

**MINUTES
COLLIER TOWNSHIP BOARD OF COMMISSIONERS**

REGULAR MEETING

February 28, 2022

7:00 P.M.

- I. CALL TO ORDER:** President Chiurazzi called the meeting of the Board of Commissioners to order at 7:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL:

BOARD

DawnLee Vaughn – Present
Tim Young – Present
Debra Zymroz – Present
Mary Ann Cupples – Present
Wayne Chiurazzi, Esq. – Present

STAFF

Kate Diersen, Solicitor - Present
Kevin Brett, Engineer - Present
Bob Ferrence, Sgt. – Present
Robert Caun, Planning Director – Present
Jeff Hinds, Finance Director – Present
Tom Plietz – Bldg/Fire Codes – Present
Bob Palmosina, PW Director – Present
Josh Werner – Parks Director – Present
George Macino, Twp. Manager – Present
Valerie Salla, Twp. Secretary – Present

- C. EXECUTIVE SESSION** – Was held to discuss legal and personnel issues.

II. APPROVAL OF MINUTES

- A. January 3, 2022** – Board of Commissioners Re-organization Meeting

Motion was made by Commissioner Zymroz, seconded by Commissioner Cupples, to approve the minutes as stated above. By unanimous vote, the motion passed.

- B. January 10, 2022** – Board of Commissioners Workshop Meeting

Motion was made by Commissioner Cupples, seconded by Commissioner Young, to approve the minutes as stated above. By unanimous vote, the motion passed.

- C. January 24, 2022** – Board of Commissioners Regular Meeting

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Cupples, to approve the minutes as stated above. By unanimous vote, the motion passed.

III. REPORTS OF OFFICIALS AND COMMITTEES:

- A. Solicitor
- B. Engineer
- C. Manager's
- D. Building/Codes
- E. COG
- F. Finance
- G. Parks and Recreation
- H. Planning/Development/Zoning
- I. Public Safety – Fire
- J. Public Safety – Police
- K. Public Works
- L. Sewer Department

Motion was made by Commissioner Zymroz, seconded by Commissioner Cupples, to approve the reports as stated above. By unanimous vote, the motion passed.

IV. Public Comment/Comment on New Business Items:

3-minute duration to each signed up participant. Please sign in to talk and state subject.

Victoria Fratto of 2547 Hilltop Road approached the Board speaking on behalf of her Hilltop neighbors and her Nevilleside friends. Please consider this a formal complaint against the owners of the Private Sawyers Drive property (formerly known as the Military Base). We alleged the owners of this property are in violation of the Township Municipal Code Subsection 15-216C, which states it shall be unlawful for an individual to operate any type of an unlicensed motor driven vehicle or conveyance to create a loud and unnecessary or unusual noise to disturb or interfere with peace and quiet of the residents of the Township of Collier. For the past several years, the former owners, who you know, and now the current owners of the aforementioned property have been operating dirt bikes and/or dirt quads up and down simultaneously on weekends, weeknights, holidays and sometimes even weekdays. The roaring noise omitted from these vehicles for hours and hours, disturbs the piece and quite of residents even while we are inside of our homes. This was certainly the case on Sunday, February 21, 2022. While this offensive noise is active, we can't hold outdoor parties, picnics or even sit outside on our patios because the deafening noise impedes normal conversation. Even though we have lodged several complaints, Township Officers have refused to enforce the Municipal Code 15-216C. Instead they appear to side with the offenders and informing us they can do whatever they want on their own property. "Which quite frankly is ridiculous." Please recall the property is zoned residential and therefore the owners cannot simply do what they want. To the contrary, the offenders should behave as if they reside on that property. In other words, would this noise pollution be tolerated by the neighborhood in which the offenders live or reside? "We think not." Further we doubt any of you, would appreciate this type of disturbance in your neighborhood back yard so why must we, the tax payers of Nevilleside and Hilltop Road, tolerate a violation of our peace and quiet. We respectfully request the Township to enforce the Municipal Code stated in Chapter 15 subsection 216C. If Township Officials and Police Officers continue to refuse to enforce code, we will be forced to pursue legal action. Thank you.

