

**Elizabeth Township  
Board of Commissioners  
Monday, April 16, 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 - absent  
President Evans - present

**Executive Session Acknowledgement:** Solicitor Racunas states that there was a short Executive Session held prior to the meeting to discuss personnel issues with the Township.

**Department Reports:**

**Code Enforcement** - Code Enforcement Officer John Snelson submits his written report to the Board of Commissioners.

**Engineer** - Engineer Bryan Churilla submits his written report. Discusses with the Board the bid opening they had last month on the Forest Hill Retaining Wall/CITF project. We received 9 bids and the lowest bidder was Lutterman Excavating in the amount of \$47,270.50. That was an extremely good price. The rest of them were around our estimate of \$77,000. He asks for a Motion to approve Lutterman Excavating to move forward with this project. Solicitor Racunas asks President Evans if he would like to do this now and Commissioner Similo confirms that this was competitive pricing and Lutterman is the low bid on a public bid.

Motion to award Forest Hills Retaining Wall Project 2018-02 to Lutterman Excavating in the amount of \$47,270.50. **Motion:** Commissioner Similo. **Second:** Commissioner Blake. **Roll Call Vote: 6:1 absent, Motion carries.**

Engineer Churilla continues that he believes last meeting they were discussing Chapel Drive and one of the things that came up was looking at putting a field near the building as you're coming up on the right. They took a look at that and the Comprehensive Plans all had site cut and fill throughout to balance the site. To put a soccer field in that area you would have about 120 cubic yards of fill that you would need to bring in or have it somewhere else on the site. There's about a 54 foot drop-off over the length of 380 feet. That's based on the soccer field that was recommended during their recreational conference call. It would probably be 1/3 of that for a baseball field but in either case, over on that side if you're not going to cut that soil from somewhere else on the property, it would be a lot more expensive at this time to put a field there. So if you're going to pick a field the prime area is still up top beyond the building where it's flat until you ultimately move forward with some type of Comprehensive Plan that there would be cut from another area at the site. Commissioner Similo tells him that we had better move on that or we're going to be in trouble with the IRS. We're already dealing with deadlines. It has to be done in 2-5 years after the bond's received.

The last thing Engineer Churilla wants to report on is there was a meeting today set up by Pennsylvania American Water with the DEP to discuss Elizabeth Township and the current status of the project. Attending the meeting was PA American Water, Engineer Churilla, the engineer from Sewickley-Sutersville Authority, and the Regulatory Agencies. PA American Water's engineers took the lead and were trying to get a feel for where DEP stood and whether there would be any more time allowances if they considered buying the system. He thinks the meeting was beneficial for PA American Water to get a feel for the departments, how they feel about the project and where it stands, but essentially DEP said that they would potentially allow more flow monitoring for PA American Water to verify the size of a holding tank. But they would expect that the pump stations and force main still be submitted for permits according to the current time line. Essentially, what they're saying is, pump stations could be permitted and could be moved forward where you would still have the same amount of overflow. Then once it's constructed, they would just be verifying the size of the tank. What PA American Water would like to move forward with is 2 flow meters at this time and an interceptor to capture the flows that aren't captured by the overflow meters at the plant. Engineer Churilla also thinks that's a good idea.

There is discussion among the Commissioners, the Solicitor and the Engineer about PA American Water, DEP, and flow studies. Engineer Churilla tells the Commissioners that the DEP is not going to give them an extension. The DEP said the only reason they haven't moved forward and ordered Sewickley to adopt the plan is because they've been busy. Essentially, they expect within the next couple of months is that it's going to be approved and their approval and the timeline and the order is not contingent upon the PA American Water deal. They said the only thing that they would do is potentially hold off on making us submit the permit for the holding tank so that PA American Water could have time to do additional flow monitoring to verify the numbers. He expects by the next meeting he would have a proposal from flow monitoring companies to put a couple of those in for the Commissioners consideration.

**Police** - Chief Kerestes reads his report log of events and investigations for March 2018. There were 680 events logged in Allegheny County 911; 6 adult arrests and 10 juvenile arrests, officers conducted 66 traffic stops and issued 8 traffic citations, officers investigated 16 motor vehicle crashes, 5 reportable, 11 non-reportable with 4 injuries.

