

**MINUTES
COLLIER TOWNSHIP BOARD OF COMMISSIONERS**

REGULAR MEETING

June 12, 2019

7:00 P.M.

I. CALL TO ORDER: Vice-President Durisko called the meeting of the Board of Commissioners to order at 7:00 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 – Absent

STAFF

Chuck Means, Solicitor - Present
Kevin Brett, Engineer - Present
Craig Campbell, Chief of Police - Present
Robert Caun, Planning Director - Present
Bob Palmosina, Public Works Director - Present
Sean Gramz – Bldg./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 legal and personnel matters.

D. AUDITOR REPORT – Mrs. Kim Turnley, CPA informed the Board on the following:

- All reports were filed.
- There were no controlled findings.
- Highlight areas of account balances
- Thanked Mr. Hinds and the staff for their help

Commissioner Chiurazzi also thanked Mr. Hinds for the great work with the Township finances.

II. APPROVAL OF MINUTES:

A. May 8, 2019 – Board of Commissioners Regular Meeting

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

B. May 22, 2019 – Board of Commissioners Workshop Meeting

Commissioner Williams-Zabicki pointed out a correction that was needed on page 131 of the minutes.

The re-write should read:

Commissioner Williams-Zabicki put together a presentation regarding updates and additions. She suggested considering the recommendations to the Property Maintenance Code (Chapter 5), including Means of Appeal, Public Nuisance and Prohibited Furniture & Appliances and the additions to Chapter 10: Abandoned Real Property & Blighted Property Registration. She suggested accepting the recommendation to increase the Tenant Registration Fee to \$25 but suggested waiting to see the operating effectiveness of implementing the Tenant Registration process before implementing any additional changes.

Motion was made by Commissioner Ruffennach, second by Commissioner Chiurazzi to approve 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 May and would be happy to answer any questions the Board might have.

Solicitor Means added the Sheetz condemnation for traffic signal easement was filed in Court in May and the time passed for objections this week. There were no objections filed and we can proceed with the next step and get it acquired. We will be working with Sheetz and Mr. Thauvette to get an appraiser to get the just compensation estimate.

There were no questions or comments.

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

Commissioner Durisko asked for an update on the road paving program.

Mr. Brett informed the Board the Contract Award and Change Order were sent out. We met with Public Works and they have some drainage work to do on Steen Road due to water issues in three (3) different places on the road. We will not mill Steen Road but will do additional binder on it.

There were no other questions or comments.

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

Mr. Thauvette added the following:

- **Ribbon Cutting for the Discovery Trail** will be tomorrow (June 13th) at Hilltop Park starting at 2:00p.m. with the ribbon cutting taking place at 3:00 p.m. Rain or Shine. There are Local and State Officials attending. There will be face painting, balloon animals and refreshments. If you can't walk the trail, we will be giving rides in the UTV to take you along the trail.
- **Flag Day is June 14th.** Collier Township is home of America's Flag Day and the Boy Scouts Troop 860 will be doing a flag raising ceremony here at the Memorial at 12:00 noon.
- **Meeting.** Mr. Thauvette and Ms. Barry will be meeting next week with Paschek, who are the consultants, for the Parks and Recreation Comp Plan to start moving forward with the update on that plan.

Commissioner Chiurazzi suggested moving the Ribbon Cutting Ceremony to Friday with Flag Day and it will be a nicer day.

Mr. Thauvette stated he could not guarantee if the State and Local Officials could attend.

There were no other questions or comments.

- D. Building/Codes:** Mr. Gramz submitted a written report to the Board of Commissioners for the month of May and would be happy to answer any questions the Board may have.

There were no questions or comments.

- E. COG:** Commissioner Ruffennach stated there was no report.

There were no questions or comments.

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

Mr. Hinds thanked Commissioner Chiurazzi for his kind words.

There were no questions or comments.

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

Ms. Barry added the following:

- *Concert in the Park.* June 16th at 6:30 p.m. RML Jazz Band
- *Touch a Truck.* June 22nd

There were no questions or comments.

