

**Elizabeth Township  
Board of Commissioners  
Monday, May 2, 2016  
Commissioners' 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 there was an Executive Session held to discuss pending litigation involving the DEP.

**Presentation:** Al Pasquarelli and J.R. Petrick of Waste Management present Hazardous Waste Program. Al Pasquarelli Municipal Coordinator and representative for Waste Management. Waste Management put in place new program when Governor Rendell banned e-waste from Pennsylvania landfills. Waste Management worked very closely with the DEP to create a program that would enable residents to dispose of or continue to dispose of electronics. Over 65 Municipalities are currently participating. More and more outfits are not accepting televisions anymore and people are having a hard time disposing of them. If Elizabeth Township would adopt this program, we would take the time to educate the residents through mailings of brochures and provide the township with brochures to be posted on the website. The way the program would work would be if I lived in Elizabeth Township I would call a 1-800 number. Residents would be provided with a list of materials acceptable and not acceptable. Residents would let to representative know the materials that they are looking to dispose of and describe the contents, the rep would then schedule a pickup at the resident's home. Waste Management would send out a DEP approved truck and pick up from the people who have called in. Its unlimited service, it's not once a month or twice a year, it's as many times as needed. Everyone that calls in will get a packet sent to them in the mail. The packet will include a 40 pound zip lock-like plastic bag that residents will be instructed to place smaller components in. Larger components (TV's, computer monitors) would be asked to be placed on the side of the bag. On the day of service, Waste Management would ask that you specify where your e-waste materials would be located such as on a front porch, back porch, or by a garage as residents could not leave these items on the curb. The truck would target to pick up from about 25-30 homes on the same day. Its unlimited services, but a truck couldn't show up to pick up 30 TV's at one home. There are guidelines to how much you are able to have picked up at once. The technician will take the materials to Waste Management location McKees Rocks where everything will be palletized and broken down. 90% of the materials collected from the 65 Municipalities currently participating in the program have been recyclable. We capture those numbers and report back to the township so this way you could include those numbers in your recycling totals. The cost is \$1.05 per unit per month.

There is discussion among the Commissioners. President Rhoderick states I would like to propose that we the e-waste recycling program through Waste Management for 6 months paid through the township. The proposal would be a little over \$6,500 per month to try it out starting July 1<sup>st</sup> to December 31<sup>st</sup>. I think it would be good to give a try, a lot of people have TV's and I know Best Buy stopped taking them. They end up on the side of the road and the Road Crew ends up picking them up and it becomes one mess after another. I do think that we could at least try it before we commit something to our residents and go from there. Commissioner Kuzma I hate raising rates but if the tax payers are for it, then I'm for it. Commissioner Saxon I think it's a great program. Commissioner Similo I like the idea of trying it out for 6 months. Commissioner Rhoderick proposes to add a motion to approve the 6 month trial of the Hazardous Waste Program at a cost to the Township to the agenda. (\*\*Motion later tabled, not voted on this night)

President Rhoderick recognizes Township employee veterans who had military banners made for them, Kyle Deppen, Iraq; Ronald Makosey, Beirut & Grenada Conflict; Jonathan Patterson, War on Terror; Paul Hawthorne, Gulf War and thanks them for their service.

