

**Elizabeth Township  
Board of Commissioners  
Monday, February 5, 2018  
Commissioners' Meeting**

**Call to Order**

**Pledge of Allegiance & Moment of Silence**

**Roll Call**

Commissioner Similo - present  
Commissioner Walk - present  
Commissioner Kuzma - present  
Commissioner Beckowitz - present  
Commissioner Blake - present  
Commissioner Rhoderick - present  
President Evans - present

**Executive Session Acknowledgement:** Solicitor Racunas states that there was an executive session held immediately prior to the meeting to discuss personnel and pending litigation with the Township.

**Presentation by Keystone Collections Group**

Jason Lawson, Associate General Counsel for Keystone Collections Group's thanks the Board for their time. Within the last couple of weeks Keystone has been alerted to a couple of issues that were presented at this meeting. Not wanting to allow a small issue to fester into a larger issue, he reached out to the new Office Manager, Joelle Whiteman, and asked if they could come tonight to address a couple issues. Upon further phone conversations with Ms. Whiteman, they determined there were three (3) issues that were important and he wants to give a small update and he thinks it should answer our questions. First, he understands there's been a transition and there is a little bit of difficulty getting the Month End Reports from Keystone. At the end of each month those reports were completed and are on your FTP site and within the last couple of weeks, he believes Ms. Whiteman has gotten onto the Keytrack website, got her own password and has access to them. Additionally, they had somebody from their client services group reach out to answer any questions she had about their system and know that their client service division remains open to any questions to help with reports.

The second issue they were presented with was reporting of delinquent real estate tax and delinquent fire tax. They do that for another municipality in the Mon-Valley and it's very easy for them to do. It will give you a full accounting of your fire tax on your Month End Report for your delinquent real estate. The only problem they have is that when they get the data from the current tax collector it has to be separated. He believes the software provider should be able to help split out the real estate tax and the fire tax. They can put it in the system separately and report it separately to the penny so you can handle your accounting any way you have to.

And the last issue was a special report on delinquent real estate accounts that he believes the collector prior to Keystone coming in was able to provide. The IT group is currently finishing up the development of that and they should have it to you in the next week or so. Special reports like that are easy for them to do, they just have to be asked. He was not aware of the request to give a breakdown of the delinquent real estate accounts, but their client service division does special reports to help you understand what's going on with tax matters so he just wants to let us know that we should have that in the next week or so and anytime there are any special requests to please reach out to them. They are happy to serve as the Township EIT as well as the delinquent real estate tax collector and if we have any questions or comments, he'll answer them. He doesn't want any small issues to fester into anything bigger than a question that can be answered. He thanks the board for their time and he is open to questions at this time. President Evans asks the Commissioners if they have any questions and there are none. Attorney Lawson tells the Board that Joelle Whiteman has his contact information and if the Commissioners have

any follow-up questions, please reach out to Keystone because they want to answer any questions in a timely manner.

### **Department Reports:**

**Code Enforcement** - John Snelson informs the Board other than his written report, the handicap doors have finally been installed in the building and they are still working on getting some of the other issues in the building fixed.

**Engineer** – Bryan Churilla is absent but submitted a written report. The Commissioners are told that if they have questions about the report, Bryan will be back from vacation on Wednesday.

**Police** - Chief Kerestes reads his report log of events and investigations for January 2018. There were 896 events logged in Allegheny County 911; 10 adult arrests and 7 juvenile arrests, officers conducted 82 traffic stops and issued 11 traffic citations, officers investigated 17 motor vehicle crashes, 10 reportable, 7 non-reportable with 3 injuries. Department also participated in the South Hills Regional D.U.I. Task Force Roving Patrol on January 28, 2018.

**Public Works** – Foreman Jake Weigand tells the Commissioners that they are still working on the fire damage at the garage and he is trying to get some prices because he would like to get a concrete floor. There's some drainage issues that have to be taken care of. He's trying to get some prices and will send them to the Commissioners when he gets them. President Evans asks him if it is asphalt now, and Jake tells him that it is and it's deformed now because of the fire.

**Solicitor** – Solicitor Racunas states he has nothing other than the items discussed during Executive Session.

**Sanitary-Veolia Water** – Commissioners are given a written report and are informed that the plant was in compliance for the month of January.

