

**Elizabeth Township
Board of Commissioners
Monday, June 5, 2017
Commissioners' Meeting**

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-present
Commissioner Evans-present
President Beckowitz- present

Executive Session Acknowledgement: President Beckowitz states that there was an Executive Session Tuesday, May 23, at 6:00 and 6:00 this evening, to discuss personnel issues and litigation.

Elizabeth Township EMS presented awards for the annual 3rd grade poster contest.

Mt. Vernon Elementary: 3rd Place – Isabelle; 2nd Place – Devin Earnheart; 1st Place – Nathan Jacobs.

Central Elementary: 3rd Place – Laylanna S; 2nd Place – Nathan Frimm; 1st Place – Lily Racunas.

Department Reports:

Code Enforcement- Planning Commission is meeting Wednesday, June 7, at 7:00 p.m. instead of the third Wednesday of the month for general business. In addition to written report he gave update with regard to Amerikohl mining. Received notice that they want to try surface mining and do not want to blast right now. They are going to hold that as an option and are going to try to mine the coal on the property without the use of blasting.

Engineer- In addition to written report, Bryan Churilla states that the Forest Hills Road landslide near Smithdale has progressed over the past couple of weeks. A Geotechnical Engineer got involved and they provided him with a proposal to do geotechnical subsurface investigations which would include two (2) borings of the soil to see the composition of the soil, provide information on what they think the reason for the slide is, and what the possible remediation options are. The proposal price is estimated at \$7,680.00 and, in his opinion, the information that can be gained is critical for this situation. He spoke with Ackenheil and in their opinion, without knowing the actual conditions below the surface and based on what they've seen in the slide, it could go anytime. They expect to lose maybe ½ a lane and recommended that the Township barricade one lane and put up stop signs on the one lane closest to the hillside. This slide has

been fixed before by the public works before but they were caused by surface runoff and erosion. This one looks like a true slide.

Commissioner Similo asked Engineer Churilla if there was a meeting held for equipment needed for Highland Meadows Playground. Engineer Churilla informs Commissioner Similo that Office Manager Lauren Zang was going to put together a DCED Grant and then consult him when she needed a cost estimate. He is unsure what has been done and he was not asked for any information. There is discussion among the Commissioners and the Engineer to see if the Township would qualify for a grant, or if the Township should purchase the equipment on their own. Solicitor Racunas states he doesn't believe the Township would qualify for a grant. A list of what is needed for this project and the cost associated with it was requested by the Commissioners.

Commissioner Similo turned discussion to the holding tank in Buena Vista and what information the Township retained after paying Senate and Gateway. Engineer Churilla clarifies that the only money paid was to purchase information from Senate for survey data used along the Trail. There is discussion about the DEP approval of the Act 537 plan that shows two (2) lines going down Buena Vista and Commissioner Similo questions the expense of having two lines ran in one ditch as opposed to putting in an EQ Tank. Engineer Churilla explains because the Township is exceeding water flow; company studies done using flow meters and raw data determined the need for a holding tank as opposed to using pumps. DEP requested an updated Act 537 after the approval of the Senate plan because there were different flow numbers. Commissioner Similo requests the new numbers from Engineer Churilla.

Engineer Churilla further explains that if storm water is not stored until the flow slows, it will overwhelm McKeesport's facility. There is more discussion with Commissioner Similo about the cost effectiveness of the tank extended over an 8 year period compared to putting two (2) lines in a ditch. Engineer Churilla explains both plans are at an equal cost if inflation is accounted for and that the bulk of cost is in construction, not materials. Engineering and planning expense is a small portion in the total cost of the project and he further states that the DEP gave him step-by-step instructions on what to do for this project. He was told by DEP to throw out Gateway's work and that they could not use the exact plan by Senate because the numbers had changed. KLH can't take what was done by another company and approve it, it then becomes a liability to KLH. The DEP instructed him to do another Act 537 plan. The original plan approved at 14.5 million gallons went to 17.5 million gallons because Boston SSO was not known. Senate approached McKeesport and was given 3 MGD and this is where the extra 3 million gallons come from.

President Beckowitz informs Engineer Churilla that the Commissioners have called the DEP for an appointment to discuss this matter and asked if Engineer Churilla would also attend. Commissioner Saxon asks Engineer Churilla if he received information from Gateway and the expected start and finish date for this project. Engineer Churilla advises he did receive information from Gateway and expectation for start of project is Fall 2017. He further advised that he looked into PennVest Funding to reduce the cost, but it is a lengthy process and the DEP will not extend the Consent Order until they submit Part 2's. They have one (1) Municipal Resolution, but now they need two (2) because Sutersville was signed and ready to move but then the Sutersville/Sewickley Municipal Authority looked at the resolution and now they are not sure that Sewickley should be involved; however, DEP confirmed that they want Sewickley involved and is now waiting to get the project resolved this month. Commissioner Similo confirms that DEP will not review Part 2 Permit until Act 537 is approved.