Solicitor Racunas we have received a proposed consent order and agreement with the Commonwealth of Pennsylvania Department of Environmental Protection dealing with the Act 537 and the subsequent amended Act 537 which will ultimately shift the flow to McKeesport. The consent agreement does outline basic facts of what happened as far as the prior plans and also implements a new plan going forward and timelines that the engineers need to address to get that flow. It does not bind us to the actual route going to McKeesport but it does align us to actually getting the flow there. Bryan Churilla and I both work closely with the DEP and he is okay with the deadlines that have been put into place. He's actually gone through a couple revisions and he's come to a revision that we would be able to get that flow there under these guidelines. Bryan Churilla says everything that Solicitor Racunas just said is accurate. We have reviewed it, DEP made some revisions to accommodate the timeline that we felt were fair. We will have to revise the Act 537 and then we'll go through the design and construction process to eliminate the Buena Vista Plant and send all flow to McKeesport. The one thing that I will point out that's part of the consent order that most of the public would be interested in is immediate upon the Township's signing of this consent order and the DEP's execution of it would be the releasing of some taps for the Township. It's actually 46 taps based on a list that was generate from need over the last two years. Beyond that, each year we will submit a tap control plan to the DEP for any other tap requests and then they would be evaluated by the DEP at that time. The tap ban that has been going on will be over, effective once this is executed. Solicitor Racunas says one of the only things that's not specifically addressed in the order is the 24 hour monitoring of the Buena Vista Plant. That was under the prior consent order. We've had that conversation with the DEP where they're willing to forgo that. It isn't in the consent order, but the elimination of it I believe means that we are no longer bound by that requirement, however, I would suggest that we make the motion contingent upon clarification that we no longer have to provide 24 hour monitoring of that plant. As it stands right now the Allegheny County Health Department is fining us \$500/day those fines will immediately stop upon execution of this agreement as well. President Rhoderick asks Dennis from Veolia to talk about elimination of the second shift and how it will save us \$100,000.00+ per year which will keep us from raising rates because there was a proposed rate increase. Right now that will be one of the factors as to why we won't raise your sewage rates. Dennis Ottaviani of Veolia says that they operate the Buena Vista Treatment Plant as well as the collection system. One of the key ways we can reduce costs is we were in an agreement to monitor the Plant for two shifts. On days will limited sunlight there isn't a whole lot you can do during the second shift except to babysit the plant. We all know that there's technology that we can use to do that now. We made a rather modest investment of around 6 or \$7,000 and are able to monitor the plant 24/7 of all the critical parameters. DEP is willing to look at that and we believe that they are going to sign off on saying let's take those resources for babysitting the plant and put them onto the collections and reduce the SSO's which are the biggest problem. President Rhoderick and they've already given us a verbal on that we're just waiting to make sure that it's put in writing. It was addressed in the last consent order that we had to do it, it's not addressed that we have to do it in this one. Since it's going to be a significant cost savings to the Township and it will keep rates from going anywhere we definitely want to make sure that we have that addressed in the new consent order.

Solicitor Racunas I recently received an agreement to reimburse costs provided by Allegheny Energy Center, LLC relating to the current proceedings of the Zoning Hearing Board and any proceedings thereafter. They have expressed in communications with me that they wish to have this process be cost neutral to the Municipality so they have proposed an agreement to reimburse costs associated with all proceedings involving Allegheny Energy. There are specific provisions in here noting that it's not a commitment in any way with regard to any applications and the outcome of any applications that are currently pending or that may be hereafter submitted to the Township. The essence of the agreement would be to reimburse all costs including attorneys, fees, staff time and all other costs such as venue rental, court reporter fees and all other costs associated with the proceedings. This is really up for discussion. I have submitted this to an attorney who specializes in developmental work and he gave a legal opinion that this is commonplace in these types of proceedings where costs can escalate and it would be completely proper and legal should to Township consider to engage in this type of agreement. Obviously it would be a significant cost savings to the Township to have all of its costs reimbursed. President Rhoderick states the one thing he would like to add would be that in the future we look at changing our zoning ordinance to adopt this for any major corporation that wants to try to come into Elizabeth Township. Because it really takes a burden off of the Township residents and the taxpayers because right now the bills as they sit, just a rough estimate of what I've seen come through, probably somewhere in the neighborhood of \$22,000.00-\$25,000.00 that has racked up in costs in addition to what's there. If a large corporation comes in, our zoning application is \$500.00. It doesn't cover anything like this. It is something that the Solicitor did get another opinion on and we want to get public opinion. It's great

to have a cost savings to the Township but we looked at I both ways and it's looking like, are you doing this before the decision, I said let's wait until after the decision because what if you get a favorable or unfavorable reaction. There really isn't a right answer to this, but we work for you guys so anyone who would like to make a comment is welcome to do so. Solicitor Racunas states that there will be a motion added to the agenda to accept the reimbursement agreement from Allegheny Energy Center, LLC. (\*\*Motion later tabled, not voted on this night)

## Department Reports

Business & Economic Committee: Co-Chairman Dan Poirier and President Rhoderick exchange words about how productive the last meeting was on April 25, 2016.

