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Council Meeting
Monday, May 23, 2016 7:30 PM
Council Chambers, Municipal Building
610 East McMurray Road, McMurray, PA 15317

Roll Call.

Present: Frank Arcuri, David Ball, Robert Lewis, Monica Merrell, Gary Stiegel Jr., Frank Kosir Jr.

Absent: James Berquist.

Also: Michael A. Silvestri, Township Manager
Paul F. Lauer, Assistant Township Manager
John Smith, Township Solicitor
Mark A. Zemaitis, Township Engineer
Edward J. Zuk, Planning Director
Michele Harmel, Parks & Recreation Director

Public Hearing – Ordinance amending Chapter 195, Fee Ordinance authorizing attorneys fees with the collection of municipal claims and liens. See separate transcript.

1. Approval of Minutes

Motion: To approve the minutes of the May 9, 2016 Council meeting.

Action: Approve, Moved by Frank Kosir Jr., Seconded by Frank Arcuri.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

2. Special Reports

Girl Scout Troop

Eight (8) girls from Girl Scout Troop #50758 spoke and presented their Bronze Award project of first aid kits, valued at \$200 each, to three sports associations; soccer, softball and baseball to be used at multiple field locations.

Denise Henn - Soccer Association, John Planitzer – Girls Softball, Angela Charles – Boys Baseball, thanked Girl Scout Troop #50758 for the first aid kits.

Mrs. Merrell thanked the troop leaders who are doing a great job teaching the girls.

3. Audience Comments – There were none.

4. Unfinished Business – There was none.

5. New Business

5.A. Venetia Pointe Plan

The proposed subdivision creates 5 additional lots for a townhouse building. Council will recall in 2014 a plan was approved to eliminate all the lots originally recorded, except for 2 existing buildings. This was done to help the developer relative to real estate taxes.

The developer now plans to create lots on a building by building basis. In reviewing the matter with the solicitor, we have determined this is legal. I spoke with the County, who was also involved in this accommodation. Their position is they will defer to the Township as our Zoning and Subdivision regulations would dictate how the County treats this from a tax standpoint.

Mr. Smith stated this can legally be done.

Mrs. Merrell asked why the developer wants to switch back to their previous arrangement and Mr. Silvestri responded that the reason is because the developer is having trouble selling the units on an overall parcel.

Bruce Konsugar, President, Cobalt Professional Services representing Martik Brothers, the developer, explained that it came down to the banks having a problem providing a loan without a specific property. The developer did not have meets and bounds for individual structures and the bank was not going to accept that. They had to go back, subdivide and create legal descriptions for the units.

Mrs. Merrell asked if they were townhomes or condominiums and Mr. Konsugar replied that they are townhomes. Mrs. Merrell then asked that seeing that the structures are joined together, how that translates to how the owners manage their property. Mr. Konsugar replied that each homeowner owns that footprint and there is a HOA that handles the common property.

Mrs. Merrell asked if this will cause an issue with the residents from an insurance perspective. Neither Mr. Konsugar nor Mr. Smith could address this question.

Mr. Arcuri stated from his experience this is the way developers are doing it due to the impact on assessments.

Mrs. Merrell would like to clarify that all of the units have a sprinkler system because although they are connected they are individually owned and Mr. Silvestri replied that they have a sprinkler system.

Motion: To approve, for recording purposes only, the Final Plan of the Venetia Pointe – Revised 2016 on plan by Cobalt Professional Services for Martik Brother dated April 18, 2016 together with any contingencies or restrictions that have not been taken care of.

Action: Approve, **Moved by** Frank Arcuri, **Seconded by** David Ball.

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Robert Lewis.

No: Monica Merrell.

5.B. Fee Ordinance

Council conducted a public hearing on this ordinance authorizing fees to be charged for legal services associated with delinquent garbage collection.

Mr. Lewis stated that he is not excited about being in the business of implementing such penalties but at the same time it is not fair to the residents who do pay their garbage fees to have others not pay.