**Public Works** – Road Crew Foreman Jake Weigand is on vacation.

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

**Sanitary-Veolia Water** - Written report submitted. Pointed out to the Commissioners that the daily average flow for March was 1.3 and it's important to remember that our design flow is 1.4. It's one of the highest they've seen in the last 10 years. They kept the plant in compliance for the month of March.

#### **Resolutions:**

Motion to adopt a Resolution authorizing KLH Engineers to apply for the GEDF Grant for the Mansfield Storm Sewer and Smithdale Retaining Wall Projects. **Motion:** Commissioner Beckowitz. **Second:** Commissioner Blake. **All those in favor: the Ayes have it, Motion carries.**

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

**Cindy Rojohn.** Asks President Evans is she can be permitted to speak after the Eminent Domain discussion and he agrees.

**Carol Dailey.** She has general questions for the Commissioners. She starts speaking but is not near the microphone and Commissioner Similo requests to move the microphone closer to her so the Board can hear her. She asks Commissioner Blake about the vote taken in August in regard to the hearing that three (3) people voted against. In August last year there was a vote for a continuation of the hearing and the vote was no further continuations and Commissioner Blake confirms that she remembers. Ms. Dailey asks if Commissioners Blake, Rhoderick, and Kuzma wanted to continue the hearing because since the Casturo property was already being used as a junkyard, her impression was that you may have thought that perhaps putting the power plant there was a

better use for the property and maybe get some revenue out of it. Is that why you wanted to continue with the hearings? Solicitor Racunas steps in to answer her question and Ms. Dailey tells him no, to hold on, and he continues that this is not an inquisition, that she can make public comment. Ms. Dailey states that the question is for Commissioner Kuzma and he tells her that she can ask him anything she wants.

Ms. Dailey asks him since the Casturo property was already being used as a junkyard, did he think it would have been better for Invenergy to place the power plant there so we could get some revenue from it? Commissioner Kuzma tells her the reason he wanted to continue with the hearing is because at that point we did not hear public comment and everything that he does and votes for is based on the majority of what his people want. So if he talks to 100 people in his ward and 90 of them say, 'no, scrap it', then he'll vote no. If there's 90 that say, 'yes, do it', then he'll vote yes. Solicitor Racunas tells her that she is coming up on her three (3) minutes, apologizes and tells her that these are the rules.

She asks Commissioner Similo who is the person you ask about ordinances and he tells her he goes to the Solicitor. She then asks President Evans whose idea it was to put the comprehensive plan on last month's agenda to redo the comprehensive plan and President Evans tells her it was his idea. Solicitor Racunas tells her she is now at 3 ½ minutes and she tells him in the August meeting he said that he has all the Municipalities business sent to his address and in January she submitted a Right to Know for any written material informing Invenergy of the townships decision not to continue with the hearings and the answer was no documents found and asks if he has any of them. Solicitor Racunas tells her that he doesn't recall and she tells him she has the Right to Know documents and he responds that he has responsive documents for that one. He tells her, okay Carol you're over four (4) minutes now, you have to give everybody a chance. She continues are you going to inform you're Planning Committee that they have to inform the public when they vote on an issue, they have to tell us why they're voting. Well that one time when yuns were voting on that ordinance your president said no, they didn't have to and yes they do, I have the ordinance.

