

**Elizabeth Township
Board of Commissioners
Monday, September 18, 2017
Commissioners' Meeting**

Call to Order

Pledge of Allegiance & Moment of Silence

Roll Call

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

Executive Session Acknowledgement: President Beckowitz states that there was an Executive Session Monday, September 18, at 6:00 to discuss personnel and legal matters.

Department Reports:

Code Enforcement- Code Enforcement Officer John Snelson submits his written report with two (2) Resolutions on the agenda from the Vacant Property Program. One is for a side lot vacant parcel and the other is to rehab an abandoned home on Peairs Road.

Engineer- Engineer Bryan Churilla reports they had their pre-construction meeting for the 2017 paving projects. The paving is expected to begin the first or second week of October. Regarding the Arrow Drive project, KLH Engineers met with the property owners and are going to proceed with the easement plans. There's the potential that it may be done in-house. Public Works Forman Jake Weigand has a copy of the plan and looked at it, but would like to walk through it with us to make sure it's something they can complete. Engineer Churilla sent the Board an e-mail about the CITF grant informing them the Township was awarded full funding for Schweitzer Road retaining wall. On CDBG, KLH submitted pre-applications for Mansfield Road storm sewer construction as well as the Greenwald Farm storm sewer. Those are two (2) storm sewer issues that had reports done that Engineer Churilla thought the Township would be eligible for funding.

Police- Chief Kerestes reads his report log of events and investigations for August 2017. There were 929 events logged in Allegheny County 911; 17 adult arrests and 6 juvenile arrests, officers conducted 113 traffic stops and issued 26 traffic citations, officers investigated 21 motor vehicle crashes, 10 reportable, 11 non-reportable with 5 injuries. Ending balance as of August 2017 for the K-9 Fund is \$14,697.23.

Solicitor- Solicitor Racunas advises the Board that he needs a Motion to advertise for a Public Hearing and special meeting for conditional use for the Farkus property. It is agreed to have a

hearing at 5:00 pm on September 28. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Blake **All in Favor: The Ayes have it, Motion carries.**

Public Works- Public Works Forman Jake Weigand states prep work for paving project is done and he is waiting on the in-house painting to get done. Both tractors have come in and they are just about half-way caught up. When asked about the time frame of the paving, he informs the Board that milling crews will be two (2) days ahead of the paving crews and they expect 2 working weeks to finish. Commissioner Blake asks what is being done with the millings and is told that sell the millings back to the plant to offset the cost.

Sanitary-Veolia Water- Submitted written report. Treated about 28 thousand gallons of waste water for August; disposed of 172,000 gallons of sludge.

Citizens to address agenda items:

Barb Dittman. 706 Greenock BV Road. Concerned about the Farkas property next to hers. The triplex plan was rejected and now he wants to put in a duplex; she is extremely unhappy with that idea. She doesn't want a multi-family unit next to her and she thought this had already been addressed and is having trouble understanding why he is allowed to re-apply for a duplex. Last time she received a letter about it, and this time she didn't receive anything. Date and time hadn't been set yet, letters will go out now that it has been scheduled for September 28.

Coleman & Lisa Stegman. 707 Greenock BV Road. Same concerns as Barb; why they weren't notified about Farkas. It was rejected by zoning and he wants to know why they are here again. He will be getting the notice now that a hearing date has been set.

Jim Gibbons. Has paperwork to pass out; Solicitor Racunas suggests that he wait until the public hearing and he can use it as evidence. Mr. Gibbons states that he has called Code Enforcement Officer John Snelson and has received no call back. John Snelson tells him that he was waiting to talk to Solicitor Racunas first to set up a hearing date. He didn't want to call people back just to tell them he didn't know anything yet. Mr. Gibbons informs audience that Farkus needs to go through several variances again to turn this property into a duplex. Mr. Farkus keeps telling people that his house is equipped for a duplex and he fully intends to separate the buildings. He is told that all of his concerns and information would be best presented at the public hearing on September 28. Mr. Gibbons informs the Board that Mr. Farkus has been working on the property and the Code Enforcement Officer needs to investigate it. The back of the building is torn apart and he installed three (3) electric meters without proper authorization. Solicitor Racunas again states that he would turn this information in as evidence at the Public Hearing.

