

REGULAR MEETING –November 21, 2011

The meeting was called to order at 7:00 PM by Commissioner Sray at the South Fayette Township Building, Morgan, PA 15064.

PRESENT: CAFFREY, CURL, SRAY, COX, GABRIEL (7:01)

ALSO PRESENT: Township Solicitor: Jonathan Kamin, Interim Township Manager: Marshall Bond, Township Administrative Assistant: Peggy Patterson

MOMENT OF SILENCE: Commissioner Caffrey wanted to briefly remember Louie Dernosek, age 86 who passed away this week. His son, Dan is a very important member of our Public Works Dept. Louie was a lifetime member of Holy Child Parish, where he was a member of the choir. He was the owner of Louies Market, a lifetime member of Fairview Fire Dept., a member of the SNPJ Club, a US veteran who served in WWII as a pilot from 1943-1945.

APPROVAL OF MINUTES:

It was moved by CAFFREY and seconded by GABRIEL with all Commissioners present voting AYE to approve the minutes of the regular meeting held on October 17, 2011.

PETITION OF CITIZENS/PERSONS REQUESTING TIME

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

Mike Cardillo, of Robinson Run Road, a lifetime citizen of South Fayette Township. Mr. Cardillo discussed the use of explosives in seismic testing. He thinks if you eliminate a 2.2lbs explosive charge in the ground a safe distance from buildings but you invite companies to come into this Township to put pipes in the ground, put 6 lbs of volatile powder into these pipes and shoot them into the sky, pray they go straight, pray the ashes don't fall on any little kids,... I would take my chances on the 2.2lbs of explosives.

Steve Dobies of Crestwood Drive talked about not being able to compare explosives A to explosive B. He said it is not a very fair type of comparison. He used to work with explosives and 1lb of explosives and they were guaranteed to burn 36 inches of steel casing, cement and rock. You can't compare the explosives. He explained what they are doing with the explosives is creating seismic energy inputs. The purpose of this is to create a target detail mapping of Marcellus shale over 7,000 feet away. You actually move the earth somewhat and the reflection is picked up on a geophone. The energy charges you are using actually travel a roundtrip distance of 14,000 feet. There are 3,667 holes with plans to load with explosives, on the permit dated October 17, 2011. Given this mass quantity of material spaced over the ground surface of the Township and the

proximity to various energy concerns may need an investigation. Blasting this many holes will become an all day process and could go on for an extended amount of time. He took a walk behind Sterling Ridge and have also heard complaints from Granite Ridge of very strong gas odors from existing wells that were installed from the previous generation of gas drillers, that are still leaking. You can still smell gas and these are unattended leaking well heads, surface pipe that has odor to it. These are in the back yards of both of these developments and there are some other physical dangers. There is a high pressure gas transmission line that runs behind my house which he am very concerned about. He recommends getting a safety expert. He suggested someone from OSHA or MSHA be consulted.

Commissioner Caffrey asked him to please call Marshall Bond and give him the locations of the existing wells or smells. She knew of the one in his plan that was to be capped and would like to follow up on that. There was discussion about where they are and that they would like to deal with them now.

Mike Cardillo explained that he also used to work with explosives and he never smelled any odors, never had any ill effects, or caused any property damage. He thinks that explosives being dangerous is all a big lie. He brought up the fireworks again and that the explosives are safer than the fireworks.

Alan Rank of 1683 Reissing Road spoke as a landowner explained that 2.2lbs is the maximum amount of explosives and most of the charges will be less than that. These charges are not put off haphazardly. He also said that the gas Mr. Dobies smells is from oil wells that were drilled in 1890s. He gave some comparisons about how the technology has advanced to control any issues. He also had experience with explosives and the purpose of explosives is to fracture and remove rock, if that is your goal. However, the goal here is testing. The energy is like radar and sonar being transmitted. This industry of seismic testing has high safety standards, and their goal is a scientific evaluation of the subsurface of the earth with minimal disturbance. They have no financial or information gain from doing it wrong. These charges are only meant to indicate the density of the material, not to relieve the materials. It is really an exploration and you would have no more disruption than if construction was going on.

CORRESPONDENCE-None

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 Gabriel- Attended the joint fire departments meeting and they were happy with the money they got from the Township and the state. Oakridge is going to have their Christmas tree sale. Sturgeon is going to have some good news on their certifications soon.