**Sandy Hearn.** She tells the Board she has questions on agenda item #21, Motion to direct Township Solicitor to prepare list for consideration for eminent domain for blight. Why not the Blight to Bright Program and why not a Sheriff Sale? What's the reason for eminent domain? Solicitor Racunas states he didn't write the Motion and asks the Commissioners if he could speak on it. He thinks there's some ideas from the Commissioners to take a look at not only the properties that we have, but to also look at blighted properties and try and re-develop. It's an idea of getting rid of some of the properties that we currently have, getting them back on tax rolls, and getting them off our hands as far as getting the grass cut and the liability that goes along with. He doesn't know if that's going to be part of eminent domain or if they are going to use other programs, but they want to see how they can take these unused blighted properties and get them into the hands of somebody to redevelop. Ms. Hearn's asks why haven't we moved and put them up for sale, why are they not on our tax rolls. The Solicitor tells her that's not as easy as you think it might be, these properties have to be looked at as far as the value goes so you don't want to just Sheriff Sale them. Municipalities are not in the business of owning properties, we're in the business of taxation and municipal services. We don't want to spend money to Sheriff Sale a property that can't be turned around and sold. There is discussion between the Solicitor and Ms. Hearn regarding eminent domain and its process. Solicitor Racunas tells her he thinks this is the beginning of that process and certainly they are not going to do anything that they see as being wasteful. We want to try and take the properties we can, get them redeveloped and get them in the hands of somebody else, and get them back on the tax rolls, that's the idea.

President Evans tells her that we pay to cut the grass on all of these properties. Ms. Hearn states she understands that, she wants to make sure that there's not targeted areas throughout our township. She doesn't want to see whole blocks in certain areas for eminent domain for special persons. And she thinks that everyone should have an equal chance to bid on these properties, eminent domain purchases. She thinks that the Board should table agenda item #21 until we have more discussion because she has gone back to the beginning of 2015 and never saw us talk about eminent domain for taking over properties so maybe if we could talk about it more and she'd really like to see this tabled. Solicitor Racunas tells her that she has to look at the wording, it's to prepare a list and she tells him it says to prepare a list for eminent domain, not prepare a list of blighted things and how they can be disposed of in how many different ways, it's the word eminent domain. Solicitor Racunas tells her he understands her concern but this is just the beginning stages of trying to understand what properties are out there, what areas we can target and maybe, like you said, spread it around to fight the blight wherever we can and not

concentrate on one area. Ms. Hearn states once again it's just the words eminent domain and more discussion is needed.

Commissioner Similo asks aren't we looking at more than blighted properties? We've talked about this before, you get something on the forgiveness clause to get them back on the tax rolls. Solicitor Racunas tells him there are a lot of different ways you can acquire the property, but we are now the holders of lot of different properties in the township and again, municipalities are not in the business of property ownership. The idea is to take the properties that we own, as well as other blighted properties, and try to redevelopment those properties. Commissioner Similo adds on these properties we don't have to worry about the School District or the County. Solicitor Racunas states not on the properties we own, but on the others we'll need cooperation because if you take them through Sheriff Sale there's back taxes owed on them and those entities will have an interest in it. If you have a Sheriff's Sale and try to strike the taxes off free and clear, they can come in and object.

Commissioner Beckowitz thinks all three items should be tabled, #19, #20, #21 because she understands that the Commissioner that asked that they be put on the agenda isn't here tonight and she thinks his input on this should be on the record, so she thinks all three should be tabled until the next meeting, that's her opinion. President Evans tells her they will take it to a vote.

**Cindy Rojohn.** Her question is in relation to what Ms. Hearn said, are you looking at specific properties that you want to try to take over for eminent domain and/or blighted and/or that are tax issues? In other words, and she knows Commissioner Rhoderick isn't here, are there specific pieces of property that you're looking at? Commissioner Kuzma tells her he would like to see their entire demolition list on that list of eminent domain. We have 50 properties on our demolition list that we're going to be tearing down within the next couple of years. We have to pay \$7,000 to \$10,000 to tear them down and if there's asbestos, we have to pay \$20-\$40,000 for removal. We lose \$42 a month in sewage and we lose taxes forever on that property. He thinks that it's more costly to take something to sheriff sale than the properties worth when it comes to tearing something down because the property's worthless, they have zero value. So the answer to your question would be our entire demolition list and he thinks there's 50 properties on the list.

