

REGULAR MEETING –March 21, 2011

The meeting was called to order at 7:00 PM by Commissioner Thomas Sray at the South Fayette Township Middle School, McDonald, PA 15057.

PRESENT: SRAY, COX, GABRIEL

ABSENT: CAFFREY, CURL

ALSO PRESENT: Township Manager: Michael W. Hoy, Township Solicitor: Jonathan Kamin, Evonne Williams, Township Administrative Assistant: Peggy Patterson

APPROVAL OF MINUTES:

It was moved by COX and seconded by GABRIEL with all Commissioners present voting AYE to approve the minutes from the January 17th and February 21, 2011 meetings.

PETITION OF CITIZENS/PERSONS REQUESTING TIME:

At this point the floor was opened to citizens requesting time.

A resident, Bill Bilitkus, of 4228 Battleridge Road, wanted to get initial comments in on the overlay district issue since no public comments were accepted at the joint meeting. Base map should have been an amendment to the ordinance that was passed in November 2010. He is not sure who the residents or who the property owners are but he sent a “Right To Know” request to Mr. Hoy. He also brought up a question about the distance of the setback that is considered safe.

A resident, Todd Miller, of 300 Mallard Drive, Bridgeville discussed the ordinance that was passed in November 2010 and feels there should have been no more discussion about it. He feels the goal of the elected officials should be to make drilling off limits in South Fayette. He stated that the landowners are the minority.

A resident, George Bilitkus of 3248 Battleridge Road, hoped to see an itemized statement of the bill that Commissioner Caffrey presented to the Commissioners on tonight’s agenda.

CORRESPONDENCE – NONE

Commissioner Sray asked for a motion to amend the agenda to include the resignation of Township Engineer David Gardner effective April 15, 2011. Put that under new business item O.

Commissioner Gabriel-I will make that motion.

Commissioner Cox-Second

All members present voted AYE to the motion.

CONSENT CALENDAR ITEMS

- A. DEPARTMENT REPORTS
- B. PAYMENT OF BILLS
- C. AMENDMENT TO AGENDA

It was moved by COX and seconded by GABRIEL with all Commissioners present voting AYE to approve the consent calendar items.

LIAISON REPORTS

Commissioner Cox- Library Board held two interviews for the Library Director and they were both very good candidates. They did offer the job and hire someone who will be starting the 1st of April. Commissioner Cox stated that she will bring her over to meet Mr. Hoy. She did sit in on the interviews and she believes the new hire is going to be really good for the library board. She brought up legal questions about the fundraiser to Mr. Kamin. Did you get that email? (asking Mr. Kamin)

Mr. Kamin: I did. I wanted to talk to you a little bit before we get there. I think that we can do what we are looking to do, we just have to make sure that we disclose what we are doing.

Commissioner Cox: We had a question about fundraising for the library moving in the new building. They are going to be selling bricks, as a fundraiser, that are not actually going into the library. They are going to be going kind of outside the library so there were some questions about the legality of advertising them for the library.

Mr. Kamin: It's a library fundraiser as bricks for the sort of interior area of the township.

Commissioner Cox: You know I understand their position, they want to be clear that the bricks will not be going into the library, if we could talk about that. Other than that we did not need the facilities (inaudible)

Mr. Kamin: It is a library fundraiser but they will not actually be going into the library

Commissioner Gabriel- Just to address the resident's comments. I haven't heard any support from any residents or any of the other Commissioners for the landowner's map that was presented. I just wanted to make that clear. I don't know whether that is going to be referred to the Planning Commission or not. I know there were questions raised

about the base map that was different from the map that was based on our current ordinance. That is being looked into also. I did attend Jesse White's Marcellus meeting with Mike Hoy. There was some talk about the Avella fire and explosion and well fires and some of the safety concerns that are out there. The other thing that got brought up at this meeting was; municipalities were complaining about the financial burden put on municipalities because of Marcellus Shale drilling. There is no way to recoup any of their cost because of the no-severance tax and no impact fees so the burden falls on them and these are small municipalities in Washington County. Granted, they have probably lower property values than we have here in South Fayette. But there was talk on how it is hurting them financially. The idea was to get them all together.

