

**MINUTES
COLLIER TOWNSHIP BOARD OF COMMISSIONERS**

WORKSHOP MEETING

March 9, 2020

7:00 P.M.

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

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

- C. EXECUTIVE SESSION:** Executive session was held prior to the meeting to discuss legal and employment issues.

D. EMERGENCY MANAGEMENT SERVICES – Dan Styche

Commissioner Styche participated in a County wide update regarding the Coronavirus and shared the following:

1. There are no confirmed cases in Allegheny County.
2. All cases are currently in eastern Pennsylvania. None of them happening through community transfer or community spread.
3. Symptoms of Covid19 are fever, cough and shortness of breath. If you have these symptoms, you should avoid close contact with people, avoid touching your eyes, nose and mouth with unwashed hands.
4. Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based sanitizer that contains at least 60% alcohol if soap and water are not available.
5. If you are sick, you should stay home.
6. Cover your cough or sneeze with a tissue and throw it away.

7. Clean and disinfect frequently touched objects and surfaces.
8. Traveling. There are three (3) different levels.
 - a. *Level 1 is travel watch.* Practice usual precautions. Wash hands, cover cough or sneeze, clean and disinfect touched objects or surfaces.
 - b. *Level 2 is travel alert.* Practice enhanced precautions in level 1.
 - c. *Level 3 is travel warning.* Avoid non-essential travel. China, Iran, South Korea and Italy are all level 3. Japan is a level 2. Hong Kong is a level 1.
 - d. *Avoid travel on cruise ships.* Especially if you are elderly and have underlying conditions.

This information is on the Township website and for updates you can go to the Allegheny County Health Department website.

Commissioner Williams-Zabicki stated we will also keep the Township website updated as well.

III. Board Discussion for Committees

A. Administrative/Public Affairs

Commissioner Zymroz reported the following:

1. The Township staff won the highest honor award. Val, Louann, Janet, Tom, Wilson and Bob Caun. They participated in the Southwest Communities Chamber of Commerce appreciate luncheon. They won first place. They had to come up with a song regarding Collier Township. It was great teamwork.
2. Keep Collier Beautiful will be on April 25, 2020 from 9:00a.m. to 1:00p.m. at the Community Center.
3. For compliance with MS4, Bids are being taken for pond construction at the Township Building. This will help the residents that are down stream to not be flooded.
4. Manager's Coffee Hour will be on April 6, 2020 at 9:30 a.m. at the Community Center.
5. Collier Township received the Banner Community award for 2020.

B. Building/Codes

Mr. Thauvette reported the following:

1. Compliance Engine Program. Mr. Plietz has been working with business owners to make sure they are in compliance as well as the Township with the compliance engine.
2. Mr. Durisko is finalizing information for a door hanger that he wants to use to place on resident's doors. Instead of sending out a notice of violation, he will take the first step in placing a door hanger on the door notifying them of the issue and the resident can call in so Mr. Durisko can explain to them what the violation is. The mission statement for the codes department is they do not want to send out violations and cite residents. They want the residents to work with the department. This is a low-pressure way to let residents know there are a couple of issues that need dealt with and hopefully bring the resident into compliance.

C. COG

Commissioner Ruffennach reported the following:

1. Compared differences between the Char West COG and the SHACOG (South Hills Area Council of Governments). He recommends at this time to stay with the Char West COG because of the situations we are dealing with in the Township and easier to stay with someone that we know.
2. He did reach out to the COG for minutes from the last meeting and have not heard back yet. He will contact them again.

Commissioner Williams-Zabicki stated since the recommendation is to stay with the Char West COG, the membership dues will be paid.

D. Finance

Commissioner Williams-Zabicki did not have anything new.

Mr. Thauvette stated the Pension Auditor will be in tomorrow to finish up the audit and the Liquid Fuels Auditor will be in next week to start their audit.

E. Parks & Recreation

Commissioner Styche reported the following:

1. Dog Park. Ribbon cutting will be in April. More benches will be purchased and then installed by the Public Works crew.
2. Meadow Path. Six (6) trees were ordered and when the weather breaks, the Public Works department will be planting those trees along the trail.

F. Planning and Land Use Development

Commissioner Williams-Zabicki reported the following:

1. The Planning Commission will be holding their next meeting on March 19th to discuss the Chase Bank final land development plan.
2. Legacy Development PRD plan for townhomes off Ridge Road will be discussed.
3. Zoning Hearing Board meeting on March 17th for a day care at the Settler's Ridge Business Park.