Canine Committee: Bob Tekavec states that the K-9 Committee had their first meeting on April 27, 2016. We discussed organizational and operational details. Norm Candelore will be one of our committee advisors. He will assist the Committee will Facebook and some other items. Facebook is up and running, the primary target topic was fundraising. Elizabeth Township Newsletter will have an envelope so that residents can make donations. The GoFundMe account is a work in progress I believe. The Elizabeth Township Sportsman's Association is going to run a ticket where all proceeds go to the K-9 Fund. It's going to be a \$25.00 ticket for the month of July that you can win a gun a day, that's 31 guns. We were able to work out some deals with our vendor. Usually we make 9-\$10,000.00 and we'll make around \$11,000.00 for the K-9. We're still looking for more grants, Robin Poirier wrote the Home Depot Grant. Cintas donated 450 white t-shirts ETSA worked out a printing deal. They're going to donate the art fee, the manager and the owner's time plus the set up fees. The only thing we're paying for is the ink and the technician to ink the shirts which comes out to \$1.75 per shirt. Bob Tekavec explains what the design of the K-9 logo to be placed on the t-shirts will look like and shows the Commissioners. The Committee and the Chief have already approved the design. We just need authorization to write the check. We plan on selling the shirts for about \$15.00. With that being said, I'll like to ask for approval limit for fundraising for the Committee. This gun ticket we're getting two or three personal loans to front guns and then there's going to be \$14,000.00 in guns that need to be purchased and we're getting that taken care of but for example, the next shirt order they want to have the kids at school do a contest and pick the next shirt design from that. Even twisting my buddy's arm, we're still looking at 2-\$3,000.00 to do those shirts. President Rhoderick thanks Lauren Zang for getting the t-shirts donated from Cintas. It's a nice place to start the fundraising. Bob Tekavec asks for approval to spend the \$787.50 to get the t-shirts printed and for some kind of fundraising budgets for the gun tickets not to exceed a certain amount. This would be so that the Commissioners are aware of the expenses and no one person is in charge of the spending. For example, myself or the treasurer of the Sportsman's club as one signer, the Chief as the second signer and as it's set up right now, President Rhoderick as the third signer. We're going to meet every two weeks to try and have a report for you folks. We do need some type of authorization to do some of this stuff. Solicitor Racunas explains that the money is technically not Township money but we wouldn't necessarily approve the expenditures but we should be authorizing the Committee to move forward. They're still acting by our direction but they're making the expenditures themselves. Authorize them to move forward with the purchases of printing the t shirts. Bob Tekavec what I'm trying to avoid is every time we have a fundraiser, do we have to get everything approved. Solicitor Racunas it depends on how much power the Township wants to have over the Committee. I don't think you want to give the Committee decision making power. President Rhoderick says I think the best way to do it would be if they would need something we take a phone poll. As long as we get a majority of the Commissioners to ratify then we can discuss it at the next meeting that a major of the Commissioners ratified it that way, it doesn't hold you guys up and we're still accountable to the taxpayers and at least a majority of the Commissioners are on the hook saying that they did think it was a good idea. Solicitor Racunas states that that is a good way so that the Committee isn't being held up two weeks every time they want to hold a fundraiser and the ratification can be approved at the next meeting. Bob Tekavec the K-9 Fund is set up at First Commonwealth right here and you can make donations right there to help support the K-9.

Code Enforcement: John Snelson absent due to training in Harrisburg.

Engineer: Bryan Churilla the only major update is the updated schedule for the paving program. We're looking to issue the notice May 23<sup>rd</sup>. We're holding that so that the Public Works can get ahead of schedule and do storm sewer work they need to do. Beyond that, we looked at a drainage issue for a property we issued a memorandum on that. We also did look at a potential guard rail issue on Industry Drive. We sent a request to PennDOT and we're waiting to hear back. President Rhoderick says to Bryan Churilla you weren't here at the last meeting and the issue came up again over on Dennis Street and I know we've had mixed feelings on the last board and I know there was great debate over whether it is a Township issue or not. My opinion is that it was done years ago and there weren't requirements at the time for the next development

in to take care of the storm water. They really have a major issue over there. Since we have a new board it's something we're not going to direct you to do this time. I'd like you to dig up all of this information for our next packets so that we could take a hard look at that again. Bryan Churilla I will definitely submit everything in my next report. I will say we were ready to advertise it, bid documents were together, and plans were together, so it's ready to go. The only outstanding item that I would check with Solicitor Racunas on would be if the easements were ever submitted. President Rhoderick states they were, it was legal everything was done. The one thing I would like to look at and I don't know if Johnny would know this, we didn't have an excavator at the time and I don't know exactly how deep you're going or if we can do it in house. Bryan Churilla the issue was the clearances and how close we are to the structure. I think we determined the Township didn't want the liability taken there, we wanted it to be on a contractor. President Rhoderick if it's something that John Castine can do or if he's not comfortable, but if it's a difference of saving \$50,000.00 that we owe it to our tax payers to take a look at that. John Castine states that he hasn't really looked at it.

Office: Nothing outside of written report other than to state that the audit of the sanitary audit is to begin Wednesday, May 4, 2016.