Commissioner Cox –Attended the Library Board Meeting. There was discussion about moving the librarian and the library employees to Township employees. There is a lot to consider and Commissioner Cox recommends to the new board to make a Transition Committee to look into this. She thinks it should be a Commissioner, Tom Hickey, Emily Brady, the library treasurer, Becca, our librarian, and Marilyn Jenkins can answer questions they may have should be on the committee. The library has asked her to stay on and she would be glad to participate. There are a number of Townships that have done this including Greentree and Peters Township. In the budget it is actually cheaper for the Township to take the employees over rather than subsidizing the library. Also, our librarian, Becca had a baby girl named Emily.

Commissioner Sray-Attended the COG Meeting. Susan Hockenberry talked about a few programs for newly elected officials and this would be a good idea. He asked Todd Miller if he had the information and he said he had signed up. There were 12 disabled hunters at the disable hunt this year and they harvested 2 deer. We had a lot of volunteers and Jerry Males did a great job.

MANAGER’S REPORT

Marshall Bond said he provided a written copy of some of the activities that he has been doing and he is here to support the transition to a new permanent Township Manager.

SOLICITOR’S REPORT

Mr. Kamin-Just one matter for Executive Session.

OLD/UNFINISHED BUSINESS – None

NEW BUSINESS

- A. Consider authorization to schedule a public hearing on December 12, 2011 at 7:00pm to receive public comment regarding a proposed ordinance that would amend Article XVII, Section 240-112, Subsection C of the Township code relating to the Township’s current parking requirements for multi-family developments.

It was moved by CAFFREY seconded by COX schedule a public hearing on December 12, 2011 at 7:00 pm to receive public comment regarding a proposed ordinance that would amend Article XVII,

F. Consider a Request for Proposals for the 2011 annual fireworks display.

It was moved by COX and seconded by CURL to approve a Request for Proposal for the 2011 annual fireworks display.

ROLL CALL-For the Motion: COX, SRAY, GABRIEL, CURL
Against the Motion: CAFFREY (For budgetary reasons)
Motion Passes 4:1

G. Consider an amendment to the zoning ordinance creating rules and regulations regarding geophysical/seismic testing.

It was moved by GABRIEL to table this matter and Jonathan Kamin asked if tabling it to the next meeting would be enough time. Commissioner Gabriel asked if that was enough time to get input from OSHA & MSHA safety experts. There was discussion at this point about how long to table the motion. Mr. Kamin said it is a board Discretionary item but his concern was that there should be a date, he didn't care when it is. Commissioner Cox asked Mr. Bond if he could find some experts other than the ones that already spoke since she thought they were in the industry. Mr. Bond said there were some universities and he thought he could find someone. At this point Fred Cardillo spoke and said the expert from the seismic industry that put on the presentation to the Board was not in the oil industry. He said they do testing for mining, construction, water testing and for many other things. Mike Cardillo again brought up the fact that the fireworks are dangerous and that was passed easily. Commissioner Cox stated she thought the expert was very informational and she had looked into the situation as well. She is aware that it is probably better than bringing in the big trucks and tearing everything up. She explained that it takes months to pass an ordinance. Jonathan Kamin spoke up at this point that this was not the time to argue about it but could we get someone in to speak to the Board by the next Workshop Meeting. It was moved by GABRIEL and seconded by COX to table this ordinance to the Voting Meeting in January.

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

Motion Passes- 3:1:1

H. Consider the 2012 Minimum Municipal Pension Obligations (MMO)

Mr. Kamin explained that the Board does not have a whole lot of discretion on this item, it is the minimum municipal obligation as determined by our actuary. We do have to do it by resolution every year.

It was moved by GABRIEL and seconded by COX to approve the 2012 Minimum Municipal Pension Obligations (MMO).

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

Motion Passes-4:1

- I. Consider a resolution setting the 2012 Police Employee Pension Contribution rate at 3.5%.

Mr. Bond said that this would be resolution 16 of 2011. There was some discussion at this point about the resolution. Jonathan Kamin said this was keeping in line with the past years.

It was moved by GABRIEL and seconded by COX to approve a resolution setting the 2012 Police Employee Pension Contribution rate at 3.5%.

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

- J. Consider execution of the 2010 Rehabilitation Plan section for the Public Works employee Pension Plan.

Mr. Kamin: Part of the adoption of the new contract with the union was the adoption of the rehabilitation plan for the union pension system. This is part of the bargaining process and it coincides with the adoption of our new project even though it says 2010 Rehabilitation Plan.

It was moved by CAFFREY and seconded by COX to approve the execution of the 2010 Rehabilitation Plan section for the Public Works employee Pension Plan. All members present voted AYE to the motion.

- K. Consider a resolution setting the 2012 Non-Union Employee Pension contribution rate at 8.6%.

