

**Elizabeth Township
Board of Commissioners
Monday, March 7, 2016
Commissioners' Meeting**

Call to Order

Pledge of Allegiance & Moment of Silence

Roll Call – President Rob Rhoderick, convened the Meeting of the Elizabeth Township Board of Commissioners at 7:00 P.M. in the Township Municipal Building, 522 Rock Run Road, Elizabeth, Pennsylvania. The roll was called to establish a quorum. Commissioners present were: Commissioner Similo, Commissioner Saxon, Commissioner Kuzma, Commissioner Beckowitz, Commissioner Blake, Commissioner Evans, and President Rhoderick

Executive Session Acknowledgement: Solicitor Racunas acknowledges Executive Session to discuss Finance Specialist/Office Manager Position and DPW Employees.

Will Hebda, Eagle Scout to present Eagle Scout Project for the Elizabeth Township Community Center. Will Hebda of troupe 99 in Elizabeth Township explains Eagle Scout project that he would like to do outside of Freedom Hall at the Community Center for the fire pit and benches surrounding. I would like to make it look nice so that people would want to rent out Freedom Hall more often states Will Hebda. Project description included in packet for Commissioners' review. President Rhoderick asked how he planned on financing the project. Will Hebda said through donations and fundraising. Rhoderick asks board for a motion to approve of Hebda's project and asks Bryan Churilla from KLH to work with Hebda for a materials list. Also, President Rhoderick offered personal donation and Vice President Beckowitz offered personal donation and acknowledged that Will Hebda lives in her ward. Estimated Eagle Scout project start date is May or June of this year.

Motion to approve Will Hebda Eagle Scout Project at the Community Center

1st Motion Rhoderick Seconded Motion Beckowitz

Roll Call

All in Favor: Motion Carries

Dan Bickerton and Justin Nash of PA American Water to present checks to the following Fire Departments: Blaine Hill, Buena Vista, Greenock and Elizabeth Township #1. – Justin Nash of PA American presented \$500 to ET #1, Greenock, Buena Vista and Blaine Hill Fire Departments. Nash spoke briefly replacing about 13,000 feet waiting to hear from Penn Dot regarding water line work along Pineview. Nash states miscommunication in his office for work that is being completed on Rothery and Oak and that is why residents were not notified. Letters will be sent to residents along Pineview notifying them of the work that will be done, noticed will be hand delivered.

Department Reports

Code Enforcement – Still looking into sound system for meeting room, waiting on quote to come in hopefully info for next meeting. Demo list for 2016 being worked on, currently process of the properties being cleared. Racunas stated time table for receiving the titles back on the homes should be able to set hearings within next 20 days. Commissioner Evans asks the chairman about the house along Blythdale Road. Currently Bryan Churilla is waiting on phone call back from Penn Dot on easement of state road. Commissioner Evans concerned with

weather getting warmer rodents to come. Racunas states issues with right a way harder than we initially thought. Commissioner Evans asks why we cannot just send someone to pick up the trash. Racunas explains possible legal issues. Commissioner Blake asked about the property owner. Snelson stated that he believes tenant is no longer living in home, no record of address for property owner address for taxes is listed as undeliverable. Chief Kerestes acknowledges that trash is in a utility right of way and under utility lines and is a hazard. Racunas agrees and once right away determined Chief will be involved. Bob Thomas asks about the property that residents live in and there is trash piled up to the door. Rhoderick states process taken with magistrate, not easy process.

Engineer – Submitted written report. Discuss Victor Ave sewer repair that was an issue this past year, home on Smithfield major driveway deficit due to drain underneath. 2016 Paving Program, bids will be opened on March 31st and ready for April 2016 meeting. Rhoderick states Commissioner Kuzma asked about grant money for paving. Bryan acknowledges he spoke with Kuzma.

Office – Lauren Zang states that he submitted written report. Highlight from report additional funding from DEP received for Recycling Grant.