Motion: Move to approve Ordinance 796; AN ORDINANCE TO AMEND THE CODE OF PETERS TOWNSHIP, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA, CHAPTER 195 THEREOF ENTITLED FEES, ARTICLE VI, SOLID WASTE COLLECTION FEES, ADOPTING INTEREST AND PENALTIES AND FURTHER ADOPTING A SCHEDULE OF ATTORNEY FEES IN CONNECTION WITH THE COLLECTION OF MUNICIPAL CLAIMS AND MUNICIPAL LIENS PURSUANT TO ACT 1 OF 1996 AND ACT 20 OF 2003 AND ADOPTING A SCHEDULE OF CHARGES, EXPENSES AND FEES PURSUANT TO THE ACT OF MAY 16, 1923, AS AMENDED, 53 P.S. §7101, §7103, AND §7106, INCLUDING ACT 83 OF 2004, WHICH ORDINANCE REPEALS ANY OTHER ORDINANCES INCONSISTENT HERewith RELATING TO A SCHEDULE OF ATTORNEY FEES PURSUANT TO ACT 1 OF 1996 OR ACT 20 OF 2003

Action: Approve, **Moved by** Gary Stiegel Jr., **Seconded by** Monica Merrell.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

5.C. Department Head Appointments

Assistant Township Manager—Mr. Silvestri stated Council interviewed 3 candidates for the Assistant Township Manager position. He is recommending Ryan Jeroski, currently the Assistant Manager of Oakmont Borough. He has a Master's in Public Administration from the University of Pittsburgh. His starting salary would be \$82,000. His proposed starting date is June 6, 2016.

Motion: Move to appoint Ryan Jeroski to the position of Assistant Township Manager

Action: Approve, **Moved by** Gary Stiegel Jr., **Seconded by** Frank Kosir Jr.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

Police Chief—Council has discussed the matter as to when the appointment of Police Chief should be made. As you know, Chief Fruecht is expected to retire at the end of September. It is my recommendation that Council appoint Douglas Grimes as Police Chief effective August 1st, which will provide a 2 month overlap with Chief Fruecht. Making the announcement now instead of later will end any speculation that may be out in the community about the position.

Mrs. Merrell wanted to clarify that the Township has advertised for 2 additional Captain's positions so that Chief Grimes would be able to work his last month in tandem with Chief Fruecht in order to transition out.

Mr. Lewis commented that this has been a year of transitions with three (3) significant department heads that have elected to retire and the challenge now faced to replace them.

Motion: Move to appoint Douglas Grimes to the position of Police Chief with an effective date of August 1, 2016.

Action: Approve, Moved by Monica Merrell, Seconded by Gary Stiegel Jr.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

5.D. Bid Awards

2016 Rejuvenator Bid—As has been the norm we only received 1 bid for pavement rejuvenator. Pavement Technology, Inc. submitted a bid in the unit price of \$0.83 per square yard for a total of \$127,116.16. This is the third year that the price was \$0.83. A total of 11.1 miles of roads will be treated.

Motion: To award the bid to Pavement Technology in the amount of \$127,116.16 based on unit pricing.

Action: Approve, **Moved by** Frank Arcuri, **Seconded by** Gary Stiegel Jr.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

Amphitheater Replacement—Mr. Silvestri stated that on Tuesday May 17 bids for the construction of an outdoor stage in Peterswood Park were opened. The 2016 budget includes an appropriation of \$600,000 to fund this project. Five bids were submitted and 2 bids were within 5% of each other. The low bidder was Masco Construction at \$461,475. Masco Construction has successfully worked with the Township in the past on two construction projects including the concession/restroom building for softball and the new public works storage facility near the salt shed.

Mr. Silvestri noted that in light of being able to obtain a significant grant, Council challenged staff to redesign the project to reduce the cost. The building designed is a combination pre-engineered building and conventional and is significantly lower in cost than the original estimate of over \$800,000.

Mr. Lauer noted that regardless of whether or not you choose to proceed with this project repairs will be necessary to the on-lot system serving this venue. The extent of the needed repairs was identified after the completion of the design of this project. While I believe they can be done within amount budgeted for the stage, these repairs are outside of the scope of the project as budgeted. In addition, we may wish to initiate a discussion with the Sanitary Authority to share in some costs to extend the sewer line. Regardless of whether Council awards this project, the retaining wall that sits in front of the stage will need to be replaced. It is now leaning in, is no longer in compliance with current codes, and is too high. If the amphitheater is not replaced the water that comes in through the roof will also need to be addressed. The water goes into the back areas and the walls have mold.

Mrs. Merrell wanted clarification as to if the retaining wall is a part of the bid. It is. She also wanted to know if the new building has the same footprint as the current stage. Mr. Lauer responded that it is the same size however the shape is slightly different to provide more of a stage area.