Mr. Kamin: You may remember a number of years ago we adopted a non-union employee pension plan reduction. That amount used to be 10% and has been steadily been reduced. This just affects just the employees, not the police or the public works. This is in line with the cost reduction adopted by the Board years ago. This is resolution 17 of 2011.

It was moved by CAFFREY and seconded by COX to approve a resolution setting the 2012 Non-Union Employee Pension contribution rate at 8.6%. All members present voted AYE to the motion.

- L.** Consider setting the 2012 Non-Union employee Salary Scales and Benefits Program.

Mr. Kamin: Years ago we set salary scales and benefits depending on the level of classification within the Township. Again, this is the non-uniform, non-union employees so this is the people that are not covered under contract. This is to ensure that we are competitive both within our peers and also that people are compensated appropriately.

It was moved by CAFFREY and seconded by CURL set the 2012 Non-Union employee Salary Scales and Benefits Program. All members present voted AYE to the motion. Commissioner Caffrey asked if Mr. Bond would be coordinating the employee reviews. He explained that Mr. Hoy did reviews and he would be depending on that for about 90%.

- M.** Consider authorization to advertise an ordinance establishing the Township's 2012 Real Estate Taxation Millage level.

Mr. Kamin: This is an ordinance establishing the taxes at 3.84 mills without a tax increase. This number is based on the 2012 real estate tax assessment. Should the County ever get us the correct numbers for 2012 and should that be different, then the millage number will have to be adjusted. But for the purposes this evening, we are adopting an ordinance with no tax increase.

It was moved by GABRIEL and seconded by CURL to authorize to advertise an ordinance establishing the Township's 2012 Real Estate Taxation Millage level.

- N.** Consider authorization to advertise the legal notice for the 2012 Budget Public Hearing for December 12, 2011 at 7:00 pm.

Mr. Hoy: This is required by the First Class Township code to have a hearing as a prerequisite to adoption of the budget.

It was moved by CAFFREY and seconded by COX to authorize advertise the legal notice for the 2012 Budget Public Hearing for December 12, 2011 at 7:00 pm.

- O.** Consider a resolution establishing the 2012 Miscellaneous Services Fee Schedule.

Mr. Kamin: As the Board is aware we are required to update the fees every year. It does appear that the fees are the same as last year, but there is one caveat. I am not sure that the fees from the oil and gas ordinance are reflected in here. Mr. Bond said that those fees were to be tabled until the 2012 Reorganization Meeting. There was some discussion at this point and Commissioner Caffrey asked that there be a red line copy of the document be produced.

It was moved by CAFFREY and seconded by COX to table establishing the 2012 Miscellaneous Services Fee Schedule to the 2012 Reorganization Meeting. All members present voted AYE to the motion.

- P.** Consider promotion of Michael Benton to full-time employment status following successful completion of the 90 day probationary period.

It was moved by CURL and seconded by CAFFREY to promote Michael Benton to full-time employment status following successful completion of the 90 day probationary period. All members present voted AYE to the motion.

- Q.** Consider the appointment of a Zoning Officer and Deputy Zoning Officer.

Mr. Kamin: As discussed at the Workshop, we always like to have, for legal purposes both a Zoning and Deputy Zoning Officer. Mr. Hoy was our Zoning Officer and Mr. Hartz was out Deputy and we are now asking that Mr. Benton be the Zoning Officer and Mr. Hartz the Deputy Zoning Officer.

It was moved by CAFFREY and seconded by COX to appoint Mike Benton as the Zoning Officer and Gary Hartz as the Deputy Zoning Officer. All members present voted AYE to the motion.

- R.** Consider authorization of a 3 year collective bargaining agreement (2012-2014) with the South Fayette Public Works employees represented by Teamsters Local Union 205.

Mr. Kamin: This is a ratification of the contract agreement that was negotiated with the Public Works Department and the Teamsters Local Union 205. It has been ratified by the rank and file.

It was moved by CURL and seconded by GABRIEL to approve a 3 year collective bargaining agreement (2012-2014) with the South Fayette Public Works employees represented by Teamsters Local Union 205. All members present voted AYE to the motion.

- S.** Consider a Recruitment Plan and Selection Schedule for the Township manager vacancy and the creation of a five member Manager Search Committee.

EXECUTIVE SESSION –

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

ADJOURNMENT

It was moved by CAFFREY and seconded by GABRIEL to adjourn the meeting. All members present voted AYE to the motion.

Marshall W. Bond, Interim Township Manager

Thomas J. Sray, President

Date

Date