

**MINUTES
COLLIER TOWNSHIP BOARD OF COMMISSIONERS**

REGULAR VIRTUAL MEETING

July 27, 2020

7:00 P.M.

I. CALL TO ORDER: President Williams-Zabicki called the meeting of the Board of Commissioners to order at 7:00 P.M. This meeting was held virtual due to the COVID-19 (aka CoronaVirus) Regulations.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL:

BOARD

Dan Styche – Present
Debra Zymroz – Present
Rick Ruffennach – Present
Wayne Chiurazzi, Esq. – Absent
Dawn Williams-Zabicki – Present

STAFF

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

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

II. APPROVAL OF MINUTES

A. June 8, 2020 – Board of Commissioners Workshop Meeting

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

B. June 22, 2020 – Board of Commissioners Regular Meeting

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

III. REPORTS OF OFFICIALS AND COMMITTEES:

- A. Solicitor:** Solicitor Means submitted a written report prior to the meeting. He added that Governor Wolf extended the emergency declaration to September 6, 2020. Virtual remote meetings can be held up until August 31, 2020 unless the Governor extends it again.

There were no questions or comments.

- B. Engineer:** Mr. Brett submitted a written report prior to the meeting. He then did an MS4 update and training with the Board.

There were no questions or comments.

- C. Manager's:** Mr. Thauvette submitted a written report and added the following:

1. Rabies Baiting. Allegheny County will be doing oral rabies vaccination baiting in our area from July 31, 2020 to September 10, 2020. This will be done by helicopters, low-flying airplanes, on foot or by vehicles. They will be throwing vaccine packets out into the woods that have a scent to them to encourage raccoons to eat them. The County has asked that you keep your dogs on leashes if they are outside or contained to your yards through this time so they will not find and eat the packet. The vaccine packets are not harmful, although eating a lot may cause vomiting and diarrhea.
2. Stormwater Grant. The DCED decided this grant was a better fit for another category of a grant which is on the agenda for a Watershed Restoration and Protection Program Grant.
3. Township Social Media. The post on Friday, July 17, 2020 was shared to the public regarding a 10-acre parcel at the old army base which we will be working with to create park space.
4. Resolution 072720-01. Is on the agenda for approval of the Allegheny County Coronavirus Relief Fund Recipient Agreement, authorizing the filing of its CARES reimbursable expenditures. This is based on a community's population provided by the 2020 Census. The larger the population is, the larger amount of money you receive. The money received will help offset the shortfall of tax money we have received.
5. Dog Park. The dog park will be open at the end of this week. There will be a small opening and we are not encouraging the public to attend because we are trying to keep the numbers as small as possible because of the COVID19 rules and regulations.
6. Manager's Virtual Coffee Hour. Will be on August 10th at 9:30 a.m. at the Community Center.

There were no questions or comments.

- D. Building/Codes:** Mr. Plietz submitted a written report prior to the meeting and highlighted the following:

1. Building permits have been consistent and COVID19 has not taken away any permits or inspections. The Sheetz permit was released for them to start their project. The demolition permit was released for the lot that Napoli's Restaurant will be building on by the new Sheetz's.

2. Violations. Kudos to Mr. Durisko. He has found four (4) grading permit violations and pursued legal action against two (2) of them. Several swimming pool violations and numerous high grass. Mr. Durisko has been creating a dialog with the residents and helping them understand what the codes are and what is acceptable.

Commissioner Styche questioned if a warning is given out first and give the resident time to correct the problem before citing them.

Mr. Plietz stated yes, except for life threatening. There is always a notice of violation given before citing them.

There were no questions or comments.

- E. COG:** Commissioner Ruffennach reported the COG is on break until September and hopes to be able to go back to face to face meetings then.

- F. Finance:** Mr. Hinds submitted a written report prior to the meeting and added the following:

1. Refinancing Municipal Bonds. This is on the agenda tonight for approval.
2. Revenues-COVID19. Revenues are down about 6% from the prior year. The majority of that money is in the area of earned income taxes, business privilege taxes, programs, and rentals at the community center. We will continue to monitor this. The grant from the County will offset the majority of those revenues now. We are still in good shape overall. We will continue to monitor expenses going out.

Commissioner Williams-Zabicki stated she would like the Township to continue the posture of financial risk diversion and look at our financial situation from a very conservative prospective. We do not want to put our Township at risk in terms of spending. Everyone has been taking measures on non-essential spending.

There were no questions or comments.

- G. Parks and Recreation:** Ms. Barry submitted a written report prior to the meeting and would be happy to answer any questions the Board may have.