Police – Chief Kerestes states that he has reports submitted for review. January 387 events logged by Allegheny County 911, 7 adult arrests, 1 juvenile, 80 traffic stops, 7 traffic citations issued, 15 motor vehicle crashes, 7 reportable, 9 non-reportable with 3 injuries. February 334 events logged by Allegheny County 911, 11 adult arrests, 3 juvenile arrests, 91 traffic stops, issued 16 traffic citations, 11 motor vehicle crashes, 5 reportable, 6 non-reportable with 3 injuries as a result of these accidents.

Road – John Castine states that Spring Clean Up for leaves and brush to begin on March 21st. The road crew will be going to various areas throughout the Township to collect leaves and brush put out by residents. Bins will also be set up in the rear of the Municipal Building for drop off. wall along Happy Hollow collapsed, crews working on the cleanup for the wall and crews working on repairs to roads that are on upcoming paving list.

Solicitor – Solicitor Racunas states that he has nothing outside of written report.

Citizens to address AGENDA items only:

Mike Majzer: At the last township meeting Commissioners stated revival of the authority. I would like to know what happened since the last meeting since item number one on agenda is to terminate the authority. President Rhoderick responds that letter was received from the DEP dated March 1, 2016, letter is appalling as far as what has been going on. I have been on the record at least 10 times asking what is going on. Over \$700,000 spent last year with Gateway Engineers and we didn't build anything and a lot of the spending was geared towards the plant. Rhoderick states he will read from the DEP letter. The DEP has verbally committed if we make a change in direction and they give us their recommendation on what they want to do and release taps if we make a workable situation. The fines that we are being fined, currently \$500 per day will be removed also if it is a workable situation. I will read from the letter what DEP is stating for the public "As it stands now, your current plan does not consider your outstanding financial obligations to McKeesport, which the Department must consider in evaluating your alternative, nor does your plan demonstrate that your preferred alternative is actually significantly less expensive. In addition, please note that the Department cannot approve any plan which McKeesport does not adopt by resolution, as a revision to their proposed Official Sewage Facilities Plan. Given the unlikely nature of McKeesport adopting this plan, coupled with the lack of evidence that your plan demonstrates a proposed significant savings by deviating from a

previously approved regionalization scheme, the Department does not wish to encourage you to continue with your alternative plan. The Department urges you to reconsider your request of our review of the current plan which we believe constitutes a waste of financial and manpower resources for both Elizabeth Township and the Department. However, should you insist upon our reviewing your alternative plan, these following issues need to be resolved before the Department can continue to review the plan as submitted. There are 33 issues that are listed that would take hundreds of thousands of dollars. They basically told us they do not want us to build a plant. I have been on this for over a year and a half and we have spent hundreds of thousands of dollars that is why we have to have a change in direction. If we do not have a relationship with the DEP, they are the governing authority. We have to start over, there are people here that have been waiting on taps forever. With this being said we are not going to be able to build a plant and these folks will be with taps as soon as early April and that is a verbal commitment. Meeting set up with Board of Commissioners, Health Department and DEP on March 17th down at their offices for all of this to be hashed out. If we do not make a change in direction, this township has already paid a lot and it will pay a lot more especially with DEP saying they are considering this a waste of financial resources. That sentence there from a state agency, like Donald and Joanne has been saying it for over a year and a half. Mike Majzor says Authority did not to be dissolved to do this, board last year had unanimous vote for plan, all voted except for Andrew. President Rhoderick the fact that DEP does not want us to build plant. Mike Majzor responds Commissioners need communication, I was a proud member of ETA and now it's thrown out the door. We tried saving over 30 million dollars. We could have done this without throwing us out the door and all he is upset about is the communication. President Rhoderick states that the letter just came in. ETA Member states that President Rhoderick has not communicated with them one bit. President Rhoderick states he attended meetings and I have been there and we talked. As a Commissioner last year nothing ever got back to me, had to call DEP himself. ETA Member states that information is always relayed to the Township. States that President Rhoderick came to meeting stating he was going to look at this and he went ahead and did this without even talking to them about it. President Rhoderick states letter came in March 1st, what other direction can we go with a state agency saying this? Ed Campbell asks President Rhoderick how many times he has been involved with the DEP. Probably as many times as he has but he leans on professionals and the letter states technical deficiencies, documents that were sent to them 60 plus pages, 460 pages. So, that is not an untypical letter that comes to people who are fighting the DEP because something that was done a number of years ago. We did the research, we found that we could save multi-millions for the residents and tax payers and the Commissioners knew about it, every path that we could take, 3 alternatives, none of that has changed and was put in the 537 plan. That letter is I think sort of misleading, there are statements in there that their opinion all along was that they would love for us to go to McKeesport. The previous board of Commissioners was told that was the cheapest route and they were misled. President Rhoderick quotes cost estimates for building a plant and the capital cost presented to planning was different from the presentation given by Gateway a month later. Ed Campbell states that that information is wrong. Commissioner Beckowitz requests letter given to audience. Solicitor Racunas suggests not at this time. Commissioner Saxon asks what does this still have to do with getting rid of the authority board? Commissioner Similo states authority does not exist legally and we are dealing with a phantom. Commissioner Beckowitz agrees. Commissioner Similo addresses Ed Campbell, he went to Harrisburg like Campbell previously told him and authority is out of existence. First time he ever saw a bond warrant was November 2015. If all the information was given where did it go? Authority Rep asks Commissioner Similo to explain where it went to them and it was submitted and that is on Township's end. Commissioner Similo explains payroll issues that were found and an EIN was filed for with no basis with the authority and tax form from authority was signed by employee that has not worked there in over a year and is fraudulent. Emil Burack states that he has been saying for 2 years they are not legal authority. No communication, they had the majority and it was done. To this day they still do not exist but