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

Mr. Caun added the following:

- Zoning Hearing Board met on May 21, 2019 to review a request for a variance for a pole sign at 29 Noblestown Road in a B4 zoning district. There is a hardship for this request. This was approved for a 60 sq. ft. sign

Commissioner Durisko questioned if the sign will be free standing or attached to the building.

Mr. Caun stated it will be free standing.

- Planning Commission met last month on cluster mailbox designs. The Post Office no longer allows individual mailboxes. Designs for lighting and safety are being discussed.
- Planning Commission reviewed the proposed Codes Enforcement Ordinances and made recommendations.
- Planning Commission meets again on June 20th to further discuss cluster mailboxes and for an informal pre-application conference for a proposed multi-family development on Ridge Road.

Commissioner Chiurazzi questioned when will Sheetz start digging.

Mr. Caun stated Sheetz is working on their Developer's Agreement now. There is not a date for the actual digging to start. They would like to be open by the end of the year.

Mr. Hinds stated the purchase of the properties were completed in May.

Commissioner Chiurazzi stated ok.

There were no other questions or comments.

- I. Public Safety – Fire Department Report:** A written report was submitted for the month of May. Chief Dan Wauthier of the Presto VFD was in attendance to answer any questions the Board may have.

There were no questions or comments.

- J. Public Safety – Police Department Report:** Chief Campbell submitted a written report to the Board for the month of May and would be happy to answer any questions the Board may have.

There were no questions or comments.

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

Commissioner Ruffennach questioned if the new tractor is in yet.

Mr. Palmosina stated it is about a week away.

Commissioner Durisko asked for an update on the Webb Park playground area.

Mr. Palmosina stated Public Works just needs to pull in the dirt and we are done.

Commissioner Durisko questioned if it will be re-seeded and marked off so no one goes on the new seeded area.

Mr. Palmosina stated it will be marked off and a couple of signs hung up.

Commissioner Ruffennach questioned what was up with the grass where the buildings were torn down.

Mr. Thauvette stated we have continued to hold the final payment because of the poor job the Contractor did. He didn't know if the Engineers have been out to look at it but did send them pictures of that area because there is significant gravel and metal pieces sticking out of the ground. We cannot have pieces of rebar sticking out of the ground. He walked it and spray painted the metal sticking out of the ground. We cannot have this metal sticking out of the ground in our park.

Commissioner Chiurazzi questioned how much money is being withheld.

Mr. Thauvette stated it is about \$45,000.00.

Mr. Brett stated that what is happening is the Contractor is coming out and cleaning it up and then it rains, things come up to the surface. The Contractor was not supposed to put down six (6) inches of topsoil and a manicured lawn. This is a demo project meaning it is supposed to have gravel back in places. It was not a six (6) inch restoration. If we need topsoil everywhere, then we need to get it. The Contractor

does have to get grass to grow but he is allowed areas of gravel. Some areas just the concrete was removed and there is a sub-base there of gravel.

Mr. Palmosina stated the biggest problem is the rebar sticking up everywhere.

Mr. Brett stated the rebar is not to be there. We will do a walk through and make sure what the Contractor is responsible for is completed and identify what the Township needs to complete.

There were no other questions or comments.

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

IV. OLD BUSINESS:

Update/Changes to Code Enforcement related Ordinances and Fee Schedules.

Commissioner Williams-Zabicki stated the Board discussed this matter at the Workshop Meeting on May 22nd. She summarized the Ordinances that Mr. Gramz, has recommended the Township put in place. The Board discussed them and were to look over them and discuss them again at this meeting.

