

**Elizabeth Township
Board of Commissioners
Monday, May 15, 2017
Commissioners' Workshop Meeting
Agenda**

Call to Order

Pledge of Allegiance & Moment of Silence

Roll Call

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

President Beckowitz would like to state that there is a Commissioner absent because he is out door knocking while there are other Commissioners that are on the ballot and they are present. Commissioner Similo asks Solicitor Racunas if this would be an unexcused absence and Solicitor Racunas states that it is unexcused.

Executive Session Acknowledgement: no Executive Session held this evening

Citizens to address agenda items:

Cyndi Rojohn- states that the person she wanted to address isn't present, but she will speak on sewage and ask some questions. Ms. Rojohn asks about penalties being paid. In regards to sewage negotiations, she states that her question is for the gentleman who chose not to be here; is that in February of 2016 she had called the municipal building with a question in which was answered, however, Mr. Rhoderick also returned her phone call and during the call Mr. Rhoderick told her that his mission as President was to resolve the sewage issues that were created by Mr. Saxon and Geno and the illegality. Ms. Rojohn states that her understanding was that during that term while Mr. Rhoderick was there we got a new engineer and things were stalled and by the time he left nothing was changed and we were still battling. Yet in February of 2016 he promised that this would be addressed and resolved. Ms. Rojohn also states that it's her understanding, although she did not receive one, that the Commissioner that chose not to be here tonight had written a letter and distributed it throughout the Township over the weekend reiterating all of the issues that he promised to resolve during that phone call of 2016 that were created by Mr. Saxon and Geno when they were President and Vice President. Ms. Rojohn states that what she feels bad about is that if he did not correct the situation he is now putting blame on Mr. Saxon and still blaming Mr. Saxon for something that he was also complicit about. He did not describe any of this in the letter, just all things regarding to Commissioner Saxon. What she did want to ask the person who is not here, is why is he not taking responsibility for the sewage situation to still be in chaos and also what is his relationship with Invenenergy because we have all heard the rumors that we are getting a new sewage authority and sewage tap in, yet as he promised to resolve things and they have slowed down during his term and have not been resolved. She states that there was a meeting that took place during the Zoning Board meeting in the room next door with Mr. Rhoderick and Mr. Xides one on one. She asks what that involvement is. Why are all of these things still happening? We need to know why all of these things are still happening with the sewage authority. She isn't placing blame on any one person because there is a lot involved, but in the letter and at meetings Mr. Rhoderick continues to blame Mr. Saxon only and it is not just his responsibility. Ms. Rojohn states that unfortunately Mr. Rhoderick isn't here to address her questions, but she would still like them on record that at some point they need addressed. President Beckowitz agrees and states that unfortunately they cannot speak for Mr. Rhoderick. Commissioner Saxon states he believes that back in 2014 the Commissioner that isn't here also supported the creation of that Board. Solicitor Racunas states that the Board wasn't illegally created. This technicality has no bearing on any Commissioner. Instead of creating a new authority they moved the operations into an already active authority, the problem was that authority was at the end of its span and wasn't renewed. Commissioner

Similo states that the Board operated illegally and we went through 3 solicitors and paid numerous fines from this. Commissioner Similo states that people need to be held accountable. We have started over for the 3rd time with the Act 537. Ms. Rojohn explains the letter that was distributed to Commissioner Similo and that she wants to know if the meeting with Invenergy has to do with the slow down on resolving these issues. Commissioner Saxon states that he is just as upset that these issues haven't been resolved 3 and a half years later. Ms. Rojohn states that the issue is that Mr. Rhoderick spent time on the phone promising her these issues would be resolved and they are not. She states that she is referencing the letter that was recently sent out and explains to someone in the audience. There is discussion regarding fines and Mr. Similo states that Mr. Rhoderick stated the fines were over, yet we are still paying fines. He states there was bad advice given out and people need to be held accountable. Commissioner Saxon states that if Commissioner Rhoderick tells you the sky is blue outside then you better go take a look for yourself. Ms. Rojohn thanks Solicitor Racunas and the Board for their time and clarification.

Frank Sabolcik- he states that he has issues with hiring a temp from Accountemps when we have a secretary that is still on payroll making almost \$50,000, yet she has not been here the last 3 meetings, she has not been present in the Township building, and he remembers from a past meeting that we had to spend money to have an outside firm come in to access Township computers and now we're going to waste more money by paying a temp agency to bring someone in to help Joelle and he believes she should have all the help she needs because she is getting things done. This is what we need as a manager and not what we have. President Beckowitz states that this is a personnel issue and they cannot comment on it. Mr. Sabolcik states that his next issue is while listening to all of this when a certain Commissioner isn't present, he asks on behalf of the residents for an investigation on Mr. Rhoderick from when he was president of the board, and all of his back door meetings, unethical activity, and back door hiring. He asks that the board make a motion to bring in an outside firm to do this investigation. He states that they want the investigation and they want it brought against Mr. Rhoderick. Solicitor Racunas states that this is something that needs to be discussed in executive session since it was just brought up now. Solicitor Racunas states that he would like to look at the claims and discuss with the board. Mr. Sabolcik states that he knows ethics complaints were filed against Mr. Rhoderick and they just disappeared.