### **Citizens to address agenda items:**

**Patty Hoffman:** Ms. Hoffman gives the Commissioners a list of questions about the Recreation Committee. Question number one (1) is what are the qualifications that are necessary for member selection. Solicitor Racunas answers that he believes there aren't any minimum qualifications. President Evans tells her that they were going by what they had to accept the last time, people applied and they appointed them. (2) Ms. Hoffman asks how many people do they plan to select and President Evans answers that they are going to wait and see how many people apply. (3) Will the committee work with and be directed by one or two commissioners and President Evans answers that the committee is set up of three commissioners. She asks if they work independently or do they work strictly under the commissioners and he replies it is under the commissioners. (4) Is there a budget that's going to be set up for the committee and President Evans tells her they have not prepared one yet. (5) What's the objective of the committee and President Evans tells her what the committee had done before. (6) What activities won't be handled by the committee, like the athletics department and Solicitor Racunas tells her sanitary issues (everyone laughs).

### **Ordinances:**

Motion to adopt an Ordinance amending Ordinance 820 known as the Elizabeth Township Zoning Ordinance to permit the keeping of poultry in R-1, R-2, R-3, and R-4 Zoning Districts. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 5:2 Vote: Commissioner Similo and Commissioner Beckowitz vote no. Motion carries.**

## Resolutions:

Motion to adopt Resolution 2018-5 authorizing the disbursement of \$311,767.36 in 2017 Fire Funds from the Special Fire Levy Account. **Motion:** Commissioner Similo. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 President Evans abstains because he serves as the Fire Chief of the Blaine Hill Fire Company. Motion carries.**

## Items for Consideration:

1. Motion to approve the Commissioner meeting minutes dated September 18, 2017, October 2, 2017, and October 16, 2017. **Motion:** Commissioner Blake. **Second:** Commissioner Rhoderick. There are no questions on the Motion. **All those in Favor: The Ayes have it, Motion carries.**
2. Motion to approve the General Fund Bill Warrant dated February 5, 2018 in the amount of \$341,856.89. **Motion:** Commissioner Blake. **Second:** Commissioner Rhoderick. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
3. Motion to approve the Sanitary Fund Bill Warrant dated February 5, 2018 in the amount of \$111,257.27. **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
4. Motion to advertise the Forest Hills Road Retaining Wall Project. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Blake. Commissioner Rhoderick requests discussion on the Motion. He states that this is with the CITF Grant with Senator Brewster's office and the following motion is also grant funding so this isn't Township funding that's being used for these two (2) projects, just for clarification. **All those in favor: The Ayes have it, Motion carries.**
5. Motion to advertise the Schweitzer Road Retaining Wall Project. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
6. Motion to approve the Proposal from KLH Engineers to complete the Year 2018 Paving Program. Commissioner Kuzma makes a Motion to table this and Commissioner Rhoderick seconds. Commissioner Rhoderick contacted Engineer Churilla today and wants to have more discussion with him about the cost and what the scope is. Solicitor Racunas tells him there's been no motion so he doesn't have to do a Motion to table if the President wants to remove it from the agenda, he can do that. President Evans asks if everyone is okay with removing it and they agree. **Item #6 removed from the agenda.**
7. Motion to advertise to accept letters of interest for Recreation Committee. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
8. Motion to purchase laptop and Hover Cam from CDW in the amount of \$454.98 for use in the Commissioner's Hall for various meetings. (COSTARS pricing) **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
9. Motion to appoint Joelle Whiteman as Secretary to the Elizabeth Township Board of Commissioners for document verifications. **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. Solicitor Racunas makes the comment that we had appointed Commissioner Kuzma as the secretary and on review

of the First-class Township Code, a Board member cannot serve as secretary for signing documents. It has to be a non-board member so he is recommending Joelle be appointed as secretary. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**