Missy Maxwell owner of property at 2515 Hilltop Road (a neighbor of Vickie) and 5229 Thoms Run Road approached the Board on two (2) separate items. The first issue is, on Sunday, February 21st, the motorbikes were making constant noise from noon till after 6:00p.m. The windows and walls in the back of her home were shaking and rattling. This is a reoccurring problem with total disregard to us residents enjoying peaceful environments. We could not have conversations or listen to the television at a normal level. She did call the police and they did respond but they did nothing to enforce the Township noise ordinance. What can the Township do to enforce your own ordinance? It clearly states that these unlicensed motor driven vehicles are not allowed to create loud noise, unnecessary or unusual noises as to disturb or interfere with the peace and quiet of the residents of the Township of Collier.

The second issue is, she also owns property at 5229 Thoms Run Road. She is here with her Aunt, Cousin and other neighbors that live on Thoms Run Road. She is here to continue the conversation she had with the Board back in October about the sewer water coming up through her drains when we have heavy rains. At that time, we had two (2) incidents within two (2) weeks of water coming up through the sewer line. She paid thousands of dollars to have her home cleaned and sanitized. She has lost furnaces, hot water tanks, washer, dryers and has spent hundreds of thousands of dollars here. At the October meeting, it seemed like the Engineer had suggested a backflow preventer program. She spoke to Kyle, the prior Manager, and he indicated to her in writing, in an email, that this problem was going to be fixed by the Township and is moving forward and since then she has heard nothing. Kyle said in an email that she would hear something in the very near future. Here we are at 6 months out and on February 18th, a little over a week ago; we had water again from the heavy rain. This is not a spring or an abnormal hurricane. This is a severe problem that is impacting all of us down there. She grew up in Presto and never had this problem ever until there was all this new construction and this infrastructure is not supporting all this expansion that is going on with all these new building plans. So, three (3) times in 6 months is just outrageous and we really all need to know what the Township is going to do for us down there.

Commissioner Chiurazzi stated Mrs. Maxwell is correct in that she deserves a letter already. This Board had a death, we have a new Board and we have to get a new manager. Those things all are built in delay. Commissioner Chiurazzi apologized and she should get a letter, the interim Manager, George, will get a letter out, but there are factors up here that delayed us.

Mrs. Maxwell stated that the Workshop meeting the Board had back in November, it seemed to her like it was something the Board couldn't decide if you were going to do anything to help them or kick the can down the road. She is really disturbed that it seems to be going on by the way side and it doesn't really feel for us down there what we are going through. So now she is in the position where she is going to spend thousands of dollars again to have her basement cleaned and when spring rains come she will have to do it all over again. "It is just insanity." "What letter are we going to get?" "Are we going to get a letter of solution or are we going to get a letter that we are still looking into this?"

Commissioner Chiurazzi stated the letter may say there is a backflow solution.

Mrs. Maxwell stated she hopes so.

Commissioner Chiurazzi thanked Mrs. Maxwell.