money was still spent. Commissioner Saxon when did ETA expire? Emil Burack responds December 2013. Commissioner Saxon states that that is incorrect, 2008. Solicitor Racunas states that that is two separate issues. Commissioner Blake asks what has been done, it's only been in the last two years that people have been working on this. Commissioner Similo states that in early 2013 four members of this board went to court to stop them from doing anything that's why there was nothing done. 8 of the 10 requirements were completed and they were stopped by the majority of this board. Commissioner Blake states that she doesn't think there was anything done in those 6 years from 2008 to 2014. I wonder why the DEP is so set about us going to McKeesport. McKeesport is going bankrupt. Commissioner Evans comments we're going to be the cash cow of McKeesport. Commissioner Saxon states that there were never any updates given. President Rhoderick states that the DEP is saying we want to waste Township money to go ahead and do it.

Dave Joseph: States that he has been paying money for 13 years on a house that he owns but does not use any water at the residence. Thinks it's unfair. Some audience applaud in agreement.

Scott Jacobs: Comments in regards to Township Management. Most first class Townships have Solicitor, Engineer, and Township Manager even though they aren't required, only secretary is required. States reasons that he believes Elizabeth Township needs a Township Manager. President Rhoderick states that Rostraver operates with Finance Specialist/Office Manager. Lauren Zang is doing the job very efficiently and we are saving the tax payers thousands of dollars. Minutes are in and will be approved for next meeting. Emil Burack responds we're had 5 managers from the previous administration and they were asked to partake in illegal activities and he can provide the history of that. Commissioner Similo the job description is all that matters.

Freddy Metcalfe: Baseball scheduling. This is not a voting item. President Rhoderick states that there has been a lot of issues with scheduling the baseball fields. John Snelson has been getting calls with teams trying to schedule but has not been able to carry through with the scheduling. He would have to go through the EFYA to do so but a book came out of nowhere that fields were already schedule 7 days a week. A Fields Committee will be created consisting of 5 people in charge of scheduling the fields, however the schedules are already set for this year. Elizabeth Township kids come first but if fields are not being used, others can pay to play on the fields and that will be revenue to the Township. Commissioner Beckowitz asks how we got away from the way we've always scheduled, teams submitting requests by the first of the year. President Rhoderick states that there was miscommunication. The Fields Committee will make their recommendations to us and we will make the ultimate decision. Commissioner Saxon states that in any other Township their kids play on their fields first and it's the same here. Our fields are way behind on maintenance. Fred states that he wants kids in the Township to have more than enough time to play he just wants the fields to be used and that adult recreation is important also because there is not a whole lot of it within the Township. There have been complaints about Serra using the field but they use the field until 5:30 and no one needs it during that time.