It is also agreed that the Township will get a copy of anything submitted by KLH Engineering from this point forward and Commissioner Similo and Engineer Churilla agree to meet and discuss KLH's invoices.

Police- Chief Kerestes reads his report. There were 537 events logged by Allegheny County 911 for ETPD. There were 13 adult arrest and 3 juvenile arrests; officers conducted 78 traffic stops and issued 16 traffic citations; officers investigated 22 motor vehicle crashes 12 reportable, 10 non-reportable with 7 injuries because of these crashes. May 2017 ending balance for K-9 fund is \$13,340.63.

Public Works- Jake states that half of the guys are prepping the roads that are scheduled to be paved and they are about half way done. The other half are doing odd jobs that come in. They are going to start working on the wall.

Solicitor- Nothing outside of items on written report and items discussed in Executive Session

Sanitary-Veolia Water- May Sanitary Report, treated a total of 38 million gallons. Max flow at Buena Vista plant was 2.25 million gallons on May 11, disposed of 110 million gallons of sludge to McKeesport for further processing.

Citizens to address the Agenda Items:

Russell Verbanik - \$12,000 in civil penalties to the Commonwealth of Pennsylvania Clean Water Fund. What is that penalty being paid for?

President Beckowitz explains that it's for the overflows, \$1,000/month whether the overflow is one day a month or if it's every day in a month. The Township has had an overflow every month since executing the Agreement in 2016. Township never paid them so penalty is being paid now in a lump sum. Penalty is not budgeted with Township or Sanitary funds, but it is in the Consent Order so it must be paid. Have to pay it or get fined \$250/day.

Inaudible discussion that is not on the agenda. Discussed zoning issue for ETA Building. Applicant wanting to put in a daycare center. Applicant had conflicts and could not make the meeting and requested continuance. Discussion about new Library in Monongahela and Braddock.

Items for Consideration:

1. Motion to approve the April 17, 2017 Commissioner Meeting Minutes. **Motion:** Commissioner Blake **Second:** Commissioner Evans **All in Favor: The Ayes have it, Motion Carries**
2. Motion to approve the May 1, 2017 Commissioner Meeting Minutes. **Motion:** Commissioner Blake **Second:** Commissioner Saxon Commissioner Kuzma addresses the added motion proposed by Commissioner Similo in previous agenda to donate \$500 Buena Vista Hall for Community Day, it first motioned and seconded by Commissioner Similo when Commissioner Kuzma had seconded this motion. He asks that it be corrected. **All in Favor: The Ayes have it, Motion to approve May 1, 2017 Commissioner Meeting Minutes Carries**
3. Motion to approve the General Fund Bill Warrant dated June 5, 2017 in the amount of \$213,249.10. Question on the Motion: Commissioner Similo asks if the \$700 for desk is included and is told the Board approved the purchase from WB Mason for 2 patrolman desks that are in question. Solicitor Racunas explains there are outstanding invoices from WB Mason, some of

which are sanitary supplies, and the 2 patrolman desks are part of those outstanding invoices. Commissioner Evans states that the desks were approved and included in Bill Warrant and is in the budget. **Motion:** Commissioner Kuzma **Second:** Commissioner Blake **Roll Call Vote – All in Favor: Motion Carries**

4. Motion to approve the Sanitary Fund Bill Warrant dated June 5, 2017 in the amount of \$52,684.33. **Motion:** Commissioner Evans **Second:** Commissioner Saxon **Roll Call Vote – All in Favor: Motion Carries**
5. Motion to accept Sergeant Final Score Testing results as certified by the Civil Service Board. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. Commission Rhoderick states he did not get any results from this so he will abstain from voting. **Roll Call Vote – 6:1 Vote: Motion Carries**
6. Motion to approve Pay Application 4 from Golon, Inc. for the Chapel Drive Improvements Project in the amount of \$3,825.00. *To be paid out of Project Fund.* **SKIP: President Beckowitz**
7. Motion to approve Pay Applications 5 (Final) from Golon, Inc. for the Chapel Drive Building Improvements Project in the amount of \$7,753.50. *To be paid out of Project Fund.* **SKIP: President Beckowitz**
8. Motion to approve the final payment to Gray Waste Management Corporation for the Township Wide Demolition Project in the amount of \$48,045.30. **Motion:** Commissioner Rhoderick **Second:** Commissioner Kuzma **Roll Call Vote – All in Favor: Motion Carries**
9. Motion to approve donation in the amount of \$450.00 to the Dravo Cemetery C/O The Elizabeth Township Historical Society to offset the maintenance costs of the cemetery. **Motion:** Commissioner Saxon **Second:** Commissioner Kuzma **Roll Call Vote – All in Favor: Motion Carries**
10. Motion to approve payment in the amount of \$12,158.10 to Squib-It!!, LLC for printing and distribution of 40 page Directory. Commissioner Similo states his name is misspelled in the Directory. *Directory was mostly funded by ads placed, only \$1,198.10 to be paid from General Fund.* **Motion:** Commissioner Saxon **Second:** Commissioner Kuzma **Roll Call Vote – All in Favor: Motion Carries**
11. Motion to approve payment in the amount of \$508,751.88 for interest on Sanitary Bonds. *To be paid out of Sanitary General Fund.* **Motion:** Commissioner Similo **Second:** Commissioner Blake. Question on the Motion: Commissioner Rhoderick asks if there is enough in the sanitary budget to pay this or will there be a transfer. He is told that there is enough in the budget. **Roll Call Vote – All in Favor: Motion Carries**
12. Motion to approve payment in the amount of \$12,000.00 in civil penalty payments to the Commonwealth of Pennsylvania Clean Water Fund in accordance with the May 13, 2016 executed Consent Order and Agreement. **Motion:** Commissioner Saxon **Second:** Commissioner Blake **Roll Call Vote – All in Favor: Motion Carries**