Commissioner Cox: How well attended was that meeting?

Commissioner Gabriel: Not as well attended as I thought it would be. It was out at Canon-McMillan High School and there were a lot of municipalities present but the auditorium was only about a third full. But again, it was a weeknight and a lot of things going on I am sure. Like in South Fayette, kids and family activities.

Commissioner Cox: Was it mainly officials or were there residents there also?

Commissioner Gabriel: There were both. The panel was all municipal officials but there were residents in attendance also.

Commissioner Sray: Do they have another meeting scheduled?

Commissioner Gabriel: I don't know, (to Mike Hoy) Did you hear anything?

Mr. Hoy: No

Commissioner Cox: I did have one more thing I wanted to add. We have that joint project, the Conservation Group with the Township, it's the Fish Habitat Project and we have that money from the Allegheny Conservation District. They are actually now getting technical assistance from the Western Pennsylvania Conservancy and they are coming out to do the design of the Fish Habitat Project for us so the week after next Dave Gardner is going to meet with them to show them the areas where we are going to do the project. Amy Myers from the Allegheny Conservation District will be there also. It will hopefully be in the fall and we are going to be asking the assistance of the Public Works Department for the big machinery, so keep that in mind.

Commissioner Sray-Speaking of the Public Works Department, Bob Barish is retiring in June and under new business tonight we are going to be advertising for a new Public Works Superintendent. The only other thing I have is we are also hiring a truck driver/laborer, union position, and the applications and references have to be in by April 1, 2011. We are also hiring part-time college kids. If anyone knows any kids looking for jobs in the summer.... Today they started Parks Road Bridge and they are going to be

working on that for probably the next three months. It is closed as of today. That's about it for Public Works. We will move on to the manager's report, Mr. Hoy.

MANAGER'S REPORT

Mr. Hoy-I did attend the co-op meeting, the board asked that I report back and I would recommend that we continue to participate. I thought the main purpose of the co-op is for municipalities to get together to review issues, to review regulations. It also talked about whether or not there would be a need for shared enforcement costs but that was more long range planning. I think just getting together with other municipalities and sharing information, of course is valuable and I would recommend that we continue. The meeting itself, went for three hours and I am going to speak with Representative White about maybe changing the format. The first hour and a half was geared towards interaction of the municipalities which was beneficial but then there was an hour and half of public participation. Nothing against public participation, but unfortunately not all the questions were geared toward the operation of the co-op and the importance of the co-op and what the co-op was trying to accomplish but overall I thought it was a very positive experience and we should continue to participate.

SOLICITOR'S REPORT

Mr. Kamin- I have just a couple brief items. I would like to announce the closing is scheduled for the Washington National transaction for March 31. The Board is aware that we had requested confirmation from our bond council as to the use of the proceeds associated with this transaction and remember we had provided for it upfront with the bonds. So that we could sell lots on it so we would not have to go through a remediation aspect with the bonds. So we did receive the opinion back from bond council who basically said all we have to do with this money is deposit it in a segregated account and spend it within a year on either the Civic Center or other capital projects and I would note that proceeds can be used for debt service also, debt service related to the bond issue. From that standpoint we wouldn't be doing anything else with the money from the bond money other than using it on that project or using it for debt service. Council for the bank asked us to pass a confirmatory resolution so that he has something to provide his client and I do have that just for consideration this evening. All it says is that we have accepted the agreement of sale and we are going to use the bond proceeds in accordance with the recommendation of bond council. I don't know if we have a resolution number, Mike?

Mr. Hoy: Yes, resolution 4-2011.

Mr. Kamin: The closing is scheduled to take place on the 31st of March.

Mr. Hoy: For that closing, does Tom have to be there?

Mr. Kamin: We will have all the documents signed by Tom in advance, but if you want to be there Tom, you are welcome. We are having it at the Township Building so that should be easy.

Commissioner Sray: Yes, I will be there.