G. Public Safety

Commissioner Ruffennach reported the following:

1. *On April 14th*, he will be attending a class at the Bridgeville VFD on building and maintaining effective relationships between public officials and fire companies. This is through Senator Pam Iovino's Office.

Commissioner Williams-Zabicki stated she registered for that class also.

2. *Fire and EMS Expo in Monroeville.* Rennerdale VFD's new engine was on display from the manufacture, Supton out of Columbus Ohio. This is a local show and it has the local fire departments new trucks on display. It was great to see a Collier Township fire truck there and to listen to all the great comments about that truck.

Commissioner Williams-Zabicki stated there are plans to have discussion at the May Workshop meeting to discuss the Fire Departments Study that was done.

3. *Spring Construction.* There is a lot of construction to be aware of in the area.

Commissioner Zymroz stated to not forget about the local fire departments doing the fish fries. This is how they make some of their money for a fundraiser. Some of the local fire departments having fish fries are, Presto, Bridgeville and Heidelberg. Rennerdale is not having any.

H. Public Works

Commissioner Zymroz reported the following:

1. *Tires.* Starting today, we have started getting rid of some of the tires that have accumulated at the Public Works stock yard.
2. *Equipment.* We are getting ready for the summer by cleaning the equipment and oil changes.
3. *Scotts Run Road.* We have finished the ditching.

I. Township Manager / Township Business

Mr. Thauvette reported the following:

1. *Road Construction.* A lot of this work is happening in Collier Township and being detoured through Collier Township. Beginning on March 16th, between Forsythe Road and Dutch Hollow Road further up Thoms Run Road, the County is starting drainage work, retaining wall work, milling and paving. Residents should check the Township website for updates. Other construction happening between Union Avenue and Nike Site Road, there will be an 89-day closure of the entire road. The detour will be on Thoms Run Road. The Township website will give updates on all the construction happening in Collier Township.
2. *Nike Site Bridge Work.* Is postponed to 2021.
3. *Agenda Items.* There are two (2) motions on the Agenda that will help the Township move forward with projects that have been underway for a while. Scott's Run Road project and bids for the retention pond
4. *Code Enforcement Corner.* This was added to the website to inform the residents of new codes for swimming pools this year. This will also be in our Newsletter going out in mid-April 2020.
5. *Keep Collier Beautiful.* Registration is now on the Township website for people to register online.

Commissioner Williams-Zabicki stated Collier Township was awarded the Banner Community for the 7th year in a row. It is based on a list of criteria of how well the management team manages the Township. Along with the Board of Commissioners, the team that works here at the Township allows that award to be earned. The Township is run with appropriate governance, good financials, good standard management in administration across the board. She congratulated Mr. Thauvette and all of the staff in all departments.

IV. Old Business: CTMA

Commissioner Williams-Zabicki stated the Board will discuss the following:

1. *Ordinance 713*. Past Commissioners have discussed an Ordinance for truth in advertising for businesses located in Collier Township. The postal services assign mailing addresses based on postal location and not on the community that you live in. There have been challenges on safety or medical emergency issues where people at the Great Southern Shopping Center visitors may think they are in Bridgeville and Collier Township responds. Neighboring communities are and have done this. We would like businesses to say they are located in Collier Township to eliminate the confusion with medical and safety issues. We would also like to build a sense of community around Collier Township. We also think it is important that businesses understand the benefit of being in Collier Township. It is a unique Township and to brand Collier is important. There has been a lot of support for this Ordinance from the past Boards. A summary of the Ordinance says that businesses, schools, community groups, churches and residential developments should indicate they are located in Collier Township. All advertising must identify they are in Collier Township. If they do not advertise appropriately, there is a penalty of \$500.00. Do we want to put in the penalty and enforce it? Do we want to give legacy businesses time to change over their marketing and how much time should be given?

Commissioner Williams-Zabicki asked for any comments for the other Commissioners.

Commissioner Styche questioned if non-profits like the fire departments have to change their signs to say Collier?

Commissioner Zymroz stated all the fire departments are currently in the process of changing their trucks and gear to say Collier and they may get to the signs.

Commissioner Styche questioned if all the businesses would need to say they are in Collier instead of Bridgeville, etc.?

Commissioner Williams-Zabicki stated the way the Ordinance is written says they would have to say they are in Collier Township, Bridgeville, PA, etc. For example, The Bridge in Collier Township, Bridgeville PA.

Commissioner Zymroz stated if we are not going to enforce a \$500.00 penalty, we should not have it.

A discussion took place on giving businesses time to change their signs and marketing items to include Collier Township on them. New businesses would be required to do this right of way. Older businesses would be given extra time, but no length of time was agreed upon.