Resolutions:

1. Motion to adopt a resolution #2017-15 for the participation in Allegheny County's Community Development Block Grant Program and the Home Investment Partnership for the next three federal fiscal years beginning July 1, 2018 and ending June 30, 2021.
Motion: Commissioner Saxon **Second:** Commissioner Evans
All in favor, motion carries
2. Motion to adopt a resolution designating John Snelson as the Applicant's Agent for Disaster #DR4149.
Motion: Commissioner Saxon **Second:** Commissioner Blake
All in favor, motion carries

Items for Consideration:

1. Motion to approve the General Fund Bill Warrant dated May 15, 2017 in the amount of \$191,025.33.
Motion: Commissioner Blake **Second:** Commissioner Similo
Roll Call Vote, All in favor; motion carries
2. Motion to approve the Sanitary Fund Bill Warrant dated May 15, 2017 in the amount of \$128,538.93.
Motion: Commissioner Blake **Second:** Commissioner Evans
Roll Call Vote, All in favor; motion carries
3. Motion to approve Bond Requisition No. 48 in the amount of \$36,329.07.
Motion: Commissioner Similo **Second:** Commissioner Saxon
Roll Call Vote, All in favor; motion carries

Commissioner Similo states that he would like to arrange a meeting with our engineer on what we have spent so far and were projected to spend since this is the 3rd time were doing this. President Beckowitz states that she is going to arrange a special meeting, she's waiting for some information first. Commissioner Similo states that since were talking money he would like to bring up the purchase of a desk that was purchased in the past and that there is still a balance of \$700.00 owed and should we pay it? He states that the Board did not authorize this purchase. President Beckowitz states that the Commissioner that is absent tonight was supposed to get information on this purchase. Commissioner Similo states that what bothers him is that the secretary was told not to put this remaining balance owed on the bill warrant list because the Commissioners would have a heart attack. There is a question from the audience regarding the special meeting that was just discussed.

4. Motion to approve the purchase and installation of fencing for the Police K-9 Officer, not to exceed \$5,475.00 from the K-9 Fund.

Motion: Commissioner Saxon **Second:** Commissioner Similo

Roll Call Vote, All in favor; motion carries

Someone from the audience asks about receiving a financial report regarding the K-9 fund. President Beckowitz states that Mr. Tekavic usually provides this information. There is discussion as to why we approve these expenses and if we can have a monthly report submitted. Chief Kerestes states that he can do a monthly report.

5. Motion to ratify the hiring of Jennifer Heastings from Account Temps effective May 8, 2017.

Motion: Commissioner Saxon **Second:** Commissioner Blake

Roll Call Vote, Commissioner Kuzma opposed, motion carries 5:1

Commissioner Kuzma asks what we are paying this firm. He asks when the phone vote was taken because he wasn't included. President Beckowitz states that is was discussed in executive session. Commissioner Kuzma states that he is opposed because he thinks it is too expensive. Commissioner Similo states how else are we supposed to function and operate with only one person. President Beckowitz states that this is personnel and we are not at liberty to discuss.

Claire Bryce: she is here to speak to the Commissioner that isn't here, but she will address Industry Road and the closure of it during Election Day. Ms. Bryce states that this road should have been opened or delayed until after voting. Residents will not be able to get to the polls easily. Ms. Bryce states that this issue is just like everything else this is let go. Ms. Bryce states that it is the chairman of the committee's responsibility to look into this. Commissioner Kuzma states that he will call the state and look into it. Commissioner Saxon asks Ms. Bryce who is chairman of the Democratic Committee, she states that Rob Rhoderick is, the Commissioner that isn't here. She states that there hasn't been a meeting held in 3 years and she hasn't received anything or any papers.

