

**MINUTES
COLLIER TOWNSHIP BOARD OF COMMISSIONERS**

REGULAR MEETING

December 12, 2018

7:00 P.M.

I. CALL TO ORDER: Commissioner Macino called the 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

Emily Mueller, Solicitor - Present
Kevin Brett, Engineer - Present
Craig Campbell, Police Chief - Absent
Robert Caun, Planning Director - Present
Bob Palmosina, Public Works Director - Present
Sean Gramz, Building/Codes Officer - Present
Rochelle Barry, Parks Director – Present
Jeff Hinds, Finance Director - Present
Kyle Thauvette, Township Manager – Present
Valerie Salla, Township Secretary – Present

C. EXECUTIVE SESSION – Was held prior to the meeting to discuss personnel and legal issues.

Commissioner Macino informed the public that Mr. Thauvette and his wife Samantha welcomed a baby girl, Marlowe Ann into the world.

D. PROCLAMATIONS – For Eagle Scouts Michael Kappert, Alexander McIlree and James Scalise.

The Eagles Scouts were not in attendance.

Mr. Thauvette informed the Board there was a Ceremony for the Scouts last week and gave the Board information on the projects they completed and thanked them for the work they did.

The Proclamations will be given to the Eagle Scouts leader to give to them.

II. APPROVAL OF MINUTES:

A. November 14, 2018 – Board of Commissioners Regular Meeting

Motion was made by Commissioner Durisko, second by Commissioner Ruffennach to approve all the minutes as submitted above. By unanimous vote the motion carried.

B. November 28, 2018 – Board of Commissioners Workshop Meeting

Motion was made by Commissioner Durisko, second by Commissioner Ruffennach to approve all the minutes as submitted above. By unanimous vote the motion carried.

III. REPORTS OF OFFICIALS AND COMMITTEES:

- A. Solicitor:** The Solicitor submitted a written report to the Board for the month of November and would be happy to answer any questions the Board might have.

There were no questions or comments.

- B. Engineer:** The Engineer submitted a written report to the Board for the month of November and would be happy to answer any questions the Board may have.

Mr. Brett informed the Board there will be a pre-construction meeting with the Panhandle Trail contractor next week. They will start working at the end of next week.

Commissioner Williams-Zabicki questioned what is left on the Hilltop Park/Discovery Trail to complete.

Mr. Brett stated there is restoration work down below.

Mr. Palmosina informed the Board the handicap parking space was put in last week and we will paint it on Monday, weather permitting. The trail berms going up towards the helicopter pad need completed.

Commissioner Williams-Zabicki questioned the demolitions at Collier Park final inspection is being scheduled

Mr. Caun stated we did the final inspection today and there are a couple of items still left to addressed of cleanup work.

Commissioner Chiurazzi suggested putting on the next agenda to start talking about what we want to do with the space.

There were no other questions or comments.

C. Manager: The Manager submitted a written report to the Board for the month of November and would be happy to answer any questions the Board may have.

Mr. Thauvette added the following;

1. Resolution for the vacant property program is on the agenda for approval.
This is 637 Prestley Street.
2. Advisory Board meeting is tomorrow night and urged everyone to come.
3. Managers Coffee Hour will be January 14 at 9:30 a.m.
4. Received grant funding from DCNR for the next Parks and Recreation Comprehensive Plan. This probably will not be completed by 2020 by the time the money is released, and the project starts. Rochelle Barry was thanked for helping secure the grant funding. We can then start planning on what the next phase of Collier Park can look like.

Commissioner Chiurazzi asked for an update on Cargnoni.

Mr. Thauvette stated Mr. Cargnoni has not completed the work and we are working with our Attorney to draft the schedule of how we proceed. He is working but the work is not completed.

There were no other questions or comments.

D. Codes/Zoning: Mr. Gramz submitted a written report to the Board for the month of November and would be happy to answer any questions the Board may have.