Police: Chief Kerestes states that Barbara Brizes from Brizes Kennel has agreed to pay up to \$1,200.00 towards the cost of the K-9's ballistic vest and also to provide kennel services for our dog when the K-9 Officer goes on vacation. Also we've received a few more checks from businesses. Officer Novacek states that today they received \$1,200.00 from local businesses. The GoFundMe account has raised \$200.00 so far. \$100.00 from Eric Ash and \$100.00 from Norm Candelore. Chief Kerestes brings up the Prescription Drug Drop Off program that they have been receiving a lot of calls about. Chief Kerestes has been e-mailing someone from the District Attorney's Office to make the program year round. I haven't gotten specifics back, but they're going to make me criteria we have to follow from the DEA to be able to have that. I'd like to see it during Township business hours. Myself or another Officer could come over, pick it up, secure it, and from there they pick it up every once in a while. President Rhoderick says we're going to put a newsletter out in the Township we've talked about this before and it's fully funded by business advertisers that will be mailed to every resident which will include information on Waste Management, the drug program, the K-9, the sanitary and the consent order such as the taps and fines. All of the ads have been taken care of so we will probably put this together next week. That would be a nice thing to let the residents know. Chief Kerestes once I get the details, I will let Lauren Zang know about it. Lauren Zang County resources for that right now are also listed on our website. Chief Kerestes right now it's kind of satellite. There are locations. I got an e-mail asking if we would like this year round, I contacted them and now I'm just waiting for a call back. Normally we would only have it once a year.

Road: John Castine states that they are getting ready for the paving project. He also states that work is being done on waterlines on Oak Kill and Rothey. There are some basins over there that need addressed. The Township isn't paving those roads but a contractor is and no one can give me a definite time of when they're going to pave. We're going to try and get over there to take care of those basins. They are open front with manhole covers on top. They got cleaned in April we took motorcycle tires, radios, Christmas decorations. If we could address some of these issues it would be good for the MS4 Program. The tractor is here our back if anyone wanted to take a look at it. On May 18<sup>th</sup>, myself and two other employees are going to a free MS4 seminar in Upper St. Clair. The more we know about this, the better off we all are. President Rhoderick thanks Johnny for being ahead on the drains for the paving project. One of the biggest problem is the draining and the piping and as each road has come up, you've been ahead on the drains. I'd like to commend you guys for that because you worked hard to do that. The pipes just aren't big enough when they were put in thirty years ago, there isn't anywhere for the water to go and you've been working on that. John Castine proposes the operation times of the Road Department from Memorial Day to Labor Day be 6:00 AM to 2:30 PM. President Rhoderick thinks that is fine but adds it to the agenda as a voting item.

Sanitary: Nothing outside of written report.

Solicitor: Nothing outside of written report.

### **Citizens to address AGENDA items only**

Monique Saxon: Has a question in regards to A & D Cleaning on the bill warrant. When did they start? Was that put up for bid? The last I saw was in March when we got rid of King Cleaning. Solicitor Racunas asks if A & D Cleaning was our previous vendor. Lauren Zang Yes. Solicitor Racunas I think they agreed to do it temporarily until we put it out.

Scott Jacobs: My question or comments are directed towards Mr. Pasquarelli but hopefully for your benefit as well. I'm all in favor of making sure that John Castine and the Road Crew doesn't have to go around picking up televisions and computer monitors and other things along the roads. But I have to think about Commissioner Kuzma's lesson to me a few meetings ago and the decision you're making is a ¾ of a million plus decision if you extend it to ten years, 6,500 for every unit whether they have anything to contribute or not so really my question to Mr. Pasquarelli is are there less expensive options like a collection point here on a quarterly basis? Or collecting only in the month of March and the month of August, something that would lessen the impact on Township Residents. Commissioner Similo I think we need to wait and discuss this and then come to an agreement. President Rhoderick we need have that discussion and Solicitor Racunas was there and there were no other options available. Solicitor Racunas their thing was that this is strictly enforced by the DEP so they're really hammering down on how you can do this. Scott Jacobs the City of Pittsburgh and the rest of Allegheny County is tossing this around right now as well because of lack of places to go to properly dispose of e-waste. It's in the news and it may be well to delay to see what some of the other communities are going to do than to put this burden on the Township of a ¾ of a million expense. President Rhoderick responds that we aren't spending ¾ of a million over 10 years. The motion was for 6 months, I don't know how you got 10 years. Scott Jacobs says I'm just using Mr. Kuzma's example from a couple months ago of multiplying anything out by 10 years, the numbers are pretty significant. So the decision you're making if you extend it for 10 years. Commissioner Similo we're making it only for six months and we're also looking at any alternatives. Scott Jacobs but even at that you're expending \$36,000.00 or then suggesting that the residents take it on themselves regardless of whether they have a television or computer in their home. President Rhoderick says we didn't take on anything yet we have 2 years on our contract and the suggestion that's being made is to try the program out, the Township pays for 6 months and if it doesn't work out we go from there. Over 10 years that would be an enormous amount of money but 10 years isn't what's being proposed. Lauren Zang states that our resources are limited right now also. The company that was taking them last year is no longer doing so. We did want to hold an event but now we're also stuck.