Bobby Madden: I spoke with Fred earlier and we are going to have good communication. We want the EFYA to have first priority. I would like to submit what we need first. President Rhoderick we are keeping the same field maintenance agreement just cleaning up that it doesn't come through the Rec Committee. It just comes through us because we are the only ones who can approve expenses. Bobby Madden expresses communication with Lauren Zang about expenses. President Rhoderick after you have an invoice just submit your expense. We'll approve that tonight.

Lani Knabenschuh: If you vote tonight to terminate ETA how are you going to invoice them? President Rhoderick its two separate funds the Township is the umbrella over all of it. President Rhoderick says it should say sanitary funds, just needs cleaned up Solicitor Racunas. We didn't vote on it yet. Lani if we're going to put it on the agenda let's keep it accurate.

Unknown Resident: Workable solutions agenda number one I'm asking is the workable solution still include donations from any incorporation? President Rhoderick no. DEP cannot respond because there isn't anything in writing at this point. They're totally against putting any clean water into the sanitary. DEP communicated that if there is a changed in direction we're willing to release the taps.

Ordinances:

Ordinance No. 922 – An Ordinance of the Township of Elizabeth, County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance No. 890 of the Elizabeth Township Code of Ordinances to eliminate the salary and wages of Commissioners in the Township of Elizabeth.

1st Motion Beckowitz 2nd Motion Similo

Roll Call

All in Favor: Motion Carries

Ordinance No. 923 – An Ordinance of the Township of Elizabeth, County of Allegheny, Commonwealth of Pennsylvania, rescinding Ordinance No. 891 which created the position of Township Manager.

1st Motion Similo 2nd Motion Beckowitz

Roll Call

Commissioner Similo - Yes

Commissioner Saxon - No

Commissioner Kuzma - Yes

Commissioner Beckowitz - Yes

Commissioner Blake - No

Commissioner Evans - No

President Rhoderick - Yes

4:3 Motion Carries

Resolutions:

Resolution No. 2016-5 - A resolution by the Board of Commissioners appointing the firm Maher Duessel to perform the Redevelopment Authority of Allegheny County contract audit for the Gaming Economic Development Fund, Contract No. 13-GEDF-011 for the contract period of November 18, 2013 to November 17, 2015 in the amount of \$2,906.00.

1st Motion Similo 2nd Motion Beckowitz

Roll Call

All in Favor: Motion Carries

Resolution No. 2016-6 – A resolution by the Board of Commissioners approving of the disbursement of the 2015 Fire Levy Funds to all Elizabeth Township Fire Companies totaling \$321,957.54.

1st Motion Similo 2nd Motion Beckowitz

Roll Call

Commissioner Similo - Yes

Commissioner Saxon - Yes

Commissioner Kuzma - Yes

Commissioner Beckowitz - Yes
Commissioner Blake - Yes
Commissioner Evans - Abstain due to being Fire Chief of Blaine Hill
President Rhoderick - Yes
6:6 Motion Carries 1 Abstain

Resolution No. 2016-7 – A resolution authorizing the filing of an application for funds with the RAAC in the amount of \$85,677.00.

