

**MINUTES  
COLLIER TOWNSHIP BOARD OF COMMISSIONERS  
WORKSHOP MEETING**

**February 28, 2018**

**7:00 P.M.**

- I. CALL TO ORDER:** Commissioner Macino called the workshop meeting of the Board of Commissioners to order at 7:05 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL:**

**BOARD**

Wilson Durisko – Present  
Wayne Chiurazzi, Esq. - Present  
Dawn Williams-Zabicki – Present  
Rick Ruffennach – Present  
George Macino – Present

**STAFF**

Chuck Means, Solicitor - Absent  
Kevin Brett, Engineer - Absent  
Craig Campbell, Police Chief – Absent  
Robert Caun, Planning Director – Absent  
Jeff Hinds, Finance Director – Absent  
Bob Palmosina, PW Director – Absent  
Brian Ralston, Bldg./Codes Officer – Absent  
Rochelle Barry, Parks Director – Absent  
Kyle Thauvette, Twp. Manager - Present  
Valerie Salla, Twp. Secretary – Present

- C. EXECUTIVE SESSION:** A meeting was held to discuss personnel issues.

**II. PUBLIC COMMENT ON NEW BUSINESS ITEMS:**

**Terry Bell** of 793 Marigold Court approached the Board with the following concerns: *(this section was provided by email to Valerie Salla from Mr. Bell in an electronic pdf format which was copy and pasted into the minutes. A hard copy is attached to the minutes.)*

I am Terry Bell and reside at 793 Marigold Court.

I'd like to take this opportunity to make a statement relative to the lateral hillside failure that has occurred on the property next to mine. I will provide a hardcopy and a pdf copy of these remarks for inclusion into tonight's meeting minutes.

For the record, this hillside failure was first noticed on February 19<sup>th</sup> at 8:09a. It started on the property adjacent to mine, owned by Woodville Associates.

The failure has propagated onto my property. It has also resulted in measureable movement of the hillside toe on my property and that of my neighbor, Evelyn Ferri McGovern. I have provided the township photographic and video documentation of the failure, its progression and the extent of the movement of the hillside.

A record amount of rain did, indeed, fall this month. February 18<sup>th</sup> saw 3.2 inches fall over a 24 hour period. According to township storm water design parameters, this represents rainfall that is expected to fall once in ten years. February 22<sup>nd</sup> saw 2.2 inches of rain over a twenty four hour period, a rainfall expected every five years. Collier township storm water codes require storm water management infrastructure to be designed for a one in twenty-five year rainfall event, if this runoff is directed to a retention facility. Otherwise, this infrastructure must be able to handle a one in one hundred year rainfall event. February was wet but would not have presented a challenge to a storm water management system that met township requirements.

Our community has presented several instances of inadequate storm water management from the property above Marigold Court. So many times that one commissioner has stated "I am tired of hearing about it". We have also provided the township instances of the Marigold Court hillside moving. Singular response events to these issues have occurred. However, the township response to our request for long term storm water management from the property above Marigold Court has been that the responsibility for this rests with the developer. Often heard is that "the developer has this responsibility on its punch list."

Recent events demonstrate the current storm water management approach is grossly inadequate.

The stability of this hillside has now been compromised. Given that this hillside forms the lowest toe of the entire hillside behind Marigold Court, the stability of this entire hillside now is in question.

There may be one or some of you that feel this is an overstatement of the situation. To that I answer, I'm sure any person that experienced a mudslide heard the four words, "The hillside is safe" from officials.

Again, the toe of the hillside is moving. The stability of the entire hillside above Marigold Court now has to be questioned.

Whatever effort the township has undertaken to have this developer satisfy its responsibility with regard to storm water management have not been effective. It's unfortunate for Collier Township, as now this developer's lack of action has created a much larger issue for the board.

The issue is now one of personal safety. The township must now make best efforts to assure the integrity of the Marigold hillside and, in turn, the integrity of the entire hillside above Marigold Court, is assured. This means having real storm water management infrastructure in place. Collier Township codes specifically state this. Chapter 23, section 2-A-1(b) states:

*Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property.*

*Such measures shall include such actions as are required:*

*(b) To manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.*

Considering the situation described herein and the township code specifically stating health and property are to be protected, anything less than best efforts now would appear to be negligent.

