

Elizabeth Township
Board of Commissioners
Monday, April 18, 2016
Commissioners' Workshop Meeting

Call to Order

Pledge of Allegiance & Moment of Silence

Roll Call

Commissioner Similo – Present
Commissioner Saxon – Present
Commissioner Kuzma – Present
Commissioner Beckowitz – Present
Commissioner Blake – Present
Commissioner Evans – Present
President Rhoderick – Present

Executive Session Acknowledgement: Solicitor Racunas states that they did hold an executive session to discuss personnel matters involving the K-9.

Citizens to address AGENDA items only:

Emil Burack: States that he noticed that there is a guy from BNY Mellon here tonight and that maybe he could answer his question. States that he has a question about bond requisitions, never heard that term and then it started showing up on the ETA agendas. It's almost like the warrants on bonds of what they draw down the bonds get X amount of dollars and then they pay bills. The question I have is what determines what bills are paid because I look at some of those warrants and I'm question are they all legitimate bills to be paid by bond money? President Rhoderick states that the person from BNY Mellon is not here tonight. There was discussion about that and when we get to #3 to discuss that, we did have a lengthy discussion with Craig Young. That has been a concern and question of mine also and we do have an auditor looking at that from 2015. We may have to decide as a board to get a 3rd party engineer because there are some serious questions to be raised. When we sat down with the DEP and they said listen, we don't want these two 537 plans and we want you to take board action and throw them out and we want you to do an addendum for the first plan we paid hundreds of thousands of dollars for those plans and a lot of that had to do with requisitions, I can't give you an answer but I do know that once the audit comes in, this board may have another engineer take a look at it to see what was supposed to come out. Commissioner Similo address Emil Burack most of the bond indenture will tell you specifically what it is to be used for. However, a general answer is that is has to be capital in nature and it has to be expenditures that last as least as long as the term of the bond. For example, you buy a police car that would last four years, you can't use a thirty year bond to buy a police car although it's a capital expense. That's a general criteria. Specific criteria in a bond indenture and also the ordinance. Emil Burack somewhere around May or June last year the bond requisitions started showing up on the agendas for the sanitary authority, I didn't know what that meant and then I found out it's a request for money drawn down out of the bond to pay bills. The

next question was how you determine what dollar is used for what and what dollar cannot be used for what. I thought he was here and he'd be able to answer it (Craig Young).

Discussion Items:

President Rhoderick states that if there is a motion to be added, that it will be added as #11 on tonight's agenda to allow citizens to refer to the motion during public comment.

1. Appoint K-9 Officer Committee to make recommendations to the Board of Commissioners. There is discussion of how President Rhoderick went about choosing the committee. Thanks Elizabeth Township Sportsman's Association. Bob Tekavec and Chief Kerestes will co-chair committee. It would have been too difficult to choose three residents based on the applications alone so President Rhoderick picked the first three applicants. Commissioner Evans asks why only one letter was in his packet and Lauren Zang responds that it was the only letter addressed to all commissioners. Solicitor Racunas states that the chairman can choose who he wants on the committee without consulting the board. Rich Bailey, Robin Poirier, and Kathy Vasko.

2. Police Vehicle Quotes.

Chief Kerestes presents quotes from Day Chevrolet. \$40,724.00 for Ford Explorer vehicle is 27,410.00 and the rest is equipment including American K-9 Kennel Unit. \$42,826.00 Dave took \$800.00 off as a donation to the K-9 Unit. Chief Kerestes was given time frame of 5-8 weeks to have the car ready. Officer Novacek is pleased with the vehicle and equipment. President Rhoderick acknowledges Norm Candelore for offering free grooming services for the K-9 Officer.

3. Discussion of meeting with Craig Young of BNY Mellon.

President Rhoderick discusses Gateway Engineers' bill for the first 9 weeks of 2016. There is still money that's owed that will be reimbursed back to the sanitary general fund. Bryan Churilla is working with BNY Mellon. BNY Mellon does not want money coming out of the general fund and being reimbursed. Any bond reqs will be directly submitted to BNY Mellon. The money that's sitting there for a bond doesn't earn interest and it would earn a small amount of interest if it was put into a money market fund. We're going to put the money into a money market fund. No penalties to remove it. Solicitor Racuna suggests that President Rhoderick make a money to move the money.