Commissioner Zymroz commented Ms. Barry and Mr. Shazer are doing a great job and coming up with great ideas with the Light up Night Celebration and the Basketball outdoors. She has heard all positive feedback and Ms. Barry and Mr. Shazer are doing a great job as always.

Ms. Barry thanked Commissioner Zymroz and will pass her comment along to Mr. Shazer.

Commissioner Williams-Zabicki asked for any highlights Ms. Barry may have.

Ms. Barry stated not at this time. They are currently working on some more programs that can be done outside and this will be posted on social media when available.

There were no other questions or comments.

H. Planning/Development/Zoning: Mr. Caun submitted a written report prior to the meeting and added the following:

1. Sheetz. The permit is ready to go and needs picked up. Hopefully to start in the next few weeks.
2. Napoli's Restaurant. Demolition permit issued for property by Sheetz.
3. Chase Bank and Bank of America. Are close to being ready to go on their building permits.
4. Amalfi Ridge. Working on grading the final phase for 110 single family homes.
5. Planning Commission. Met on June 18th with Legacy Development. A public hearing was held and this is on the agenda this evening for a vote.
6. Settler's Pointe. The Developer, (Stambrosky) met with the Planning Commission to discuss relocating the walking trail for this development to reach Settler's Park.
7. Hackett Rezoning. This is a request to rezone the area above Nevilleside from R2A to B4 Commercial. This is on the agenda tonight to set a public hearing date.
8. Zoning Hearing Board. Met on July 24th with the Smith one (1) lot subdivision. The testimony was heard, reviewed and approved.

There are no questions or comments.

I. Public Safety – Fire: A written report was submitted prior to the meeting. Chief Troy Riddle of Kirwan Heights VFD was available for any questions.

There were no questions or comments.

J. Public Safety – Police: Chief Campbell submitted a written report prior to the meeting and added the following:

1. Officer Gordon Lloyd. Completed field training and is working out great.
2. Training. Chief Campbell stated he and the three (3) Sergeant's attended the FBI-LEEDA Supervisor Leadership Institute held at the Upper St. Clair Police Department. It was excellent leadership training and great to have all the Supervisors in one room and on the same page.

There were no questions or comments.

K. Public Works: Mr. Palmosina submitted a written report prior to the meeting and reported the following:

1. The Department continues to get temperature checks and work from three (3) different satellites.
2. We moved equipment to Mayer Street to repair catch basins and run about 60 feet of pipe.
3. Worked on Dog Park for grand opening on Friday

Commissioner Styche questioned where we were at with getting the benches for the dog park installed.

Mr. Palmosina stated the areas for the benches are ready and cement will be poured on Wednesday.

Mr. Palmosina questioned Commissioner Styche if the benches came in yet.

Commissioner Styche stated they have been ordered but have not arrived yet.

Mr. Palmosina stated if the benches come in by Friday, they will be installed.

Commissioner Zymroz questioned how the Public Works Department surviving the heat.

Mr. Palmosina stated they are doing fine and on the very very hot days I pull some of the guys in to do maintenance in the shade and they are hydrating. They know the protocol and thanked the Commissioner for asking.

L. Sewer Department. Mr. Jim Nordquest submitted a report prior to the meeting and highlighted the following:

1. Resolution CSD072720-01 is on the agenda for approval. This is for the cost share on Rt. 50 road widening for PennDOT. This is for the relocation of any sanitary sewers and manholes needed due to this project.

There were no questions or comments.

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

IV. Oil and Gas Ordinance Clarification from July Workshop public comment

Commissioner Williams-Zabicki stated that based on the questions and comments at the Workshop meeting, Mr. Thauvette and Mr. Caun have some information regarding this for the residents.

Mr. Caun reported the following:

1. Seismic Testing. Mr. Caun was unaware of any regulations or requirements in the Township Ordinance.
2. Gas and Oil Well Overlay Map. The Township did create a map in 2011 that was used as a guide to show where potential drilling sites may happen and to formulate which zoning districts the Township would allow mineral removal from. There is not an official overlay map.

Commissioner Williams-Zabicki commented the overlay map was used as a working document we use at that time and nothing needed to be approved as a result of having that working document. We then created the zoning map and ordinances that refer back to the zoning map.

Mr. Caun stated that is correct. Anyone that wanted information on the district allowed would simply look at the zoning ordinance under mineral removal and it is spelled out in each zoning district of where it is allowed and not allowed.

