

MINUTES

COLLIER TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING

April 24, 2023

7:00 P.M.

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

A. **PLEDGE OF ALLEGIANCE**

B. **ROLL CALL:**

BOARD

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

STAFF

Kate Diersen, Solicitor - Present
Travis Stanczyk, Engineer - Present
Craig Campbell, Police Chief - Present
Bob Caun, Planning Director - Present
Jeff Hinds, Finance Director – Present
Tom Plietz – Bldg/Fire Codes – Present
Bob Palmosina, PW Director – Present
Rob Shazer – Parks Director – Present
George Macino, Twp. Manager Present
Dana Slizik, Asst. Manager – Present
Valerie Salla, Twp. Secretary – Present

- C. **EXECUTIVE SESSION** – Was held to discuss personnel and legal issues.
D. Consider action to promote Officer Taras Hovanac to Sergeant, effective April 24, 2023. All Civil Service requirements have been met.

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

- E. **Swearing in of Officer Taras Hovanac** to the position of Sergeant by District Magistrate Maureen McGraw Desmet.

Officer Hovanac was sworn in as Sergeant and congratulated by everyone.

- F. **Recognition** of the Chartiers Valley Unified Bocce Team

Mrs. Slizik read the recognition to the Unified Bocce Team and they were congratulated by everyone.

II. APPROVAL OF MINUTES

1. March 13, 2023 – Board of Commissioners Workshop Meeting

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

2. March 27, 2023 – Board of Commissioners Regular Meeting

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

III. REPORTS OF OFFICIALS AND COMMITTEES:

A. Solicitor

B. Engineer

Mr. Stanczyk informed the Board the Township's current storm water management ordinance has no major issues. The Ordinance meets all the minimum requirements and is a strong Ordinance. They looked at some things to try to help with post construction stormwater runoff. He provided a letter to the Commissioners and Management which addresses the suggestions for the stormwater runoff. Once the letter is read and if there are any questions, let Mr. Stanczyk know. Overall, the Ordinance is very strong and does what it is supposed to do.

Commissioner Young stated the most challenging time is during construction with the 100-year flood assumption.

Mr. Stanczyk said it depends on the facility.

Commissioner Young stated when Prestley Heights was being developed, we had a major storm and there were some problems. He was hoping that our Ordinance was sufficient enough that if we do get a 100-year flood storm that we should be able to withstand some potential problems based on our present Ordinance.

Mr. Stanczyk stated most of the Ordinance addresses post construction stormwater runoff. After developments are built, there are storage ponds built to hold the 100-year flood water. During construction poses some challenges with runoff because contractors are not required to build a pond prior to or during construction. They build sediment traps that are converted into stormwater facility ponds which detain the water. There are some steps that could be taken during construction but most of the enforcement is by the Allegheny County Conservation District (ACCD). When there is a complaint, the ACCD will come out to the site and make sure the E & S Control is in

place. He felt 99% confident the Township Ordinance addresses post construction stormwater runoff.

Commissioner Young questioned if that is during and post.

Mr. Stanczyk stated during poses challenges that are outside the control of the Township. Regular inspections by either the Township or engineer can help with this.

Commissioner Young questioned who does those inspections during construction.

Mr. Stanczyk stated it could be the Engineer, the Township, there are things in place like filter bags that are used to control some of the sediment run off. During construction, not all the facilities are in place that are supposed to be in place. Post construction is to handle runoff.

Commissioner Young stated the Township will need to be very vigilant in making sure that things are done the best we can get it done.

Mr. Stanczyk stated we as the engineers can take steps to do the inspections or the Township can do the inspections but if a contractor is halfway through building a storm pipe that is not functional yet, and it rains and we get a 100-year storm, there is not really anything that you can do about that.

Commissioner Young stated he understands that and thanked Mr. Stanczyk.

C. Management

D. Building/Codes

E. COG

F. Finance

G. Parks and Recreation

Commissioner Zymroz thank all the residents, the boy scouts, the girl scouts, Rob Shazer, Nichole Giroski, the Public Works Department, the Public Works Director, the police, the Fire Departments and EMS, Dana Slizik, George Macino and the Commissioners that were there for the great job that was done.

Commissioner Chiurazzi thanked everyone for helping and doing a great job with Clean up days.

H. Planning/Development/Zoning

I. Public Safety – Fire

J. Public Safety – Police

Commissioner Cupples informed Chief Campbell that she read his report about the extra vehicles he wants and texted Mr. Macino and as soon as the new lease program comes, he will get his cars.