Megan McDonough: I want to go over the reimbursement agreement that you were talking about with Invenergy. If you really want our opinion as residents, I'd say table it for tonight. That way in the mean time you can upload it to the website and give us a chance to review it to actually form an opinion. Table it for tonight and make it an agenda item for the next meeting, that way we have a chance to look at it and see what's in it because moving forward there could be some really good ideas us just talking in the back came up with in the future you could make the cost associated with the cost of the project. So if it's a \$350 million plant then maybe your application fee is \$35,000.00 to cover this knowing what's coming? President Rhoderick states that he does not have a problem with tabling the reimbursement agreement with Invenergy or the Waste Management Hazardous Waste Program trial.

#### **Resolutions:**

#### **Motion to approve Resolution No. 2016-8- Amendment to the provisions of the Collective Bargaining Agreement to add salary adjustments and terms relating to the canine unit.**

1<sup>st</sup> 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**

#### **Items for Consideration:**

#### **1. Motion to approve the Commissioner Meeting Minutes from April 18, 2016.**

1<sup>st</sup> 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**

**2. Motion to approve the May 2, 2016 Bill Warrant in the amount of \$182,671.41 which includes \$2,486.51 for Sanitary Department payroll that will be reimbursed from sanitary funds and excludes payment to A&D Cleaning.**

1<sup>st</sup> Motion Saxon                      Second Similo

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 May 2, 2016 Sanitary Fund Bill Warrant in the amount of \$29,779.26.**

1<sup>st</sup> Motion Beckowitz                      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**

**4. Motion to approve Bond Requisition 036 in the total amount of \$458,318.80 contingent upon professional review of the bills and release of files to the Township.**

Bryan Churilla This is a couple months of bond requisitions from Gateway and there's been quite a discussion about it with the amount but we've had an executive session to discuss it and we added this contingency on.

1<sup>st</sup> Motion Saxon                      Second Blake

Commissioner Similo – Yes, contingent upon professional review of bills & after Gateway releases files to the Township.  
Commissioner Saxon – Yes, contingencies  
Commissioner Kuzma – No, because I'm not sure how an engineer can go through 90% of their yearly budget in 2 months. Some of the money that they spent, they took \$20,000.00 out of a bond requisition to write a grant that had nothing to do with what the bond was allocated for.  
Commissioner Beckowitz – Yes, contingencies  
Commissioner Blake – Yes  
Commissioner Evans – Yes  
President Rhoderick – Yes, contingencies  
6:1, **Motion Carries**

Bryan Churilla says that a lot of Gateway's bills were included in that bond req but they do still have outstanding bills that are to be paid out of the general fund which have not been included on any of the bill warrants. The overall number that you guys have been looking at is the same, but since the change of how we're going to do these bond reqs, a portion of that is included in here and another portion would need to be approved under the bill warrant for the general fund because those were not bond related issues. President Rhoderick and that will be something that we'll address at the next meeting. Bryan Churilla when we go back to Gateway and we say that this was approved they need to know that they still need to approve the general fund. President Rhoderick and just so that it's complete for public inspection, it's not going to be an add on. I know they want to get their bills paid but we're looking at the bond reqs right now because there's also some reimbursement that's coming back because some was taken out of the general fund and into the bond and there is going to be money that's going to go back. Bryan Churilla moving forward now that we are the appointed engineer of record we will be preparing all of the requisitions. This first requisition that we are preparing is a combination of reimbursements to the general fund which were already paid out for work that was done, not only professional services but other contractors and work that was already paid for. Another portion of it will be work that has been performed since we were there and