A discussion took place on having the penalty and enforcing it. This will be made clearer in the Ordinance.

A discussion took place having non-profits change over. For example, Woodville Plantation, they would just need to add to their sign and marketing items that they are located in Collier Township.

Commissioner Williams-Zabicki stated the Ordinance will be given back to the Solicitor for more clarification for this is voted on to be advertised.

2. *Grant Opportunities.* Mr. Thauvette explained he will be looking for guidance from the Board on Township projects or Board projects that the Board feels would be the best benefit for Collier Township. The grant process works by the following:
 - a. We write the request and with the request there are items required like engineer drawings, designs, studies that show it is necessary for this area.
 - b. Resolution will need passed by the Board.
 - c. Sometimes there are matching requirements for the Township to match funding.

Mr. Thauvette would like an understanding as to where the Board would like to use money for the Township before time is spent on the grant process and the Board not wanting it.

Mr. Thauvette presented a slideshow to the Board on the following:

1. Information over the last five (5) years of grants that Township has received from DCNR, Active Allegheny and Pirates Charities.
2. Grants that are currently available.

II. PUBLIC COMMENT ON NEW BUSINESS ITEMS:

Terry Bell of 793 Marigold Court approached the Board stating he thought this was a public meeting for the adoption of Ordinance 711.

Commissioner Williams-Zabicki stated no, that is at the March 23rd meeting.

Mr. Bell stated it is advertised as March 9th .

Commissioner Williams-Zabicki stated it was planned for March 23rd

A discussion took place on what the Board's obligation is since it was advertised for the March 9th meeting. The Board will hear the public comments and then go to executive session to talk about their obligation.

Mr. Bell asked the following to be placed in the minutes and then read it aloud:

The dissolution of the Municipal Authority, as set forth in proposed ordinance 711, will have detrimental consequences for the township residents, taxpayers and ratepayers.

First, some general observations

Examination of the Municipal Authority's financial records, between 2012 and 2017, show that it has generated a net annual income of between \$500K and 800K. Presently, the Authority is required to place this net income into the Reserve account it maintains for repairing, maintaining and adding to our sewage system. If the Authority is dissolved and the township assumes operation of the sewage system, the proposed ordinance does not require the township to place future net income into this Reserve account. In fact, the Pennsylvania Municipal Handbook permits the township to transfer these funds into the general township account.

In this way, the sewage rate becomes an alternate tax opportunity for the township. Should a revenue increase be deemed necessary and a regular tax increase be viewed as unpopular, the township could simply raise the sewage rate. Sewage rates will become a "ghost or shadow tax."

While this scenario is disturbing there exists another that is downright frightening

Once this proposed dissolution would take place, Pennsylvania law permits the township to sell the sewage system to a third party. These transactions are referred to as Act 12 sales.

Let's stop the clock so I can give residents in attendance some background into Act 12 transactions.

The Pennsylvania legislature passed Act 12 as a means for financially troubled municipalities to more easily monetize sewer assets. The idea was that such a municipality would sell its sewage system and use the proceeds to ease or eliminate its financial burden.

However, the sale of these sewage systems has expanded to allowing investor owned utilities to purchase systems from any municipality, not just those in need of emergency capital.

Figuratively, a non-troubled municipality robs Peter (the township ratepayers that built the capital base it sells) to pay Paul (itself). Ratepayers are then stuck dealing with a for profit enterprise that raises rates so as to retire its acquisition debt.

In essence, ratepayers get the privilege of paying the capital investment for the sewage infrastructure twice. Ratepayers already paid for the original capital that the Municipal Authority built over time but then they get the privilege to pay for this a second time when rates increase to repay the purchasing entity's acquisition debt.

These Act 12 acquisitions are ongoing throughout Pennsylvania. Just ask the residents of Lymerick. Their township leaders sold their sewage system to Aqua Water and residents are now facing an 84% increase in their sewage rates as a result.

You can re-start the clock now.

Surely Collier Township is not in financial trouble, is it? Nevertheless, once the township dissolves the Municipal Authority, it can, and I suspect

will monetize the assets ratepayers have already paid for and stick them with the resulting bill.

Section 1B of the proposed ordinance states the ordinance is being proposed to the benefit of the township ratepayers, taxpayers and residents. Tell me what benefit do we see if the proposed ordinance will provide the township an additional taxing avenue? What is the benefit of having our sewage system possibly sold out from under us, resulting in higher sewage rates? What is the benefit of moving from a locally invested Municipal Authority, dedicated to the operation of our sanitary sewer system to a mammoth investor owned utility dedicated to maximizing shareholder value?