Commissioner Williams-Zabicki stated mineral removal is allowed in the districts of SC, B1, B2, B3, B4 and I1 zones.

Mr. Caun stated that is correct and it is a conditional use under mineral removal and there are numerous conditions in the Zoning Ordinance in Section 19 which talks about oil and gas.

Mr. Caun stated another question was:

Are there any changes which could have been made which would accommodate for allowances in PA Act 13? Solicitor Means sent a memo in 2015 that talked about Act 13 and how the Township Ordinance met and that there were no additional requirements and whether something has come up since then, Solicitor Means could answer those questions.

Solicitor Means stated that seismic testing is not in the Zoning Ordinance because that is not a zoning regulation. That would be a stand-alone non-zoning ordinance the Township chooses to have.

Commissioner Williams-Zabicki questioned if the Township needs this Ordinance.

Solicitor Means stated some Township have adopted a seismic testing ordinance and he has written a few of them. If there has been any seismic testing in the Township that has created a problem, then the Township should address this ordinance.

Mr. Caun stated the Township has not had any seismic testing or any exploration as far as oil and gas. There are only two (2) allowable sites in Allegheny County. Given the demand and cost of oil and gas currently, there has not been any aggressiveness for this.

Solicitor Means stated there has been any thing for the Township since the Ordinance was adopted back in 2011 regarding oil and gas.

Commissioner Williams-Zabicki thanked everyone for the update.

There were no other questions or comments.

V. Public Comment/Comment on New Business Items:

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

The following email was sent by:

1. *Stephanie Dissen* of 3 Linden Avenue, Rennerdale, PA and is requesting a speed bump be installed. The road is very short with only a few houses. They are having a major issue with cars speeding and are fearful a child will get hurt. There are many small children that live on or around Linden. They have spoke to the Police and the Police suggested they contact the Township and put in a request. Please help keep these children safe.

Mr. Thauvette stated the Township has had numerous requests for speed bumps and suggested the Engineer, Mr. Brett comment on this.

Mr. Brett stated that in the past when these requests come in, if the Township chooses, we look at the road to see if there is any traffic calming that is applicable. The problem with speed bumps both vertical and horizontal is depending on how the street lies. Speed bumps do not meet PennDOT regulations. There are other ways to do traffic calming.

Commissioner Williams-Zabicki advised Mr. Thauvette to look at Linden Avenue first and then the Engineer will be contacted if needed.

2. *Gail Neustadt* of 1503 Grand Cypress Lane sent in an email the 2011 Gas and Oil Ordinance. She is following up on the questions she had asked at the Workshop meeting on July 13th.
 1. *Draft overlay map.* Has the draft overlay map had been approved, eliminated, or changed?
 2. *Revisions made.* Have there been any revisions made over the years to adapt to the repeal of most of Act 13.
 3. *Seismic Testing.* Is there an Ordinance for seismic testing?
 4. *Injection Wells.* Are there zoning codes for injection wells?

Mr. Thauvette stated we have already gone into detail regarding the overlay map. It is a working document for reference only. We do not have anything for seismic testing or injection wells.

Commissioner Williams-Zabicki questioned if Mr. Caun knew if there is information on seismic testing and injection wells in the zoning ordinance.

Mr. Caun stated the zoning ordinance did not address seismic testing or injection wells.

3. *Robin Martin* of 60 Academy Avenue, Pittsburgh, PA. She informed the Commissioners she is part of the Food and Water Watches Municipal Ordinance Project. This project is a free service to help any Allegheny County residents and municipal governments prepare for unconventional shell gas extraction commonly know as fracking and to assists with any ordinance amendments to reflect the current zoning laws. Her college, Don Shields, sent an invitation webinar, Fracking and Zoning in your Community, to the Township Manager. We hoped that you received the invitation and attended the Webinar series. If not, we would be happy to send you the recordings and power point presentations. After the webinar series, we were contacted by several Collier residents concerned about the possibility of fracking in their community. Over the past three (3) years they have successfully assisted Allegheny County municipalities developing legally enforceable zoning and other ordinances related with this impactful and controversial land use. We stand ready as a resource to you and your community in the development of sound public policies that are responsive to unconventional drilling impacts. We would be happy to follow up this offer with additional conversations or virtual presentations in light of the COVID 19 pandemic.