Commissioner Durisko stated he liked the new format of the report and asked Mr. Gramz to explain what each item stands for.

Mr. Gramz explained his new report columns and format.

Commissioner Williams-Zabicki liked the new report format as well.

Commissioner Macino questioned if a Developer or Contractor working in the Township have set working hour times and is this year-round.

Mr. Gramz stated he just looked at that and the only thing he found is under the grading ordinance and the working times are 7:00a.m. to 9:00p.m. year-round seven (7) days a week.

Commissioner Macino questioned if that includes landscapers, developers....

Mr. Gramz stated it is open to anyone doing work they so desire in the Township.

Commissioner Durisko stated in cases of an emergency and safety issues like clearing sidewalks or running a vehicle.....

Mr. Caun stated there are three (3) separate provisions of the Ordinance. Construction activities are from 7:00a.m. to 9:00 p.m. Public Safety is 24 hours. Industrial has different hours. Commercial has different hours. The Zoning Ordinance spells out different times for different types of properties and zoning districts. It is true that construction builders are 7:00 a.m. to 9:00 p.m. and other activities the hours are a little different. We let builders know if we get complaints and they comply. We haven't heard any complaints.

Commissioner Chiurazzi stated our guys start early. He has gotten complaints in the summer about people cutting grass too early.

Commissioner Chiurazzi suggested the Township get a big screen to have the reports up for the public and the Board to see so we don't have to waste all this paper. There are some things the public would not see like Attorney items. It will be expensive and there are other needs, but it would be a nice service to the public.

Commissioner Williams-Zabicki stated we spend money on copier and printers and over time we could shift that money over to the screens and online.

Commissioner Chiurazzi stated we can get rid of all this paper that we throw away and go all digital.

Commissioner Macino stated this is something we will look in to it.

Commissioner Chiurazzi questioned if there are any other Townships that do this.

Mr. Brett stated there is one he knows of and they use Board Docs. The reports go on it and they still get a paper agenda.

There were no other questions or comments.

- E. COG:** Commissioner Ruffennach reported they are still working on their budget and the next meeting will be at 6:30 p.m. in the Oakdale Borough.

There were no questions or comments.

- F. Finance:** Mr. Hinds submitted a written report to the Board for the month of November and would be happy to answer any questions the Board may have.

Mr. Hinds added the 2019 Budget is on the Agenda for approval tonight.

There were no other questions or comments.

G. Parks and Recreation Report: Ms. Barry submitted a written report for the month of November and would be happy to answer any questions the Board may have.

Ms. Barry added the Pittsburgh Penguins called Rob today and we have been named one of the sites for the Learn to Play Hockey program.

Commissioner Macino questioned in our gym where we offer several types of games, can boundaries be put on the floor to help people play pickle ball.

Ms. Barry stated we can not put anything on the floor because it voids our warranty. We got the floor from Germany which is a specialized floor and if we put anything on the floor and it didn't come that way, we void our warranty. Mr. Caun and Ms. Barry did look in to it this and they don't know if there is anything that can be put on it without voiding the warranty.

Commissioner Williams-Zabicki questioned if the company has been contacted.

Ms. Barry stated not yet and was trying to find a phone number that is not located in Germany.

Commissioner Macino advised Ms. Barry to look in to this and let the Board know. We play a lot of sports on that floor and also do not want to lose the warranty but on the other hand, if there is something, we can do to help our residents, we should.

Commissioner Williams-Zabicki thanked everyone that worked hard to put the Collier Light up Celebration together. It was nicely done, and the gingerbread house contest was really good this year. She won.

The other Commissioners congratulated her.

Commissioner Durisko challenged all the Commissioners to enter the contest next year.

There were no other questions or comments.

H. Planning/Development Report: Mr. Caun submitted a written report for the month of November and would be happy to answer any questions the Board may have.