Mr. Kamin: So if I could get a motion to adopt Resolution 4-2011

It was moved by COX and seconded by GABRIEL to adopt Resolution 4-2011. All members present voted AYE to approve the motion.

Mr. Kamin: I have one more, small housekeeping item. If you remember, we had talked at the beginning of the year, of last year, about the vacation road at St. Anthony's church. This is really a Penn DOT issue, in that they didn't take the whole right of way so we had advertised and all we are doing is vacating our rights to the road which is actually their front yard, a sliver along route 50. This only came as a result of their title search. They thought this had been done in 1975 and had been using it sort of accordingly since 1975. They have supplied me with all the information and we have reviewed it from the title perspective and there are no issues. It looks like it was just not done correctly back in 1975. We had advertised an ordinance that just has a little legal description in. This is ordinance number 1-2011. Could we just have a motion to close this out for St. Anthony's? That would be great.

It was moved by COX and seconded by GABRIEL to approve the motion. All members present voted AYE to approve the motion.

Mr. Kamin: Then I do have one executive session matter which is a personnel matter related to a previously filed grievance.

OLD/UNFINISHED BUSINESS – None

NEW BUSINESS

- A. Consider a request from MRM Property & Liability Trust to appoint a representative and alternate to attend the annual meeting.

Mr. Hoy: This item was discussed and reviewed at the March 14th Workshop Meeting, of course, this is a board appointment.

It was moved by COX, seconded by GABRIEL to appoint TOM SRAY as a representative and GREG CURL as the alternate to attend the annual MRM Property & Liability Trust meeting. All members present voted AYE to approve the motion.

- B. Consider a request from Commissioner Caffrey for reimbursement of expenses incurred while performing her duties as a South Fayette Commissioner.

Mr. Hoy: This item was also discussed at the March 14th Workshop Meeting.

The total cost would be \$1298.68. Again, it is a board discretionary item.

Commissioner Sray: Motion to approve or deny request from Commissioner Caffrey for reimbursement of expenses incurred while performing her duties as a South Fayette Commissioner. The cost would be \$1298.68.

Commissioner Cox: Are we to disclose what those costs were for?

Mr. Hoy: Yes, it is already on the web site as part of the packet. It was included in the workshop packet.

Commissioner Cox: Jonathan is this.....?

Mr. Kamin: This is a board discretionary item. What Commissioner Caffrey has requested is reimbursement of expenses associated with defending the ethics action that was filed against her. It was my understanding that the ethics action was found favorable on behalf of Commissioner Caffrey and the indemnification is similar to what would be proposed if one of the Commissioners had gone ahead and had a complaint filed against them and had to defend it themselves. The fact that it was successful makes it available for a board discretionary item. (There was some discussion about the motion that was inaudible)

It was moved by COX seconded by SRAY to approve the request from Commissioner Caffrey for reimbursement of expenses incurred while performing her duties as a South Fayette Commissioner.

Commissioner Sray: We have a motion and a second, all in favor.

ROLL CALL: For the motion: COX, SRAY
Against the motion: GABRIEL

Motion passes 2:1

- C. Consider authorization to schedule a public hearing for April 11, 2011 at 7:00p.m for Conditional Use Application CU-01-11, The Berkshires, Modification to Master Site Plan, Zoned C-2.

Mr. Hoy: As discussed at the March 14th Workshop Meeting, this is just authorization to advertise the public hearing. This item will then appear on the April workshop agenda as well.

. It was moved by COX and seconded by SRAY to authorize to schedule a public hearing for April 11, 2011 at 7:00p.m for

Conditional Use Application CU-01-11, The Berkshires, Modification to Master Site Plan, Zoned R-1.

ROLL CALL: For the motion: COX, SRAY
Against the motion: GABRIEL

Motion passes: 2:1

- D.** Consider F-03-11, Wensell/Connelly Subdivision, Minor Subdivision, Sterling Ridge Drive, Zoned R-1.

Mr. Hoy: This item again was reviewed at the March 14th Workshop Meeting. It was also recommended for approval by the Planning Commission at their April meeting. Staff is recommending approval with the conditions outlined in attachment 12-D in your packet.