13. Motion to approve payment in the amount of \$3,397.00 out of the Sanitary General Fund to K LH Engineers from invoice dated December 31, 2016. **Motion:** Commissioner Saxon **Second:** Commissioner Kuzma **Roll Call Vote – All in Favor: Motion Carries**
14. **ADDED MOTION** - Motion to approve Ackenheil Geotechnical proposal for Forest Hill Road in the amount of \$7,680.00. **Motion:** Commissioner Similo **Second:** Commissioner Blake **Roll Call Vote – All in Favor: Motion Carries**
15. **ADDED MOTION** – Motion to award the 2017 Annual Paving Program Contract 2017-01 to Tresco Paving Corporation in the total bid amount of \$342,463.35, contingent upon the execution of an Inter-Governmental Cooperation Agreement between Elizabeth Township and Forward Township. Commissioner Similo confirms if Forward Township doesn't pay, the paving project will not happen and is told the current proposed Agreement is going to be that Forward Township will pay Elizabeth Township each year the Liquid Fuels amount they receive for Scenery Drive and Vera Road and that the caveat would be if both parties can't execute the Agreement, Scenery Drive can be removed.

Discussion: Forward Township's cost is \$28,000 and their share of liquid fuel is \$300 or \$600. There is more discussion regarding Elizabeth Township getting back payment from Forward Township before reaching another Agreement, but Commissioner Similo approved it thirteen years (13) years ago and we can only move forward and get the liquid fuels payments from this point forward. Solicitor Racunas thinks Elizabeth Township should approve it and move forward with the liquid fuels for 2017, which is \$1,407.75, Penn Dot adjusts the cost per mile each year and the Agreement would state this. It's a little over \$1,000 a year and we don't pave the top half of the road but they are giving us liquid fuel for basically the entire road. President Beckowitz states that it is a lot of money to recoup for this loss and Solicitor Racunas tells her that if the liquid fuels was put in the original Agreement, the Township would have about \$13,000 and he agrees with Commissioner Similo that two (2) wrongs don't make a right, but fix it from this point forward. Elizabeth Township paved the road thirteen (13) years ago paying 100% of the cost of plowing and salting it and never went after Forward Township. Our residents are being affected and it should have been done years ago, but all we can do is recoup from this point forward.

The terms of the Agreement is still up for negotiation between the two parties, but for the 2017 Paving Program, the contract we can hold bids for sixty (60) days and the sixty (60) days is up Friday prior to the next meeting and there is no reason not to award Tresco. President Beckowitz agrees and calls for a vote. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Evans. **Roll Call Vote – All in Favor: Motion Carries**

16. **ADDED MOTION** – Commissioner Kuzma motions to donate \$500 to the Buena Vista Fire Hall for their Community Day to offset cost. **Motion:** Commissioner Kuzma **Second:** Commissioner Rhoderick **Roll Call Vote – All in Favor: Motion Carries**
17. **ADDED MOTION** – To get independent engineer to investigate the work done on the previous sanitary – put out RFP to look at what Gateway did and all of this. **Motion:** Commissioner Kuzma **Second:** Commissioner Similo **Roll Call Vote – All in Favor: Motion Carries**

18. **ADDED MOTION** – Instructed George Gobel to investigate everything that happened at the sanitary system and were to file suit by middle of December and its June and still have not found anything. Commissioner Kuzma is afraid that statute of limitations will run out and asks to turn over the sanitary investigation to David Staussberger, who was recommended by a member of council. President Beckowitz states George is coming out on Wednesday and Commissioner Rhoderick agrees with Commissioner Kuzma and is worried about the statute of limitations running out. He has one more thing to complete and he will be ready to do his report for the Attorney General. Get information from him, he's already been paid, see what he has and the Commissioners agree to wait until they get George's information before they take a vote.

