

**Elizabeth Township
Board of Commissioners
Monday, November 21, 2016
Commissioners' Workshop Meeting**

Call to Order

Pledge of Allegiance & Moment of Silence

Roll Call

All Present

Executive Session Acknowledgement: Solicitor Racunas acknowledges that there was an executive session held to discuss litigation & personnel items. There are many signed up to speak during the public comment period, the audience is asked to keep their comments limited to the three minute rule.

Bid Opening: Opening of bids received for Dennis Street.

Creative Enterprises Corp. - \$47,950.00

DeFrank Development, Inc. - \$51,314.00

Lawson Excavating, Inc. - \$54,790.00

Bioni Drilling - \$56,185.00

Michael Facchiano Contracting, Inc. - \$58,890.00

D'Andrea Plumbing & Construction - \$60,259.00

Plavchak Construction Co., Inc. - \$61,840.00

Soli Construction, Inc. - \$64,440.00

Fogle Construction, LLC - \$64,500.00

A. Merante Contracting - \$71,698.00

Independent Enterprises, Inc. - \$74,505.00

Discussion:

Private Roads – Commissioner Similo states that the term private roads is a misnomer. The Township should take care of any road that has several houses on it. If they're paying taxes, I think we need to take care of the public. These are roads that have houses on both sides and the houses have driveways. Commissioner Saxon asks Solicitor Racunas if there can be something set in place for how many residences need to be on a road or street to take care of it. Solicitor Racunas responds that there is more detail involved, the roads would need to be looked at and brought up to specs and the cost of that versus what the Township would be receiving from Liquid Fuels. There is continued discussion of storm water management and how to drain water properly onto state, county, & Township roads.

Citizens to Address AGENDA Items:

Resolutions:

Motion to adopt a resolution for slum & blight required for the CDBG Funding for year 43.

1st Motion Commissioner Beckowitz

Second Commissioner Evans

All in Favor: **Motion Carries**

Motion to adopt a resolution authorizing the filing of an application for the CDBG funds with Allegheny County Economic Development.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

All in Favor: **Motion Carries**

Items for Consideration:

1. **Motion to approve the Commissioner Meeting Minutes from November 7, 2016.**

1st Motion Commissioner Kuzma
Commissioner Similo – Yes
Commissioner Saxon – No
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
6:1, **Motion Carries**

Second Commissioner Blake

2. Motion to approve the November 21, 2016 Bill Warrant in the amount of \$216,387.19 which includes \$1,449.13 for Sanitary Department payroll that will be reimbursed from Sanitary Funds.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

Commissioner Similo – No
Commissioner Saxon – No
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
5:2, **Motion Carries**

There is discussion between the commissioners about having a packet of information delivered to them once a week as opposed to just the Friday before the meeting or meeting an hour before the meeting time for discussion that would be open to the public.

3. Motion to approve the Sanitary Fund November 21, 2016 Bill Warrant in the amount of \$108,938.45.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

Commissioner Similo – No
Commissioner Saxon – No
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
5:2, **Motion Carries**

There is discussion between Bryan Churilla of KLH Engineers and the Commissioners in regards to the Engineer Retainer fee and the work KLH does under the retainer for the Township. Bryan Churilla states that KLH was not hired under a flat fee for the Sanitary Department earlier this year and that he can propose a monthly retainer separate from the Township and he will make an itemize list of work done under the retainer for the Township since January 2016. The Board states that it can only be beneficial for everyone. Commissioner Kuzma brings up that he has residents in his ward who use no utilities but still have to pay a \$42.00/month minimum sewage bill. He states that he understands that sewage taps are valuable and that residents should say something but perhaps the monthly minimum bill could be reduced to something along the lines of \$5.00. Some research will be conducted as to what the minimum bill should be.

4. Motion to approve Bond Requisition No. 42 in the amount of \$25,482.00.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

Commissioner Similo – No
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes

Commissioner Evans – Yes

President Rhoderick – Yes

6:1, **Motion Carries**

5. Motion to accept the revised proposal from Weisel, Xides & Foerster, LLP regarding professional services rendered as the Solicitor for the Elizabeth Township Zoning Hearing Board.