Imagine if this entire hillside were to release as a result of inaction on the part of this board. Fatalities would surely occur and this situation moves quickly from civil considerations to criminal considerations. No one wants to even get near this event horizon.

Should any one of you consider this a low probability event, remember you've been elected to serve the township and it's residents, not roll the dice and hope for a good result. The risk for inaction here represents a huge liability for the township and, perhaps, each of you.

I contend that the board can take strong and direct action, action that will provide adequate storm water management for the hillside referenced. Indeed, taking this action would demonstrate the township did make its best effort to protect its residents.

First, the township must shelve any consideration of development on the property above Marigold Court until this issue of storm water management is solved. Again, now knowing that inadequate storm water management has caused instability below this land and continuing to entertain additional development on this property would clearly be a negligent act. The argument that the storm water will be managed when this property is fully developed is now moot.

Second, the township must enforce the provisions of Code Section 23 – Storm Water Management.

Specifically Section 23-172 states

*Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Township may order compliance by written notice to the responsible person. Such notice may require, without limitation:*

*C. Cessation of any violating discharges, practices, or operations.*

*F. The implementation of storm water BMPs*

- 1. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township or its designee and the expense thereof shall be charged to the violator.*
- 2. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Part. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.*

*Section 23-174 details the penalties as*

- 1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.*

2. *In addition, the Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.*

The time for inaction is over. The effect of inadequate storm water management on the property above Marigold Court is established. The stability of this entire hillside is now in question. Now the township must shelve any further development on this property and simply enforce the existing code provisions.

Before concluding, I wish to make an observation for the board. For our two new commissioners, it would appear you both have a get out jail for free card relative to this problem. Simply, take the action outlined in these remarks and ownership of this problem will never be attached to you. For the three incumbent commissioners, you rolled the dice here and lost. Now take the action outlined in these remarks and you may just get some shelter from this problem.

**Mr. Tony Moses** of 552 Azalea Lane approached the Board with concerns regarding the hillside on Marigold Court. Just before he came to the meeting tonight he received a call from Lisa Herbick who lives on Marigold Court and the Rubin's that live on Marigold Court stating they both have noticed the hillside sliding behind them. At the last meeting we had a plowing and salting issue which has been resolved. Their attorney has presented a paragraph from Township code 22706 which stated the Township is responsible for all streets private or not because of safety issues and then go back and bill the developer. They want to know if this is correct and if this has anything to do with prompting any decision or discussion with whatever the Township resolved with Jack. Someone was to get back to us and we have not heard anything.

Commissioner Macino stated we did put a plan in place that if a snow or ice event occurred that required the streets to be plowed and/or salted if the developer who said they would take care of it didn't, our Public Works Department would check it and if it was not done would treat the roads and they we would bill the developer.

Mr. Moses stated under the subdivision and land development inspection and acceptance of improvements section AB (a through g) outlines the conditions which the Township is willing to accept the property when it is turned over.

Commissioner Macino questioned the acceptance of the roads?

Mr. Moses stated "acceptance of the roads and also in section 22703 or 04 applies to the development of the pond. The pond is another issue we have and the smoke stack. The Township is responsible to do the MS4 reports for the inspections of the ponds. Back in 2015 in the report there was a list of 17 items that are outstanding and incomplete and in 2016 there was a report there was 14 issues. If the Township is not willing to accept based on the reports that the Township engineer did then we are going to accept it either and why would we. There is no agreement in place between us (Neville Park and him). The developer agreement that this falls under is between the Township and us (Neville Park). He just wants to make that clear because this is going nowhere fast. Also, Lennon Smith Souleret did a stormwater study back on march 17, 2015 and there are eight (8) concerns on the letter where there is a possibility of undersized pipe. We can't find that anything has ever been done. The stormwater problem is getting out of hand. Your letter states you have some concerns with it being undersized in certain areas."

Mr. Brett stated they updated the letter and a summary was put together on January 20, 2018 and consolidates items all the way back form 2015. Some of the things are addressed but a whole lot is not addressed. Each item has to be reviewed. When the developer calls and says they did something, we go out and look at it. This has been a slow process. The developer does things and then stops.

Mr. Moses questioned what is next.

Mr. Brett stated that the developer put in a diversion in that is not designed and not in the right place and it is diverting water to the wrong area including onto Township property now. Our recommendation with the stormwater is to put all in the same action and go after the developer for all things in the same action.