Mr. Caun added the following:

1. SALDO amendment for emergency exits is on the agenda tonight for approval. The public hearing was tonight at 6:30 p.m.
2. Sheetz will be at the Planning Commission meeting on Dec. 20th at 7:00 p.m.

Commissioner Williams-Zabicki questioned if the GEO Plan has been updated yet.

Mr. Caun stated we are ready to go once the Budget is passed.

There were no other questions or comments.

IV. Public Safety – Fire Department Report: Chief Dave Brown of Rennerdale VFD was in attendance to answer any questions the Board may have.

There were no questions or comments.

V. Public Safety – Police Department Report: Chief Campbell was not in attendance and submitted a written report prior to the Board for the month of November.

There were no questions or comments.

VI. Public Works Report: Mr. Palmosina submitted a written report to the Board for the month of November and would be happy to answer any questions the Board may have.

Mr. Palmosina added the following:

1. The leaf program ended today. It was extended for two or three weeks to get caught up. We can still pick up brown paper bagged leaves. The leaf truck will be put into snow plow/salt mode.
2. We got delivery of about 1,000 ton of salt.
3. Picnic tables came in last Friday from the grant funding. We put 24 tables together the other day. One was damaged. The old tables that are in good shape will be put along the trail and the discovery trail.

Commissioner Ruffennach questioned if all the snow plows and salt spreaders are on the trucks now.

Mr. Palmosina stated yes except for one that has the stem jenny on it.

Commissioner Durisko questioned if the stock yard will still be open for residents that want to take their leaves down to it.

Mr. Palmosina stated we have had problem with people coming down and dumping from all over. We have about 60 truck loads we have to take up to wood waste recycling.

Mr. Thauvette stated the stock yard will be open during the day only.

Mr. Palmosina stated that if the residents bag the leaves in the brown paper bags, they can call here and give their address and we can pick them up.

Commissioner Durisko questioned if we have a better way of transporting the leaves from the stockyard like getting a roll off dumpster.

Mr. Palmosina stated we only pay a monthly fee at wood waste.

Commissioner Durisko stated it is easier to do the trucks.

Mr. Palmosina thanked the Board for purchasing the UTV for the Public Works Department.

There were no other questions or comments.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Durisko to approve all the above reports as submitted. By unanimous vote the motion carried.

VII. PUBLIC COMMENT / COMMENT ON NEW BUSINESS:

Katie Fitzpatrick and Denise Flukas approached the Board to discuss pickleball. They would like the Board to consider putting down permanent markings down on the floor mainly because of the safety factor involved. People are getting their feet caught of the rubber boundaries used now and some have gone down and thankfully did not get seriously hurt. Ms. Flukas thanked the Board for letting pickleball play on the gym. It is a growing sport. People come from all over to play and enjoy our gym. The way the gym floor is currently marked they are curling under our feet, tripping, sliding and falling. This is a big concern to everyone playing there. We have asked to have lines put down and were told the warranty would be voided and then we were told there are too many lines placed on the gym floor. There are a lot of players with two (2) courts going at the same time. Broad tape would work but it would need put down and then taken back up. It would be a benefit to have the lines put down and would like the Board to look into it.

Commissioner Macino stated that Mr. Caun and Ms. Barry will look in to this and contact the manufacturer to see if there is an alternative we can do on the floor.

Ms. Fitzpatrick and Ms. Flukas submitted the December Pickle Ball Game calendar to the Board for the record.

John Lenky of Crest Lane informed the Board this is his first meeting. He doesn't want to speak and waived his time.

The Commissioners thanked him for coming.

Ken Kuska of 528 Azalea Lane approached the Board with concerns of a backhoe parked on his street. He thought his neighbor was getting some work done but found out this morning that Mr. Cargnoni has to do work on the easement. He never got a letter. He has a backhoe driving across his lawn. He has a 93-year-old mother in law asking what is going on. He approached the operator of the backhoe and told Mr. Kuska that he worked for the township. When he lived on Annandale there was gas construction being done and he received a letter from the gas company informing him of what work was being done. This backhoe is going across his lawn destroying part of it and doesn't know what is going on. The operator said he worked for the Township, so he wants to know what is going on. Someone should have notified me.