1st Motion Commissioner Beckowitz

Second Commissioner Blake

- **Motion to table motion to accept the revised proposal from Weisel, Xides, & Forester, LLP regarding professional services rendered as the Solicitor for the Elizabeth Township Zoning Hearing Board.**

1st Motion Commissioner Saxon

Second Commissioner Similo

All in Favor: **Motion Carries**

6. Motion to approve payment to Weisel, Xides and Foerster in the amount of \$5,000.00 for professional service fees relating to the appeal filed by Allegheny Energy, LLC. **REMOVED

7. Motion to execute the agreement between Legal Tax Service and Elizabeth Township in connection with the billing and collection of sanitary sewer user fees.

1st Motion Commissioner Beckowitz

Second Commissioner Blake

- **Motion to table motion to execute the agreement between Legal Tax Service and Elizabeth Township in connection with the billing and collection of sanitary sewer user fees.**

1st Motion Commissioner Kuzma

Second Commissioner Saxon

All in Favor: **Motion Carries**

8. Motion to advertise for sewage billing services & collection of sanitary sewer user fees.

1st Motion Commissioner Similo

Second Commissioner Saxon

All in Favor: **Motion Carries**

9. Motion to accept the 2017 Option Year for contracted trash removal services with Waste Management at a cost of \$14.17 per unit per month including the cost of the Door to Door Service Collection for Hard to Recycle Items.

1st Motion Commissioner Beckowitz

Second Commissioner Evans

All in Favor: **Motion Carries**

10. Motion to advertise the 2017 Elizabeth Township General Fund and Sanitary Fund Budgets for public inspection and adoption.

1st Motion Commissioner Kuzma

Second Commissioner Beckowitz

All in Favor: **Motion Carries**

President Rhoderick commends Commissioner Beckowitz for her work and assistance with the budgets in addition to Lauren Zang.

11. Motion to approve the FY2017 Consulting Engineer's Annual Report in accordance with the proposed 2017 Sanitary Budget to be submitted to BNY Mellon.

1st Motion Commissioner Beckowitz

Second Commissioner Blake

- **Motion to table motion to approve the FY2017 Consulting Engineer's Annual Report in accordance with the proposed 2017 Sanitary Budget to be submitted to BNY Mellon.**

1st Motion Commissioner Similo

Second Commissioner Saxon

All in Favor: **Motion Carries**

12. Motion to advertise the sale of the Elizabeth Township Authority building located at 2420 Greenock Buena Vista Road with bids to begin at \$125,000.00.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

All in Favor: **Motion Carries**

President Rhoderick asks Bryan Churilla of KLH if he investigated the feasibility of turning the building into a library. Bryan Churilla states that it is not feasible due to the walls and height of the ceiling being undersized.

13. Motion to authorize payment of \$108.94 out of the K9 Donation Fund for maintenance items.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

All in Favor: **Motion Carries**

14. Motion to authorize payment to Barrier Protection \$1,429.80 for service and labor to install, program and connect cellular communications to existing alarm system at Community Center.

1st Motion Commissioner Beckowitz

Second Commissioner Blake

All in Favor: **Motion Carries**

15. Motion to award the Chapel Drive Building Improvements, Contract 2016-03, to Golon, Inc. in the total bid amount of \$77,535.00.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

Commissioner Similo – Yes

Commissioner Saxon – Yes

Commissioner Kuzma – Yes

Commissioner Beckowitz – Yes

Commissioner Blake – Yes

Commissioner Evans – No

President Rhoderick – Yes

6:1, **Motion Carries**

Commissioner Saxon questions what the layout will be. Commissioner Beckowitz states that there are drawings and the money needs used. Bryan Churilla states that the goal is to just bring the building up to code.

16. Motion to approve the Neopost Certified Mail Postage Software at a cost of \$52.00 per month.

(Note- cost savings is \$1.35 per each piece of certified mailed, electronic database kept and barcode scanning used for accuracy.)

1st Motion Commissioner Beckowitz

Second Commissioner Blake

All in Favor: **Motion Carries**

17. Motion to terminate Shiloh Services for IT Support at the Sanitary Sewer Plant and add David Davis Communications for a savings of \$34.00 per month.