Ms. Rojohn replies so that's what you would be looking at going first as opposed to, Commissioner Kuzma interrupts stating that it's up to the Board but this is what he would like to see, and Ms. Rojohn continues as opposed to just picking out a piece of property and saying, oh, we would like to have this. President Evans tells her that they were looking at all of the properties because we contract out to grass cutting, he doesn't remember how much is budgeted for that, but he knows we spend a lot of money on it. We tear the house down, then we lien it, and then we're cutting grass for the next 10 years there and that's where we're at with this. We want to try to get rid of some of these properties. Ms. Rojohn tells him what caught her attention was sanitary authority, so she didn't know if they were looking at specific properties for specific projects and she is told not at this time. Commissioner Walk tells her he what thinks is they don't want to dump property that might be valuable to the engineers while they're doing a project then have to buy it back and she understands that part of it. Solicitor Racunas tells her they are trying to scrub the list and make sure that they're trying to get properties back on the tax roll that should be and keeping the ones that might have a future use.

She has an off-the-wall question, there was something that was in the paper that Greenock Volunteer Fire Company merged with Coulter, is that true. President Evans tells her no, that Greenock is merging with Blythedale and Ms. Rojohn said the paper said Coulter and she got a little nervous.

President Evans goes to discussion topics and there is consensus with the Commissioners that they have already discussed Township properties on tax rolls and Eminent domain for properties.

Gibson Drive Repair Quote. Engineer Bryan Churilla explains to the Board that several months ago the property owner came and said that Public Works turns around at the base of the driveway and he believes at that time it was agreed that the township would consider paying half of the restoration costs. We worked with the property owner and Jake Weigand got an updated quote. The current quote is \$6,260, so the townships share would be half of that, \$3,130. They are also recommending that the Township trucks stop turning around there or we look at another way of turning around there just because the driveway looks like it will fail in the future and we don't

want to be in a position where we have to keep restoring it. This was just an update to the request that came in several months ago. President Evans tells him the quote will be put on the next agenda.

### Items for Consideration:

1. Motion to approve the Commissioner meeting minutes dated January 2, 2018 and January 15, 2018. **Motion:** Commissioner Similo. **Second:** Commissioner Walk. There are no questions on the Motion. **All those in favor: the Ayes have it, Motion carries.**
2. Motion to ratify approval the General Fund Bill Warrant dated April 2, 2018 in the amount of \$141,308.15. **Motion:** Commissioner Walk. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
3. Motion to ratify approval the Sanitary Fund Bill Warrant dated April 2, 2018 in the amount of \$22,654.25. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
4. Motion to approve the General Fund Bill Warrant dated April 16, 2018 in the amount of \$201,689.04. **Motion:** Commissioner Walk. **Second:** Commissioner Blake. There is a question on the Motion: Commissioner Kuzma asks if this includes the costs associated with the Seven Springs and Joelle Whiteman confirms that it is either on the April 2 or April 16 bill warrant. He states that he was under the impression that they had to pay for their own stuff and he doesn't believe that is right. Joelle confirms with Commissioner Kuzma that it is not on the April 16 bill warrant. **Roll Call Vote: 6:1 absent, Motion carries.**
5. Motion to approve the Sanitary Fund Bill Warrant dated April 16, 2018 in the amount of \$105,711.84. **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
6. Motion to approve payment of Sanitary Bond Requisition No. 59 in the amount of \$2,250.00. **Motion:** Commissioner Walk. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: 4:2:1 absent, Motion carries. Commissioner Similo and Commissioner Beckowitz vote no.**
7. Motion to approve Elizabeth Township Road Department Collective Bargaining Agreement with Teamsters 205. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
8. Motion to promote Officer Jonathan Patterson from Class D to Class C Patrolman effective April 19, 2018. **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
9. Motion to promote Officer Christopher McBride from Class D to Class C Patrolman effective April 19, 2018. **Motion:** Commissioner Similo. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
10. Motion to promote Officer Jordan Angelo from Class D to Class C Patrolman effective April 19, 2018. **Motion:** Commissioner Similo. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.** Commissioner Similo states that these three Patrolmen, as well as the rest of the police, are doing an outstanding job and the Board agrees.

