municipal Ordinance that has been on file for quite a long time, longer than the zoning that's being amended or proposed to be amended, has stated that for the entire history of this Township. Just to follow-up with you Mr. Similo, the City of Pittsburgh actually allows people to have farm animals such as chickens and geese. Commissioner Similo tells him the City of Pittsburgh also has shootings every night too, if you want to be like them, fine. Mr. Dukic tells him for the amount of money he pays in taxes to live here for his property, he would like to use his land

the way he likes to. Commissioner Similo and Mr. Dukic discuss different zoning rules and what he's asking for is to correct the conflict in the ordinance. Commissioner Similo states that he would correct it by eliminating it and Mr. Dukic states that if he read the ordinance, he would understand what the change was.

President Beckowitz tells Mr. Dukic that she understands the ordinance but by the same token, if these chickens do get away and run wild, it's the police that get called and they've got better things to do than chase chickens. Mr. Dukic tells her he agrees but he doesn't believe many people in Greenock have an acre of property so you would be able to use the ordinance itself to enforce the law. President Beckowitz asks him what the Township is going to do about somebody that doesn't clean the coop. There is discussion about an article discussing the dangers of keeping unclean chickens and residents who don't follow the ordinance. President Beckowitz also states that our Building Inspector has better things to do than go around checking for chicken coops that aren't clean. Mr. Dukic asks if the Board is going to set a date for a Public Hearing on this so that the public can speak instead of just everybody here who obviously hasn't read the ordinance.

Solicitor Racunas tells him it has to go to County Planning and then they can set up a public hearing. Mr. Dukic tells him that's fine, but he thinks that this is not being reviewed and he thinks everybody should review the information before they form an opinion. Solicitor Racunas states he can send it to County Planning and that he will wait to review their comments. Commissioner Rhoderick asks Chief Kerestes if he gets a lot of calls about chickens. He replies no, that there are a couple of people down in Greenock with free-range chicken. A man who is always complaining the chickens are in his yard was threatened over it because the chicken was hit by a car and the woman who owned the chicken threatened to sue him. Commissioner Rhoderick asks him how many calls he thinks he gets a year for chickens and Chief replies only a couple, nothing major.

Mr. Dukic asks to follow up with one more thing. He doesn't think the people realize there are draft horses over in the Howell plan. This woman has 6 acres and they're back there and nobody knows they're there. There are a lot of animals all over this township, he sees goats, he sees chickens, he sees horses, and he sees various animals. He has not seen any changes and he's been watching this for over a year. He then tells the Board he appreciates their time.

Commissioner Saxon states the only problem he sees is what the Magistrate is going to do when someone gets cited because they didn't clean their chicken coop. He explains that she (Ms. Talavinia) has been coming to meetings for as long as he's been a Commissioner complaining about the people with their cars and junk and stuff in their front yard or encroaching in her yard for 3-4 years. He really doesn't have faith that the judicial system is going to hold people accountable. He states he is not formulating an opinion either way, but as far as Mr. Dukic's comment to go out and cite them, he knows what we're going up against. There is discussion between Mr. Dukic and Commissioner Saxon about examples of citation and fine break downs at the Magistrate level and how that's part of the problem with all of our ordinances and that's this is an issue that we should take that into consideration also. If its junk vehicles, and they're not pulled, the junk vehicle ordinance was a \$1,000 fine, ninety (90) days in jail and you got your vehicle towed, correct? And they're lowering fines left and right and the guy continues to do it. Mr. Dukic states if President Beckowitz would go to the next hearing, maybe that wouldn't happen. Commissioner Saxon tells him and that's what I'm hoping, but I'm just saying, when you said it's as easy as clean it up or we'll cite them, he doesn't have any faith in that either and he's not saying that formulates an opinion one way or the other, he's just saying that there's some serious breakdown.

Mr. Dukic states this is just another example of how our Township is stuck in the 60's, not in the 21<sup>st</sup> Century and he states that Jefferson and Rostraver and other townships around here are a lot more progressive. President Beckowitz tells him that's not everywhere, her son lives in North Huntington and they're not even allowed to have a shed in their backyard. Mr. Dukic replies well I look at Jefferson Hills, I look at Rostraver and other surrounding townships and see how progressive they are and they're blowing us away, but that's just his opinion. Thank you.

President Beckowitz states well chickens aren't the answer, chickens aren't going to bring us tax revenue. Commissioner Rhoderick states that he doesn't get many complaints about chickens but junk cars, he has a laundry list, and Commissioner Saxon agrees. President Beckowitz confirms with Solicitor Racunas that they need to make a Motion to have him send it to County Planning. Commissioner Rhoderick asks if it's still one acre and states that he's fine with one acre. Commissioner Saxon offers to make the motion to send it to County Planning.

**22. ADDED MOTION:** Motion to send proposed Chicken Ordinance to Allegheny County Planning. **Motion:** Commissioner Saxon. **Second:** Commissioner Blake. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries**

President Beckowitz states there is no further business before the Board.

**Motion to Adjourn: Motion:** Commissioner Rhoderick. **Second:** Commissioner Saxon.

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President, Chris Evans

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Joelle Whiteman, Office Manager