4. Discussion of adding Berdar Drive to the 2016 In-House Paving Project.

Extension to the road was removed and not paved last year.

5. Discussion of advertising to hire 2 Part-time Summer Help Engineering Interns at \$12.00 per hour to assist John Castine with MS4 Compliance Projects. Bob from KLH Engineers explains description of how to go about this. President Rhoderick explains that the township has a lot of storm sewers and we're on the DEP's radar right now. We don't have to be compliant right now but we'll be ahead of the game.

6. Surcharge of Commissioners.

President Rhoderick explains that a surcharge is when officials such as commissioners who are held to a higher standard involve themselves in corrupt acts that don't follow board approval, a commissioner can be surcharged personally for that amount of money. Waiting for audit on purchases that were not board approved, which there were several last year.

7. Transparency of video recording.

Commissioner Kuzma addresses individuals picking and choosing which parts of a meeting to post video tape and post online. Residents in his ward approached him about some of his discussion being edited out. Commissioner Kuzma states that he thinks that the township should video tape the meetings themselves for transparency purposes to all residents. President Rhoderick states that making a motion to purchase equipment to go through with this is premature right now, but he is all for transparency and wants to look into purchasing equipment. Direct to John Snelson to get pricing. Direct Solicitor Racunas to look into the legalities involved because that was the issue on January 4, 2016. President Rhoderick states that he was unaware prior to the meeting that there would be a video tape and states that there are some individuals who did not want to be on camera and posted to social media because of their job or what have you and everyone must be well aware that they would be on camera before the meeting.

8. Earned income tax.

Solicitor Racunas there may have been letters sent out from PAMS for earned income taxes. It's not specific to Elizabeth Township. Meeting with PAMS on Thursday April 21, 2016 to discuss delinquent EIT letter. Trying to go back too far into residents' tax records. Statute of limitations is 3 years but there are exceptions. Solicitor Racunas states that for all communities he represents he asks that residents put payment on hold, don't do anything until he looks at it to see what caused the letters to be generated.

Commissioner Saxon discusses the hiring policy and John Snelson having to reapply for his job because the policy as it is does not allow for promotion within. He plays a recording of President Rhoderick from January 18, 2016 telling John Snelson that once he takes his Building Inspector's test that he will be up for a promotion and a salary increase. President Rhoderick responds by saying that this was prior to suspending the hiring policy to hire Lauren Zang and immediately putting the policy back in place like it was done before to hire Chief Kerestes as Chief. I received much backlash for suspending the policy to do this and then putting the policy back in place. The board is open to reevaluating the policy to allow for flexibility for adjustments such as promotions of employees who are already in the position and performing the job well. Solicitor Racunas explains that this would be the most beneficial to the operation of the office and that he would be willing to look at adjusting the policy to allow for such motions. The board agrees.

Ordinances:

Ordinance 924 – Motion to adopt 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 Saxon **Second** Beckowitz

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

There is extensive discussion between Kim Svec of R Place Restaurant, Solicitor Racunas, and the board in regards to the adoption of Ordinance 925. Kim Svec comments on the minutes and the videos posted online and does not believe that either portrayed her projection of the meeting. She makes suggestions of how to make meeting minutes most effective and also states that she is sure it is difficult to transcribe hours of discussion into 8 pages of text. President Rhoderick states that it is difficult to transcribe a 4 hour meeting which sometimes happens here and that the audio is always available to be requested as a RTK. The audio is exactly what happens here. Issues such as exceeding occupancy and parking, how many people have to be expected at such a public event to have to notify the township, and the safety measures that would be taken by the police such as additional Officers on duty are brought up. There is discussion of the number being 800 or 850 people and the commissioners discuss whether they want to put this in place or not because they do not know if it will help or work. Kim Svec states that she is unsure and doubtful that it will work also. Solicitor Racunas states that no ordinance is perfect and it may take a couple revisions to have it work effectively but that he suggests putting at least something in place to see how it goes. Most of the board and Kim Svec agree that something being put in place right now even if it is not perfect is a start and better than nothing.

Ordinance 925 – Motion to adopt ordinance to establish procedures relating to public gatherings in the township.