1st Motion Similo Seconded Motion Beckowitz
Roll Call
All in Favor: Motion Carries

Voting Items:

1. **Motion to terminate the Elizabeth Township Authority, which is no longer in existence and direct the Township Solicitor to file the appropriate documents with the Pennsylvania Department of State.**

1st Motion Beckowitz Seconded Similo
Roll Call
Commissioner Similo - Yes
Commissioner Saxon - No
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - No
Commissioner Evans - Absolutely not, No
President Rhoderick - Yes
4:3 Motion Carries

2. **Motion to withdraw Option 1 of the Buena Vista Amended Act 537 Plan which has been submitted to the DEP. Option 1 was for the construction of the Buena Vista Treatment Plant.**

1st Motion Similo Seconded Beckowitz
Roll Call
Commissioner Similo - Yes
Commissioner Saxon - Yes, because no Authority.
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - Yes
Commissioner Evans - No
President Rhoderick - Yes
6:1 Motion Carries

3. **Motion to terminate all appeals submitted to the Environmental Hearing Board to the DEP consent order filed by Attorney Kevin Garber.**

1st Motion Similo Seconded Beckowitz
Roll Call
Commissioner Similo - Yes
Commissioner Saxon - Yes
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - Yes

Commissioner Evans - No
President Rhoderick - Yes
6:1 Motion Carries

4. **Motion to terminate Gateway Engineers as the Engineering Firm for the township sanitary issues and/or for the former Elizabeth Township Authority.**

1st Motion Beckowitz Seconded Similo

Roll Call

Commissioner Similo - Yes
Commissioner Saxon - No
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - No
Commissioner Evans - No
President Rhoderick - Yes
4:3 Motion Carries

5. **Motion to hire KLH Engineers as the Engineering Firm for the Elizabeth Township sanitary issues.**

1st Motion Beckowitz Seconded Kuzma

Roll Call

Commissioner Similo - Yes
Commissioner Saxon - Need an engineer, Yes
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - No
Commissioner Evans - No
President Rhoderick - Yes
5:2 Motion Carries

6. **Motion to approve the Bill Warrant dated March 7, 2016 in the amount of \$355,450.71.**

1st Motion Beckowitz Seconded Kuzma

Roll Call

Commissioner Similo - Yes
Commissioner Saxon - Yes
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - Yes
Commissioner Evans - No
President Rhoderick - Yes
6:1 Motion Carries

7. **Motion to approve 3% raise for Heather Kelley effective her anniversary date of March 16, 2016.**

1st Motion Beckowitz Seconded Kuzma

Roll Call

All in Favor: Motion Carries

8. **Motion to approve 3% raise for Chief David Kerestes effective his anniversary date of March 2, 2016.**

1st Motion Saxon Seconded Kuzma

Roll Call
All in Favor: Motion Carries

9. **Motion to approve the addition of a fire hydrant at Nichols Hill Road based on the approval of Fire Chief Pete Hough.**

1st Motion Beckowitz Seconded Kuzma
Roll Call
All in Favor: Motion Carries

10. **Motion to suspend the Township hiring policy to hire relative to the Finance Specialist/Office Manager position only.**

1st Motion Beckowitz Seconded Kuzma
Roll Call
Commissioner Similo - Yes
Commissioner Saxon - No
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - Yes
Commissioner Evans - Yes
President Rhoderick - Yes
6:1 Motion Carries

11. **Motion to hire Lauren Zang for the position of Financial Specialist/Office Manager at \$27.00 per hour with a reevaluation after 6 months.**

1st Motion Beckowitz Seconded Kuzma
Roll Call
Commissioner Similo - Yes
Commissioner Saxon - No
Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - Yes
Commissioner Evans - Yes
President Rhoderick - Yes
6:1 Motion Carries

12. **Motion to reinstate the 2003 Hiring Policy.**

1st Motion Similo Seconded Beckowitz
Roll Call
All in Favor: Motion Carries

13. **Motion to approve \$500 in spending for materials and supplies for the Easter Egg Hunt on March 26, 2016 at the Community Center hosted by the Elizabeth Township Recreation Committee. Approved amount shall be inclusive all monetary donations received, to date \$300.00 plus supplies have been received.**

1st Motion Saxon Seconded Similo
Roll Call
All in Favor: Motion Carries

14. **Motion to advertise Ordinance No. 924 – An ordinance vacating an existing 15 foot alley and a portion of an existing 12 foot alley located in the Thomas Fergus Plan Subdivision of Lots.**

1st Motion Beckowitz Seconded Kuzma

Roll Call
All in Favor: Motion Carries

15. Motion to invoice the sanitary Funds for the 2015 Year End Audit to be performed by Maher Duessel in the amount of \$6,000.00.