10. Motion to ratify phone poll taken 1/26/18 declining the purchase of 400 t-shirts in the amount of \$4,205.00 from the K-9 fund. **Motion:** Commissioner Kuzma. **Second:** Commissioner Walk. Commissioner Rhoderick opens discussion stating he spoke to Chief Kerestes and he believes there is some miscommunication with what shirts they had. He heard from Robin on the committee and she told him that there are only two (2) boxes of small size shirts and that they do need more shirts for the birthday party they are going to have for Eli in March. After speaking with Chief Kerestes, it was recommended that we have another K-9 Committee meeting soon, within the next week, and get the right amount and get on the same page to communicate how many shirts we need and get them ordered for the birthday party. There are no questions on the Motion. **Roll Call Vote: 5:2 Commissioner Blake and Commissioner Rhoderick vote no. Motion carries.**
11. Motion to ratify phone poll taken 1/26/18 declining to place a \$1,000.00 spending cap from the K-9 fund by the K-9 Committee. Commissioner Rhoderick motions to amend but Solicitor Racunas recommends that he votes on this because it's ratifying a past action, it's already done. **Motion:** Commissioner Walk. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 Commissioner Similo votes no. Motion carries.** Commissioner Rhoderick asks if they can make another motion to clean this one up. He wants to have a meeting with Chief and the K-9 committee to figure this out. Commissioner Kuzma adds that we want to help these people out because they have gone through so much effort to sell shirts and raise money and organize everything. The last thing we want to do is be in a bad relationship with them so the best thing to do is to verify everything and organize things.
12. Motion to ratify phone poll taken 1/26/18 awarding the Arrow Drive Storm Sewer Project, Contract 2018-01, to Swede Construction Corporation in the total bid amount of \$20,760.00 in accordance with the recommendation of KLH Engineers, Inc. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
13. Motion to ratify phone poll taken approving an upgrade to copier machines in the Administration Offices and Police Station through Ford Business Machines and renewing lease agreement for 60 months with a monthly savings of \$87.77. **Motion:** Commissioner Blake. **Second:** Commissioner Walk. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
14. Motion to approve and implement Pennsylvania Worker's Compensation Panel of Designated Health Care Providers for all Elizabeth Township Employees as prepared by MRM Trust. **Motion:** Commissioner Blake. **Second:** Commissioner Walk. There are no questions on the Motion. **All in favor: The Ayes have it, Motion carries.**
15. Motion to approve quote as provided by General Recreation for playground equipment, rubber mulch, and interlocking border in the amount of \$39,531.00 for Highland Meadows Playground replacement project. (to be paid by making a transfer from Capital Reserve as budgeted for 2018) **Motion:** Commissioner Similo. **Second:** Commissioner Blake. Commissioner Walk asks Joelle Whiteman that she mentioned in one of the emails that there is an outside piece they were going to add to keep the water out and she confirms that it is the interlocking border. There are no other questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
16. Motion to approve salary increase to \$88,000.00 annually for Police Chief Dave Kerestes retroactive to January 1, 2018. (in accordance with 2018 budget) **Motion:** Commissioner Similo. **Second:**

Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**

17. Motion to approve salary increase to \$47,000.00 annually for Office Manager Joelle Whiteman retroactive to January 1, 2018. (in accordance with 2018 budget) **Motion:** Commissioner Blake. **Second:** Commissioner Walk. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
  
18. Motion to approve hourly wage increase to \$22.60 for Code Enforcement Officer John Snelson retroactive to January 1, 2018. (in accordance with 2018 budget) **Motion:** Commissioner Rhoderick. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: All in favor, Motion carries.**
  
19. Motion to open a dialogue between the Elizabeth Township Board of Commissioners and the Elizabeth Forward School District in order to evaluate ways to save resources through cooperation. **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. President Evans states that for the record he thinks this is a great thing we're doing and it should have been done years ago, but it's being done now and it's good to be working with the school district to find ways to cut costs. **Roll Call Vote: All in favor, Motion carries.**

#### **Citizens to address items:**

**Jim Gibbons.** He discusses the situation with the property at 702 Greenock Buena Vista Road. He received a letter from John Snelson informing him that the owner of 702 Greenock Buena Vista Road is going before the Zoning Hearing Board again. Solicitor Racunas asks if this is Farkus and Mr. Gibbons states it is and asks how many times can he keep going before Boards to try to get this through. Solicitor Racunas responds that Mr. Farkus is implementing a different process so the first that he went it was for a three (3) unit dwelling and was denied. He came back for conditional use approval for a two (2) unit dwelling and it was denied. So when they had the status conference there, one of the bases of the denial was the fact that it was non-conforming lot size, he didn't meet the three (3) acre requirement. In order to have a conditional use granted it has to meet the requirements of the ordinance. The way you deny a conditional use is that it doesn't meet the requirements. In order to put together a case for appeal, they have to go back to Zoning and try to get a variance and that's what they're trying to do. Mr. Gibbons asks if Farkus will be going downtown Pittsburgh for this and Solicitor Racunas tells him he will. It's put on hold because they said they were going to go back and try to get the variance. If they're denied the variance it's very likely that the appeal will be withdrawn and it will just go away. There is further discussion between Solicitor Racunas and Mr. Gibbons about the appeals process with this issue.