1st Motion Saxon **Second** Similo

Commissioner Similo – No

Commissioner Saxon – Yes

Commissioner Kuzma – Yes

Commissioner Beckowitz – No

Commissioner Blake – Yes

Commissioner Evans – Yes

President Rhoderick – Yes

5:2, **Motion Carries**

Voting Items:

1. Motion to approve the Commissioner Meeting Minutes from April 4, 2016.

1st Motion Beckowitz **Second** Kuzma

Commissioner Similo – Yes

Commissioner Saxon – No

Commissioner Kuzma – Yes

Commissioner Beckowitz – Yes

Commissioner Blake – Yes

Commissioner Evans – Abstain, was not present due to work schedule

President Rhoderick – Yes

6:6, 1 Abstain: **Motion Carries**

2. Motion to approve the April 18, 2016 Bill Warrant in the amount of \$172,802.67 which includes \$2,384.66 for Sanitary Department payroll that will be reimbursed from sanitary funds.

1st Motion Blake **Second** Beckowitz

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

3. Motion to approve the April 18, 2016 Sanitary Fund Bill Warrant in the amount of \$194,461.65.

1st Motion Similo **Second** Beckowitz
Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

4. Motion to authorize Elizabeth Township to enter Trust Indenture with Goldman Sachs Financial Square Government Fund.

1st Motion Beckowitz **Second** Kuzma
Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

5. Motion to advertise for a public hearing to be held on May 16, 2016 at 6:30 PM for the 2016 Demolition project.

1st Motion Beckowitz **Second** Evans
Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

6. Motion to make donation in the amount of \$3,000 to the Western PA Police Benevolent Foundation for the Donnelly.

1st Motion Beckowitz **Second** Evans

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

7. Motion to approve donation in the amount of \$300.00 to the Kastan Uveges V.F.W. Post 7632 of Elizabeth Township to help defray the expenses of their annual Memorial Day Ceremonies scheduled for Monday, May 30, 2016.

1st Motion Beckowitz **Second** Similo

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Asks if he must abstain because he helps those gentleman out and does not want to be turned in to Ethics Committee two months from now. Solicitor Racunas says that he can vote. Yes.
President Rhoderick – Yes
All in Favor: **Motion Carries**

8. Motion to approve of the donation of dirt for the Blaine Hill baseball field made by Chelse's Greenhouse in exchange for millings. If donation was not received cost would have been \$4,464.00 that was approved at last commissioner meeting.

1st Motion Saxon **Second** Similo

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Abstain, Fire Chief of the Blaine Hill Volunteer Fire Company
President Rhoderick – Yes
6:6, 1 Abstain: **Motion Carries**

9. Motion to approve KLH's proposal for engineering services required to complete a DEP/Army Corp Joint Permit for the Boston Ballfield Dump Site as a special project on a T&M basis outside of regular monthly retainer.

1st Motion Saxon **Second** Beckowitz

Commissioner Similo – Yes
Commissioner Saxon – Yes

Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

10. Motion to authorize purchase of Walk Behind Concrete & Asphalt Saw from Scott Electric in the amount of \$5,946.64 out of Liquid Fuels Funds.

1st Motion Saxon **Second** Evans

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

11. Motion to add the purchase of a police car at \$42,000 from Day Chevrolet, \$41,161.38 is the budgeted, \$838.62 will come out of the K-9 fund contingent upon K-9 Officer compensation being resolved.

1st Motion Saxon **Second** Blake

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

12. Motion to add Berdar Drive Extension and Army Drive based the engineering and legal approval to our in-house paving program.

1st Motion Similo **Second** Beckowitz

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

13. Motion to accommodate Sea Cadets at the community center for their storage and office needs.

1st Motion Beckowitz

Commissioner Similo – Yes
Commissioner Saxon – Yes
Commissioner Kuzma – Yes
Commissioner Beckowitz – Yes
Commissioner Blake – Yes
Commissioner Evans – Yes
President Rhoderick – Yes
All in Favor: **Motion Carries**

Second Saxon

Commissioner Saxon recognizes Officer Patterson for his service. Mr. Tim White e-mailed, called, and went to Commissioner Saxon's house to let him know how pleased he was with Officer Patterson's professionalism. The audience applauds. President Rhoderick acknowledges Officer Novacek for saving a life and a job well done. Again, applause.