moving forward the bank will be paying those directly so it's a combination of both right now. We will be preparing the requisitions going forward. Larry Coccia are you going to get the requisitions redone? Separate the money from the bonds the money you're saying Gateway deserves to be paid. I see one number on here to review, when it's reviewed are you going to have it broken up to that it's clear that there's bond money and that there's sanitation work money. President Rhoderick says this is all bond money. Commissioner Similo I agree with you and this should be not only done for this we should go back into history and have it done and that's why we need an independent agency to come in and find out if we paid some of these bills illegally or out of an illegal fund. Larry Coccia just for clarification, reviewing that big number what you're saying is no some of that work was done and it should be modified. President Rhoderick what he's saying is that there's more bills out there. Bryan Churilla what's being approved under this requisition and the things that were done related to the bond. Larry Coccia the number that you're going to review is that a number that's all going against the bond? Bryan Churilla yes. Larry Coccia and you already reviewed it? Bryan Churilla yes. Larry Coccia so what are you reviewing it for? Bobbi Jo Bickerton it's already been paid to the Township we're just waiting to get reimbursed. Larry Coccia you're confusing the issues here, we've got a big number. Bryan Churilla the number that is on the agenda is not just Gateway's bills. Larry Coccia write the bill down. Bryan Churilla for clarification, what's paid out of the bond is not just for professional services, it's any contractor that does work that qualifies as under the bond. Any invoices that are paid or related to why that bond was issued. A requisition is required to itemize all of those invoices just like the bill warrant and submitted to the bank so that it can be paid out of those funds. Commissioner Similo wait a minute, you're saying this entire amount isn't being paid to Gateway I thought that's why they're holding us hostage? Bryan Churilla there is a dollar value that Gateway is owed but that \$458,000.00 is not all Gateway. Bobbi Jo Bickerton it's 14 different companies. Larry Coccia put that together and put it somewhere.

**5. Motion to ratify the April 22, 2016 phone vote conducted to reject all bids for the 2016 Elizabeth Township Authority Dye Testing Program Contract dated March 1, 2016.**

1<sup>st</sup> Motion Beckowitz                      Second Evans

Commissioner Saxon I wasn't involved in the phone vote, is it your recommendation, Bryan that we do this? This and the next motion were contracts that were put out by Gateway under the prior authority. You're allowed to hold bids for so long we got a call from the contractor wondering what was going on and it is my opinion at this time with the information that I have available and the Commissioners who would be making the decision have available that we would reject these bids and if in the future we decide that these are projects that we need to move forward on that we rebid them and in the case of the dye testing, it was below the bid limit. Due to the lack of information as to why they were doing these projects, we should reject them and just start over when we need to.

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 approve refund to Terri Slobodian in the amount of \$38. 25 out of sanitary funds due to account being closed. Note - Bobbi Jo Bickerton to explain if questions.**

1<sup>st</sup> Motion Beckowitz                      Second Similo

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 reject all bids for the 2016 Elizabeth Township Authority CCTV Inspection and Cleaning Program Contract dated March 16, 2016.**

1<sup>st</sup> 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**

**8. Motion to approve the Giran Subdivision conditional upon the applicant acquiring the necessary approvals from the DEP as recommended by the Planning Commission.**

1<sup>st</sup> 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**

**9. Motion to hire Codie Buglar, Colyn Fraas and Hunter Shoben for summer help to the road department.**

1<sup>st</sup> Motion Beckowitz                      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**

**10. Motion to approve \$300 donation to the Buena Vista Ladies Auxiliary to help defray the cost of Memorial Day services scheduled for Monday, May 30, 2016 and to waive fee for parade permit.**

1<sup>st</sup> Motion Beckowitz                      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**

**11. Motion to approve \$300 donation to the Elizabeth Township Fire Department No. 1 to help defray the cost of the 2016 Memorial Day Services.**

1<sup>st</sup> Motion Saxon                      Second Similo  
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 contribute \$300 to the Central Volunteer Fire Company 2016 Annual Drive.** *Note - Central VFC not requesting financial assistance for Memorial Day Services. Contribution amount is uniform with other donation requests received from fire companies.*

1<sup>st</sup> 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**

**13. Motion to rescind vote from April 18, 2016 Commissioner meeting approving donation in the amount of \$3,000.00 to be made to the Western PA Police Benevolent Foundation for the Donnelly Children.** *Note - After review the township cannot make this donation because it is not a public purpose and not permitted to be made with public funds.*

Solicitor Racunas explains that unfortunately, legally the Township cannot donate because it is not beneficial to the public. Megan McDonough and members of the audience announce that they would be happy to donate and ask if they can drop off money or checks to the Municipal Building. Solicitor Racunas directs that all donations to the Donnelly Children be made directly to the Western PA Police Benevolent Foundation.