Mr. Arcuri asked where the proposed sanitary line would be placed and is concerned about its placement in the open field and how it will affect the ability to possibly build there in the future. Mr. Silvestri responded that he doesn't believe it will be because it can be relocated. Preliminary designs

completed for that slope area in the past indicated it's not conducive to building. The flat area would be beyond the slopes and would be conducive for facilities such as basketball or tennis courts.

Mr. Arcuri then asked if there is any potential to get any grant money or funding to defray the price of \$600,000 for this project. Mr. Silvestri is not sure. He's asked Michele Harmel to look into it, but the Township has been turned down by two sources already. They have looked into the Gaming Fund which they did not receive. They have also contacted the DCNR, which funds most of the recreation project and they did not approve it either.

Mrs. Merrell asked if the Township submitted to the Tourism Bureau and Mr. Silvestri responded that \$10,000 was received from that source for this project.

Mr. Arcuri then asked what the cost would be to take what we have and do what we need to fix it. Mr. Zemaitis added that it would over \$100,000 once the retaining wall is complete and Mrs. Merrell also mentioned the cost of remediating the mold as well.

Mrs. Merrell asked if the new retaining wall will have 2 steps. Mr. Silvestri responded that it wouldn't because it will be moved closer to the stage and the area will be re-graded. Mrs. Merrell thought the new wall would be built behind the existing therefore creating a seat step. Mr. Zemaitis responded that they were shooting for a 30" level so there didn't need to be railing on the wall.

Mrs. Merrell wanted to know if repair of the road leading to the amphitheater was included in the cost and Mr. Silvestri responded that the Township would repair it.

Mr. Arcuri is curious to the life span of the pre-fab building. Mr. Zemaitis felt it would be at least 30 years.

Mrs. Merrell asked if the project would be delayed until next year. Mr. Silvestri responded that it would be completed this year; therefore no concerts would be scheduled this year. Ms Harmel added that 2 concerts have been scheduled to take place in the recreation center.

Mrs. Merrell wanted to know if there is going to be a water fountain installed in the case someone wants to fill a water bottle. There is no definite answer to this but if there isn't the Township can install one in-house.

Motion: To award the bid to Masco Construction for the Amphitheater Replacement in the amount of \$461,475.

Action: Approve, **Moved by** Robert Lewis, **Seconded by** Frank Kosir Jr.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

5.E. Special Permit Levin Furniture

This is their annual 2 weekend tent sale. The tent would be up for a period of approximately 1 week. This is an event they have had in the past and we have not had any problems. Approval is recommended.

Motion: To approve the special permit for Levin Furniture.

Action: Approve, **Moved by** Frank Kosir Jr., **Seconded by** Frank Arcuri.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

6. Payroll and Bills

Motion: To pay the Payroll and Bills as follows: General Fund: Checks # 145114 – 145223; Payroll Account: Checks # V111837 – V111913; 44605 - 44606.

Action: Approve

Action: Approve, **Moved by** Frank Arcuri, **Seconded by** David Ball.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

7. Correspondence

Cargill Salt Agreement—Cargill will accept the 1 year extension of the salt contract and will not be requesting the Consumer Price Index adjustment of .9%. The price will remain the same as last year.

Sarnicke—The Sarnicke's who own property on McClelland Road oppose the special agricultural zoning. One other property owner on McClelland responded in opposition, a Mr. Lejeune who owns property as Peters Pearl. The Gerhold's and Simmons' also oppose the special district, but the Simmons wants to be able to drill and develop. Mr. Gerhold no longer wishes to drill on his property. Mr. Silvestri will be sending out a follow up letter as I have not received a response from the remaining property owners.

8. Reports

Mrs. Merrell wanted to know if the Township and School District, per the last Council meeting, will be releasing a status report to the community. Mr. Silvestri replied that there is a draft letter that has been reviewed with Dr. French and submitted to special counsel, Mr. Bresnahan, for the final ok.

Mr. Arcuri suggested that the Township contact Mr. Kamin for a copy of their Phase I Environmental Assessment.

Mrs. Merrell recognized Mr. Boni and Robin Hodgin-Frick, PTHS Media Teacher. 9 students from PTHS took awards at the Robert Morris competition; 6 were first place.

9. Miscellaneous

Library Agreement

The annual agreement with the district library was submitted for signature by the chairman. The agreement provides for the responsibilities of the County library system and the Township. It is a prerequisite for obtaining County aid. Peters Township receives the largest amount in the County, primarily due to the level of local contribution.