Chief Campbell questioned if the lease program was in place yet.

Commissioner Cupples stated it is in place, but they have to find the vehicles because of COVID.

Chief Campbell thanked the Commissioners.

K. Public Works

L. Sewer Department

There were no questions on the reports.

IV. Public Comment/Comment on New Business Items:

3-minute duration to each signed up participant.

Please sign in to talk and state the subject.

Nichole Clayton of 176 Bryna Lane approached the Board requesting clarification of the Moretti Subdivision Plan that will be going in off South Cowan. She expressed her concerns that if South Cowan must be extended, her property is along the access road and wanted to know what is required. She did receive the plans and the driveway for lot 5 and possibly lot 6 will be coming down off of South Cowan that is not finished.

Commissioner Chiurazzi asked for Mr. Caun to address this.

Mr. Caun stated the Moretti Plan does extend past the improved section of South Cowan, but it does not connect to Bryna Lane. Moretti has two (2) lots. One of them faces onto Noblestown Road and the other fronts on Baldwin Road. The note on the plan states that if Moretti accesses from South Cowan, he has to improve where the access to those lots are. He did not think the access went anywhere near Bryna Lane.

Mr. Caun invited the engineer to explain this also.

Mr. Stanczyk, the Engineer, stated it was never the intention to extend that all the way out.

Mrs. Clayton stated it does show on the plan that it comes out to the unfinished part of South Cowan. If this happens, it will connect to her property.

Mr. Stanczyk stated there is a public right of way there for South Cowan.

Mrs. Clayton stated that on the plans, it does not show what was approved for Lot 5 per the minutes.

Mr. Caun stated the note says that if he extends his driveway out to South Cowan, he has to improve that section of South Cowan. He did not feel that improvement may not go up to her lot but will not go on her lot.

Mrs. Clayton expressed concerns about getting water run off that went into her basement. If Moretti has to finish that portion of South Cowan, what does that mean for her property. She knows Mr. Moretti plans to build his home on lot 5 where the driveway shows next to her property. She wants to know what the requirements are.

Commissioner Young stated this goes along with my concerns of water runoff from development.

Mr. Stanczyk stated it would depend on how much impervious surface is added. They may have to do stormwater retention.

Mr. Caun stated when Mr. Moretti or anyone files for a building permit for lots 5 and/or 6, the section of South Cowan Road has to be improved. The amount of water that comes off the property now cannot be any greater than when he is done. If there is an increase of water runoff, he has to do something to control that increase.

Commissioner Chiurazzi suggested that Mrs. Clayton meet with Mr. Caun and Mr. Stanczyk and get her concerns straightened out.

Commissioner Young would like to be updated as well about the stormwater runoff.

Commissioner Cupples asked Mr. Caun if a building permit is filed, to let Mrs. Clayton know.

Mr. Caun stated "yes. He also stated there was a right to know request for the plan and asked Mrs. Clayton if Mr. Moretti talked to her at all."

Mrs. Clayton stated "yes, last Sunday. He only said he was starting the sewer project. He said nothing about the plan. She would not like Lots 5 and 6 to come off of South Cowan and to go off of Baldwin and Noblestown."

Commissioner Cupples suggested Mrs. Clayton keep an eye on the Board's Agendas. Right now everything is hypothetical at this point. We just don't know what Lots 5 and 6 will do and we understand her concerns.

Kimberly Steel of 39 Sunnyside Avenue approached the Board regarding the April 18th Zoning Hearing Board meeting. She asked if the Zoning Hearing was an appointed Board, if they are appointed annually and when will the next time be for someone to be considered being appointed to this Board. Is there a job description for this Board?

Commissioner Chiurazzi stated "yes. It is a four (4) year term and suggested she contact the Manager about getting on this Board."

Mrs. Steel asked if that Board has access to a lawyer and an engineer to make sure they could ask questions too so they could make an accurate vote if they did not understand something.

Commissioner Chiurazzi stated the Zoning Hearing Board has a separate Solicitor and they use the Township's Engineer. This is an atomists Board and in the First-Class Township code, they are allowed to do their own thing.