11. Motion to approve the placement of a port-a-john at 1235 Greenock Buena Vista Road following the same schedule as other seasonal locations with the cost being billed to the Township. **Motion:** Commissioner Beckowitz. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
12. Motion to approve and execute the General Release and Settlement Agreement No. G.D. 14-002075. Solicitor Racunas explains to the Board that this is the multi-municipal claim against McKeesport for one of their fees and the case has settled and we were one of the member municipalities with that lawsuit. **Motion:** Commissioner Similo. **Second:** Commissioner Beckowitz. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
13. Motion to approve payment in the amount of \$7,500.00 to the Borough of Versailles as per the Interceptor Trunk Line Rental Agreement. (to be paid out of the Sanitary General Fund) **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.** Commissioner Walk asks if this is for one year and Office Manager Joelle Whiteman tells him this is the last year.
14. Motion to ratify phone poll taken on March 22, 2018 authorizing expenditures to send Officer Hawthorne to Commercial Motor Vehicle Inspector Training in June of 2018. **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
15. Motion to approve donation in the amount of \$300.00 to the Kastan Uveges V.F.W. Post 7632 of Elizabeth Township to help defray the expenses of their annual Memorial Day Ceremonies scheduled for Monday, May 28, 2018. **Motion:** Commissioner Blake. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
16. Motion to approve temporary road closure on Williamsburg Drive from 5:00 PM to 9:00 PM on Saturday, November 24, 2018 for the 5<sup>th</sup> Annual Zombek Make A Wish Fundraiser. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There are no questions on the Motion. **All those in favor: the Ayes have it, Motion carries.**
17. Motion to advertise to accept letters of interest for the Zoning Hearing Board. **Motion:** Commissioner Kuzma. **Second:** Commissioner Blake. There is a question on the Motion. Commissioner Beckowitz agrees with the Board accepting letters for the Zoning Board, but she states that we have alternates on the Board and should promote one of them, she thinks that an alternate should have the opportunity to sit on the Board. Commissioner Similo responds that is why they are accepting letters of interest. **All those in favor: the Ayes have it, Motion carries.**
18. Motion to approve proposal from Vasko Tree Removal in the amount of \$250.00 for work on Larchfield and Duncan Station. **Motion:** Commissioner Beckowitz. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 6:1 absent, Motion carries.**
19. Motion to direct Township Engineer to determine if any Township properties are usable or necessary for Sanitary Sewer System. Motion removed from agenda after discussion.

Commissioner Similo asks what the purpose of this is and Commissioner Kuzma tells him that we're going to look at selling vacant lots that we own but we don't want to sell any if they're right next to a pump station or if they're next to the sewer plant. Commissioner Beckowitz states again that she would

still like to table these three (3) because she understands that Commissioner Rhoderick was the one that requested these and she thinks that he should be here for the discussion. Commissioner Walk agrees with her and states that Commissioner Rhoderick has done a lot with this over the past couple of weeks and this is really what he wanted to talk about. Commissioner Beckowitz continues that there are a lot of people out there who are questioning this stuff and he's not here to explain it. Solicitor Racunas tells the Board that he will recommend that President Evans pull these three (3) items off the agenda. President Evans agrees and pulls Motion numbers 19, 20, and 21 from the agenda.

20. Motion to direct Township Solicitor to determine if any Township properties are usable or necessary for Township purposes. Motion removed from agenda.
  
21. Motion to direct Township Solicitor to prepare list from demo/abandoned list for consideration for eminent domain for blight. Motion removed from agenda.
  
22. Motion to approve payment in the amount of \$1,099.95 to Rally Inc for K-9 related expenses. (to be paid out of the Elizabeth Township Sportsman's Association K-9 fund) **Motion:** Commissioner Blake. **Second:** Commissioner Kuzma. There are no questions on the Motion. **Roll Call Vote: 4:2:1 absent, Motion carries. Commissioner Similo and Commissioner Beckowitz vote no.**

Commissioner Similo votes no because he believes this is illegal and Commissioner Beckowitz votes no for the same reason. President Evans comments that they are the ones who set this up with Commissioner Rhoderick and now they're saying there's a problem with it and he doesn't understand why all of a sudden they have an issue. Commissioner Beckowitz tells him that when they set this up, everything was run through the township and it's changed. President Evans remarks that it is now, it's coming through here now and she states that it isn't. Commissioner Similo tells them that it's totally illegal, that he's been in this game for a long time and President Evans tells them that if they were still friends with Rob (Rhoderick), they wouldn't have a problem with it and Commissioner Beckowitz tells him it has nothing to do with Rob. President Evans tells them you guys set it up and Commissioner Kuzma tells them that they raise their own money and Commissioner Beckowitz tells him this got totally out of control, it's gone from one thing to something else. There is heated discussion among Commissioners Similo, Beckowitz, and Kuzma regarding the legality of the K-9 funding. President Evans reiterates that he is following what they set up and moves to the next Motion.