Mr. Moses stated that three (3) years ago Terry Bell had water going up his downspouts. This is indication of a big problem somewhere.

Mr. Bell stated that was true.

Mr. Brett stated we want you to understand that when the developer submits something we just don't look at it and say it's good.

Mr. Moses questioned when do we get off this merry-go-round and when will you stop sending letters. This has been going on since 2002.

Mr. Brett stated he thinks this board is going to get off the merry-go-round now.

Mr. Moses questioned if there is anything new on the pond they should know about.

Mr. Brett stated there is nothing new on here.

Mr. Moses thanked the Board.

**Mrs. Beth Eckenrode** of 7116 Woodhall Court and representing Beadling Soccer approached the Board to see if there was any questions regarding the conversation at the meeting two (2) weeks ago in which you all approved to move forward with an analysis of a public/private partnership with the Beadling Soccer Club out at the Collier Community Park. She attended the Parks and Recreation meeting last night and did an overview to the Board so they are aware and there was good conversation and a lot of great ideas. She is taking her turn in iteration on an agreement that Mr. Thauvette and Mrs. Eckenrode are sharing back and forth and the Township is pursuing financing. This continues to move forward. She will be attending a Planning Commission meeting tomorrow to see if they have any questions, concerns or issues that she can help them to understand from their point of view. She wanted to see if the Commissioners had anything to talk about and she will stay for the committee reports for any questions as well.

Commissioner Macino stated we are looking at following things:

1. Financing
2. The opportunity to remove the eyesores that the army left there.
3. Technical uses like hours of usage.
4. There are more issues than just going in and building fields that we need to resolve on our end which we will be working with Mrs. Eckenrode on.

Commissioner Macino stated the update on the financing changes.

Mrs. Eckenrode stated there is nothing that we have seen that would suggest anything except we should keep pushing forward.

Commissioner Macino stated that is the Boards intent to continue to look and move forward with this.

Commissioner Williams-Zabicki stated we do but just so everyone understands what we are looking at. We looked at some benefits, costs and risks and wants everyone to understand that.

Thinking about the benefits:

1. there is the opportunity to remove the old barracks.
2. have two (2) certified fields with lights
3. improvements to the overall park.
4. Beadling Soccer is a replicable well know club that will not only bring its members in but competitors as well. This will help build awareness of Collier Township as well as brand Collier Township.
5. The fields will be available to other sports organizations as well. There are also costs.

Costs to build:

1. Costs to re-surface every 7 to 10 years.
2. There are lighting costs which the Township will incur.
3. There are additional Township personnel costs. Removing trash, cleaning restrooms. We are looking at all the costs and how that will be spread out across all the residents across the Township.
4. Costs in the event of things we cannot control like storms, hurricane and vandalism.

Risks:

1. What happens if Beadling cannot pay? We have to make sure we mitigate a plan in this before we sign an agreement.
2. Is something that Collier is doing to reach a broader community base? We have to make sure we can say no this does not limit use for what percentage actually participates in soccer. We want to make sure we are serving the wider community as well.
3. Does this fit in with the Parks and Recreation Comprehensive Plan?
4. We want to make sure we are getting input from our community members.
5. We want to make sure we are serving our tax payers appropriately.

Mrs. Eckenrode thanked the Board.

**Louann Kiefner** of 50 Lewis Road approached the Board to request help with Lewis Road and is a semi-private road. The Township maintained it for many years with plowing and salting and fixing holes and about 15 years ago the Township stopped and did nothing. Her husband who passed away use to plow and salt the road. Everyone that maintained the road has passed away and she lives up on the hill by herself and has no way to take care of that road. She works at the school district and when there is a two (2) hour delay she still has to be at the school at 7:00 a.m. She needs help. The road is drivable now because it is not that wet. When it is wet it is like a mudslide on the road. She cannot do this by herself and she pays taxes to the Township.

Commissioner Chiurazzi questioned if we can plow the road.

Mr. Thauvette stated we are plowing it know.

The other resident on Lewis Road (Jim) questioned if the Township could take the road over.

Mr. Thauvette stated it is a private road because it does not meet the Township specifications.

Mrs. Kiefner stated the Township put storm drains and street signs on it.

Commissioner Chiurazzi questioned the residents if the Township took this road over what would change.