Mrs. Steel stated "on Tuesday, April 18th, a public hearing was held which LAD Construction requested a variance for property on Noblestown Road. The area was zoned R2. The property owner was requesting a variance to turn a building into five (5) luxury apartments which is a use that is not permitted in R2 zoning. She requested a copy of the transcript through a right to know with the Township Office. Mrs. Salla will let her know when it is available. Two (2) out of five (5) members voted in favor of this. Three (3) voted against it. She is concerned with the two (2) that voted in favor of it because LAD Construction did not show unnecessary hardship or consistency of public interests for a use variance to be granted. She would anticipate the Commissioners review the transcript and requirements for granting a variance. Commissioners would agree with the other three (3) Board members that the requirements were not met. Pursuant to the municipal planning code, a Zoning Hearing Board may grant a request for a variance once the five (5) qualifications are met:

1. That there are unique physical circumstances or conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance.
2. Because of such physical circumstances or conditions that there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is therefore necessary when enable the reasonable use of property.
3. Unnecessary hardship has not been created by the applicant.
4. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of the adjacent property, not to be detrimental to the public welfare.
5. The Variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in use."

She will provide the transcript when it is available where it states the landowners reasons for the variance and after the Board reviews if, they will understand Mrs. Steels concern as to why two (2) people on this legal Board would vote for this.

Commissioner Chiurazzi stated "we do have rules and things are not black and white and there is a 3-minute talk time. At the same time, is this not the beauty of democracy? So, two (2) people may have voted the month before on something you liked."

Mrs. Steel stated, "it is not based on what you like."

Commissioner Chiurazzi stated "there is nothing black and white about anything we do. Two (2) people on that Board felt different. Whether it comes to this Board or not, they are an atomists group. There could be a lawsuit

between Commissioners and Zoning Hearing Boards. The beauty of democracy in general is that two (2) out of five (5) said yes.”

Mrs. Steel stated “she is glad the three (3) out of five (5) said no. She is concerned that they should understand why they are saying yes. It is a legal Board.”

Commissioner Chiurazzi stated “Mrs. Steel is trying to say that we as a Board should adhere to.... The Sheetz that is doing very well had meetings here and people went crazy and it happened. People disagreed. People agreed.”

Commissioner Chiurazzi asked what Mrs. Steels point was. To get rid of the Zoning Hearing Board?

Mrs. Steel said, “no. She would like to finish what she was saying and is trying to say it with respect.”

Commissioner Chiurazzi stated “three (3) minutes is up.”

Mrs. Steel stated, “part of that was cut into.”

Commissioner Chiurazzi stated “it was well after three (3) minutes.”

Mrs. Steel stated she will tell Commissioner Chiurazzi what she is trying to say.

Commissioner Chiurazzi stated he does not care.

Mrs. Steel stated she would tell him.

Commissioner Chiurazzi stated he hates to be rude about it but

Mrs. Steel stated you are rude.

Commissioner Chiurazzi stated “so I am rude and that is enough. There is no time left.”

Mrs. Steel stated “you are representing the people and that Zoning Board is a legal Board and what they decided the other day was illegal and the constituents are concerned about it the Board should be concerned about it as well. How quickly could that have been three (3) people saying yes and two (2) people saying no and something that our community that she has lived in for 50 years doesn't want and know they are in our community and they sell off and we are stuck with apartments that we didn't want in the first place. If you start doing that then you will have spot zoning. That Board could start allowing zoning that should not be permitted by the law. They must abide by the law. It is not what I want and its not what you want.”

Commissioner Chiurazzi stated maybe he wants it, he doesn't know.

Mrs. Steel stated this is her concern. "She lives in Rennerdale, in Collier Township and has the right to be concerned about this. If the Zoning Hearing Board could not have all the facts, they should have consulted a lawyer, so they make an accurate vote. When that Board is voting yes for poor Lad Construction's main request being it was financial for LAD Construction. Not financial for the Township. That is not one of the five (5) requirements permitted by the zoning. If people can constantly come in and this Zoning Board can grant variances not based on the law, that is incorrect. The taxpayers will pay the price for that and the Township will pay the price for it. If that is granted and illegally granted by the Board because it is a legal Board, and the taxpayers decide to speak up and hire a lawyer and sue the Township, it is the taxpayer's money you will be using. It does not matter if you vote in favor of us or not in favor of us. Her point was not to call the Board bad or make accusations."

Commissioner Chiurazzi stated she said the Board did an illegal act.