Claire Bryce. Thanks Board for the Greenwald property. She asks the Board to please buy the liner for the skating rink so it can go up because if we wait too much longer we won't be able to order it. She also states a need for goats for Chapel Drive because the grass is really tall. President Beckowitz said she wasn't aware that the grass was not being cut. Ms. Bryce also tells her about broken windows and asks if there are cameras and is told no because there is no cable to run the cameras. President Beckowitz informs her that there is a Motion on the next agenda for Comcast services.

Comcast just submitted a proposal to the Township and they have offered the equipment free of charge. The Township is switching their phone service to Comcast because they have a phone system that better accommodates the Police Department's needs.

Emil Burak. Mr. Burak explains that he thought a generator was loaned to the fire department. Commissioner Evans replies they had three (3) generators and the Township donated one to Blythdale as part of a surplus program because the one at Blythdale stopped working and it was too expensive to repair. Mr. Burak questioned Item #15, why McMillen Engineering Firm was hired to do legal work. President Beckowitz answers that it was requested in the audit to hire a third-party engineer to review the bond requisitions. Mr. Burak asks Commissioner Similo not to take his next question personal, but he is not aware of who Attorney James W. Creenen is and why would George Gobel be transferring his information over to him. Commissioner Similo asks why would he take it personally and he takes offense to the statement. Mr. Burak's question is the commissioners approved paying George Gobel \$20,000 and now that he's turning all the work over to Attorney Creenen, is his fee included in the \$20,000 already paid to Gobel. President Beckowitz states that Attorney Creenen submitted a proposal and she doesn't know. There is discussion about Chapel Drive and putting a couple of fields up there.

Commissioner Saxon asks if the Board has received anything from George Gobel such as a report and are we going to have to pay the new guy more than the \$20,000? Commissioner Evans states he thought the board was to have his report last week showing what he has done to date. President Beckowitz states that the meeting with George Gobel was to meet Attorney Creenen to bring him on board. He explained the procedure and what's going to happen from this point on. Claire Bryce asks for the report that was promised at previous meeting and is informed by President Beckowitz that the report was turned over to the new attorney. Commissioner Saxon requests the dollar amount paid so far to Gobel.

Russell Verbanic. Mr. Verbanic discusses the Pipeline Ordinance stating he has sat through Planning Commission meetings and it seems to him that the Township is trying to regulate something that they don't have the technical expertise to do. The pipeline has to be well designed, it has to have the right materials, it has to be constructed properly, and it has to be operated appropriately and he thinks that we're wasting time with this ordinance. He thinks we're going to end up with something that basically generates lawsuits because we don't understand everything that needs to be done. President Beckowitz asks if he is suggesting that the Township hire special counsel. Mr. Verbanic tells her that most communities don't have a pipeline ordinance and President Beckowitz states that she believes a lot of communities have pipeline ordinances.

Commissioner Saxon discusses with Mr. Verbanic the need to have safety put in place with ordinances for oversight in case a catastrophic event would take place. There is more discussion regarding the number of petroleum lines already in the Township and the Federal and State laws that's already regulate a lot of that. He's not sure what the Township is adding to what is already there and Commissioner Saxon states they are adding oversight at a local level.

He also wants to know who is being selected for the Planning Commission. President Beckowitz informs him that the Township is accepting letters of interest and they are going to change the Motion to read 'accepting letters of interest'. There is discussion between Mr. Verbanik and Engineer Churilla regarding Item #10 to approve a Sanitary Bond Requisition is for the Act 537.

