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REGULAR COUNCIL MEETING
Monday, October 10, 2016 ~ 7:30 P.M.
Council Chambers, Municipal Building
610 East McMurray Road, McMurray, PA 15317

Roll Call

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

Also:

Paul F. Lauer, Township Manager
Ryan Jeroski, Assistant Township Manager
John Smith, Township Solicitor
Mark A. Zemaitis, Township Engineer
Ed Zuk, Planning Director

Pledge of Allegiance

1. Approval of Minutes

Mr. Stiegel wanted to clarify that Mrs. Grealish spoke in support of the drilling.

Mrs. Merrell mentioned that the minutes regarding the statements made by Mrs. Cortese were unclear. She believes they should have reflected the feelings that Mrs. Cortese doesn't define drilling as light industrial

Mrs. Merrell added, for clarification regarding the subdivision on Page 6, that she had no objections to the subdivision on its own.

Motion: To approve the Minutes from the Regular Council Meeting on September 26, 2016.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

2. Special Reports

2.A. Introduction of Captain Gerald Maloni, Captain Jennifer Ford, and Sergeant Jason Brunetti

Chief Grimes presented Sergeant Brunetti with his Sergeant's Badge. Captain Maloni was presented with his Captain's Bars. Captain Ford was presented with her Captain's Bars.

2.B. Recognition of Officer Frank Marko

Chief Grimes presented a commendation to Officer Frank Marko for the arrest of two (2) men in the theft and subsequent recovery of property totaling over \$100,000 from multiple municipalities and at least a dozen victims.

3. Audience Comments

Richard Come, 204 Lightholder Drive, McMurray – Mr. Come is the Chairman of the Peters Creek Sanitary Authority (PCSA) Board. He spoke on behalf of the PCSA Board concerning Otto Szabo, a member of the Authority Board. Mr. Come noted that Mr. Szabo had moved out of the Township. Mr. Come explained that Mr. Szabo is permitted to maintain his status as a board member provided there is an agreement with Council and the Sanitary Authority Board. Mr. Come believes it is in the best interest of the Board and the community that Mr. Szabo retains his position as a board member until a suitable replacement can be found.

Mr. Lauer explained to Council that he had reviewed the Municipal Authorities Act with the Township Solicitor's office as well as Mr. Kovach, Manager of the Peters Creek Sanitary Authority. It was the shared opinion of all that to be a member of the PCSA Board, a person needs to be a resident of, own property in, or have a business in the Township. Having moved Mr. Szabo no longer meets any of these criteria and therefore under the Act is disqualified from serving on the Authority board.

Mr. Kosir asked what the Act states in a situation like this in that someone who is on the Board moves out of the Township. Is there a period of time from when the person moves to when they become ineligible and the point where Council can appoint a successor? Mr. Lauer responded that the Act does not address that question. The Act does talk about the reason for replacement of an individual and one of those is disqualification. Mr. Lauer and Mr. Szabo had this conversation hence the letter of resignation provided to Council.

Mrs. Merrell feels that Mr. Szabo does accept the idea that he does not now qualify to be on the Board. She doesn't feel anybody is arguing about that. Her concern is for the ability of the PCSA to function. She would not want to put the Township in a position of not having a representative or pulling a representative where there could be a potential lack of a quorum. Mrs. Merrell doesn't believe anyone is asking for special dispensation for Mr. Szabo until a suitable replacement is found. As far as she is aware, there is nobody standing by for this position. Mrs. Merrell would not want to contravene the intent of the code, but she would not want to create a situation where the PCSA cannot do the business.

Mr. Lauer responded that nobody would argue that Mr. Szabo has been anything but a perfect representative for the Township on the Board. His concern is that if Mr. Szabo is in fact disqualified from holding that position and there is action that is taken that depends upon his vote. In addition to that, Mr. Szabo serves as an officer of the Board as the treasurer and Mr. Lauer has concerns of him continuing to act as treasurer if he's disqualified from membership.

Mrs. Merrell understands Mr. Lauer's concerns. She asked Mr. Come if there have been circumstances that have occurred or can occur where Mr. Szabo could be the tie breaking vote. Has there been divisiveness in decision where there would be one (1) person that would be the tie-breaking vote? Mr. Come replied that there have been quite a few instances where that has happened. He explained that there are ten (10) members of the Board but only nine (9) do vote. There have been instances where the vote has come to 4-4.

Mr. Lewis asked that instead of taking action immediately, can Mr. Smith look into what the consequences or possibilities would be of allowing Mr. Szabo to remain. Mr. Smith responded that he has looked into the situation. The fear isn't that Mr. Szabo would vote appropriately, but does the Board have a quorum, does he qualify for the quorum. His votes can be challenged.