Citizens to address items:

Russell Verbavec: Offers opinion of power plant. States that he is in favor of the plant. As a new source of power, the plant would be under the strictest air quality standards to date. I don't see it degrading the air quality here. Springdale has a similar plant and you can hear the plant about 1/2 mile from is at 40 decibals and that is about the same amount of noise that you have in a suburban neighborhood. 1,700 gas power plant in the US as of 2014, probably more now. No outcry of sickness or illness around these plants. I don't see any health problems arising.

Jim Jones: Comments on water problem on Dennis Street. Seven complaints from residents in regards to damage to homes from run off on Skyview. Jim Jones states that he believes there were illegal additions made to homes. His house has sunk 3/4 inches and there is black mold in his neighbor's house. Bob of KLH came to his house and neighbor's homes and nothing was ever done. He needs a platform to get into his own shed and asks the commissioner to please put whatever plan they were originally working on with engineers back into place. Solicitor Racunas states that he believes there were some issues with private property. President Rhoderick states that when Skyview was built 50 years ago, there was nothing they were required to do with stormwater. No one is really at fault, it is just an unfortunate situation and end result. We will take a look at it and get information back into the hands of the commissioners.

John Whitacre: Asks Commissioner Blake if she knows where 1108 Smithfield Street is located because there is an abandoned vehicle. John Snelson states that he is aware of it and will reach out again. John Whitacre makes a comment about speakers in the lobby, John Snelson states that they are there, just not turned on but would be used for an overflow meeting. John Whitacre makes suggestion about changing venue for large meetings and Solicitor Racunas responds that there is never a way to tell if a meeting will have a large turnout and it would take planning, scheduling, and money to change venues especially short notice. John Whitacre also states that he believes that the township should promote from within.

Patty Hoffman: States that she has a neighbor who is so anxious and nervous about Invenergy that she had to be hospitalized. There will be pollution involved, studies and very easily found

online. Patty Hoffman states that although the plant would be cleaner than coal, that doesn't mean that it is clean. States that the read online that the plant would be 25% more effective on greenhouse gases than coals plants, gases that we are trying to get rid of. The DEP isn't going to look after our welfare. States that the power is not going to stay here and that jobs are not coming here.

Betsy Piper: In regards to the bill warrant, Betsy Piper questions the flat fee and retainer for the Solicitor and Engineer. Solicitor Racunas states that the fees are for professional services. Betsy Piper states that Weisel & Xides Law Firm, according to their website, specializes in getting industries and plants variances and permits. She states that they find loop holes for companies like Invenergy and that she believes Solicitor Xides representing the ZHB is a conflict of interest. Commissioner Blake asks if Xides Firm specializes in other types of law, Betsy Piper responds yes. Solicitor Racunas states that Solicitor Xides has represented the ZHB well before Invenergy and that he is held to ethical and moral standards to not find loop holes that she is suggesting. Betsy Piper states that if later down the line this does become a conflict of interest, that she wants it on record that she brought it up first. President Rhoderick states that the commissioners only set the budget for the ZHB, they do not decide what Solicitor they hire.

Dave Joseph: Walter Street Extension. It's a paper street, a right of way to the river. Solicitor Racunas states that it is a right of way is for the sanitary authority for pipes under the ground. John Snelson states that this could be encroachment.

Emil Burack: Comments in public gatherings and events ordinance and the original issue with Court Time. Emil Burack also comments on the \$1.7 million deficit. Spent \$7 million and only took in \$5 million. The \$2 million dollar sanitary balance should have come to the general fund to balance township budget. States that he has questioned this before and never received and answer.

Guy Mignogna: From Sea Cadets, states that he has 60 cadets that will not have a "home" and needs storage for uniforms and use of a facility once a month. The Sea Cadets focus on Youth Development for children and teens 10-18 years old. All liability for the storage of their uniforms goes to the program, not the township. Guy Mignogna states that he can always offer volunteer services because the Cadets always need hours of community service. They do more events besides Memorial Day and they hold events in Elizabeth Township that they would make everyone aware of well in advance. They have a digital and physical library and are a 501 C Non-Profit Organization.

Motion to Adjourn:

1st Motion Rhoderick

Second Saxon