Commissioner Williams-Zabicki suggested the following to move forward with:

1. ***Chapter 5 Part 2. Property Maintenance.*** There are three (3) areas that we should allow Mr. Gramz and Mr. Thauvette to work with Solicitor Means to get the wording appropriate so that when we have the Workshop meeting in two (2) weeks that we can then finalize the wording so we can then advertise and move forward with the Ordinances.
 - Means of Appeal – Change from 20 days to 10 days.
 - Description of Public Nuisance.
 - Description of Property Maintenance. Prohibited furniture and appliances.
2. ***Tenant Registration.*** Change fee schedule from \$10.00 to \$25.00. We leave this there and don't go further with creating the registry and doing the inspections. Just get the tenant registration operating effectively. When she looked at the Township finances, she noticed that we only collected \$20.00 so far this year. We need to get this operating effectively before we do anything further.

If the Board is fine with this, Commissioner Williams-Zabicki would like to have Mr. Gramz, Mr. Thauvette and Solicitor Means work together to get the wording typed up.

Commissioner Durisko and Ruffennach were fine with the suggestions.

Commissioner Chiurazzi stated he was against all increases in fines and wants the public to know he has zero interest in increasing fines for people.

Commissioner Williams-Zabicki stated that none of the ones we are talking about are to increase fines. It is only increasing the fees.

V. PUBLIC COMMENT / COMMENT ON NEW BUSINESS:

Mr. Bob Fryer of Bridgeville PA approached the Board and gave them information on the Route 50 Business District traffic problem. He gave this design to PennDot which shows seven (7) lanes of traffic. PennDot was only going to update the current lanes 6ft. and not six (6) lanes. There are also drawings for lane widening from Vanadium Road to the I79 entrance.

Commissioner Chiurazzi questioned Mr. Fryer why Collier Township should care. This is for South Fayette and going into Bridgeville.

Mr. Fryer stated that 50% of the consumer motorists have been detouring around the Rte. 50 businesses and some of those are in Collier Township. PennDot's proposal is to add just one lane on the Eat-n-Park and DDI side which will allow left turns from Washington Pike directly into DDI.

Commissioner Chiurazzi questioned what Mr. Fryer wants Collier Township to do.

Mr. Fryer stated to stop letting PennDot push Collier Township around.

Commissioner Chiurazzi stated in Collier Township you get off from I79 and it is four (4) lanes and when you leave Collier it becomes two (2) lanes into Bridgeville. What is Bridgeville and South Fayette going to do with the congested area in Bridgeville? What are they going to do with the railroad trussel? They cannot do anything with it. The railroad trussel is in Bridgeville. If Collier is going to fight with PennDot, we would be fighting for Bridgeville.

Mr. Fryer stated the railroad bridge is a problem and the railroad is very uncooperative.

Commissioner Chiurazzi stated the State cannot even do anything with the railroad bridge. The argument is in Bridgeville. If this Board sends Mr. Thauvette, he cannot go argue for Bridgeville because he has no standing.

Mr. Fryer stated Mr. Thauvette does have standing. State Laws allow neighboring communities to state their opinion and concern with what is being done in the next community.

Commissioner Chiurazzi stated Bridgeville's former Mayor DeBlasio did come to our meeting three (3) years ago and we did say we would support him in whatever he does. Collier Township does spend our tax dollars listening to you and has no problem with it, but we are Collier Township. We need to focus on our community

and what is best for our community but the roads you are talking about are in Bridgeville and South Fayette.

Mr. Fryer stated that a professor from the University of Pittsburgh School of Engineering called him today and is working on a design to leave the existing railroad bridge there and build a duplicate railroad bridge to the east of it at one third the cost of the PennDot estimate. There is a Bridgeville, Collier, South Fayette, Upper St. Clair traffic task force that Collier needs to belong to.

Commissioner Williams-Zabicki stated she agrees that this traffic issue does impact Collier and at Christmas time the last place she wants to go shopping is the Great Southern Shopping Center in Collier Township. She would like to see if we can help as a joint community. She reached out to Bridgeville and they were very interested in sharing the history of what has already been done. Bridgeville has opened it up for anyone to come to a casual coffee talk to figure out what has been done, is there enthusiasm and momentum so that we can take Bridgeville, Collier and maybe other local and county officials to help us. We will let Mr. Fryer know how it goes.