23. Motion to approve payment in the amount of \$420.00 to Modern Marketing for K-9 Eli Tattoos. (to be paid for out of the Elizabeth Township Sportsman's Association K-9 fund) **Motion:** Commissioner Kuzma. **Second:** Commissioner Walk. There are no questions on the Motion. **Roll Call Vote: 4:2:1 absent, Motion carries. Commissioner Similo and Commissioner Beckowitz vote no.**

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

**Pat Talavinia.** She asks for an update on what they are going to do to help her with the property next door and that this will be the fourth (4<sup>th</sup>) summer she has to look at this. John Snelson tells the Board that the township has removed more junk and debris. He believes in February Mr. Brown was issued another citation, he had a hearing before the Judge on April 5<sup>th</sup>, which he failed to show, the Judge found him guilty and imposed the maximum fine. Since April 5<sup>th</sup> he's been issued a citation a day as long as the violation persists. Throughout the time he's been dealing with this, he's going to guess that they're up to 60-70 citations. Ms. Talavinia states that Mr. Brown doesn't care and that the citations aren't worth the paper they're written on. President Evans tells her that the township will keep fighting it and there is discussion about the on-going problem. She tells the Board at the hearing, the Solicitor and Board members did go with her and she appreciates it, the Judge forgives the fines and there's no incentive. President Evans tells her they are continuing to fight for her and John Snelson tells her that it's in the courts hands and he can tell her that the Judge is not pleased, at the last hearing she was not very happy. There is more discussion between Ms.

Talavina and John Snelson about the complexities of resolving this problem and she thanks the Board for listening.

**Scott Taylor.** He states, first Andrew (Kuzma), spoken like a true politician, only doing what constituents ask him to do, how about we vote on what the law says, that would be a good start. At least you can defend it then. First issue, Planning Commission. We have one (1) Board member that has not been to a meeting in over a year and 1/2 and we have an alternate that's been to one meeting. He was talking to Kathy Fawcett at the last Planning meeting and she's addressed some of these concerns with the Board, he doesn't know who. President Evans and Commissioners Similo and Beckowitz state they haven't heard from her. Mr. Taylor asks what we're doing about this. The Township Commissioners set this up for a Board of five (5) and we have one that refuses to resign and we have an alternate that doesn't show up. He thinks we need to fix that. There is discussion and Office Manager Joelle Whiteman and Code Enforcement Officer John Snelson tell Mr. Taylor that they have been working to get this resolved. Commissioner Similo asks what needs done to resolve this and Solicitor Racunas tells him that they have sent letters out but the Commissioners have appointment powers so they can control the Board in that way. Mr. Taylor comments we can appoint someone to the Board and let them go four (4) years and not show up, do what they've been assigned to do, and the Commissioners know nothing about it. Solicitor Racunas tells him that there is a removal process but he would have to see what that is. Mr. Taylor tells him the Municipal Planning Code states after ninety (90) days they can be removed for nonfeasance, that's not doing your job and apparently we've got two (2) not doing their job. They need to be removed and put somebody else in their place. Commissioner Similo comments that should be easy to do and Mr. Taylor agrees. There is more discussion and it will be brought up at the next meeting.