1st Motion Similo Seconded Beckowitz
Roll Call
All in Favor: Motion Carries

16. Motion to approve the release of the \$50,000.00 cash bond to J & E. Real Estate for resurfacing and paving work within the Vernon Manor Plan. Release of bond recommended by KLH, Engineers.

Solicitor Racunas explains the reason for release of funds for work that was completed. Bryan Churilla states inspection completed by KLH and there are a few outstanding pieces of the work.
1st Motion Similo Seconded Rhoderick
Roll Call
All in Favor: Motion Carries

17. Motion for the ratification of the CITF grant resolution and payment to Swede Construction in the amount of \$11,850.00 for the Community Center Step Replacement.

1st Motion Saxon Seconded Evans
Roll Call
All in Favor: Motion Carries

18. Motion to advertise the Request for Proposal (RFP) for Delinquent Tax Collection Services.

1st Motion Saxon Seconded Similo
Roll Call
All in Favor: Motion Carries

19. Motion to advertise the Request for Proposal (RFP) for Grass Cutting of Vacant Properties in Elizabeth Township.

1st Motion Beckowitz Seconded Evans
Roll Call
All in Favor: Motion Carries

20. Motion to terminate King Cleaning Service for janitorial services of Elizabeth Township and give the appropriate 15 day notice.

1st Motion Beckowitz Seconded Similo
All in Favor: Motion Carries

Commissioner Evans questions motion, he states that he thought we handled janitorial services recently. Solicitor Racunas states he does not believe issues should be discussed in public meeting and would gladly speak in executive session.

21. Motion to drop lawsuit against Jim Lesnewski and Bob Similo that was probably filed illegally, terms will be over before settled.

1st Motion Beckowitz Seconded Rhoderick

Commissioner Similo - Yes, after initially passing on vote. Questions Solicitor Racunas if it is okay for him to vote since Similo is 2nd cousin to him.

Commissioner Saxon - No

Commissioner Kuzma - Yes
Commissioner Beckowitz - Yes
Commissioner Blake - No
Commissioner Evans - No
President Rhoderick - Yes
4:3 Motion Carries

Commissioner Evans asks President Rhoderick if the audit on the Township credit card was completed. President Rhoderick states that the entire audit on the Township will not be completed until the end of May. They are looking into the credit card also. Commissioner Evans asks so that's not done? President Rhoderick no, not at all. Commissioner Evans thank you. Lauren Zang says we have been internally also contacting as many vendors as we can but we're running into road blocks with them actually providing us with signed copies of the receipts.

Citizens to address items:

Carol Dailey: Speaks regarding the process of zoning and the role the Commissioners play. Solicitor Racunas explains the difference between a permitted use and conditional use. Conditional use is not like a variance. Right now it's not a use that's allowed at all now the zoning board is deciding if they're approving the request by the applicant it would become a conditional use. The power plant would become a conditional use in that district. Carol Dailey responds, alright now I have a five minute thing that I'd like to present. She reads a research statement that she prepared regarding Invenergy, its potential effects on the environment and the community. Carol Dailey states that she submitted several RTK forms for Fiore tax information and zoning minutes. She also presents situations regarding Invenergy and its other locations.

Patty Hoffman: Asks if letter from the DEP can be placed on the website so that residents can review it prior to the Zoning Board Meeting. Solicitor Racunas states that it won't be available on the website but will review to see if it can be a public document that can be obtained by submitting a RTK.

Larry Coccia: In regards to the DEP decision, has the route been questioned? President Rhoderick replies that there is a meeting set up with the DEP on March 17th to figure out with the most cost efficient plan is for Elizabeth Township.

Commissioner Saxon: States that he would like to be put on record and change his vote to no on move to go to McKeesport. He does not want to be responsible for the future costs down the road.