Mr. Palmosina stated it is not the Township doing the work and he could check to see who was doing the work.

Mr. Palmosina questioned if the operator was wearing a Township uniform.

Mr. Kuska stated he didn't know but the bottom line is he was told it had something to do with Mr. Cargnoni. Either Mr. Cargnoni should have notified me or the Township should have notified me. Mr. Kuska is really upset about is who is going to fix my lawn. He gave pictures to the manager, Mr. Thauvette.

Commissioner Chiurazzi questioned if Mr. Thauvette knew who was working there.

Mr. Thauvette stated he assumes it is Woodville Associates working on the pipe along Azalea Lane behind those houses going to the pond.

Commissioner Macino questioned if that is an easement for the Developer.

Mr. Brett stated there is a stormwater easement there.

Mr. Kuska stated he doesn't have a problem if there is an easement, but someone should have notified them. His biggest concern is that if there is an issue with a drainage pipe, will there be a pipe just sticking out back behind this house because of the contentious relationship between the HOA and Mr. Cargnoni. The operator of the backhoe told him where the pipe was going. Will this cause damage and erosion to his home? He should have been notified of the work being done.

Solicitor Mueller stated she didn't think notice is a requirement when doing work in an easement. People may have notified Mr. Kuska in the past as a courtesy but they are not required to. They have the right to work on the easement and usually there is an easement agreement.

Mr. Kuska questioned who is going to fix his lawn.

Mr. Brett stated that area is the Home Owner's Association owns and operates the storm system outside of the right of way and the Township has not accepted the roads or storm system within the right of way. This is an issue between the HOA and Mr. Cargnoni because Mr. Cargnoni is completing one of the big items on the punch list from the Township. The Township is pushing him to get this very costly item completed because of all the resident's complaints. This is an easement and Mr. Cargnoni has the right to do the work there. Mr. Brett understands he want through Mr. Kuska's yard and that area is controlled by the HOA and they would have to get involved with the Developer.

Mr. Garber stated it is not under the HOA's control. It is Mr. Kuska's yard.

Mr. Kuska stated they cut my grass. It is my yard.

Mr. Brett stated the easement itself is controlled by the HOA. The Township itself does not take over that storm system. You can shack your heads no, but you need to read your documents. The HOA is definitely getting the pipes that go to the pond.

Mr. Kuska questioned if that was to be done before his home was built.

Mr. Brett stated it has been on the list

Mr. Kuska stated it has been on a list that was supposed to be done 10 years ago and now I have damage to my property and the only reason he is doing it is because of the HOA and now I will be stuck fixing my yard.

Mr. Brett stated that Mr. Cargnoni is the complainant.

Commissioner Macino stated he realizes the Developer is not required to notify anyone, but did he notify anyone in the Township at all.

Mr. Thauvette stated he has been working a couple of weeks behind the properties and did not receive any notification that he would be crossing property or using an easement to access it.

Mr. Caun stated he did not receive notification.

Commissioner Macino questioned who is responsible to do the repairs to the easement.

Solicitor Mueller stated there is usually an easement agreement that talks about the uses of the easement.

Mr. Brett stated there is an original developers' agreement and an HOA agreement and all the responsibilities are spelled out in those agreements.

Solicitor Mueller advised the Board to look in the agreement.

Commissioner Macino stated the Township will look in the developer's agreement and the HOA should look in their agreement.

Commissioner Chiurazzi questioned if this work is being done because this is part of the Township suing Mr. Cargnoni.

Mr. Brett stated yes.

Commissioner Chiurazzi stated the Township has sued him and we are on the side of the homeowners however, Mr. Cargnoni is allowed to use the easement. Commissioner Chiurazzi asked if Mr. Thauvette could call Mr. Cargnoni and see if he could repair Mr. Kuska's yard.