Motion: To approve, subject to the review and approval of the solicitor, the Service Agreement for District Library services and county aid funding from the state.

Action: Approve, Moved by Frank Arcuri, Seconded by Monica Merrell.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

9.A. MS4 Enforcement

Municipalities in the eastern part of the state are now being audited by the EPA for MS4 compliance. Fines are being issued in the 6 figure range. I have also contacted SHACOG, Washington County Planning, and the Conservation District to examine options of a joint MS4 coordinator. This has worked out well in some eastern counties such as Lycoming. Discussions are occurring concerning the feasibility.

9.B. Old Oak Road Culvert

Mr. Zemaitis stated we are very concerned about the status of the box culvert on Old Oak Road. Structural repairs are needed. For a number of factors, including staff transitions at Gateway, Mr. Zemaitis explored options for engineering services. He would like to consider using WEC to prepare designs for the structural work and permitting. Our goal is to have the construction in 2017, but completing the design and permitting in 2016. In the interim we have asked public works to take preventive measures to reduce deterioration until 2017.

Mr. Ball asked if the culvert would need to be replaced. Mr. Zemaitis replied that the fill will have to be removed from the top of the bridge and to cut the bad end off. There are I-beams embedded in the concrete and that I-beam is deteriorated. The interior beam can probably be repaired.

Mrs. Merrell asked if the Township has an agreement that there should be work that is owed by another engineer? Is there potential we wouldn't have to pay for this if Stahl Sheaffer is involved? Mr. Silvestri explained that our agreement with Stahl Sheaffer is for inspection on two bridges every two years for the next ten years.

Motion: To approve utilizing the services of WEC to prepare designs for the structural work and permitting not to exceed \$15,600.

Action: Approve, **Moved by** Frank Arcuri, **Seconded by** David Ball.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: David Ball, Frank Arcuri, Frank Kosir Jr., Gary Stiegel Jr., Monica Merrell, Robert Lewis.

9.C. Zika Virus

Mr. Silvestri has contacted State Representative, John Maher and State Senator Guy Reschenthaler concerning the Zika Virus. The mosquito that can carry the virus is primarily prevalent in the Southeastern portion of the state. The state is seeking federal funding for monitoring around the state. At this time no monitoring is proposed in Washington County as the mosquito that "could" carry the Zika virus is not expected in our area. However the DEP is suggesting increased diligence in addressing any standing water issues. He will be meeting with the staff to develop an action plan for enforcement of this situation.

9.D. Green Light Go Grant

We have been awarded a green light go grant in the amount of \$121,500 which is 50% of the proposed cost. This would be for a signal at Thomas and McMurray, for which we can use impact fees, the Waterdam controller, putting another turn signal on Route 19 at Valley Brook and to put back plates on the signal at Route 19 and Gallery.

9.E. Email from Mr. Jordan, 291 Sugar Camp Road

Mr. Jordan has visited the Township numerous times with concerns about the unsightly items his neighbor, Mr. Fortunato, placed along his fence but on Mr. Jordan's side. The items had been removed earlier this year but within the last month new items began being placed there again. Mr. Jordan would like the Township to do something about the situation. There is no obvious violation of our Property Maintenance Code or any other ordinances so the option Council would have is a certain situation can be declared a nuisance under the Nuisance Code, but that would have to be done at a public meeting that has been advertised and by notifying the property owner of that being on the agenda.

Mr. Arcuri asked if the fence of the neighbor was not in fact on Mr. Jordan's property and Mr. Silvestri responded that it is quite far from the neighbor's property line.

Mrs. Merrell inquired as to why the property owner is storing items on the back side of their fence. Mr. Silvestri feels it could be that the property owners don't get along.

Mr. Kosir felt if Council agrees to go through with a public hearing for this issue, there would be a parade of property owners approaching council because they don't like what their neighbors have on their property.

Mr. Ball and Mr. Arcuri agree that the items are unsightly, but the issue doesn't rise to the level of a nuisance.

Patriot Guard Recognition

Mr. Lewis noted the certificate and plaque for the police department and Chief Fruecht from the Patriot Guard Riders, recognizing the police for their assistance. This is a group of veterans that make sure there are no disruptions of funerals for veterans.

10. Next Agenda

There were no items requested to be placed on the next agenda.

11. Adjournment

The meeting was adjourned at 8:41 PM

Michael A. Silvestri
Township Manager

Executive Session

Council had a brief executive session to review a letter concerning the Rolling Hills property.