Mr. Berquist can't see making an exception just because of his outstanding service. Mr. Lewis doesn't see where this would preclude Mr. Szabo from being a non-voting participant at the meetings. Mr. Smith agreed, but state he could not count as part of the quorum. There would also be a potential issue if an executive session were called and allowing a non-Board member to be present. It would be troublesome to lose the expertise and knowledge that Mr. Szabo possesses. Mr. Lauer responded that the language in the Act is included in the Manager's Report, under 5.F., and it clearly states what it takes to be a member.

Mr. Arcuri clarified that at the time Mr. Szabo was appointed, he met the definition of being a member of the board. He would like to know how long his appointment is. Mr. Lauer responded that Mr. Szabo's appointment goes on for quite some time. Mr. Arcuri wanted to know if the Act states anything about what should occur if a board member ceases to meet the criteria. Mr. Smith explained that the Act states "If a vacancy shall occur by reason of death, disqualification, resignation, or removal of the member, the municipal authority shall appoint his/her successor to fill his/her unexpired term."

Mr. Come stated that Mr. Szabo is disqualified because he doesn't live here but the municipality can appoint a member, which is what is being asked of Council. Consideration to keep him on the Board until a resident is found. Mr. Smith explained that he thinks this Board is stuck with the statutory minimum they are required to have, and that is a taxpayer. Mr. Lauer also explained that at the point in time a person moves from the Township, they become disqualified to hold that office. Mr. Smith also mentioned that Council asked a pointed question in wanting to know how close the votes are for the PCSA Board. Because the votes are close, this would make a difference in that actions could be disqualified, may set them backwards, and cause litigation over a non-participating member voting or participating in creating a quorum.

Mr. Come responded that the municipality can appoint someone, whoever that may be. Mr. Smith disagrees with this. The municipality can appoint someone within the realm of the statute – taxpayer, land owner or business owner – these are the qualifications an individual must have. The Board has to be careful. They can't appoint someone from Mt. Lebanon or Upper St. Clair to make decisions for Peters Township. Mrs. Merrell doesn't believe anyone thinks that's the case. She is not in any way advocating for that. She's just attempting to reinforce what Mr. Come has said regarding Mr. Szabo's breadth of knowledge. If Mr. Smith feels that this is something that is problematic and may call in to question decisions, Mrs. Merrell can certainly respect what his reading of the law/code is, but she would say then that it is incumbent on Council to appoint someone immediately, if in fact there will be issues with the PCSA's ability to conduct their business. There are still ongoing issues with Clairton Municipal Authority and there are so many things that need to be addressed. Mr. Smith agrees and believes the Board should act. He asked if candidates have been sought and Mr. Lauer explained that because the issue just came to the attention of the Township last week, there hasn't been the opportunity to do so. Mrs. Merrell then asked if there was someone in the interim who can be appointed. Mr. Lauer responded that anyone fitting the criteria can be appointed.

Mr. Lewis thought that in typically making an appointment to this authority, the candidate needed to be a resident within the watershed of the PCSA. Mrs. Merrell stated that is not the case.

Mr. Lewis asked Mrs. Merrell if she would be interested in the available position on the PCSA Board. She responded that she would be very interested, but her time commitments prevents her from doing so.

Mrs. Merrell asked, given that Council will need to take time to advertise the position and find someone, is it possible that by asking all of the other participating municipalities agree to allowing Mr. Szabo to remain until his replacement is found. Mr. Smith explained that because the statute has driven what the membership should look like, that is not possible.

Mr. Smith explained that he has dealt with this situation in other municipalities before and as soon as a person moved they were immediately removed from the board. He understands the value Mr. Szabo brings to the PCSA Board, but the statute does not allow him to remain.

Mr. Lauer explained that what the Township can do between now and the next Council meeting if the resignation is accepted, is to get the word out that a new Board member is needed. Mr. Smith also suggested that Mr. Come reach out to the established Board members and let them know their attendance at meetings is needed.

George Albert, 303 E. McMurray Road, doesn't feel the residents were considered when the Township agreed to the 24 hour construction that is being conducted on E. McMurray Road by Columbia Gas. Although this has been determined to be an emergency situation, no work was done for 30 hours during the weekend of October 8th. Mr. Albert would like to request the work be halted between the hours of 11PM and 6AM the following morning.

Mr. Lauer explained that a gas leak was discovered along E. McMurray. Columbia Gas was unable to determine where the leak emanated. Gas had spread along the conduits that Verizon has underneath the road and was detected in one of the sanitary manholes. These are the reasons that caused Columbia Gas to work on this project near the Fire Station. When that project was complete, it was discovered that the line that it was hooked to also had problems which is why they started working closer to Anthony Farms. They are working their way back to the original repair. In regards to the work being halted for a time during the past weekend; the school district and the municipality requested the halt due to the Homecoming festivities for the weekend.