Chris Thoma- Mr. Thoma passes out some documents. He states that it is a letter that was sent out to most of the residents in Elizabeth Township by Rob Rhoderick. Mr. Thoma asks if any of the Commissioners have seen this letter before. He says the letter states a lot of incorrect information regarding him and Elizabeth Forward Youth Athletics. He states the letter says he has a dangerous and deceitful record with tax dollars. Mr. Thoma clarifies that he has no access to spend tax dollars. He states the letter says Mr. Thoma signed a document to bypass the Board on a purchase of a Dek Hockey Rink. The letter is totally un-factual and it is being distributed throughout the community. The letter also states that EFYA spend sanitary funds. Mr. Thoma goes line by line throughout the letter. He states that this is slander of his name and of Elizabeth Forward Youth Athletics. Mr. Thoma addresses Solicitor Racunas regarding the legal preparation of the field agreement between the Township and EFYA. Solicitor Racunas confirms that he prepared the document. Mr. Thoma says that for the last 2 days he has been getting phone calls as to why EFYA can spend sanitary money and authorize KLH payments. Mr. Thoma states that he wishes Robert Rhoderick was here to answer these questions. He asks that the Board put out a letter clarifying that Christian Thoma has no right to make these decisions. This letter is

causing mistrust in EFYA. This letter was generated by an elected official. It is not opinion based it is factual based. He states that it appears that the Township sent this out. Solicitor Racunas states that she wants to make it clear that the Township did not authorize this letter, this was just an individual acting in an individual capacity. President Beckowitz states that she takes offense because her name and Claire Bryce's name are also in this letter. Mr. Thoma states that the only reason he is bringing this up is to defend EFYA and the children of this community. He then asks for a response on questions.

Did EFYA or Chris Thoma bypass the Elizabeth Township Board of Commissioners on December 15, 2015 to authorize payment on behalf of Elizabeth Township in the amount of \$64,000.00 to design a Dek Hockey Rink? The Board responds, "No".

Mr. Thoma then asks, "Did EFYA or Chris Thoma bypass the Elizabeth Township Board of Commissioners to authorize KLH on behalf of its client Elizabeth Township to design a proposed Dek Hockey rink on Chapel Drive totaling around \$500,000?" The Board responds, "No".

Mr. Thoma asks, "In 2016 or 2017 has EFYA received funding from maintenance agreements signed in November 2015 from Elizabeth Township that wasn't approved by the majority of the Commissioners?" The Board responds, "No".

Did EFYA or Chris Thoma have anything to do with the former Sanitary Authority or the PA State Attorney investigation of expenditures that Rob turned over on November 21, 2016 for expenditures that were never voted on or approved by the Commissioners", Mr. Thoma asks. The Board responds with, "No."

Mr. Thoma states the he just wants to clear his name and Elizabeth Forward Youth Athletics. Based on these statements about letter sent by an elected commissioner to various residents, he asks that an official statement from Elizabeth Township be sent out clarifying EFYA and Chris Thoma's rules in the following: Expenditures for design of dek hockey rink on Chapel Drive; possible expenditures for construction of a dek hockey on Chapel Drive; all expenditures issued to EFYA has never by-passed the commissioners or were approved by the Board of Commissioners and all expenditures, decisions, or anything else with the Sanitary Authority and any investigations by the PA State Attorney General on the Sanitary Authority have nothing to do with Elizabeth Forward Youth Athletics or Chris Thoma.

Motion: Commissioner Evans **Second:** Commissioner Blake **All in Favor: Motion carries.**

Mr. Thoma requests that the statement be done today. Commissioners discuss putting it on social media. Mr. Thoma states the urgency of the matter with what he has seen on Facebook and other media prompting calls from residents.

Commissioner Blake: I think it's a shame that somebody sitting on this Board does this to an organization that has done nothing but good for the youth of this community. Shame on him. Commissioner Similo asks what the recourse is for the Board for a commissioner to send out something like this. Mr. Thoma suggests if this was a job, you would be suspended and fired. Solicitor Racunas states that this is a little different. It was done in an individual capacity and if there's any cause of action, it should be done on the individual. He states that he is here to protect the Township and does not represent anyone individually. If he did authorize it as a commissioner, there are laws that would have to be looked into like High Public Official Immunity which gives public officials much more protection than an individual. President Beckowitz and Solicitor Racunas will have to discuss what her options are for her name being included. President Becokowitz wants on record that she voted no on this.

Claire Bryce states if something is going to be put on social media to clear Mr. Thoma's name and EFYA's name, she would appreciate if the same thing would be done for her. There is also a letter with her name on it being circulated which she handled privately with each of the commissioners, but she would like the public to know. If they are going to send out a mailer, can it be charged to Rhoderick. She doesn't think the taxpayers should foot the bill for his mistake.

Carol Daily: Invenergy has filed for a re-zoning curative amendment along with \$500 fee. Solicitor Racunas states he explained to her at the Planning meeting that it's not a curative amendment, it was a straight request for a zoning change. She is upset that the rezoning application is not available for public viewing and that Invenergy was presenting their text amendment at the April 19 planning meeting. Rather than presenting the amendment, Invenergy proposed plans for a power plant as if the amendment had already been voted and implemented to Township code. They verbally read the results of the amendment, but not the amendment. The person representing Invenergy designated the property as a 'brown field' but only DEP has the authority to do that. The only brown field designation in this area is in McKeesport. Property

is currently used as a scrap/junk yard. Invenenergy signed a Land Option Agreement, not an Equitable Agreement as stated by Cidic, and they are now legally responsible for that scrap yard. Have they filed for an application or permit for a scrap yard, have they filed papers for occupancy? When neighbors complain about the noise and explosions, the commissioners ask the police and code officer to investigate. What were their findings? When Invenenergy didn't present text amendment to the public, the chair should have halted their presentation. No one on the committee asked questions about rezoning amendment; how it protects property values, how does it comply with vote for reusable energy? Because Invenenergy failed to review that ordinance, and because the public was not made aware of the ordinance, she feels any vote will be a skewed and be a waste of taxpayer time and money. Asks for motion to remove Invenenergy application for rezoning to planning committee and bring it back to commissioner's authority.