It was moved by COX and seconded by SRAY to approve F-03-11, Wensell/Connelly Subdivision, Minor Subdivision, Sterling Ridge Drive, Zoned R-1. All members present voted AYE to approve the motion.

- E.** Consider F-04-11, Campbell Consolidation Plan, Minor Subdivision, Battleridge Road, Zoned R-2.

Mr. Hoy: This item was reviewed at our March 14th Workshop Meeting and also was brought forth at the April Planning Commission meeting. Staff is recommending approval with the conditions outlined in attachment 12-E of your packet.

It was moved by COX seconded by GABRIEL to approve F-04-11, Campbell Consolidation Plan, Minor Subdivision, Battleridge Road, Zoned R-2. All members present voted AYE to the motion.

- F.** Consider F-05-11, Granite Ridge Subdivision, Amendment to Lot #202, Minor Subdivision, Robinson Run Road, Zoned R-1.

Mr. Hoy: This item was reviewed at our March 14th Workshop Meeting and came forth from the Planning Commission meeting where they recommended approval. Staff is recommending approval with the conditions outlined in attachment 12-F of your packet.

It was moved by COX and seconded by GABRIEL to approve F-05-11, Granite Ridge Subdivision, Amendment to Lot #202, Minor Subdivision, Robinson Run Road, Zoned R-1. All members present voted AYE to the motion.

- G.** Consider F-06-11, Muggar Plan of Lots, Minor Subdivision, McVey Street, Zoned R-4.

Mr. Hoy: This item was reviewed at our March 14th Workshop Meeting and recommended for approval from the April Planning Commission meeting. Staff is recommending approval with the conditions outlined in attachment 12-G of your packet.

It was moved by COX and seconded by GABRIEL to approve F-06-11, Muggar Plan of Lots, Minor Subdivision, McVey Street, Zoned R-4. All members present voted AYE to the motion.

- H.** Consider F-07-11, Kosky Plan of Lots at Newbury, Minor Subdivision, Route 50 (Behind 84 Lumber), Zoned PED.

Mr. Hoy: This item was reviewed at our March 14th Workshop Meeting and also came forth from the April Planning Commission meeting. Staff is recommending approval with the conditions outlined in attachment 12-H of your packet.

It was moved by COX and seconded by SRAY to approve F-07-11, Kosky Plan of Lots at Newbury, Minor Subdivision, Route 50 (Behind 84 Lumber), Zoned R-1.

ROLL CALL: For the motion: COX, SRAY
Against the motion: GABRIEL

Motion passes: 2:1

Dave Gardner: Deron, I have a question. Do you not understand what this is about? Why would you not vote for it?

Commissioner Gabriel: I don't think I have to answer that question. If I abstain, I can voluntarily disclose it but, the solicitor can correct me if I am wrong, but I don't think I have to disclose why.

Mr. Kamin: No

- I.** Consider an ordinance amending Articles XIII and IX regarding 'Impervious Lot Coverage' percentages in the C1 and C2 Zoning Districts.

Mr. Hoy: This item has been work shopped several times including the March 14th Workshop Meeting. This ordinance has been advertised and can be legally considered, as the public hearing both for the Planning Commission and the Board of Commissioners has been held and staff is recommending

approval of this ordinance which would be 2-2011 and is included in your packet at attachment 12-I.

It was moved by COX and seconded by GABRIEL to approve the ordinance amending Articles XIII and IX regarding 'Impervious Lot Coverage' percentages in the C1 and C2 Zoning Districts. All members present voted AYE to the motion

- J.** Consider authorization the advertisement of a public meeting to discuss the Tryveskyn Park Master Site Plan for Monday, April 18, 2011 at 7:00 PM.

Mr. Hoy: This was reviewed at our March 14th Workshop Meeting. Please note that this is a public meeting, not a public hearing. As such, we normally hold public hearings the night of a workshop but this is not an official public hearing, just a public meeting, an informational meeting, it is going to be scheduled for a voting meeting. We would assume it is going to last about half an hour. I think I explained it at the workshop but I wanted to make sure it was clear to the public why it is on that night. And there will be no action taken at that meeting.