Mr. Lewis responded that his first observation was that this was a public safety issue.

Mr. Berquist asked how much longer the project is supposed to continue. Mr. Lauer responded that the entire project, including the asphalt overlay of the road is to be complete by October 31st.

Mrs. Merrell asked if work is being conducted 24 hours/day and Mr. Lauer responded that it is. He also explained that the workers and the contractor are working 12 hour shifts.

Mr. Albert asked if the breaking of the concrete could be reserved for during the day and the laying of the pipe done at night to reduce the noise. Mrs. Merrell asked if there was a way to adjust the type of

work done during certain times of the day. Mr. Lauer said he will get in touch with the supervisor to see what can be done.

4. Unfinished Business – There was no unfinished business.

5. New Business

5.A. Approval of the Bittner Subdivision Plan on drawings prepared by William G. Del Cas dated September, 2016

Mr. Bittner and Mrs. Schuessler own adjoining lots. The Bittners are combining and selling a portion of their lot with the Schuesslers. No new lots are being created as this is a simple re-subdivision. The Planning Commission recommended approval.

Motion: To approve the Bittner Subdivision Plan

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

5.B. Change Order #1 in the amount of \$4,205 for additional work related to the renovation of the Peters Township Municipal Building

Peters Township has entered into a contract with Freedom Enterprises for work related to the renovation of the municipal building. As work on the municipal building has been performed, there have been a series of small additions and deletions. This first change order in the amount of \$4,205 includes all changes through September 30. This represents 1.5% of the original \$274,400 contract. The most significant additions relate to items discovered during demolition. The work related to this change order has been completed.

Mrs. Merrell made an observation that in the way the change orders are written is confusing. There is no real standardization. Her second observation is that overhead and profit are added in to anything additional but the Township doesn't get any overhead and profit back when materials are given back. She'd like someone to look into that to make sure there isn't any money being left on the table.

Motion: To approve the Change Order in the amount of \$4,205.

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

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0)

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

No: Monica Merrell.

5.C. Change Order #1 in the amount of \$4,500 for additional work related to the replacement of the roof on the Public Works garage

Peters Township has entered into a contract with McClure Construction for the purpose of replacing the metal roof at the Peters Township Public Works Garage. When the existing roof was removed it was determined that three (3) of the supporting structures were severely rusted. Both the contractor and the architect concluded that these supports needed to be replaced. The work was authorized and has been completed. This roofing project is complete except for punch list items. So this first change order in the amount of \$4,500 will be the only change order. This change order is 3% of the original \$151,700 contract.

Motion: To approve Change Order #1 in the amount of \$4,500 for the additional work related to the roof on the Public Works garage.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

5.D. Request from Venetia Heritage Society for a donation

The DARE program has the model railroad club that occupies the entire third floor. Last year, in recognition of that, Council made a donation of \$1,500 to the Venetia Heritage Society and Mr. Lauer is recommending Council does the same this year.

Motion: To approve a donation in the amount of \$1,500 to the Venetia Heritage Society.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

5.E. Resignation of Mr. Mark McFarlin from the Peters Township Library Board

Mrs. Merrell asked if Mr. McFarlin is resigning immediately and Mr. Lauer responded that it is immediate. Mr. Arcuri then asked if his seat needs to be filled and Mr. Lauer explained that Mrs. Oleynik wanted to meet with the remaining Library Board members to get a recommendation.

Motion: To approve the acceptance of the resignation of Mr. Mark McFarlin from the Peters Township Library Board

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

5.F. Peters Township representation on the Peters Creek Sanitary Authority

Mr. Ball would like the Council to express their thanks for his many years of service.

Mrs. Merrell is voting 'no' to give Mr. Szabo a sign of support.

Motion: To accept Mr. Szabo's resignation from the Peters Creek Sanitary Authority Board, with regrets.

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

Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0)

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

No: Monica Merrell

5.G. Resolution No. 09-06-16 authorizing the distribution of state pension funds

The Township receives just under \$407,000 from the State Treasurer to off-set pension costs. The resolution designates where those funds are to be distributed

Motion: To approve Resolution No. 09-06-16 authorizing the distribution of state pension funds.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

6. Payroll and Bills

There are some significant payments, several relating to the pension fund transfer. Mr. Lewis was surprised to find a bill of \$5,000 to repair the clock at the entrance to the Municipal Complex.