Jim stated we want proper drainage and paved.

Commissioner Macino told Mrs. Kiefner he was sorry for her loss. We will take a look at the road and see what we can do and try to make the best recommendation we can.

Mr. Thauvette stated that he and Mr. Palmosina have been up Lewis Road several times this winter. We took the same approach as we did with Neville Park in terms of an emergency, health and safety concerns when it comes to removing the snow. Lewis Road is very steep and becomes a hazard with it's' residents and people driving by it. We do have on record that we have dealt with Lewis Road legally in the past. We have a court order from a judge that we are not to maintain Lewis Road. He is not sure what the Township can do if anything to bring the up to spec or what the residents can do to bring the road up to spec to allow the Township to take the road over.

Commissioner Macino questioned how long ago the court order from the judge was.

Mr. Thauvette stated it was in 2013 or 2014. He will have to look at the documentation.

Commissioner Macino stated he would like to see the document to see why this is and do some research on it.

Commissioner Williams-Zabicki questioned what the process is for the road to be brought up to spec.

Mr. Thauvette stated the owners would need to bring it up to spec at their costs.

Mrs. Kiefner stated the road has been there for six (6) generations. Her husband's family has owned the property up there for over 100 years. We want to stay but if we can't get home, its mud and ruts we have to drive around them. We can only buy 4 wheel vehicles.

Commissioner Macino questioned if Republic Services picks up her trash at her house.

Jim stated yes, Republic Services does.

Mrs. Kiefner stated the mailman is up there everyday.

Commissioner Macino stated we will look at it.

Mrs. Kiefner and Jim thanked the Board.

### III. NEW BUSINESS:

- A. Consider action to award the Environmental Assessment Structure Demolition of seven (7) structures within the Collier Township Park site to AGX, Inc. contingent upon contract review by the Township Solicitor.

*Motion was made by Commissioner Chiurazzi, second by Commissioner Durisko, to award the Environmental Assessment Structure Demolition of seven (7) structures within the Collier Township Park site to AGX, Inc. contingent upon contract review by the Township Solicitor. By unanimous vote the motion passed.*

### IV. DISCUSSION:

- A. Administrative Committee/Public Affairs:** Commissioner Ruffennach reported the following:
1. *Eagle Scouts community projects.* There are two (2) Eagle Scout projects. One will be building a pavilion near the Neville's Woods trail, re-painting the fencing along Hilltop Park and cleaning up brush along the trail. The second one is to build an American Flag retiring box here at the Township building for residents to properly dispose of their American Flags.
  2. *Office updating phone service.* The office is receiving quotes and is evaluating the cost-effectiveness of making a switch from our current system.
  3. *Panhandle Trail restoration.* This project is moving forward. The Friends of the Panhandle Trail have committed a significant amount of money for the project and paired with a \$20,000 RADD grant and additional private donor participation, we are about ready to advertise for the work to be done. The project includes fixing a few drainage issues and the trail resurfacing.
  4. *Monthly manger's Coffee Hour.* The next meeting will be on Monday, March 19<sup>th</sup> at 9:30 a.m.
  5. *Woodville Plantation Volunteers needed.* Volunteer orientation and training day at Woodville Plantation will take place on March 18<sup>th</sup> at 3:00 p.m. All are welcome who are interesting in volunteering.
- B. COG Committee:** Commissioner Ruffennach informed on the following:
1. The annual COG dinner meeting will be on Thursday, April 19<sup>th</sup> at Rockefeller's.
  2. The next meeting will be held at Carnegie Borough

Commissioner Macino questioned if we could get reports from the Fire Chiefs and the Police Chiefs meetings with the COG.

Commissioner Ruffennach stated he will get them.

- C. Finance Committee:** Commissioner Macino reported the following:
1. A meeting was held with Brentwood Bank to discuss them assuming finances of the Township. Mr. Thauvette, Mr. Hinds and Commissioner Macino were in attendance. Mr. Hinds will do an analysis between PNC Bank and Brentwood Bank.

- D. Parks and Recreation:** Commissioner Ruffennach reported the following:
1. The Parks and Recreation Board discussed the Beadling project. There were many thoughts and questions discussed.
  2. Dog Park issues were discussed.
  3. Hilltop Park and trail landslide issues.