The other issue is the pending Pipeline Ordinance. At the January meeting, the Planning Commission voted to send it back to the Commissioners to act on it. It's gone through the Planning Commission twice and once through Allegheny County for review and he wants to know where we stand. Solicitor Racunas explains it was distributed and he was contacted by the Chief Counsels from four (4) major gas organizations who want to meet and he's slowly having conversations with them. They're dealing with issues such as pre-emption and some of the other things that were added to that ordinance, so honestly he is meeting with them to try and make sure that there aren't Federal regulatory issues that he's dealing with before he recommends that these guys go ahead and pass it because these Chief Counsels are very interested in this ordinance and its effect on whatever operations they have. He's trying to make sure he understands their angle, get some insight from them as far as the issues they have on specific terms and once those are worked out it will come here for passage. Mr. Taylor tells the Solicitor as you know there are protections built into that ordinance and the Solicitor tells him that those protections are concern for the companies. The original way the ordinance was drafted, it was more of a notice and information gathering purpose. It got a little more regulatory because of the concerns and he doesn't have an issue with it, or the discussion of why it took so long to go through planning, once those were put in there and that draft got out there that's when they started coming in saying wait a minute, you're pre-empted here, you can't do this to us and that's where he's trying to work through those issues. Mr. Taylor asks there's no chance this can get drug out for their next application because part of what's in that ordinance definitely affects what Huntley & Huntley want to put in there. The Solicitor tells him no, that's where it's at, dealing with the Federal regulatory recommendations.

**Chris Thoma.** He asks the Commissioners about the Apollo drill site and where we stand with the planning of that. The Solicitor tells him there are two (2) pending lawsuits involving it and he can't speak to the specifics of that as they are pending litigation but there are two (2) pending lawsuits relating to that right now and as he understands it, he doesn't think they've acquired the necessary permits or final permitting from DEP so nothing's going on right now. Mr. Thoma asks if the Solicitor might know what the issues might be, that they're bringing up as their concern which could be a concern for us. The Solicitor responds they're more site specific if anything and the one is actually an appeal by the applicant. They disagreed with some of the conditions that the Commissioners have put on them so they actually filed an appeal with the court because they disagree with some of those conditions. And the other, as he understands it, is by a group of landowners who live up along Fallen Timber and up in that area and they have site specific concerns.

Mr. Thoma asks if the Solicitor can be more specific about the applicant, he knows its Huntley, but what they filed the appeal for and is told primarily for the truck route because we put in there that we will dictate the

truck route and so any way we wanted them to go under our decision they would have to comply. It's not that they have an issue working with us on the truck route, they're just concerned so they filed, and it's really like a protective appeal. Mr. Thoma asks if there was a suggested route by the township and the Solicitor tells him yes, but they're still working on that particular issue. Mr. Thoma states he saw a map and they had it all mapped out and it seemed pretty decent. Solicitor Racunas explains there are three (3) access sites and all three (3) have problems and he's going to be meeting with Penn DOT next week over those access concerns because the intersection up by Central Pizza is a problem, going down Round Hill and using the bottom of Nichols is a concern, not going up, but coming down because when they're coming down off of Nichols and they have to make the right hand turn, they actually will cross into the other lane of traffic, the turning radius isn't enough and Penn DOT's regulations says they legally can't do that. Commissioner Walk comments that the Round Hill to Nichol Hill impacts the township the least because there's like three (3) houses on the whole road plus the park. That intersection down there is humongous and he doesn't know what their beef is about this, you could take an 18-wheeler and do a 360 donut in that intersection. Solicitor Racunas asks if he is talking about the bottom of Nichols and Commissioner Walk responds yes. Solicitor Racunas tells him that their engineer states they can go up but not down because their trucks would go into the other lane. Mr. Thoma asks what does a truck do now when it crosses at the bottom of Nichols, there's trucks that go down that road now. The Solicitor tells him when you're doing this for well traffic you have to have approved things through Penn DOT and that's the problem. It's not that they couldn't physically just do it by going into the other lane, the problem is getting Penn DOT's approval to do it. Once Penn DOT sees that it's going to cross into the other lane of traffic, they're going to say you can't do it. Mr. Thoma explains his concern on stopping something that's already been approved and the Solicitor tells him that they have their approval from the Commissioners, there are particular terms that they are not necessarily 100% happy with but that's always able to be worked through. He thanks Commissioner Beckowitz for speaking up about the eminent domain because something smells kind of fishy about that, so thanks.

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

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President, Chris Evans

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Joelle Whiteman, Office Manager