Commissioner Williams-Zabicki thanked Ms. Martin for reaching out to the Board of Commissioners. She was contacted by a resident with these concerns and she also

met with the board president of Cecil Township. Cecil Township deals with this on a regular basis and have been struggling with these issues for a number of years. She looked through our Ordinances and one thing that stood out that we may want to consider is the removal of minerals can occur 300 feet from a residents or public structure, etc. The 300 feet is from the center of the pad making it only 150 feet away from a resident, etc. We may want to look at distances to make something a little more reasonable specially around schools and update them.

VI. New Business:

1. Consider action to approve the Preliminary Legacy Subdivision Plan subject to the following conditions:
 - A. Satisfaction of the comments contained in the LSSE review letters.
 - B. Inclusion of a sidewalk meeting Township specifications along the entire Ridge Road frontage of Lots 1, 2 and 3.
 - C. Inclusion of the owners of Lots 2 and 3 as signatories and co-applicants on the Plan.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Zymroz, and carried to approve the Preliminary Legacy Subdivision Plan as stated above. By unanimous vote, the motion passed.

2. Consider action to approve the application for tentative approval for the Legacy Planned Residential Development submitted by Legacy Development, LP, subject to the conditions listed on Exhibit A attached hereto, and to include approval of the modifications listed on Exhibit B attached hereto. The Township Solicitor is directed to prepare an official written communication granting approval of the Application in accordance with this motion.

EXHIBIT A

Conditions of Approval

The Board finds that the following conditions will be in the public interest and will protect the public health, safety and welfare given the particular nature of the proposed development and the site upon which it is located, and that the Applicant's compliance therewith would warrant tentative approval.

1. All technical and engineering review issues mentioned in the review letters submitted by the Township Engineer dated March 16, 2020, May 14, 2020 and June 15, 2020 shall be satisfied to the reasonable satisfaction of the Township Engineer.
2. Applicant will execute a Developer's Agreement with the Township, acceptable to the Township Solicitor and Township Engineer.
3. Traffic impact fees as determined in accordance with the Township's traffic impact fee regulations, in the amount of \$1600.00 per building lot, shall be paid at the time of application for a building permit per the Traffic Impact Fee ordinance.
4. Applicant chooses to pay Fee-In-Lieu of Recreation Open Space. The amount of the fee is \$177,600 payable in full prior to the issuance of a building permit.
5. Applicant chooses to pay a fee-in-lieu of \$110/mitigation tree not planted. The amount of the fee is \$13,640 payable in full prior to the issuance of building permits.
6. Applicant to obtain approval of the Final Legacy Subdivision Plan.

Motion was made by Commissioner Styche, seconded by Commissioner Williams-Zabicki, and carried, to approve Legacy Development PRD with the conditions listed in Exhibit A as stated above. By unanimous vote, the motion passed.

EXHIBIT B

Grant of Modifications

The following modifications have been requested:

Section 27-202 – Definitions Dwelling Types - Townhouses

Requirement: Townhouse Units shall be no more than 2-1/2 stories in height.

Modification Requested: To allow a 3 story Townhouse building.

Motion was made by Commissioner Styche, seconded by Commissioner Ruffennach, and carried, to allow a 3 story Townhouse building. By unanimous vote, the motion carried.

Section 27-1603.7.A – Minimum Front Yard Setback

Requirement: 25' Front Yard Setback per PEDD R-3 District.

Modification Requested: Provide a range between 20' to 38' variable front yard setback along the front of buildings.

Provide a 15' side setback along the side of Building 18A (side of building only - near the CBU area)

Motion was made by Commissioner Ruffennach, seconded by Commissioner Zymroz, and carried, to approve a range between 20' to 38' variable front yard setback along the front of the buildings and a 15' side setback along the side of building 18A (side of building only-near the CBU area). By unanimous vote, the motion carried.

Section 27-1803.10 – Distance Between Buildings

Requirement: 40' minimum distance between buildings.

Modification Requested: To provide a variable distance with a minimum distance of 30' to 40'.

Motion was made by Commissioner Styche, seconded by Commissioner Ruffennach, and carried, to allow a variable distance with a minimum distance of 30' to 40' between buildings. By unanimous vote, the motion carried.

Section 27-2111.2.A – Steep Slopes Controls 15% to 25% Slopes

Requirement: No more than 50% disturbance of the 15% to 25% slopes.

Modification Requested: To disturb 76% of the 15% to 25% existing slopes.

Existing: 40 ac 15% to 25% slopes

Proposed: 7.6-ac disturbance (75%)

(2.6 additional acres disturbance)

Motion was made by Commissioner Zymroz, seconded by Commissioner Ruffennach, and carried, for Steep Slope Controls to disturb 76% of the 15% to 25% existing slopes. 7.6 acres disturbance 75% (2.6 additional acres disturbance). By unanimous vote, the motion carried.