Fred Bickerton. States he is aware that Huntley & Huntley has applied for a Conditional Use Permit for Unconventional Oil and Gas development in the Township as of August 24, 2017. There is discussion between Mr. Bickerton and Solicitor Racunas about who is responsible to receive and review the Conditional Use Permit applications and Solicitor Racunas informs him that the application is reviewed by Administration, the Engineer and himself. Mr. Bickerton wants to know if this application was accepted by the Township and is told that was considered administratively complete.

Patty Hoffman. She's getting confused because she is hearing Engineer Churilla say that Huntley & Huntley needs permits and Solicitor Racunas saying they don't need permits in order to do things. She's listening to the public ask why we don't have all these permits in place and why aren't we being told things and it's getting a little scary. We're looking at things and saying we have to have these hearings so people can know what's going on but then we say we don't need permits and we don't need to know that. Solicitor Racunas tells her they certainly can't conduct any activities unless they have the permit. Ms. Hoffman tells him she understands but the problem is they don't have proof of all required permit approvals and Solicitor Racunas states they have all of their submissions.

Ms. Hoffman tells him submission is not approval. It says proof of all required approvals and they don't have that, all they have is an application. Engineer Churilla explains that it is only administratively complete, they have provided all the information. Ms. Hoffman points out a letter submitted by Engineer Churilla that states he needs 'proof of all required permit approvals'; you didn't say applications, you said approvals. They don't have approvals.

With Invenegy, all these things we've been telling the Board for the past 2 years, you got back a letter from the County saying exactly what we've been saying is lacking. In 2016 Ms. Hoffman gave the board comprehensive plans and she gave them the county comprehensive plan and asked the board to please read them. She wants to be transparent and say to the people around us that this is where the facts are coming from.

Scott Taylor. Mr. Taylor addresses the Board with information regarding fracking. He uses court cases and state laws that he researched to explain to the Board why he believes fracking should be banned. Mr. Taylor requests that the Board make a Motion and vote to impose a temporary moratorium on oil and gas development in Elizabeth Township until the following items can be resolved: 1) a complete review and implementation of our proposed revisions to our oil and gas ordinance which has been referred back to the planning because the entire ordinance is based on ACT 13, which for the most part has been ruled unconstitutional. 2) Wait on the Supreme Court ruling on the Gorsline case. If this turns out the way many are expecting, it will change the landscape of fracking in Pennsylvania. Mr. Taylor is asking for a short-term moratorium, 6 months or a year.

Carrie Stanley. Ms. Stanley advises the Board that her property line runs along where Amerikohl wants to do blasting and the last time she was at a Board Meeting, the Commissioners said they would send a letter to DEP stating they did not want blasting done there. The Board tells her that two (2) letters were sent. Solicitor Racunas tells her the first time a letter was sent and for whatever

reason Amerikohl indicated that they no longer wanted to blast. Then they put it back on the table, the Township received notification and another letter was sent to DEP. The Commissioners oppose blasting, but the final decision is made by DEP Bureau of Mine Safety. Commissioner Rhoderick asks if it would be in violation of the noise ordinance. Solicitor Racunas tells him this is correct and their operations have to comply with Township Ordinances. There is an agreement in place with the Court that they will only conduct activities for a certain period of time.

Ms. Stanley asks the Board if they think that blasting is not a great idea when it's so close to residential properties. Code Enforcement Officer John Snelson informs her that he contacted the DEP Blasting Inspector who handles the permits for the State and a permit has not been issued for blasting. They have not even received a formal application packet for the blasting and the pre-blast surveys that were sent out have to be included with the formal application. Ms. Stanley states that she has a pre-blast survey scheduled at her home and if it's not detrimental, why are we having a pre-blast survey done at all.

There is further discussion regarding the original plan Amerikohl had and if blasting was part of it. Commissioner Similo states that he doesn't believe so. President Beckowitz does think that blasting was included and that's why they sent the original letter.