Commissioner Durisko added the Parks and Recreation Board asked for a walking trail around the Beadling soccer fields. There was discussion about a concession stand, parking and field usage.

- E. Planning and Zoning:** Commissioner Williams-Zabicki informed the Board on the following:
1. The Planning Commission went through the Comprehensive Plan that was put into place in 2013. There were a series of actions and recommendations. We are all proud that those actions and recommendations have been followed through with and completed. We are trying to take establish a foundation of have we taken the actions recommended so we can take the planning of the Township to the next level in terms of being a little more strategic and pro-active verses passive and reactive. We can put together a committee for Community and Economic Development so we can be strategic about going out and finding a Beadling Soccer because it fits with our values we have for our community and what we want for our residents verses waiting for someone to come to us so that we can control our development and to continue to maintain the Township that we want. This should be wrapped up at tomorrow's night meeting and then we can start to put together a committee.

- F. Public Safety Committee:** Commissioner Macino reported the following:
1. *Meeting with Fire Chiefs which we discussed:*
    - a. We talked about fuel issues which the Township does allocate a certain amount of money to each of the stations to allow their vehicles to be fueled.
    - b. Hiring a consulting firm to talk to us about the way our fire stations are set up. The number of stations we have and the numbers of equipment we have that exists within each of the three (3) stations. A study like this was done in 2005 and things have changed in the community. EMS in Rennerdale and Kirwan heights seems to be working fine in both of those locations.
  2. *Police.* The Board approved the Chief to make an offer to an individual to add another Officer to his staff. There are still a number of Officers on Workers Comp and we currently have two (2) Officers in the Schools as

School Resource Officers (SRO's). There is some indication that the School board may want to add another Officer.

Commissioner Chiurazzi stated he and Mr. Thauvette visited the school before the tragedy happened in Florida to talk about the security the school has and advised Mr. Thauvette to follow up with the acting Superintendent, Scott Seltzer. Mr. Seltzer told us schools are made to get people out not prohibit them from getting in. That is the design and it is a terrible dilemma we have and whatever we can do to help with security is a good idea.

Commissioner Durisko stated Rennerdale VFD wants to put together a 5 and 10 year plan so the department can look ahead and plan their strategy. The departments are looking forward to a new study.

Commissioner Macino stated we did implement a safety tax which a bulk of that money went to the fire departments. We have learned at these meetings we need to try to keep our volunteer fire departments going as long as possible. If we would go to a paid fire department the estimated cost of one station with three (3) full time fire people and the necessary fire equipment there would cost the Township about 4.4 million dollars. So we really don't want to consider that at this point. One fire truck cost one million dollars.

- G. Public Works Committee:** Commissioner Durisko reported the following:
1. Worked with landslides and water run-off.
  2. Water run off on Noblestown Road by Republic Service. Noblestown is a State Road and they came out and jetted the lines and cleaned catch basins. The State also did this on several other State roads throughout the Township.

- H. Township Manager / Township Business:** Mr. Thauvette reported the following:
1. The rain we received is 11.5 inches since January. When looking throughout other Townships and their fixes for certain issues are manhole covers off with mud piled up all over the place and people are violating the MS4 requirements. Our guys have been doing a really great job in trying to keep up on the catch basins and making sure they are clean and diverting water with a temporary ditch.
  2. *Litter.* We have a lot of litter throughout the Township and the Public Works guys have been picking up litter on the sides of our roads. Keep Collier Beautiful will be on April 21<sup>st</sup> we are looking for volunteers for this whole event. Last year we had over 100 volunteers.
  3. *Audit.* Our external audit will begin next week for 2017.

Commissioner Durisko advised Mr. Thauvette to keep on the State about the dip on Noblestown Road. The guiderail is leaning onto the telephone pole.

Mr. Thauvette will contact the State.

**V. OTHER BUSINESS:**

Commissioner Macino informed the public there will be a special election for our Congressman who will represent our community. It will be held on Tuesday March 13<sup>th</sup> and encourage the public to get out and vote for a Congressman.

**VI. ADJOURNMENT:**

Motion was made by Commissioner Williams-Zabicki; seconded by Commissioner Durisko; to adjourn the work shop meeting at 8:05 p.m. By unanimous vote of the Board the motion passed.

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George E. Macino – President  
Board of Commissioners

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Valerie A. Salla  
Township Secretary