Deb Dobda of 901 Cambridge Drive, member of the Nevilleside Homeowners Association, approached the Board regarding an incident that happened on Sunday, February 20, 2022. On the property of 1 Private Sawyer Road, several unlicensed motor vehicles rode on trails constantly from noon until the late afternoon. Even with doors and windows closed, the noise was penetrating and extremely disruptive. One resident described it as a chainsaw in your yard and another as living next to a race track. Number one Private Sawyer is approximately 13 acres and is zoned residential and was recently purchased by Charles and Janet Hackett. This site is on the hill above Nevilleside and the noise echoes into the valley where we live. On the 20th, police were called and came around 3:00p.m. We do not know what was said but the noise continued even though it was at a lower level. It is our understanding that Mr. Hackett intent is to construct a motor cross trail on his property and we feel this needs addressed now. This disruptive riveting noise will be unbearable during the spring and summer if it does not stop now. Our right to peace and quiet is at risk. This does not only involve Nevilleside but as you heard, other nearby private homes. This has been going on for several years and has recently escalated. It is not going to go away unless the Police and Township stop it. We believe that Collier Township Ordinance 15-216 Recreational vehicles prohibited must be enforced. This ordinance states that it is unlawful for an individual owner of an unlicensed motor driven vehicle or conveyance including 2 wheel vehicles such as mini bikes, trail bikes, and 4 wheel vehicles like all - terrain vehicles and there are a number of conditions will be prohibited. The most relevant of these conditions is the operation of the aforesaid unlicensed motor vehicles or conveyances so as to create loud and unnecessary or unusual noises so as to disturb or interfere with the peace and quiet of the residents of the Township of Collier. The ordinance also designates consequences and fines up to \$600.00. During the week we contacted numerous Township Officials and got no acknowledgement or enforcement of section C. We are here to officially notify you of the Ordinance and section C and to ask you why this is not being enforced. We are entitled to our peace and quiet as residents of Collier Township. Why are the Police not enforcing the ordinance? The HOA of Nevilleside would like a written response from you to the Nevilleside Executive Board within two (2) weeks. We want to solve this within Collier to avoid being forced to pursue further action.

David Golinski of 15 First Street (Fort Pitt area) approached the Board and gave them pictures/map of the Fort Pitt area. The issue is on Noblestown Road which is a State Road. It is the transition where the road and the bridge meet. This was repaired about 10 or 12 years ago and then again this past October or November. The big bump is back at this transition and the trucks going over it make very loud noises like someone is setting off dynamite. He asked if the Township could contact the State to have this repaired. The other issue is a large blank sign there that used to belong to Polar Water and is now Crystal Springs. The trucks that come up and down Noblestown Road do not know if they need to turn by this sign or not. Large trucks get jack knifed on Noblestown because they can't make the turn. He asked if the company that owns the sign could get their name on the sign so trucks know where to go.

Commissioner Chiurazzi asked Mr. Palmosina to check with the State to fix the transition and asked Mr. Macino to check on the sign issue.

Marilyn Ziegler of 5227 Thoms Run Road approached the Board regarding the flooding issue that Missy Maxwell was talking about and she also stated every time it rains, she gets severe run off from Nevillewood, Meridian Drive. She has video of how bad the water flows down to where they park their cars and into their side yard. She would like to know why she gets so much run off and what can be done about it.

Commissioner Chiurazzi asked Mrs. Ziegler to send the video to George Macino so the Board can look at it.

Steve Iorrio of 5214 Thoms Run Road approached the Board with issues on flooding also. The water comes down Boyds Run Road onto Thoms Run Road and floods his whole front yard. He keeps losing front yard.

Marsha Grubsky of 407 Fairacre Court approached the Board asking what they should expect now that they all have been to the Board.

Commissioner Chiurazzi stated the Board will talk and Mr. Macino will contact the HOA.

Linda, owner of the Presto Hotel on Thoms Run Road. She has been experiencing a lot of flooding in her building and in the 70's, John Heinz came through and did flood control and she never had a problem. Now she is constantly cleaning out her cellar from flooding and back up from the sewers.

Lenny Klemisnic of Nevilleside approached the Board with concerns of speeding cars. He lives at the corner as you go into Nevilleside and has lived there for 15 to 18 years. Speeding has gotten really bad. Tractor trailers going up to the new housing plan are going at an excessive speed. Can the Township slow traffic down with signage or something? When he pulls out of his property and you look to the left, there are trees there, you think there is no traffic there but by the time you pull out, there is a car on your bumper so fast. The little kids getting on the school bus are going to get hit. There are roads you have to slow down on. He has even been pulled over but never got a ticket yet. Even coming into the Nevilleside entrance, people are going 50 miles per hour.

Commissioner Chiurazzi stated we could put a sign there that just tells you the speed you are going. Hilltop road is a State Road and a Speed hump will never be put in.

Sgt. Ferrence stated he will address these issues with the Chief so he is aware of all the complaints that concern the police.