Megan McDonough. Ms. McDonough asks if Amerikohl has any current grading permits and John Snelson tells her Amerikohl has no permits. There is discussion about local permits and the timeframe as far as obtaining or applying for the curative amendment. Ms. McDonough states that it was a validity challenge and that for a curative amendment the applicant has two (2) years. She asks the question that if there's a stipulation in the Agreement for two (2) years and it's been four (4) years and they haven't applied for any of the local permits, do we go back through the process again.

There is discussion about 1401.1(b) of the Zoning Ordinance which sets the parameters for conditional use and when the time clock starts. Solicitor Racunas tells her the time clock started with their re-submission on August 30th. There is further discussion between Ms. McDonough and Solicitor Racunas regarding the start time and if the Zoning Board received a complete application as required by 1401.1(b). It is discussed that the Commissioners have 120 days to render a decision for conditional use and then it goes to Planning and they have 120 days to render a decision and as far as procedure, if there is a conflict between Oil & Gas Ordinance Section 607 and Zoning Ordinance 1401.1(b) the more restrictive should apply. Ms. McDonough points out that there exists a variation between how the Township does conditional uses but how we specifically do conditional use for oil and gas.

Ms. Donough asks if it is a complete application that starts the time clock and Solicitor Racunas tells her that it has already started because it has been deemed to be complete administratively. Ms. Donough asks how it can be deemed complete if they don't have the parameters of what's set out in Section 607 as far as having all State and Federal approved permits. There is discussion about the DEP attaching conditions regarding the sediment and erosion control and the residual waste on the Wells, so how can anybody make any kind of decision or go through a planning phase when it could be subject to change.

Jim Jones. There is a problem with cats. He brought this issue up two (2) years ago and it hasn't gotten any better. There is an ordinance for this that isn't being enforced and he would like to know what will be done about it. John Snelson states he does get a lot of complaints about cats and there is an ordinance that was adopted in 2014 but it was rushed through and he believes the Cat Ordinance needs looked at again. Commissioner Rhoderick points out that the Township hired Animal Control and they will remove cats. His next question is about the possibility of televised meetings like other municipalities. President Beckowitz informs him that it will get looked into.

Linda Bennett. Extends invitation for the Greenock Log House and Applefest; there will be reenactors from the Pennsylvania Eighth Continental Regiment coming in to perform. This is history right on the corner in Greenock and the volunteers with this regiment are fantastic; bring your children to interact with these individuals who have knowledge of the 18th Century and you can go through a house that has been here since the 18th Century that they are working on to restore. There will be booths and vendors that are local craftsmen and artists. One booth will feature the works of Sister Edith which will be for sale. She has been a teacher to many artists who are at a professional level. The event will be on Saturday, September 23 from 10:00 a.m. until 5:00 p.m. The Greenock Methodist Church will have their Apple Festival with barbeque and baked goods.

Discussion topics:

Amendments to Zoning Ordinance relating to Billboard signs
Pipeline Ordinance

Solicitor Racunas states he will take care of these and send them to County.

Resolutions:

A motion to adopt Resolution 2017-20 for acquisition and subsequent disposition of parcel 1415-N-353 located at 925 Peairs Rd. through the vacant property recovery program the applicant is to rehabilitate a blighted structure on the parcel. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Blake. **All in Favor: The Ayes have it, Motion carries.**

A motion to adopt Resolution 2017-21 for acquisition and subsequent disposition of parcel 999-C-228 located at 105 Valleyvue Dr. through the vacant property recovery program the applicant would get the vacant parcel as a side yard. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Blake. **All in Favor: The Ayes have it, Motion carries.**

A motion to adopt Resolution 2017-22 concurring with the Act 537 Sewage Facilities Plan Update Special Study and its submissions for the Municipal Authority of the City of McKeesport to the Department of Environmental Protection. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Evans. **All in Favor: The Ayes have it, Motion carries.**

Items for Consideration:

1. Motion to approve the General Fund Bill Warrant dated September 18, 2017 in the amount of \$332, 830.06. **Motion:** Commissioner Similo. **Second:** Commissioner Saxon. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**
2. Motion to approve the Sanitary Fund Bill Warrant dated September 18, 2017 in the amount of \$213, 022.69. **Motion:** Commissioner Similo. **Second:** Commissioner Evans. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries.**
3. Motion to accept the resignation of Matt Didjunas from Planning Commission as of August 29, 2017. **Motion:** Commissioner Saxon. **Second:** Commissioner Blake. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
4. Motion to accept letters of interest for regular Planning Commission member. **Motion:** Commissioner Evans. **Second:** Commissioner Blake. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
5. Motion to accept the 2018 Option Year for contracted trash removal services with Waste Management at a cost of \$15.22 per unit per month including the cost of the Door to Door Service Collection for Hard to Recycle Items. **Motion:** Commissioner Rhoderick makes a Motion to table until more information can be gathered regarding a possible contract with SHACOG. **Second:** Commissioner Similo. **All in Favor: The Ayes have it, Motion carries.**
6. Motion to ratify phone vote taken on September 8, 2017 for the purchase of new 2017 F350 service truck for Sanitation Department in the amount of \$37, 471.32. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries**
7. Motion to waive all penalties and interest in the amount of \$474.22 from 2001 Yates Street sewage bill in regards to current owner and then allowing current owner to set up a payment plan for the balance of \$2196.02 plus monthly line fee. (*account must be kept current or payment plan is void*). **Motion:** Commissioner Blake. **Second:** Commissioner Saxon. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries**
8. Motion to approve the 2018 Non-Uniform Pension MMO in the amount of \$25, 321.92. **Motion:** Commissioner Saxon. **Second:** Commissioner Similo. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries**
9. Motion to approve the 2018 Uniformed Pension MMO in the amount of \$71, 246.06. **Motion:** Commissioner Saxon. **Second:** Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries**
10. Motion to approve Sanitary Bond Requisition No. 52 in the amount of \$24, 651.50. . **Motion:** Commissioner Blake. **Second:** Commissioner Evans. There are no questions on the Motion. **Roll Call Vote: 5:1 absent. Motion carries**
11. Motion to approve Invoice 1 from Ackenheil Engineers, Inc. for the Forest Hills Road Slide Investigation in the amount of \$7, 679.00. . **Motion:** Commissioner Saxon. **Second:**

Commissioner Blake. There are no questions on the Motion. **Roll Call Vote: 5:1 absent.**
Motion carries.

12. Motion to appoint Joelle Whiteman as the Right to Know Officer for Elizabeth Township. .
Motion: Commissioner Similo. **Second:** Commissioner Evans. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
13. Motion to appoint Jane Blake as Secretary to the Elizabeth Township Board of Commissioners for document verifications. **Motion:** Commissioner Saxon. **Second:** Commissioner Similo. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
14. Motion to authorize Public Works Department to sell for scrap the 400 Cummins 200KW diesel generator and 2004 Ford E250 van. **Motion:** Commissioner Evans. **Second:** Commissioner Saxon. There are no questions on the Motion. **All in Favor: The Ayes have it, Motion carries.**
15. Motion to accept proposal from McMillen Engineering, Inc. to review Sanitary expenses.
Motion: Commissioner Similo. **Second:** President Beckowitz. Commissioner Saxon and Commissioner Rhoderick have questions on the Motion.

Commissioner Saxon: The description of services, 'McMillen Engineering shall perform a second opinion project review for the proposed Elizabeth Township Sanitary sewer project' and that's all it says on the description of services and to the other page it says, 'not to exceed \$50,000'. He thought it was to review the Bond Requisitions and President Beckowitz confirms that it is. Commissioner Saxon states that is not what the scope of services says. President Beckowitz explains that she was told it would be kept very vague. Commissioner Saxon tells her that's not vague, it's concisely to the point that they're proposing the sanitary sewer project. President Beckowitz responds that the Bond Requisitions are part of that sanitary project.