1st Motion Commissioner Beckowitz

Second Commissioner Kuzma

All in Favor: **Motion Carries**

Citizens to address items:

President Rhoderick refers to motions made last meeting in regards to investigating paid holidays and vacations for employees that did not meet the criteria to receive pay for those days and the claim that Commissioner Saxon knew nothing about these paid days. President Rhoderick reads an e-mail that Commissioner Saxon was copied on for September 2015 authorizing the former Township Manager to take a paid vacation from September 8, 2015 – September 11, 2015 before his anniversary date on October 14, 2015. Bond reqs were just approved tonight. While the former Township Manager was taking a paid vacation that was not board approved, he signed off on four bond requisitions all on the same date number 99, 30, 31, & 32 that totaled 417,555.00. \$366,000.00 went to Gateway Engineers. The former Township Manager, Harry Faulk's signature were on those and he was never authorized by this board to sign off. When we got our audit back last year, Maher Duessel said that out of \$865,826.00 in bond requisitions selected for review, in their judgement could only identify \$60,003.00 of expenses reimbursed that were clearly consistent with purposes of the bond issue. The Hiring Policy states that 6 people must be interviewed and there were only 5 when the former Township Manager was hired. The

Assistant Township Manager was hired without an advertisement for the position being placed in a newspaper of general circulation, violating the Hiring Policy.

18. Motion to turn over for investigation to the PA Attorney General and the Allegheny County District Attorney collusion between the current and former Elizabeth Township Commissioners, former Township Manager Harry Faulk, former Sanitary Authority Chairman Ed Campbell, and former Sanitary Engineer Gateway Engineers for the investigation of spending of hundreds of thousands of Elizabeth Township tax dollars that were not Board approved and according to the 2015 Elizabeth Township audit performed by Maher Duessel, not justified.

1st Motion President Rhoderick **Second** Commissioner Kuzma

All in Favor: **Motion Carries**

Commissioner Evans asks how far the investigation could go back. President Rhoderick states that it would be at their discretion. Commissioner Evans states that they should look in to when the Municipal Garage was built. Commissioner Similo states that it was built with bond money way back when.

Megan McDonough – Asks if these issues were addressed already at the March meeting. President Rhoderick states that turning this over to the PA Ethics Commission is something different. Megan McDonough asks what the findings were of that investigation. Solicitor Racunas states that the Township has not heard anything back yet, the Ethics Department is very short-handed right now and investigations are taking a lot longer. President Rhoderick states that this is completely different from ethics, this is a criminal investigation.

Scott Taylor – Scott Taylor suggests bringing the investigation of wrongful hiring to the present when Lauren Zang was hired as Office Manager/Finance Specialist. President Rhoderick addresses the comment by stating that these were different situations, the hiring policy was temporarily suspended to hire Lauren Zang as Office Manager/Finance Specialist as it was when Commissioner Evans suggested that the board suspend the hiring policy for one motion to hire the Chief of Police. When the former Township Manager was hired, the hiring policy states that at least 6 people must be interviewed, there were only 5. When the Assistant Township Manager resigned on December 31st and became the Administrator for the Sanitary Authority, there was no advertisement, there was nothing done at all. If they would have come to the meeting and said they wanted to set aside the hiring policy that may have worked like it did with the Police Chief. President Rhoderick states that the Sanitary Authority had a budget of \$415,000.00, it went over by \$200,000.00 and that was never board approved. All of this money that came through the bonds, there's nowhere for it to go.

President Rhoderick states that at the last meeting there was a broad discussion about harassment and RTK's. He says that Commissioner Saxon stated that he doesn't give out any Township information to anyone, however his wife Monique Saxon has stated in previous meetings that are in the minutes that agendas were different that were posted online than what was included in Commissioner Saxon's packet. Solicitor Racunas comments in regards to RTK's and requesters claiming that their request was not adequately responded to. The Township has no obligation to create a document to fulfill a RTK, they only need to provide you with existing documents. President Rhoderick states that Monique Saxon has also posted agendas that were included in Commissioner Saxon's commissioner packet onto social media sites.

19. Motion to hold Commissioner Paul Saxon personally and financially liable for all legal bills that are incurred as the result of any harassment claims that are directly due to him or anyone used by him as an instrument for harassment to cause the Township to incur any legal fees.

1st Motion President Rhoderick **Second** Commissioner Kuzma

There is discussion about the motion. Solicitor Racunas states that the motion may be putting the cart before the horse. President Rhoderick withdraws the motion and states that if there are any legal bills incurred by the Township, they will revisit.

Cyndi Rojohn – Asks if in the Elizabeth Township Employee Handbook there is documentation on what is and what is not proper for employees on social media. President Rhoderick states that we do not and the Township is looking into it establishing a policy. Cyndi Rojohn states that these kind of polices were her life’s work and suggests that the employee involved in the recent social media post be terminated. Cyndi Rojohn adds that if the Township needs any help with putting a social media policy for employees in place, she would be happy to help.