1<sup>st</sup> Motion Similo                              Second Saxon  
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**

**14. Motion to terminate McGrail and Associates, LLC as the Township Delinquent Tax Collector and authorize the execution of an Act 20 Resolution appointing Keystone Collections Group as the Township Delinquent Tax Collector effective immediately and they will be at will, without a contract.**

1<sup>st</sup> Motion Kuzma                              Second Similo  
Commissioner Similo – Yes  
Commissioner Saxon – Yes  
Commissioner Kuzma – Yes  
Commissioner Beckowitz – No  
Commissioner Blake – Yes  
Commissioner Evans – Yes  
President Rhoderick – Yes  
6:1, **Motion Carries**

**15. Motion to direct the Solicitor to notify PAMS to cease all collections of Earned Income Tax (EIT) for the Township for all accounts that are more than three years old.**

1<sup>st</sup> Motion Saxon                              Second Similo  
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**

**16. Motion to authorize K-9 Committee to move forward with printing of t-shirts for \$787.50.**

1<sup>st</sup> 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**

**17. Motion to approve Code Enforcement Officer John Snelson to go to school this week to become a Building Code Official and for the Township according to travel policy pay for his lodging & his schooling.**

1<sup>st</sup> 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**

**18. Motion to ratify donation of cold patch to the Buena Vista Fire Hall.**

1<sup>st</sup> Motion Kuzma                      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**

**19. Motion to approve the Road Department Summer Hours from 6:00 AM – 2:30 PM for Memorial Day through Labor Day.**

1<sup>st</sup> Motion Beckowitz                      Second Similo  
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**

**20. Motion to adopt a Resolution approving the execution of the Consent Order in agreement with the Commonwealth of Pennsylvania Department of Environmental Protection contingent upon the Solicitor receiving verification that the Township is no longer required to provide 24 hour monitoring of the Buena Vista Plant.**

1<sup>st</sup> Motion Beckowitz                      Second Similo  
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**

### **Citizens to address items**

Dave & Jackie Michalek: Dave Michalek I came before the Commissioners in August of last year to express my wife and I's displeasure with the Township who granted a variance to my neighbor in which they proceeded to build a humungous addition 4 feet off my property. There's nothing we can do about the variance now, but as they've been building this addition I've had to intervene myself to tell them to stop building on my property. My questions is, where is the Building Inspector in this Township? You granted a variance to build, who's following up to make sure code is being followed? Jackie Michalek I've made several phone calls and so has he (Dave Michalek) we also wrote a letter to our neighbors to let them know about the first encroachment cease and assist. This is an ongoing issue that I feel is being implicitly giving them permission to keep doing it because we're getting no remedy and support and they just keep getting approved and I'm not getting the response I need or even a phone call back. President Rhoderick you had just recently got a survey done. Dave Michalek I paid \$500.00 out of my own pocket to have a survey done. The string you see is the property line, he already has part of his stuff on my property and that's brand new. Its two inches and I know that doesn't follow code. President Rhoderick I did refer this to the Solicitor, he is aware of it. President Rhoderick I will say on record that you did contact me as your Commissioner and I did note your complaint. Jackie Michalek you have, but the Code Enforcement and the Building Inspector which are the ones that I'm being told have to enforce any violations. We were told to sneak over and measure ourselves. I don't think it's our responsibility to enforce codes we had no knowledge of. We're looking for remedy and relief. President Rhoderick we did change our zoning ordinance based on your recommendations last August. A sign was put out and we did change our ordinance to make sure that all property owners were contacted. The way that it was done, it was legitimate, but it was wrong. We did take action and notify all property owners. If would have been helpful to you guys so that you could have gone to the hearing and said this is very close to our property. Unfortunately, we are where we're at and we have to look at a remedy. Dave Michalek how long has the Township been without a Building Inspector? President Rhoderick we have a third party Building Inspector through BIU. 80% of our Building Inspector fees go to BIU. It's been over two years since Bob Chappo was here. Dave Michalek so you grant a building permit, when does the Building Inspector get involved? President Rhoderick he should immediately. Dave Michalek he should, but he's not. You can see in the picture they're building right up to the property line. Solicitor Racunas how far was the variance? 9 feet. Jackie Michalek it was 16 feet and they got a special variance to 4 feet. Dave Michalek it was supposed to be 20 feet you granted him a 16 foot variance. The Zoning Board. He didn't get the survey done, I got the survey done. Solicitor Racunas I'm aware of the situation perhaps we could have a meeting with you, me, John Snelson, I'm sort of coming in on the back end. I just don't want to take up everybody's time. Dave Michalek the weather's getting warm, they're starting construction again. Is there anyway the Township can issue a cease building until this is resolved. Solicitor Racunas that would really be up to the Building Inspector. Dave Michalek they're going to build and build and then we're going to get to this point and they're going to say well we're going to have these people tear down their house now. Jackie Michalek there's a time limit on encroachment laws and the longer we let this go on the worse we look. Solicitor Racunas I want to help you but you also have the right to take private action. I know you don't want to hear this and I am going to help you but you have multiply paths that you can choose. We looked into taking care of this privately and it would take \$30,000.00 - \$40,000.00. President Rhoderick what I'd like to do is sit down will you, Solicitor Racunas, and John Snelson as soon as possible, schedules permitting. Commissioner Saxon asks when BIU is here. Lauren Zang responds Tuesdays and Thursdays. Commissioner Saxon asks if he could take a look at it first thing tomorrow morning. He approved it obviously, he should go out there and take a look at it. Dave Michalek I have a transcript from the Variance Meeting and the ZHB asked the home owner about the property line and they said the sidewalk has on the property. That's not on the property. That is significantly over. President Rhoderick I think the one remedy they were made to do was to make their roof shorter. It still looks like everything is on your property.