Commissioner Rhoderick states that this is the fourth engineer to look at this. President Beckowitz says that's what the audit recommends. Commissioner Rhoderick responds that the audit called for the Bond Requisitions to be reviewed and President Beckowitz tells him the Bond Requisitions are part of the sanitary project, they are intertwined. Commissioner Rhoderick tells her that's not what this says and he makes a Motion that this is tabled until there is a clear and concise description. **Motion:** Commissioner Rhoderick. **Second:** Commissioner Evans. **All in Favor: The Ayes have it, Motion carries.**

16. Motion to permit George Gobel to transfer Sanitary Authority case file to Attorney James W. Creenen. **Motion:** Commissioner Similo. Commissioner Saxon makes a Motion to table for further discussion. **Motion to Table:** Commissioner Saxon. **Second:** Commissioner Rhoderick. No Vote requested or called on.
17. Motion to bid the Chapel Drive renovations and fields project. Discussion is held on the purpose of the project, to finish the inside of the building and put up a soccer field and a multi-purpose field. Have to use Bond money to do the project and Commissioner Rhoderick points out that they can also use the bond money to repair the salt shed. Commissioner Saxon offers to make a Motion that involves the sports organizations so that when we get a bid for what we need they can

have some input on it. There is discussion with regarding possible use of the fields, scheduling conflicts with sporting events, public use and maintenance expense. Commissioner Saxon makes the Motion to bid work on the Chapel Drive Building Renovation project in accordance with drawings prepared by KLH. **Motion:** Commissioner Saxon. **Second:** Commissioner Blake. **All in Favor: The Ayes have it, Motion carries.**

SECOND MOTION: Motion to authorize KLH to invite community involvement from local sports organizations for comment on the Chapel Drive field project. **Motion:** Commissioner Saxon. **Second:** Commissioner Evans. **All in Favor: The Ayes have it, Motion carries.**

18. **ADDED MOTION:** Motion to hire Patrick Roland as Inspection Mechanic/Laborer for the Public Works Department at the hourly rate of \$26.89. **Motion:** Commissioner Blake. **Second:** Commissioner Saxon. **All in Favor: The Ayes have it, Motion carries.**
19. **ADDED MOTION:** Motion to direct Public Works Department to pave Jacktown Road Extension with a cost of \$17,900 in asphalt. **Motion:** Commissioner Similo. **Second:** Commissioner Evans. **Roll Call Vote: 5:1 absent. Motion carries.**
20. **ADDED MOTION:** Motion to ratify the phone vote and approve the Settlement Agreement and General Release of Claims with Lauren Zang effective September 18, 2017. **Motion:** Commissioner Blake. **Second:** Commissioner Saxon. Question: Resident asks what the settlement is for and Solicitor Racunas explains that it's a personnel matter in litigation so the Board can't comment at this time. **Roll Call Vote: 4:2, 1 absent, 1 abstains.**

Commissioner Similo votes yes only because of advice of counsel because he hates to vote yes. Solicitor Racunas states he is not counsel Commissioner Similo is referring to.

Commissioner Saxon votes yes.

Commissioner Blake votes yes.

Commissioner Rhoderick abstains because he wasn't involved in all of the discussions. There is discussion between President Beckowitz, Commissioner Similo, and Commissioner Rhoderick regarding missed discussions and his decision to abstain from voting.

Commissioner Evans votes no.

President Beckowitz votes yes.

21. **ADDED MOTION:** Motion to promote Joelle Whiteman to Office Manager effective immediately at \$45,000 a year. **Motion:** Commissioner Blake. **Second:** Commissioner Evans. **Roll Call Vote: 5:1 absent. Motion carries.**

President Beckowitz states that there is no further business before the Board.

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

President, Chris Evans

Joelle Whiteman, Office Manager