Mrs. Lynn Rubin of Marigold Court, Bridgeville PA approached the Board to address concerns about the Marigold Court hillside deteriorating. The hillside is still sliding and crumbling. It is almost a year since the Magistrate hearing that we all attended. Last November 15th was the deadline for Woodville Associates to complete the list of projects and among them was stopping of the stormwater dumping onto their properties. Nothing has happened. Every rainstorm water runs down the hill and with ever rainstorm we have more and more damage. Since nothing has been done, we feel that our Commissioners and our Township Officials need to see what is really happening firsthand. She and her neighbors invite each one of the Commissioners and Township Officials to come to their houses, walk through their backyards with them and see what it looks like. Driving by does not suffice. Just give them a call and let them know when the Township Commissioners and Officials will come and they will be there and happy to show you. What has the Township done to enforce the agreement that was reached last summer with Woodville Associates and the Attorneys? How much in fines have been collected to date? And when is anything going to be done to abate the stormwater torrent?

Solicitor Means stated that to date, there has been efforts to arrange for compliance to the agreement provisions to do the work. The Developer has not been cooperative and expects the Township will be in Litigation Court in the near future as the solution. He does not know when this will exactly start and will never know when something started in Court will end. We will let the public know when something is filed in Court. Fines collected will be through Court. Injunctions will be through Court. The last resort is to go to Court.

Mrs. Rubin questioned if the Township has filed in Court yet.

Solicitor Means stated the Township has not filed and expects this will be necessary.

Mrs. Rubin asked when the Township may file in Court.

Solicitor Means stated he did not know and if he did, he would not tell that to the public tonight.

Commissioner Durisko stated fines are still accruing and we know the exact number that is due. A fine is just a fine and it is not necessarily what a Judge would agree to or a Judge would decide. The Judge could say work it out still or pay this amount. We do not have any control over that, but we do have a tally of what the fine amount is due today.

Mrs. Rubin questioned how much it was.

Commissioner Durisko stated as of today it is \$42,000.00.

Commissioner Williams-Zabicki stated one of the challenges for the Township going back to Court is, it is going to cost the Township more than what the Township will receive. We are also trying to get the end result that everyone wants. As of today, there was a conversation between the Developer's Engineers and the Township's Engineers to review the plan which is step one to getting the hillside fixed.

Mr. Brett stated we have waited for months for the Developer's Engineers to respond to the review letter and come in and sit down with them to go over each comment to make sure they clearly understand what is required. The Developer's Engineers called him today at 1:00p.m. They came into his office between 4:00p.m and 5:00p.m. We sat down and went over every comment and line item, explained what we see and what they previously submitted and how it does not meet the Ordinance and what we need in order for that to happen. They read it all back to us from their notes. The Developer's Engineer that came in, Shawn Donnelly, from Gateway Engineers clearly understood what was required and whether we get that back Mr. Brett could not say.

Commissioner Williams-Zabicki suggested we give it a few more days because the outcome is to get the stormwater in place so the remediation of the hillside can be managed. She is concerned that if we go to Court or have Solicitor Means move forward with this in the next two or three days, we may lose the momentum that we gained today. We will follow up with Mr. Cargnoni to make sure that he is pressuring his engineers to continue to work with LSSE and that they are moving forward.

Commissioner Durisko stated to be clear, this is a contract for the water runoff and management in the area behind Marigold only. It does not involve the private property behind the resident's homes directly where Mrs. Rubin is talking about is sliding. This is water management behind that which is directly affecting Township property.

An audience member stated, "it does create an impact".

Another audience member stated, “we can’t do anything until that is corrected”.

Commissioners Williams-Zabicki and Durisko stated that is correct.

Commissioner Durisko stated he just wants to make it clear that we are not going to Court until that is the very last solution and if we do, it will not involve private property that in your opinion still needs to be remediated and fixed because of the slide.

Mr. Frank Noble questioned if it was done improperly that way in the first place.

Commissioner Durisko stated he could not say to that.

Mr. Noble questioned if anyone could say?