The dissolution of our Municipal Authority can generate effects that have no benefit to residents, taxpayers and ratepayers. If this ordinance is to be passed, it must have provisions that:

1. Require all net income the township would generate from operating the sewer system be placed in the Reserve account
2. Prohibit the sale of these assets to any third party unless the township can demonstrate a compelling financial case to do so

Our Municipal Sewer Authority has done an admirable job in providing residents with comparable sewage rates while accumulating the necessary reserve capital needed to maintain the system. I see no reason to dissolve the Authority and recommend the township table passage of this ordinance until it adequately addresses the concerns I have raised.

Dan Oberleitner of 1028 Old Noblestown Road and CTMA Board Chairman approached the Board stating we have to realize the rate payers are a subset in the Township. Not everyone has sewers in the Township. The CTMA has been trying to provide sewers to everyone but because of the land mass between houses, it

becomes very expensive costing between \$20,000 and \$40,000.00. They have tried to get grants but have been denied because there are other people in more need. His biggest concern is safeguarding the money. If this is a big issue, do away with the CTMA Board and the Commissioners will become the Board to be in control however the Municipal Authority stays intact. The Commissioners could use Public Works and things they want to do expect touch the money for non-sewer projects. He has been on the CTMA Board for 20 years and when the CTMA was in \$800,000.00 debt. They expected the sewer systems and have over 74 miles of sewer systems. The sewers are well maintained and are under consent orders like the Township. The Township did not do a good job on the small section of sewers the Township owns. There is \$100,000.00 worth of repairs needed to that system. It is a disjustice to the Township and the rate payers to dissolve the Authority.

Commissioner Williams-Zabicki thanked Mr. Bell and Mr. Oberleitner for their input. The next meeting is the Township's business meeting when the Solicitor and Engineer are in attendance. If the Board were voting tonight, there is no time for this Board to digest what Mr. Bell and Mr. Oberleitner said.

Mr. Thauvette stated the Board can table voting.

Commissioner Styche stated the Board should vote on March 23rd. His understanding the way the Ordinance is written, the Township cannot take the money and spend it on items other than the sewage.

Mr. Thauvette stated the Township would oversee the CTMA budget.

Mr. Bell stated the law says if you dissolve the CTMA, you must take the reserves the CTMA has and put it into a reserve account and use that money for sewer project and does not mention assets in the law.

Commissioner Styche stated in this Ordinance, the monies raised by the CTMA the Township can not use it as a separate tax and it is in the Ordinance.

Commissioner Williams-Zabicki stated the Board should consider guidance and direction on maybe selling the assets however that is not the intention of this Board.

Commissioner Zymroz stated the money was discussed numerous times of how it can and cannot be used.

Commissioner Ruffennach stated no one has given him a good reason why they want to take the CTMA over. All it is, is money. Leave the money there and let the CTMA do their job. A job they have been doing since 1947. Let them do their job. They are not bothering us. They are not coming to us for support or asking for anything. We give them a small little hole in the bottom of this building and that is it.

Commissioner Williams-Zabicki stated that is a very nice office.

Commissioner Ruffennach stated the Township will still have to contract things out and still must pay engineering fees and solicitor fees. Just let the CTMA run it like they have been running it for years. Nobody has given him a straight answer on why they want to take the CTMA over. Why? It is not glamorous? The people that sit on the CTMA Board, a solicitor, an engineer and two (2) secretaries that like to do this and enjoy it. There is no reason to close them and all it is, is money. The Township people can do the job, but all this is, is money.

Commissioner Williams-Zabicki stated that is not the intention in any of the arguments that she has made at all. Never have her arguments was to get ahold of money. Money has never been a driver in any argument that she has made.

Commissioner Ruffennach stated all we do is talk about the money.

Commissioner Williams-Zabicki stated no, we have talked about a couple of other benefits and risks that are not just the money. She heard his point and passion and believes it has been run well.

Commissioner Ruffennach stated half the people don't even know they exists and guarantees she would not name the CTMA board members or the secretaries names. Who is the Solicitor? Who is the Engineer? Why do we want to close them? What have they done wrong? It operates. It makes money. It improves the Townships sewers. It keeps up with everything that needs kept up with. There are projects that are planned to do.

Commissioner Styche stated it benefits the Township to take over the CTMA. How many people in this community believe that the Township already owns it?

Some people in the audience stated none.