Joseph: Speaks about Paper Street off of Walter Street, states that neighbor dug up the road and would like the Township to reach out to conservation department on his behalf to enforce that the neighbor repack it. President Rhoderick asks Bryan Churilla of KLH if this is something that he is aware of and Bryan Churilla states no. Joseph states that he submitted RTK for zoning information. John Snelson states Army Core of Engineers and PA Game Commission is involved and have responsibility over the area that the resident is speaking of. President Rhoderick directs KLH to coordinate a date to look at property.

Bob Thomas: Asks Solicitor Racunas about the statement he made regarding the conditional use application, that he never saw anything quite like it. Solicitor Racunas states, not for a use variance. Spoke to their lawyer about it and he says they did it that way because he wanted it to be as open as possible and pass through as many Township layers as he could. I really haven't put much thought into why they framed it a certain way particularly since right now it's a zoning issue. Until that gets through the zoning is doesn't really become a Commissioner issue. Normally when you submit a use variance you're saying usually you don't allow this and I'd like you to allow it. That's your typical use variance so when I found out he was doing it as a conditional use it stuck with me because I found it as odd. But they did, im sure regardless of what happens at the ZHB level appeals are going to be taken. If you assume that each level is

going to be challenged you're doubling the time of appeals. Really they've lengthened the appeal time frame.

Unknown Resident: Asks if Zoning Hearing Board denies Invenergy, can it be appealed and will it come before the Commissioners? Solicitor Racunas states that it only comes here if they're successful on their appeal. Either residents with attorneys will file appeals or Invenergy will file appeals. An appeal will be filed either way and can go all the way up to the Pennsylvania Supreme Court will ultimately decide if that variance is granted. Resident questions 36 month time limit. Solicitor Racunas responds he doesn't know. Carol Dailey says they have another year and half on the lease. Solicitor Racunas states that he imagines that they could renew the lease and he doesn't believe that that's a big issue for them. If I had to estimate the time frame of all appeals we're talking three plus years of litigation. Another resident asks, so you're pretty much telling us that no matter what they're going to build? If they just keep appealing it eventually someone is going to say forget it, they're just going to build it anyway. Solicitor Racunas no it doesn't work that way what I'm saying is that regardless of the decision of the ZHB whatever they do grant it or deny it, somebody gets to appeal that. Someone who doesn't agree with that decision will take it to a court and ultimately a judge will decide yes they're allowed the variance or no. The Planning Commission is recommendatory so they will review it make recommendations and then it will come here for a vote. The interesting thing about them filing it as a conditional use is that in your typical conditional use case you can a zoning ordinance that says this is a conditional use. Here because it's a use that is not allowed at all let's say it's granted as a conditional use, there's really no conditions there. Again I don't know how they decided to structure it like that or what conditions they're intending to put on that. These Commissioners can put additional conditions on that but there's no base line of conditions. The Commissioners could deny it but again it will be subject to appeal. Carol Dailey responds that up near Scranton the appeal process went less than two year, they pushed their way through fast. President Rhoderick and Solicitor Racunas state that Allegheny County will be slow. Carol Dailey says well okay let's say they vote on it and you guys pass it, it doesn't go in to affect until 6 7 years after until it's built that money means nothing. A Resident submits her right to know for the DEP letter to Lauren Zang. Other residents come forward with RTKs.

Unknown Resident: Asks why the Commissioners chose to not advertise for the Finance Specialist/Officer Manager Position. Solicitor Racunas responds that it's a personnel issue so it's really not subject for public comment. Solicitor Racunas responds that all voting items must be voted on in public and they voted to suspend the hiring policy, make the motion to hire, and reinstated the hiring policy after. Scott Jacobs makes comment about transparency and a voting item be a motion to avoid transparency. Comments should be made before a vote because they don't help much after the vote. My understanding that one of the driving forces was to save \$65,000 on the cost of a manager but today you voted to spend \$56,000 on a new position. I could not keep up with either of the two inserted votes. Suggests that the motions be recited again. Solicitor Racunas states that they suspended the hiring policy for one vote and then put it back in place. Commissioner Beckowitz states that she doesn't believe that it would have been fair to advertise for the position when Lauren Zang has been the interim and has been doing a good job and that they chose not to advertise for the reasons that they more than likely would have hired her regardless of if there were interviews and why waste peoples' time and effort by getting their hopes up if the Commissioners already knew who they were going to hire. Unknown Resident asks what is stopping the board from taking rules and setting them aside for one vote and putting the rule right back into place in the future. Commissioner Beckowitz responds this is only the second time since I have been a Commissioner that the board made a motion to set aside a policy to make a motion and then immediately reinstate the policy. Unknown Resident from the audience comments that's two times too many.