Mrs. Steel said she did not say that. She said that their vote does not meet a legal requirement. It is not an accusation against any of those people. She does not know what their mindset was and we did not have the opportunity to ask and she did not ask which was her fault. Her concern is that if you are on that Board, a legal Board, she hopes that if they do not have all their facts straight then they need to consult a lawyer because their job is to protect the Township and its taxpayers. The Board needs to be aware of it and she is interested in the Zoning Hearing Board. She does not know if she could get the votes and realizes it is an appointed position. She is very concerned with all the properties to develop around here. Collier is a beautiful community. She appreciated Commissioner Chiurazzi allowing her to speak but did not appreciate him coming back at her because she was not making any accusations.

Commissioner Chiurazzi stated that as soon as she said that the Board did something illegal, his tone changed.

Mrs. Steel stated she never said that.

Commissioner Chiurazzi stated "yes, she did and guess who protects the Township, the Commissioners. If someone comes to us from a zoning standpoint and it did not make sense, we will not approve it."

Mrs. Steel stated, "I said that Board did not follow those five (5) requirements. Once the transcript is read, she felt the Commissioners would agree."

Commissioner Chiurazzi stated Mrs. Steel was way over the time limit and thanked her for speaking.

Mrs. Steel thanked the Board.

Commissioner Young stated they are a separate Board and they are appointed by the Commissioners and they make their own decisions. If that Board makes a decision that the Commissioners do not agree with, the Commissioners can sue them for that decision. It has been done in the past. Right now, Mrs. Steel agrees with the final decision.

Commissioner Cupples stated if the Commissioners did not agree with the Zoning Hearing Board, we could sue them if we chose too.

V. New Business:

1. Consider action to approve the Major Land Development application of Presto VFD with the condition of addressing all comments in the Township Engineers letter dated April 11, 2023. The Planning Commission has reviewed and recommends approval.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Young, to approve the major land development application of Presto VFD as stated above. By unanimous vote, the motion passed.

2. Consider action to approve the request of Nike Site Command LLC d/b/a The Grist House, to remove the Traffic Impact Fee payment in the amount of \$136,000.00.

Commissioner Young questioned Mr. Bob Caun if the Township has ever removed a traffic impact fee for anyone in the past.

Mr. Caun stated the Township has not.

Commissioner Young stated this would be the first and it would set precedence if we did remove it.

Mr. Caun stated the Board would need to talk to the Solicitor, Kate Diersen, to establish precedence.

Mrs. Diersen stated she has spoken to Mr. Caun about this and the concerns she had are when you look at the Township's Impact Fee Ordinance, it does say it shall be implemented and should be equitable amongst all developers. So, the Board needs to be mindful of this going forward.

Commissioner Chiurazzi questioned if this number is equitable between all the developers.

Mrs. Diersen states yes, that number is based on a formula that is adopted through the Township Ordinance and based on traffic impact.

Commissioner Chiurazzi stated the Grist House is something he has looked forward to. He loves their college affiliation. He wants them so badly in Collier Township and asked if there was a motion.

Commissioner Cupples stated she needed a motion.

Mrs. Diersen stated to the Board, it dies due to the lack of a motion.

3. Consider action to advertise for revision to the current pension plan.

Mr. Macino stated this is for the non-uniform pension plan.

Motion was made by Commissioner Cupples, seconded by Commissioner Young, to approve advertising the non-uniform pension plan revision. By unanimous vote, the motion passed.

4. Consider action to hire Amy O'Neill as the Collier Township Director of Finance effective April 24, 2023, at an annual salary of \$70,000.00.

Motion was made by Commissioner Chiurazzi, seconded by Commissioner Young, to hire Amy O'Neill as the Collier Township Director of Finance as stated above. By unanimous vote, the motion passed.

The Commissioners welcomed Amy.

V. Approval of General, Capital and Sewer Fund Operating Account items:

There are no Capital Account items.

- Invoices Paid, Checks Written and Bills Requested April 11, 2023 to April 24, 2023:
 - General Fund in the amount of \$301,777.20.
 - Sewer Fund in the amount of \$1,457.36.

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

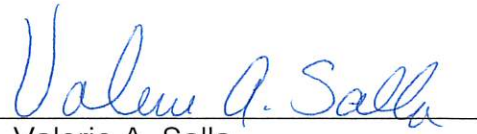
VII. Adjourn

Commissioner Zymroz thanked everyone that helped with Clean Up Day.

Motion was made by Commissioner Vaughn, seconded by Commissioner Cupples, to adjourn the meeting at 7:50 p.m. By unanimous vote, the motion passed.



Wayne M. Chiurazzi – President
Board of Commissioners



Valerie A. Salla
Township Secretary