It was moved by COX and seconded by GABRIEL to authorize the advertisement of a public meeting to discuss the Tryveskyn Park Master Site Plan for Monday, April 18, 2011 at 7:00 PM. All members present voted AYE to the motion.

- K.** Consider awarding a contract for mowing of grass at Tryveskyn Park, Community Civic Center and traffic islands along Route 50.

Mr. Hoy: We are actually going to have two motions and Jerry and I explained this at the Workshop Meeting. First, as you recall we solicited bids for this service, we only received one and that was the bid of February 27th. So the first motion is to reject that bid and then if that is approved, to award the bid to Wilkes Lawn Care and Landscaping. The date of that bid is March (unsure of the date at the time) listed on attachment 12-K.

It was moved by COX and seconded by GABRIEL to reject the single bid from Growing Seasons and dated Feb 27, 2011. All members present voted AYE to the motion.

It was moved by COX and seconded by GABRIEL to award a contract to Wilkes Lawncare and Landscape for mowing of grass at Tryveskyn Park, Community Civic Center and traffic islands along Route 50, not to exceed \$10,140.00. All members present voted AYE to the motion.

- L. Consider a resolution permitting the Firearms Owners Against Crime to secure a license for small games of chance.

Mr. Hoy: This item was discussed at our March 14th Workshop Meeting. A draft is included in your packet, 12-L. This will be Resolution 5-2011.

It was moved by COX and seconded by GABRIEL to pass a resolution permitting the Firearms Owners Against Crime to secure a license for small games of chance. All members present voted AYE to the motion.

- M. Consider authorization to advertise for the position of Public Works Director.

Mr. Hoy: This item was discussed at our March 14th Workshop Meeting. Bob Barish, the Director of Public Works will be retiring in June, I would like authorization to advertise.

It was moved by COX and seconded by GABRIEL to authorize to advertise for the position of Public Works Director. All members present voted AYE to the motion.

- N. Consider authorization to advertise for the 2011 Road Capital Improvement Program.

Mr. Hoy: This was discussed at the March 14th Workshop. It is simply authorization to advertise for bids. It will be on the workshop agenda again once the bids are received. The budget is included in the CIP for the year.

It was moved by COX and seconded by GABRIEL to authorize to advertise for the 2011 Road Capital Improvement Program. All members present voted AYE to the motion.

- O. Resignation of Township Engineer, David Gardner, effective April 15, 2011.

Mr. Hoy: This item was discussed at our March 14th Workshop Meeting and don't forget, we will have discussions of interim engineering at the April Workshop Meeting. The Board had requested that Dave submit a date in writing and he did.

It was moved by Cox and seconded by GABRIEL to accept Dave Gardner's resignation. All members present voted AYE to the motion.

Commissioner Sray: Dave, I would just like to thank you for your service to South Fayette and wish you the best.

Commissioner Sray: We have one item, actually we have a couple items for Executive Session.

Mr. Hoy: I think our item is actually the same. Personnel matter relating to a grievance filed and heard before the Board of Commissioners before at last months Workshop Meeting. There could potentially be action at the Executive Session.

Mr. Kamin: I anticipate there will be action

EXECUTIVE SESSION

It was moved by COX and seconded by GABRIEL to adjourn to Executive Session. All members present voted AYE to the motion.

A motion to confirm the findings of the Township Manager with regard to grievance 03-2010 with caveat that the written reprimand shall remain in the officer's personnel file until 11-23-11, which is 1 year from the chief's original decision.

It was moved by COX and seconded by SRAY.

ROLL CALL: For the Motion-COX, SRAY
Against the Motion-GABRIEL

Motion passes: 2:1

It was moved by COX and seconded by GABRIEL to return from Executive Session. All members present voted AYE to the motion.

ADJOURNMENT

It was moved by COX and seconded by GABRIEL with all Commissioners voting AYE to adjourn.

Michael W. Hoy, Township Manager

Thomas J. Sray, President

Date

Date