Commissioner Durisko questioned “say what was done to that property?”

Mr. Noble stated “ that this was presented and followed through and completed improperly whenever all the bond money was done. Can anyone say that?”

Commissioner Durisko stated “no, no one can say that.”

Mr. Noble stated “ok”.

Mr. Kip Padgelek of St. Johns Drive, Carnegie, PA approached the Board asking for an extension on the bike and trail project at 22 Walkers Mill Road. There has been a lot of different turns in the project developments up to and including him putting it up for sale. He had offers but turned them down because it wasn’t what he thought the property should be which is the bike trail and restaurant. He is still passionate about it and would like an extension on the building permit for two (2) years. He has been working on it and has done most of the work himself and has never backed out on a project before.

Commissioner Durisko stated this is on the agenda under new business for this evening.

Commissioner Chiurazzi stated if Mr. Padgelek doesn’t think it is going to happen, he could back out and it will be fine and questioned when he may break ground?

Mr. Padgelek stated he has another Contractor looking at it right now and the issue has been the amount of money it is going to take to develop the property and build the facility we want. Other bids are coming in and it looks like it will be more achievable.

Commissioner Durisko thanked Mr. Padgelek and stated if the Board has any more questions, we will address them in item number 2 on the agenda.

Mrs. Barb Riedl of Suburban Ave., Rennerdale, PA approached the Board to applauded Sean and Commissioner Williams-Zabicki for trying to get some of the ordinances improved. It has been a long time coming with getting people to clean up their properties. She and other people appreciate this. Places can be an eye sore.

VI. NEW BUSINESS:

1. Consider action on Resolution 061219-01; A Resolution approving a revision to the Official Sewage Facilities Plan to include “Leon & Patricia Dwinga Plan of Lots” on Dorrington Road.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Williams-Zabicki, to approve Resolution 061219-01 as stated above. By unanimous vote the motion carried.

2. Consider action on the request of Sherman Padgelek for an extension of the Walkers Mill Station Land Development until July 11, 2021.

Motion was made by Commissioner Williams-Zabicki, seconded by Commissioner Ruffennach, to approve the extension for Sherman Padgelek as stated above. By unanimous vote the motion carried.

3. Consider action to enter into a Set-Aside Agreement between Collier Township, Craig J. Cozza, Cozza Enterprises, CE-Gregg Station LP and S&T Bank to set-aside funds in lieu of bonding for Gregg Station Residential.

Solicitor Means explained that when a development is approved, like this one, there is infrastructure to be built. In a developer’s agreement, the developer puts in a bond or a letter of credit or in this case a set-aside agreement in place to insure those things are built. In this case, it is in the form of a set-aside agreement which means there is an agreement between the Developer, the Township and S&T Bank. The maximum funds will be held until work is done. This is a furtherance of the Developer’s Agreement that was already approved.

Commissioner Durisko questioned if it is not less effective or no less legally binding

Solicitor Means stated it is the same as a bond.

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

VII. ACCOUNT TRANSFERS:

1. Approval of the transfer of \$11,000.00 from the General Fund Account to the Capital Fund Checking Account.

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

VIII. APPROVAL OF GENERAL FUND OPERATING ACCOUNT ITEMS:

1. Invoices paid and checks written from May 9, 2019 to June 11, 2019 in the amount of \$367,929.39.
2. Bills requested for payment for June 12, 2019 in the amount of \$231,692.68.

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

IX. APPROVAL OF CAPITAL INVESTMENT ACCOUNT ITEMS:

1. Checks written from May 9, 2019 to June 11, 2019 in the amount of \$2,756.93.
2. Bills requested for payment for June 12, 2019 in the amount of \$8,597.32.

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

X. ADJOURN:

Motion was made by Commissioner Ruffennach, seconded by Commissioner Williams-Zabicki to adjourn the meeting at 8:03p.m. By unanimous vote the motion carried.

George E. Macino – President
Board of Commissioners

Valerie A. Salla
Township Secretary