Chris Thoma – States that the Commissioners need to stop looking for the slam on each other because there is a major problem with the sewage in the Township. Plans have been put out and we don’t even have a direction yet. President Rhoderick responds that to move forward, we need to undo what was done. Where this leads to in regards to have happened then and what happened now, we’re going to have to borrow money. Commissioner Similo states that at one time Elizabeth had an Act 537 that was approved by the DEP and was stopped by this board. Audit reports state that we would have been finished by December 2015. We’re starting all over again for the third time. Chris Thoma states to stop worrying about what has been done in the past. Commissioner Beckowitz states that she fought to not have the plan stopped and because it cost us so much money, someone has to be held accountable.

Patty Hoffman – States that she has a petition signed by over 400 residents expressing their opposing for the power plant and that they support to decision of the ZHB. States that the residents will be watching to make sure that the members of the ZHB uphold their positions.

Dave Michalek – This is now the fourth time I’m appearing from you. Asks the board what the time frame is that his neighbor was given to make the corrections to his property. Solicitor Racunas states that he has 30 days to file an appeal or make the corrections and if neither is done he will start getting fine on the 31st day. Dave Michalek states that the variance was taken care of, however there still have been no building or occupancy inspections conducted. Solicitor Racunas states that he will look into issuing citations and that he will look into how BIU follows up on making sure that the requirements of the building permits issued are being upheld. John Snelson states that the occupancy permit application listed on the Elizabeth Township website is for sale and rental, the Building Inspector issues the certificate of occupancy when the final inspection of the new construction is conducted. It’s the permit holder’s responsibility to call for the final inspection. Commissioner Similo states that the Township hired BIU so we are responsible for them doing their job. President Rhoderick states that the contract with BIU is up in May and the Township will either need to retain them or not retain them.

Ron Maurer – Ron Maurer comments on RTK’s. He requested the labor cost estimates for the paving of three private roads and received only the materials cost. Solicitor Racunas states that he would have to look at Ron Maurer’s RTK request, however the Township is not obligated to create a document to fulfill a RTK request, only give out the information that they already have on file. Commissioner Beckowitz states that if the paving was done in-house, then the materials cost would be all that the Township would have in regards to the paving.

Debbie DeCubellis – Debbie DeCubellis is from Greenock Volunteer Fire Company to get an agreement between GVFC and Elizabeth Township corrected. States that she received a letter from Solicitor Racunas stating that Greenock Volunteer Fire Company owes the Township \$2,000.00 and \$500.00 per the last four years. There was never a discussion about paying \$2,000.00 per year because we definitely could not have afforded it. The Commissioners agreed that we would pay \$1,500.00 per year for a term of 20 years for a loan of \$30,000.00. There are several discrepancies in the agreement that Debbie Decubellis would like corrected. Resolution 86-11 ratified for the amount of \$1,500.00 per year for 20 years. Solicitor Racunas states that he will make an addendum to the agreement and include that Greenock Volunteer Fire Company receive a yearly bill.

- **Motion to direct the Solicitor to make an addendum to the Greenock Volunteer Fire Company loan agreement for \$1,500.00 with a yearly bill.**
1st Motion President Rhoderick **Second** Commissioner Saxon
All in Favor: **Motion Carries**

Pat & Tim Raynak – Has owned part of a private road for years and it has been abused, the Township is one of the abusers. Tim Raynak states that the Township takes leaves and branches to Nyles Falatek at Chelse's Greenhouse. Asks if the Township is willing to repair some of the damages done to this road. President Rhoderick states that Commissioner Kuzma, Bob Robertson of KLH and himself have looked at this road and discussed with the Solicitor to see what the Township is able to do. The Township needs a copy of Tim Raynak's right-of-way agreement and Nyles Falatek's right-of-way agreement. Solicitor Racunas will look at the two deeds and make a determination.

Carol Dailey – Carol Dailey reads a statement in regards to Invenergy and the reasons for her opposition to the plant being built. Solicitor Racunas states that he will not make a comment on pending litigation. It's public information once it gets filed. Carol Dailey asks if there has been meetings with Invenergy. Has anyone on the board had a meeting with Invenergy without public knowledge? Solicitor Racunas states that again, he will not comment on pending litigation. It will become public information when it gets filed. I would say this if you were talking about any appeal. Part of what you're talking about could be part of resolving and underlying appeal, it all has to do with litigation. Anything is possible.