Section 27-2111.B – Steep Slope Controls – 25% to 40% Slopes

Requirement: No more than 25% disturbance of the 25% to 40% slopes.

Modification Requested: To disturb 61% of the 25% to 40% existing slopes.

Existing: 2.94 ac 25% to 40% slopes

Proposed: 1.8-ac disturbance (61%)

(1.0 ac additional disturbance)

Motion was made by Commissioner Ruffennach, seconded by Commissioner Williams-Zabicki, and carried, for Steep Slope Controls to disturb 61% of the 25% to 40% existing slopes. 1.8 acres disturbance (61%) (1.0-acre additional disturbance). By a 3 to 1 vote, the motion carried. Commissioner Styche was opposed.

Section 27-2203.1.C – Off-Street Parking Design.

Requirement: In no case shall the public right-of-way be used for meeting a required parking requirement.

Modification Requested: To allow visitor parking spaces within 13' of the public right-of-way.

Motion was made by Commissioner Styche, seconded by Commissioner Ruffennach, and carried, to allow visitor parking spaces within 13' of the public right-of-way. By unanimous vote, the motion carried.

3. Consider action on Ordinance 713; An Ordinance authorizing the incurring of nonelectoral debt by the issuance of a General Obligation Note in the principal amount of two million six hundred ninety-five thousand dollars (\$2,695,000.00)

Motion was made by Commissioner Styche, seconded by Commissioner Williams-Zabicki, and carried, to adopt Ordinance 713 as stated above. By unanimous vote, the motion carried.

4. Consider action to set a public hearing date of Monday August 24, 2020 at 6:00 pm for the rezoning application of C. Hackett Holdings. The applicant requests to rezone Parcel ID 260-R-1 from R2-A Suburban Residential PRD District to B4 Commercial & Light Industrial District.

Motion was made by Commissioner Zymroz, seconded by Commissioner Ruffennach, and carried, to set a public hearing date of Monday, August 24, 2020 at 6:00 p.m. as stated above. By a 3 to 1 vote the motion carried. Commissioner Styche was opposed.

5. Consider action on Resolution 072720-01 ; A Resolution approving the Allegheny County Coronavirus Relief Fund Recipient Agreement, authorizing the filing of its CARES Reimbursable Expenditures Form, and designating the Township Manager as the individual responsible for signing and executing the agreement on behalf of Collier Township.

Motion was made by Commissioner Williams-Zabicki, seconded by Commissioner Styche, and carried, to approve Resolution 072720-01 as stated above. By unanimous vote, the motion carried.

6. Consider action on Resolution 072720-02; A Resolution requesting a Watershed Restoration and Protection Program Grant in the amount of \$300,000 from the Commonwealth Financing Authority for PRP Stormwater Improvements.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Styche, and carried, to approve Resolution 072720-02 as stated above. By unanimous vote, the motion carried.

7. Consider action on Resolution CSD072720-01; A Resolution authorizing the submission of a request to PennDOT for a 75% reimbursement for costs incurred for relocating sanitary sewer facilities affected by the S.R. 50, Section A26 Widening project.

Motion was made by Commissioner Styche, seconded by Commissioner Williams-Zabicki, and carried, to approve Resolution CSD072720-01 as stated above. By unanimous vote, the motion carried.

VII. Account Transfer(s)

1. Approval of the transfer of \$7,500.00 from the General Fund Account to the Capital Fund Checking Account.

Motion was made by Commissioner Styche, seconded by Commissioner Ruffennach, and carried, to approve the account transfer as stated above. By unanimous vote, the motion passed.

VIII. Approval of General Fund Operating Account items:

- Invoices paid and checks written from July 14, 2020 to July 26, 2020 in the amount of \$195,803.34
- Bills requested for payment for July 27, 2020 in the amount of \$45,836.55.

Motion was made by Commissioner Styche, seconded by Commissioner Williams-Zabicki, to approve the General Fund Account items as stated above. By unanimous vote, the motion passed.

IX. Approval of Capital Investment Account items:

- Bills requested for payment for July 27, 2020 in the amount of \$6,954.18.

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

X. Adjourn

Commissioner Williams-Zabicki stated the Workshop Meeting and held on August 10, 2020 at 7:00 p.m.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Styche ,and carried, to adjourn the meeting at 8:10 p.m. By unanimous vote, the motion passed.

Dawn Williams-Zabicki – President
Board of Commissioners

Valerie A. Salla
Township Secretary