Patty Hoffman: Asks that they advertise in the Post Gazette because the E Trib is not available to everyone in the community and the Post Gazette is the only newspaper that gets delivered to her and others. Solicitor Racunas responds that we can look into it but that's a cost issue.

Dave Joseph: States that he submitted a RTK over a year ago, gave John Snelson one today and hands another one to the board.

Ted Grice: At the beginning of this it was stated that there were going to be ten properties on the condemnation list. What happens to those ten properties? Solicitor Racunas states that the structures are removed, a lien is place on the property equal to the value of the services and cost to demolish it. President Rhoderick states that they are going to have the Economic Development Committee to look into Act 90 and work with the Solicitor because there are ways for us to recoup that money that hasn't been done in the past from the actual property owner instead going after their personal property. We're going to look into that as opposed to the tax payers handling that burden solely. Mr. Rice asks so the lien doesn't become emanate domain by you? Solicitor Racunas states no, it stays their land. The Township isn't in the business of property ownership, we're in the business of property taxation so we really don't want the properties. President Rhoderick states that we end up tearing down the structures and then we have to pay to cut the grass. It's a double edged sword. Solicitor Racunas states that the Vacant Property Recovery Program is the best bet. Act 90 is dealing with blighted property. Allows municipalities to go after different people for blighted property.

Mr. Hearn: Correct me if I'm wrong but didn't you appoint two Commissioners to the Zoning Board last meeting. Solicitor Racunas no that was ETA. President Rhoderick states that after they meet with the DEP they will look into setting up another board. The goal of the meeting on March 17th with the DEP is to move forward, get taps released and have the fines resolved. The reason these decisions were made was because we have to changed direction.

Lani Knabenschuh: In the event that a resident of this community or a ward in this community would opt to vote for their Commissioners at large as opposed to single wards can you direct as to how to go about initiating that. Solicitor Racunas states that there is a petition process, go through the Court of Common Pleas, time frame issues as to when petition has to be filed, so many people have to sign, and the contents of that position. It can be done. Lani is that the first step to initiate a petition? President Rhoderick I've been done this road I've been in front of a judge. At the time years ago the judge recommended a mixed system. It's been about 8-10 years ago. There's constitutional issues with it because of the diversity of our Township. If you have economic diverse areas that are not represented as a whole like if one area is a poor section they can challenge this legally because they aren't getting represented. Someone from a non-represented area can challenge this and it will knock the whole thing out because of the one man one vote. We tried it we explored it, but at the end of the day the diversity of the Township would cause a challenge and it would be a waste of money. Lani where do the funds come from to challenge. President Rhoderick when I did it, it was my own money out of my pocket. Commissioner Beckowitz my ward was opposed to it because they knew if they had a problem they knew who to call. Lani I don't have a problem with the Commissioner in my ward or any other Commissioners but the way things have been happening at these meetings is appalling to the residents here. Commissioner Evans ask Solicitor Racunas if we as a board can vote to run at large. Solicitor Racunas says that it's something he will have to look into he's only been involved with residents petitioning the court. Commissioner Evans asks President Rhoderick when he did that who challenged him President Rhoderick responds by Elizabeth Township. The board itself and special counsel.

Motion to Adjourn:

1st Motion Rhoderick Seconded Beckowitz

President, Board of Commissioners

Lauren Zang, Office Manager