Victoria Fratto of 2547 Hilltop Road also informed the Board she has lived on Hilltop Road for 27 years and it has gotten awful. They can't pull out of their driveway in the morning. She has even told Police Officers they can sit in her driveway and write tickets all day long.

Commissioner Chiurazzi stated he lives on the crest of Hilltop Road and it is brutal.

Mrs. Fratto stated her driveway is at the highest point in Allegheny County.

Marsha Grubesky of 407 Fairacre Court stated that in regards to the ordinance we have been discussing, section “D” is often quoted and we are not looking at “D”. We are looking at section “C”. “C” comes before “D” and that is the one we want.

V. New Business:

1. Consider action on Ordinance No. 723; An Ordinance amending Section 27-902 of the Collier Township Code of Ordinances to amend the list of permitted uses within the R-4 Zoning District.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Vaughn, to amend Ordinance 723 as stated above. Commissioners Cupples, Zymroz and Young were opposed. The motion did not pass.

2. Consider action on Ordinance 724; An Ordinance rezoning Parcel 264-F-2 from R-1 Residential to PEDD Residential Overlay District

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Young, to adopt Ordinance 724 as stated above. By unanimous vote, the motion carried.

3. Consider action to grant Preliminary Land Development approval to the Grist House Brewery at Nike Site with the satisfactory completion of the items in the Township Engineers review letter dated February 9, 2022 The Planning Commission has reviewed and recommends the granting of preliminary approval.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Young to approve the preliminary land development for the Grist House Brewery as stated above. By unanimous vote, the motion carried.

4. Consider action to grant approval to The Hawk Hill Estates Minor Subdivision Plan with the satisfactory completion of the items in the Township Engineers review letter dated February 14, 2022 The Planning Commission has reviewed and recommends granting approval.

Motion was made by Commissioner Zymroz, seconded by Commissioner Young to approve the Hawk Hill Estates Minor Subdivision Plan as stated above. By unanimous vote, the motion carried.

5. Consider action to hire the following Community Center Front Desk employees (Richard Parenti, Mary Zimmerman and Robert Wells) at \$11.00 per hour effective March 1, 2022.

Motion was made by Commissioner Zymroz, seconded by Commissioner Cupples to hire the above Community Center front desk employees as stated above. By unanimous vote, the motion carried.

6. Consider action on Resolution 022822-01; A Resolution recognizing “The South West Communities Chamber of Commerce” as a civic and/or service association under the local options Small Games of Chance Act.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Cupples to approve Resolution 022822-01 as stated above. By unanimous vote, the motion carried.

VI. Account Transfer:

- Approval of the transfer of \$9,000.00 from the General Fund Account to the Capital Fund Checking Account.

Motion was made by Commissioner Cupples, seconded by Commissioner Vaughn, to approve the transfer as stated above. By unanimous vote, the motion passed.

VII. Approval of General Fund Operating Account items:

- Invoices paid, checks written and Bills Requested February 15, 2022 to February 28, 2022 in the amount of \$293,414.50.

Motion was made by Commissioner Cupples, seconded by Commissioner Vaughn, to approve the General Fund Account items as stated above. By unanimous vote, the motion passed.

VIII. Approval of Capital Investment Account Items:

- Invoices Paid, Checks Written and Bills Requested February 15, 2022 to February 28, 2022 in the amount of \$9,355.00.

Motion was made by Commissioner Zymroz, seconded by Commissioner Young, to approve the Capital Fund Account items as stated above. By unanimous vote, the motion passed.

IX. Approval of Sewer Account items:

- Invoices paid, checks written and Bills Requested February 15, 2022 to February 28, 2022 in the amount of \$740.63.

Motion was made by Commissioner Zymroz, seconded by Commissioner Young, and carried, to approve the Sewer Account items as stated above. By unanimous vote, the motion passed.

X. Adjourn

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Vaughn, to adjourn the meeting at 7:35p.m. By unanimous vote, the motion passed.

Wayne M. Chiurazzi – President
Board of Commissioners

Valerie A. Salla
Township Secretary