Commissioner Styche stated people he has spoken to questioned why the Township does not own it when it has Collier Township and it helps expand. The Commissioners should set the rate and not people on the CTMA Board. Commissioners would be responsible for setting the rate and not people who are not elected. Elected officials should set the rate and if those officials do something wrong, they can be voted out of office. If the CTMA Board wants to raise the rate, they can do it any time they want. The Commissioners do not have any control over that.

Mr. Oberleitner stated the Commissioners could pull us of the CTMA Board because the Commissioners are the ones who appoint us.

Commissioner Styche stated we can expand the CTMA. The Public Works Department. Right now, the CTMA does not have any employees to do the work. They subcontract it all out. Our goal is to expand our Public Works Department so we can take the CTMA over and save money for the Township.

Commissioner Williams-Zabicki stated in defense of the CTMA, they have offered to work co-operatively with the Township in the future. This is something to consider when there is an open capacity the meets the need.

Commissioner Ruffennach stated he guarantees the CTMA would not argue if the Public Works wanted to buy a sewer truck, the CTMA would buy the truck and the Public Works could operate it. This would save the CTMA money instead of contracting it out. The CTMA contracts this out because the Township does not have this equipment. If the CTMA agreed to buy Public Works a \$300,000.00 vactor truck and let the Public Works do some of the work, sewer cleaning and the easier jobs, he doesn't see why the CTMA would not buy the truck and let the Public Works do it.

Commissioner Williams-Zabicki stated the Board is not ready to vote on this Ordinance tonight and do have two (2) more weeks to analyze the data.

Motion was made by Commissioner Zymroz, seconded by Commissioner Ruffennach to table the motion to adopt Ordinance #711; to convey its entire sanitary sewer system collection project to the Township of Collier and to dissolve after doing so, and directing certain actions to be taken or not taken to assist in the implementation of such conveyance, and authorizing and directing the Township to accept the conveyance of the said sanitary sewer system project and the assumption of all obligations incurred by the Collier Township Municipal Authority with respect to said project. By unanimous vote the motion passed.

III. NEW BUSINESS:

1. Consider action to award the Geotechnical Investigation report of the 150 foot slope failure occurring along the roadway adjacent to the western side of Scotts Run Road to ACA Engineering, Inc. in the amount of \$6,302.00, subject to providing a current certificate of Insurance to the Township.

Motion was made by Commissioner Styche, seconded by Commissioner Zymroz to award the Geotechnical Investigation report to ACA Engineering as stated above. By a unanimous vote the motion carried.

2. Consider action to award Contract No. 20-SW1 – Municipal Building Stormwater Pond, to LM&R Excavating, LLC in the amount of \$74,700.000, subject to the contractor obtaining the required insurance certificates, performance bond, and payment bond, and review and approval of same by the Township solicitor.

Motion was made by Commissioner Ruffennach, seconded by Commissioner Styche to award Contract No. 20-SW1 – Municipal Building Stormwater Pond, to LM&R Excavating, LLC as stated above. By unanimous vote the motion carried.

3. Consider action to advertise Ordinance 713; An Ordinance providing for the businesses situate in the Township of Collier include accurate reference to the location of the business by specifically referring to, "Collier Township".

Motion was made by Commissioner Zymroz, seconded by Commissioner Styche to table advertising Ordinance 713 as stated above. By unanimous vote the motion carried.

4. Consider action to publicly advertise on our Township website the acceptance of bids for the 2008 Ford F150 as is. Bids will be accepted until Friday, April 10, 2020.

Motion was made by Commissioner Styche, seconded by Commissioner Zymroz to publicly advertise the 2008 Ford F150 as stated above. By unanimous vote the motion carried.

IV. Account Transfer(s):

- Approval of the transfer of \$30,000.00 from the General Fund Account to the Capital Fund Checking Account.

Motion was made by Commissioner Zymroz, seconded by Commissioner Ruffennach to approve the Account Transfer(s) as stated above. By unanimous vote the motion carried.

V. Approval of General Fund Operating Account items:

- Invoices paid and checks written from February 25, 2020 to March 8, 2020 in the amount of \$250,762.44.
- Bills requested for payment for March 9, 2020 in the amount of \$145,836.27.

VI. Approval of Capital Investment Account items:

- Invoices paid and checks written from February 25, 2020 to March 8, 2020 in the amount of \$29,638.84.
- Bills requested for payment for March 9, 2020 in the amount of \$507.00.

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

VII. ADJOURNMENT:

Motion was made by Commissioner Ruffennach; seconded by Commissioner Styche; to adjourn the workshop meeting at 8:35 p.m. By unanimous vote of the Board the motion passed.

Dawn Williams-Zabicki, President
Board of Commissioners

Valerie A. Salla
Township Secretary