Mrs. Merrell noticed in the payroll summary that names of people who are no longer here continue to be listed. She feels there has been a sufficient amount of time that they shouldn't still be listed on the payroll. Mr. Lauer explained that they continue to be listed depending on their accumulated sick leave, accrued vacation, sick days, etc. Mrs. Merrell asked if this is paid in a lump sum and Mr. Lauer responded that it depends on the employee and whether they're covered by a labor contract or the administrative code. The Township has moved to attempt to do lump sum payments to avoid having people remain on the health insurance. Mrs. Merrell's concern is that having these people on the payroll and something happens does that make the Township liable. Mrs. Merrell questioned the \$49,000 payment on the payroll report. Mr. Lauer explained that is a lump sum payment that is being made as a result of language contained in the police contract.

Motion: To pay the Payroll and Bills as follows: General Fund: Checks # 146049 – 146114; Payroll Account: Checks # V113178 – V113316; 44648 – 446541,

Action: Approve, **Moved by** Robert Lewis, **Seconded by** David Ball

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

7. Correspondence - There was no correspondence.

8. Minutes

One of the things Mr. Lauer would like to do at the first meeting of every month is give Council a compilation of the most recent approved minutes from each of the boards on a regular basis. At the second meeting Council will see department head reports.

9. Reports – There were no reports

10. Miscellaneous

Mrs. Merrell brought up speed limit on Venetia Road. With the new bridge, speed has picked up. She would like Mr. Lauer to send a letter to state reps asking to lower the speed limit on Venetia Road to 25 mph. He noted a traffic study on Venetia Road conducted by PennDOT to determine the appropriate speed limit should be. He will contact PennDOT to determine the traffic study was done and what the results are.

Mr. Steigel asked if they will take the results of the speed counts and set the speed limit to be 80%, which would mean the limit could increase. Mr. Zemaitis responded that it is possible.

Mr. Ball mentioned that the problem PennDOT is going to have is one road with changing speed limits, as is the problem on Bebout. Mrs. Merrell asked that Mr. Lauer share the results of the traffic study with Council one they've been received.

A. Tennis Bubble

There has been a failure regarding the tennis bubble. Mr. Lauer explained that Council will be seeing an invoice in the amount of \$6,000 - 7,000 for the repair of the bubble. There was a problem with the HVAC system controls. The Township paid someone to take a look at it to get it ready for the season. There is a device that regulates the pressure in it which did not function properly. It over-pressurized and ripped the structure. Mr. Arcuri asked if there was any negligence on the part of the contractor and Mr. Lauer said that will be determined and the Township will proceed accordingly.

B. Bond Auction

The bond auction was Tuesday, October 4. The interest on that bond came out at 2.937%. The Township's financial advisor felt the Township did well. They expected the bond issues to come in slightly higher than 3%. There is now a debt repayment schedule that can be used to budget funds for next year. Closing on this will be around November 4. Mr. Lauer has asked the Bond Council to let the Township know what the amount of that payment is and who that payment needs to be made to so that the payment can be authorized at the next meeting so the Township can close on this within the 90 days.

Mr. Berquist brought up mud and gravel on Arrowhead Trail that was perhaps left over from the Haunted Trail. Mr. Lauer spoke with Ms Harmel about this and it turns out there was the largest number of attendees ever for the Haunted Trail, despite the weather conditions.

Mr. Berquist also has concerns about illegal parking at football games in Peterswood Park at Hofbauer Field. Mr. Lauer responded that this is a universal problem throughout Peterswood Park. With the 'ok' from Council, Mr. Lauer would like to handle it through enforcement. Mr. Arcuri asked if there are 'No Parking' signs and Mr. Lauer said that he believes there are but if there aren't it is easy to correct.

11. Next Agenda

There is a budget workshop scheduled for Monday, October 17 at 7:30 pm. Mrs. Merrell asked if Mr. Lauer would be preparing info on Board memberships. Mr. Lauer told her that would be prepared.

At a future date, Mr. Berquist would like to discuss permitting alcohol at the amphitheater. Mr. Lauer replied that the Ordinance would need to be changed. Mr. Lewis responded that he doesn't know it could be changed strictly for the amphitheater and Mr. Kosir agreed that changes would include the entire park. Mrs. Merrell thinks Council can be restrictive. There are a lot of places that allow alcohol in the shelters and they do it selectively.

Mr. Smith mentioned that in Cecil there are occasions that people can have alcohol in the park, not all of the time but for special events.

Mr. Lauer suggested getting a recommendation from the Parks and Recreation Board. Mr. Arcuri would like to have Mr. Smith determine whether it can even be done. If it can, then the suggestion can go before the Parks and Recreation Board.

12. Adjournment

The meeting was adjourned at 8:40 PM.

Paul F. Lauer
Township Manager