Citizens to address items:

Jim Jones – Aggressive drivers off Run Rock Road onto Scenery, Route 48 and Fallen Timber and there have been 2 accidents over the past 2 weeks. There are incidents of tailgating, he is especially concerned about this when the Dollar General comes in. Chief Kerestes explains you could double the size of the force and it's not going to make it go away. The way it is they hit the hot spots where they get complaints but once they're not there and are spending their time somewhere else, the speeding returns and unfortunately they can't be everywhere every day. Mr. Jones understands they are doing their best but he is concerned that there will be an increase in accidents. Commissioner Blake agrees and states that there is an increase in tailgating and that it has become a big problem.

Cyndi Rojohn – Wants the agreement with Sanitary between Elizabeth Township and McKeesport done. So many things to keep track of, she recommends that Elizabeth Township hire a consulting attorney to help with the gas/oil and the Invenegy project to work with Mr. Racunas, to have someone who is particular to that industry to give Commissioners and residents better advice with what needs to happen moving forward. It was discussed once before and something happened to it. She feels the Commissioners need to do that.

George Dukic – Lives at 125 Valleyvue Drive and he was informed that the Township is claiming ownership of a turn-around placed on his property in stating that there was going to be discovery by the Engineer and Solicitor find out who owned the property. In one month he has provided the original plot plan which shows the street and the property line on it. It shows a metal pin in the middle of the street which his survey shows and his metal detector backs up. When he bought his property last July, his Deed and Title search doesn't provide any variances or easements for the Township. His closing company states he owns this property and will back him up and he would like to know what their findings were when they gave their directive last month. **(1:14)** Commissioner _____ states that they do have the directive but have not been able to put anything together. He will say that Mr. Dukic did provide them with the survey and most of the facts do align with what he is saying. The question would be is what does the township want to do with this issue. One other point, the original owner of the house had a lease with the township – the owner is looking for the lease and Commissioner ____ has asked the township to look for the lease and no one has validated that was even looked for at this point. To go on record it was \$1 a year and he purposely did this because he didn't want the land to get (inaudible). When asked, Mr. Dukic states he is frustrated does not appreciate anyone shining their high beams shining into his front window all the time and in fact would like to extend his driveway out to the street. Commissioner Similo asked how far it would be to get to the street; Mr. Dukic: it's about 70-80 feet, maybe a little more. Question to Jake: would he still be able to plow the street – not without turnaround. Mr. Dukic would like to sit and talk about all his frustrations with the township about the issues with his property. Suggested that he come to Executive session.

Mr. Dukic also brought up issues with farm animals and chickens. Urban farming is becoming popular and he provided zoning commission an appeal to ask for a variance about the chickens and he was told no that it would continue until the commissioners could discuss this. He spoke with Matt Racunas about there being a conflict between the municipal code stating you can have farm animals if you have one acre of ground or more then later on the zoning code came around basically saying if live in R-2 you cannot have farm animals. It's on for discussion at next zoning meeting, 3 ordinances, 2 of which will address this issue. He states the small amounts of land that city residents can have farm animals on and that with the large acreage with his property he should be allowed to do what he wants on it. Commissioners agree and will discuss after zoning meeting.

Shane Dushack – Lives in Sutersville. Before Memorial Day spoke to John and he owns a small business that rents out Kayaks and bikes all along the Yough River and Trail. Connellsville made him get a permit for \$30 to work in the Connellsville area and he is here to see if he needs a permit or what kind of permit. John had a peddler's permit for \$30 a day. Advised him to show up at commissioners meeting to find out what he would need. A lot of stuff is booked online but also will meet people near Boston Bridge. Part of problem is ET doesn't have seasonal permit. Suggested to create permit similar to seasonal food vendor at \$200/year. Commissioner Evans stated to amend motion to create permit for seasonal business.
Motion: Commissioner Evans **Second:** Commissioner Blake. **All in Favor: Motion Carries**

Carleen Fontana – Current leader of 8th Grade Girl Scout troop who are working on their Silver Award which is something you do for the community that benefits the community. Wants to know the progress on the playgrounds, specifically Highland Meadows where they live because the girls want to beautify it by planting flowers and putting down some fresh mulch, and making a new sign. Asking permission to do those things at no cost to the township, the girls raised the money on their own. No opposition – permission granted.

Sandy Hearn – Is there going to be any mining on residential property? Yes, strip mining. No future housing plan going in or impoundments – stated need for housing in residential.

Motion to Adjourn: President Beckowitz **Second:** Commissioner Blake