Solicitor Racunas: Explains process to Carol. That meeting, which was well attended, was the first part only to hear public comment. Carol argues with Solicitor Racunas that if it's not on the agenda, they can't speak about it. The only thing on the agenda was the amendment. Solicitor Racunas states these meetings are always advertised for general business. The only thing that happened at that meeting is public comment because he knew there would be a lot of people there who have concerns about the plant; for and against. It's a developing process, there will be discussion on the ordinance at future meeting. There will be a recommendation on the ordinance from the planning committee and it will go to the commissioners. Planning is only recommended, it's not binding. This is not a Curative Amendment, this is just a straight request for a zoning change. If it comes out of planning with a recommendation for approval of the ordinance, it will be sent to county planning for review and comment and then it will come here for a public hearing. There will be another opportunity for everyone to voice their concerns one way or another and for Invenenergy to provide whatever input they want to provide. He doesn't think anything they provided at that meeting was inappropriate, he thinks they want to show people what they're proposing; if you say you want to change the zoning to put in a power plant, you're not going to hide what it is. There's plenty of opportunity left in this process. Carol restates that Invenenergy has one shot to present their amendment because it was on the agenda. Solicitor Racunas states that it can be on many agendas, such as with the chickens. States if you don't like the proposed use, the amendment is useless. He tried to explain that you discuss the uses before you create an amendment, you first discuss the uses which is why they discussed the power plant. Carol continues to argue that the amendment wasn't presented and no questions about it were asked; first thing done is vote on the amendment not the power plant. Solicitor Racunas again states that they only had public comment which created a lengthy meeting, so they didn't discuss the amendment. He explains that it is a lengthy process of meetings and reviews and they are just at the very beginning of this process. There is a series of public hearings and things that have to occur, and review of things that have to occur; even if the ordinance comes out of planning, it has to go to Allegheny County Planning for review and comment, then it comes to commissioners for another public hearing, and then a public meeting before it's voted on. There are all these opportunities for people to voice their issues and concerns before anything happens on it.

Carol asks because there could be planning committee members who could live in that area won't be swayed by it, she suggests to freeze it and wait until appeal decision is heard. Solicitor Racunas agrees that theoretically planning can table it until appeal is heard. Brandywine building more houses is discussed, not building houses but subdividing a piece of vacant property and adding it to their parcel. Explains what a curative amendment is: it's when it is alleged that there is a constitutional/legal problem with an ordinance and we want to present this amendment to cure your legal problem. That's not what Invenenergy has done. It won't go to zoning; it will go to planning, then to county, then to commissioners for a vote. People get confused, when you request a zoning change it goes to planning and not the zoning board. Carol asks when information about the amendment will be posted on website. Solicitor Racunas states that people are concerned more about the power plant than the zoning change. Carol continues to argue about getting the amendment posted on website so the public can read it. One of the commissioners asks to have it posted so public can view it. Solicitor Racunas states that pending ordinances are not subject to right to know requests because they're not considered public documents, but if the commissioners want to post it he has no objection. States if Carol comes to a meeting and requests a copy of the pending ordinance, she will be given one.

Ray Lorince: Wants to know status of proposed blasting for strip mining. Commissioner Similo states there is literature out that alleges the commissioners are in favor of blasting. Voted at last meeting to send letter to DEP and it was sent 2 days prior as stated by Bryan Churilla. He reads letter to DEP that states Township's opposition to proposed blasting site; the Township is concerned about the time periods, ground shaking issues and its effects on property surface issues relating to water run-off.; and that blasting should be reduce and/or prohibited to protect public property and the residents. Bryan

states that he found an original appeal dated from 2010 that went through Commonwealth Court and the Township was successful in that appeal. In 2012 immediate appeal to the Zoning Hearing Board by Amerikol wanting a variance from the current zoning. Decision issued in August 2013 which permits surface mining activities on the property as long as it is completed within 6 months of the start of excavation. Inquiry discovered that Amerikol application for blasting was incomplete and denied by DEP; there is no permit to blast.

Motion to Adjourn: Motion: Commissioner Evans **Second:** Commissioner Kuzma **All in Favor: Motion carries.**