Bill Bury – Bill Bury directs a question to Solicitor Racunas asking if he filed the court brief today or if he filed for an extension. Solicitor Racunas states that he's not going to comment on pending litigation. Bill Bury says I was here Thursday night at the ZHB Meeting. I don't ask questions unless I know the answer and I know the answer to this. Bill Bury states that Mr. Xides, the ZHB Solicitor told him that Solicitor Racunas did not file the court brief and that he was going to file for an extension. Solicitor Racunas states that as long as the appeal is pending, the plant is not going forward. An extension would not prohibit or work against what you want. Bill Bury states that it is his understanding that members of the board have had interactions will Invenergy to possibly move the plant to an alternate site. We need transparency in government, and that's what we're looking for. Bill Bury moves on to say that water trucks are using Broadlawn, water fracking trucks. If these trucks are using Township roads, they need to be bonded and need a highway occupancy permit for them to use our streets. The roads need filmed before the water trucks use them in case there are damages.

Steve Large – Asks if it is standard procedure for Commissioners and members of the ZHB to have any interactions or meetings. Solicitor Racunas states that there's nothing prohibiting those kinds of interactions. Steve Large asks Commissioner Kuzma what the status is of the \$500,000.00 grant he wrote for a library in the Township. Commissioner Kuzma responds that the Township was denied because we are not an Authority or 501 (c)(3). Steve Large speaks in regards to millings and states that the Road Department is doing more than dumping them, they are being spread. Solicitor Racunas states that millings can be spread by the Road Department if they are dumping them in a right-of-way, not on private property.

Megan McDonough – Megan McDonough asks the board to make a motion to appoint Commissioner Joanne Beckowitz as president of the Board of Commissioners. President Rhoderick states the he would like to comment that the Township is 1.8 million dollars less than this time in 2015 on the budget, the Sanitary Authority was turned around by hundreds of thousands of dollars. Megan McDonough states it's not being run right. President Rhoderick states that last year a motion was made to purchase 4 police cars when the Township still had four more years to pay on four previously bought cars. \$64,000.00 was spent on a dek hockey rink when we were told that the grant was approved. When the former manager left there was a letter on his desk stating that the grant was not approved. Nothing was ever said about that. Megan McDonough states that at the end of the day, none of that matters or instills the faith that people have in the office.

- **Motion to make Commissioner Joanne Beckowitz President of the Elizabeth Township Board of Commissioners effective immediately.**

1st Motion Commissioner Saxon

Second Commissioner Evans

Joanne Beckowitz states I consider Rob a friend, do I agree with everything he does? No. Do I think he does some things wrong? Yes. I wish I wasn't put in the position. I have a lot on the line, I live here too.

Commissioner Similo – Yes

Commissioner Saxon – Yes

Commissioner Kuzma – Passes to vote to the end. States that it doesn't matter either way and that he is a strong supporter of Commissioner Rhoderick and thinks he's been a great president, however he has to support the new president and vote yes.

Commissioner Beckowitz – Abstain

Commissioner Blake – Yes

Commissioner Evans – Yes

President Rhoderick – No

5:1, 1 Abstain, **Motion Carries**

Commissioner Evans nominates Commissioner Saxon for Vice President

President Beckowitz nominates Commissioner Similo for Vice President stating additionally that she has nothing against Commissioner Saxon, but that she and Commissioner Similo have worked together for a long time and work well together.

- **Motion to close nominations.**

1st Motion Commissioner Kuzma

Second President Beckowitz

All in Favor: **Motion Carries**

- **Motion to make Commissioner Similo Vice President of the Elizabeth Township Board of Commissioners effective immediately.**

1st Motion Commissioner Kuzma

Second President Beckowitz

All in Favor: **Motion Carries**

Fred Bickerton – Fred Bickerton questions why there was not a Planning Commission meeting. John Snelson states that there was nothing for the agenda and Fred Bickerton responds that he thought the pipeline zoning ordinance was going to be on the agenda. John Snelson states that the pipeline zoning ordinance has been moved to the December meeting. Fred Bickerton states that when he checked online, the meeting has not been cancelled. John Snelson states that that was an oversight.

Motion to Adjourn:

1st Motion Commissioner Beckowitz

Second Commissioner Evans