Mr. Thauvette stated his personal opinion is that any repair done to an easement should be repaired to as good if not better than it was before.

Commissioner Chiurazzi stated he doesn't know what the developer's agreement or the Home Owners Association agreement says but it probably says the Developer says to repair it. Commissioner Chiurazzi advised Mr. Thauvette to call Mr. Cargnoni and then call Mr. Kuska.

Mr. Kuska stated his neighbor's yard has more damage to his yard than he does and asked that the neighbor be taken care. He worries about his neighbor more than himself and thanked the Board.

Frank Noble of 500 Azalea Lane asked the Board to have someone look at the easement to see if Mr. Cargnoni is within the boundaries of the easement. Some of the tracks are pretty close to the houses. Is he within code? Also, the backhoe was parked in the middle of a three-way intersection. He emailed a picture to Mr. Thauvette this morning. The school bus has to turn around in there. Public safety comes into play here. Total ignorance to the Township. He is not respecting anything you are doing. If there was a snow storm, you would have trouble plowing where the backhoe was sitting. Santa Claus was there they other night and the fire truck had get around the backhoe.

The fire department stated the backhoe was parked in the middle of the intersection.

Mr. Noble stated, "someone needs to check on this guy, don't trust him."

VIII. NEW BUSINESS:

1. Consider action on the Regional Council of Carpenters Preliminary Major Land Development application. The applicant has requested a waiver from the requirement to install a sidewalk along Ridge Road, and another waiver to install storm sewer piping less than the minimum 15" piping required by Ordinance. The Planning Commission has reviewed the Plan and waiver requests and recommends approval of the waivers and the Land Development Plan with the conditions listed in the Township Engineers review letter dated November 1, 2018, and payment of fee-in-lieu of dedication of recreational open space in the amount equal to the fair market value of the land otherwise required to be dedicated for recreational use. The fair market value of the land shall be determined by an appraisal from a Certified Appraiser submitted by and paid for the applicant. Payment in full shall be made prior to the issuance of a building permit.

Commissioner Macino asked for Mr. Caun to explain this motion.

Mr. Caun stated the Carpenters Union is doing a 6,000sq.ft. addition to their building. The land development plan required a sidewalk along Ridge Road. After the Planning Commissions review of the plan, the way the hillside is, it would be impossible for them to install a sidewalk along Ridge Road. The Planning Commission recommends waiving that requirement.

The Ordinance requires a minimum 15-inch storm water piping. The new storm water plan that was just passed allows less than 15 inches of piping in private systems. Since this was reviewed under the old Ordinance, it requires a waiver. The Planning Commission recommends a waiver. Any open items in the Township Engineers letter must be completed and with the dedication of open space requirement, the Carpenters Union would rather pay the fee in lieu to the Township than dedicate the land. This fee in lieu is equal to the value of the land and this must be determined by a certified appraiser. They have not had that appraisal done yet. This is listed as a condition.

Commissioner Chiurazzi stated he would defer to the Planning Commission on the side walk issue, but he is definitely against the smaller pipes. The backup is bad and with the storms we get it should be bigger.

Mr. Caun stated our new ordinance allows for smaller pipes.

Mr. Brett stated for best management practices, rain gardens, and infiltration areas, these facilities can be smaller and we support these pipes. The idea for a 15-inch pipe is so it can pass a large object like a basketball. It meets the other ordinance.

Commissioner Macino stated we need to table this and discuss the pipes because we do not need another pipe issue. If it needs to be corrected than we need to correct it now.

Mr. Caun stated they have to prove to our engineer that the size pipe they are using works with the amount of water that is going to go through it.

Mr. Brett stated we would verify what specific pipe they are asking for and have a drawing for the next meeting.

Mr. Caun stated they should look at the sidewalk issue also.