Tom George: Constitution Boulevard, I have pictures the road is bad. They patched it last October, it went through the winter and now winter is over, the patching came off. It's time to put the patch back in. Do I have to be up here every month? Make it permanent somehow. Commissioner Saxon they were trying to get this catch basin drainage done. Tom George I appreciate the drainage but right now at least get the bigger holes. John Castine it's only the list. Tom George I don't care if it's on the list. President Rhoderick asks where it's at on the list and Commissioner Saxon responds he thinks 2017. It's going to be a nightmare since it's on a hill. Tom George years ago the water company did work and they didn't replace it right. Take that out and put asphalt in until you decide what to do with it. President Rhoderick says I know that Constitution is bad what is involved, John Castine, for you to get a temporary fix. John Castine we would just patch the hole for now. Tom George March and April were warm months and nothing was done. I don't want excuses. President Rhoderick let's see if we can get this done, John Castine do you have any cold patch? John Castine yes. Tom George I

think it should be more than a couple years down the road it should have been done before a road has patched that doesn't have any houses on it yet. John Castine it will take the whole paving budget to do that road.

Trish Antonella: I have the storage container problem at the end of my property. They promptly came down and took a look at it and fixed it but it's not to my liking. I took pictures, so if you could just share these. This is what I see all the time. It probably doesn't seem as bad but Andrew was down there and took a look and he can confirm that it is a bit of an eyesore. If this was anywhere else in Elizabeth, people would really be screaming. It's been there since last September. You have some rule that a moveable container should only be there for about 6 months. That's been there a lot longer and it looks like it's going to be there for the duration. The container belongs to you but it's got a riding lawn mower and stuff for the ballfields. If you see that first strip it's a road that goes to the sewage plant. All you have to do is take it down to the sewage plant or down near there and it wouldn't be in anyone's way, no one would see it. They park down there anyway. Commissioner Kuzma says John Castine can we make that happen? John Castine whatever you want me to do. Move it to the end. Trish Antonella I just don't want to see it and my neighbors don't want to either. John Castine I'm not sure where to move it so that you can't see it. Trish Antonella how about the sewage plant? John Castine the people have to get stuff out of there for baseball. Trish Antonella I'm not worried about those people, they never had a building for all the years that it's been down there. I bought that house because I want to see the kids play ball and have a good time, but I don't want to look at that 365 days a year for the little bit that they do play there. I don't like seeing that every day when you can take it down and put it at the sewage plant. President Rhoderick states that the road crew is going to paint it green so that will help a little bit. Trish Antonella says after they moved it I called and said I appreciate what you did but I'm still seeing it. Maybe I just didn't explain myself. From my angle I see a square little A frame of the toilets and that's all that's there. It's a moveable container, it's not supposed to be on Township grounds for more than 6 months. If it was up at Mt. Vernon there's be a fit thrown within a week. Commissioner Saxon there's one at the ball field. Trish Antonella but are their houses looking straight at the ballfield? President Rhoderick if we put it at the edge of the field long ways, will that work for you? It would be better than nothing but you have to watch the river. Commissioner Kuzma we'll make it work.

Solicitor Racunas states that there will be 10 demolition hearings before the next meeting starting at 6:30 PM. I'll conduct the hearing and John will be my witness.

**Motion to Adjourn**

1<sup>st</sup> Motion Saxon

Second Rhoderick

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President, Board of Commissioners

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Lauren Zang, Finance Specialist/Office Manager