**Scott Taylor.** Wants to discuss the Act 14 Notices that are sent to the Township and the DEP for applicants that want to do something in the Township. He claims over the past two (2) years there have been a couple of conversations about making these public. He knows there's no legal grounds to force the Township to make them public but he claims the Board has agreed to it the past and that there are 3 or 4 of them posted on the website now. He explains that we received a couple more in the middle of November or December and the only way the public found out about them is because he gets notifications from the DEP. He asks if it's something we can put on the table for the next meeting to make this official so that the public can be notified and at least have some discussion about it. Solicitor Racunas asks him if he wants it posted on the website and Mr. Taylor tells him yes just to make the public aware and the Solicitor tells him we can put it on the agenda. Mr. Taylor states we have 30 days to respond and the Solicitor adds that the DEP will not grant extensions. Mr. Taylor continues that they rely on the input from the municipality in what they review and this last one is almost at 60 days before we put the response out and asks it that leaves the Township vulnerable because you're beyond the 30 days response period. Solicitor Racunas tells him that this would be a better questions for the engineer because he is the one who reviews those and decides whether to issue a formal response to DEP or to take it another route. The Solicitor states he knows that on this last one the engineer decided not to do a response, but to send a letter to Huntley & Huntley informing them of the issue with the impoundment. Mr. Taylor responds that it puts us past the 30 day response time frame so that gives the applicant the opportunity to challenge. The Solicitor tells him that the

applicant still has to go through the local ordinance process and as far as local regulation goes, the DEP doesn't get involved in that. They leave the local regulation up to us so when they come for the conditional use approval, that's when we deal with all of those issues. They're not going to dig into our local regulations to see. They have their own regulations they're reviewing. Mr. Taylor tells the Board that he just wants to put this out there to discuss and maybe make it official to notify the public when they are received so they're not waiting 30-60 days. President Evans suggests putting it on the website or on the Facebook page and Mr. Taylor states he knows that the Board doesn't want to take Floor Motions to vote and asks if it can be put to a vote at the next meeting to make it official and get it in the minutes.

**Ryan Potts.** He tells the Commissioners that he is at the meeting to speak on behalf of the residents on Antonelli Drive which is a private drive. He has already spoken to Solicitor Racunas and Commissioner Blake about this. He has a letter with signatures, gives a copy to the Board and reads the letter:

'The property owners along Antonelli Drive would like to ask Council to consider taking over Antonelli Drive that is now a private road for future maintenance especially during the winter months plowing and salting the roadway. Antonelli Drive is a private roadway that was originally occupied by the Antonelli family. Over time the family has moved out and currently there are no family members residing along this roadway. There are five (5) individual owners along the road and each property individual owner is responsible for maintaining their section of the road during winter conditions. To keep up with numerous snowfalls we have each year can be a burden.' Mr. Potts tells the Commissioners he is out there 4 or 5 times a day when it snows and is throwing tons of salt out over the road. He states he lives at the top of the hill so if he doesn't take care of his, no one gets out. He continues reading the letter: 'If one of the residents along the roadway does not clean and salt their section it can become difficult to travel. Keeping public safety in mind, if there's an emergency at one of the residences, it can become difficult for emergency responders to navigate'.

He thanks the Commissioners and asks if they would consider taking over this road which was just paved, it's an asphalt road, it's more of a one-lane road but this is the first step and he states he doesn't know where else to go. Solicitor Racunas explains the issue with dedicating and accepting a private roadway. We need to have the engineer sent out to review it because on a public roadway we get what's called liquid fuels money. We would have to go see what spec that road is to see if it meets the requirements that would be necessary to get that money and that's going to be the biggest issue because if it's a one-lane asphalt road it probably doesn't meet the specification necessary and we would probably have to widen the road, put a different base down and there would be cost involved for the township in doing that and he's not sure how much. It would be up to the Commissioners as to whether they want to send the engineer to at least review the road. President Evans states he doesn't have a problem with that and the other Board members agree to look into this. Mr. Potts states he will be in contact with Commissioner Blake and he will come to the next meeting.