The Board agreed to table this motion.

2. Consider action to enter into a Developers Agreement with the Carpenters Union subject to approval by the Township Solicitor and Township Engineer.

The Board agreed to table this motion.

3. Consider action on Ordinance #704; An Ordinance to establish requirements for emergency access roads and for the provision of certain road access points for residential development plans.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Williams-Zabicki, to adopt Ordinance 704 as stated above. By unanimous vote the motion carried.

4. Consider action on Resolution 121218-01; A Resolution approving that the Acquisition and subsequent disposition of parcels of vacant property know as Block and Lot number; 148-M-91 would be in accord with the Comprehensive Plan of the Municipality.

Mr. Thauvette stated the person that wants to purchase this property has to get approval from the Township and the County.

Motion was made by Commissioner Williams-Zabicki, seconded by Commissioner Ruffennach, to approve Resolution 121218-01 as stated above. By unanimous vote the motion carried.

5. Consider action to advertise the proposed Ordinance amendments related to certain provisions of the Property Maintenance Code, Fire Code, Tenant Registration Ordinance and Bulk Storage Container and Dumpster Ordinance.

Mr. Gramz explained to the Board that this is just bringing all the Ordinances up to date and is benefiting the Township's public safety, health and welfare.

Commissioner Durisko questioned if this is setting a time limit for bulk storage containers, or do they have to be behind the house.....

Mr. Gramz stated he didn't feel there were any standards on those matters. This is more of a way to make sure the dumpster permits are enforced and regulated.

Motion was made by Commissioner Durisko, seconded by Commissioner Ruffennach, to approve advertising proposed Ordinance amendments as stated above. By unanimous vote the motion carried.

6. Consider action to pass the final 2019 Operating Budget and the final 2019 Capital Budget.

Motion was made by Commissioner Williams-Zabicki, seconded by Commissioner Ruffennach to approve the final 2019 operating and Capital Budgets as stated above. By unanimous vote the motion carried.

7. Consider action to set 2019 compensation for all non-bargaining unit employees as set forth in the 2019 adopted budget.

Motion was made by Commissioner Durisko, seconded by Commissioner Macino to set 2019 compensation for all non-bargaining unit employees as stated above. By unanimous vote the motion carried.

8. Consider action to approve advertising Ordinance # 705 setting the tax rates for 2019 and to hold a public meeting on Thursday, December 20, 2018 at 6:00 p.m.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Durisko to advertising Ordinance 705 as stated above. By unanimous vote the motion carried.

9. Consider action to transfer \$20,630.58 from the Liquid Fuels account to the General Fund.

Motion was made by Commissioner Williams-Zabicki, seconded by Commissioner Ruffennach to authorize the transfer as stated above. By unanimous vote the motion carried.

IX. APPROVAL OF GENERAL FUND OPERATING ACCOUNT ITEMS:

1. Invoices paid and checks written from November 15, 2018 to December 11, 2018 in the amount of \$346,426.39.
2. Bills requested for payment of \$199,805.57 for December 12, 2018.

Motion was made by Commissioner Durisko seconded by Commissioner Williams-Zabicki, to approve the report and authorize payments as stated above. By unanimous vote the motion carried.

X. APPROVAL OF CAPITAL INVESTMENT ACCOUNT ITEMS:

1. Invoices paid and checks written from November 15, 2018 to December 11, 2018 in the amount of \$116.95.
2. Bills requested for payment of \$4,038.00 for December 12, 2018.

Motion was made by Commissioner Durisko seconded by Commissioner Williams-Zabicki, to approve the report and authorize payments as stated above. By unanimous vote the motion carried.

XI. ADJOURN:

Motion was made by Commissioner Durisko, seconded by Commissioner Ruffennach to adjourn the meeting at 8:05 p.m. By unanimous vote the motion carried.

George E. Macino – President
Board of Commissioners

Valerie A. Salla
Township Secretary