Commissioner Blake tells the Board that they have talked about Antonelli Drive before this. She thinks maybe last year or the year before this was brought up so it would be nice to have Engineer Churilla go up there and see if it would work.

**Cathy Anderson.** She tells the Board she lives with her husband Harry Ritter at 2900 Schwirian Drive. It's an old dairy farm that's been in his family for over 100 years and they've been there about 20 years. They share a continuous boundary with the Casturo property and she is here to talk about Invenergy. The one thing that she wants to say is that ever since this has come up it's been incredibly stressful for them because they are looking at their property probably being destroyed by this power plant and they are very worried about it. She has two (2) things, number one (1) she is wondering if the Commissioners, Mr. Churilla's not here, Mr. Snelson, Mr. Racunas, if anyone can give her an update on Invenergy, if they've been in contact with them. Solicitor Racunas tells her the last time Invenergy was in contact with the Township, Mr. Cohen came to a meeting and wanted to be put on the agenda and was informed that we don't put anything on the agenda that isn't on it prior to the meeting. He told Mr. Cohen that they could definitely put it on there for discussion at the next meeting. Their counsel reached out to the Township and spoke with Joelle Whiteman and withdrew that request, that they were still analyzing what happened whenever we denied them the last time. Ms. Anderson states that she wants to give the Commissioners a letter because she is worried about Invenergy and everyone that lives along Skillet Hill and

down Smithdale are worried about the power plant. She knows Commissioner Rhoderick sent a letter last April to say that he would be in touch with them and she doesn't think that he was able to get in touch with them in particular, maybe some other people, but they got together and they wrote a letter. It's addressed to Commissioner Rhoderick because he is their Commissioner but she wanted to give a copy of it to all of the Commissioners. She tells them she can read it if they like, it has signatures, typed names of people, 27 people that have signed it. There are very few people that live within a one (1) mile radius of the Casturo site that live in Elizabeth Township. That's why it's a small number of people but she's gotten to almost everybody and she will get to everybody else. People are not in favor of the power plant. Ms. Anderson passes out a copy of the letter to the Commissioners and reads the letter:

'Dear Commissioner Rhoderick, You indicated in an April 4, 2017 letter to constituents in Ward 6 that you'd be the voice of the majority regarding the Invenergy Power Plant at the Smithdale site. You stated that you'd be talking to everyone within a one (1) mile radius of the plant as Invenergy has again, in January, proposed to put a plant at the Casturo site, we'd like to share our opinion with you. We are largely residents at the southern end of the township who are located in the Smithdale area and along the Skillet Hill area. We are closest to the proposed power plant and will be the most affected by it. Mr. Casturo indicated in his initial statement at a Commissioner's Meeting there are no million dollar houses up there and no one is going to care about a power plant. There may not be million dollar houses but in fact we do care about the installation of an industrial facility in an area which is zoned R-1 Agricultural. We have planned our lives and invested in our property based on that zoning. We live here because we value the peace, tranquility, clean air and relative freedom afforded by residential-agricultural zoning. We are not supportive of this project for numerous reasons including emissions, increased truck and vehicle traffic on all roadways in this area of the township, noise and sound effects pollution, light effects pollution, disturbance of the natural area, increased development of roads as this site is currently very hard to reach and currently has limited access. In addition we are concerned about the reduction of our property values and loss of value if and when we want to sell our property. This will create a downturn in the attractiveness of our property to potential buyers. As you can easily tell from looking at what surrounds other power plants, people do not want to live next to power plants. Also, please consider the future effects of real estate and tourism development in the southern end of the township. This area will not develop those resources if we turn toward the development of industrial uses. As members of Ward 6 we strongly urge you not to support any aspect of this project including any applications for change of zoning. We urge you strongly to not accept any applications for change of zoning.'

She asks the Board if anyone has any questions or comments and there are none. She thanks the Board.

**Motion to Adjourn:** Commissioner Kuzma. **Second:** Commissioner Blake.

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President, Chris Evans

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Joelle Whiteman, Office Manager