

West Deer Township  
Board of Supervisors  
August 20, 2014  
7:30 p.m.

The West Deer Township Board of Supervisors held their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Tracy A. Adamik, Richard W. DiSanti, Rick W. Florentine, Leonard Guerre, Lawrence K. McManus and Gerry Vaerewyck. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; Douglas Happel, Township Solicitor; and Scott Shoup, Township Engineer.

Chairman Fleming opened and welcomed everyone to the meeting.

#### PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator -- Quorum present.

Chairman Fleming announced the Board held an Executive Session prior to the meeting to discuss legal and personnel issues.

#### **REGISTERED COMMENTS FROM THE PUBLIC:**

None.

#### **COMMENTS FROM THE PUBLIC:**

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Jack Buzon, 47 Grubbs Road, questioned when the paving will begin on Grubbs Road.

#### **ACCEPT MINUTES:**

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to accept the minutes of the July 16, 2014 meeting as presented. At this point, Supervisors Vaerewyck and McManus claimed that sending the house demolition list to the committee for review was omitted from the minutes. Mr. Mator again expressed that changes can be made to minutes, but not during a meeting. As has been done in the past, he requested the supervisors contact himself or Mrs. Sopko in time to review the recording and make any necessary changes before a vote takes place. Mr. Mator then advised the Board to table the motion so he and Mrs. Sopko can review the recording and make the changes if necessary.

Supervisors DiSanti and Guerre withdrew their motion and second upon Mr. Mator's recommendation.

MOTION BY Supervisor McManus and SECONDED BY Supervisor Guerre to table the minutes of the July 16, 2014 meeting as presented. Motion carried to table unanimously 7-0.

**MONTHLY FINANCIAL REPORT:** Mrs. Nardis read the following Finance Officer's Report:

**TOWNSHIP OF WEST DEER**  
**FINANCE OFFICER'S REPORT**  
**July 31, 2014**

**I - GENERAL FUND:**

**Cash and Cash Equivalents:**

Sweep Account	\$ 1,303,441	
		<b>\$ 1,303,441</b>

**II - SPECIAL REVENUE FUNDS**

**Cash and Cash Equivalents:**

**Street Light Fund:**

Sweep Account - Restricted	\$ 67,980	
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**Fire Tax Fund:**

Sweep Account - Restricted	\$ 97,627	
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**State/Liquid Fuels Fund:**

Sweep Account - Restricted	\$ 309,100	
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		<b>\$ 474,707</b>
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**Investments:**

**Operating Reserve Fund:**

Sweep Account - Reserved	\$ 706,849	
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**Capital Reserve Fund:**

Sweep Account - Reserved	\$ 180,993	
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		<b>\$ 887,841</b>
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**III - CAPITAL PROJECT FUNDS:**

**Cash and Cash Equivalents:**

**Route 910 II Waterline:**

Sweep Account - Restricted	\$ 87,270	
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		<b>\$ 87,270</b>
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**TOTAL CASH BALANCE 7/31/14**

		<b>\$ 2,753,261</b>
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**Interest Earned July 2014**

**\$ 105**

	<u>6/30/2014</u>	<u>July</u>	<u>7/31/2014</u>
	<u>Debt Balance</u>	<u>Principal</u>	<u>Debt Balance</u>
	<u>Payment</u>		
<b>Mars National- VFC #3</b>	\$ 34,586.16	\$ 1,799	\$ 32,882.38
<b>Farmers &amp; Merchants Bank-VFC #2</b>		\$ 860	

Restricted - Money which is restricted by legal or contractual requirements.

Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to approve the Finance Officer's Report as submitted. Motion carried unanimously 7-0.

**LIST OF BILLS:**

Best Wholesale Tire Co., Inc.....	852.87
Griffith, McCague & Wallace, PC .....	3229.90
Hampton Concrete Products, Inc.....	95.00
Hei-Way, LLC.....	685.84
Jordan Tax Service, Inc.....	2563.79
Kress Tire .....	279.28
Krigger & Co.....	236.16
North Eastern Uniforms & Equipment Inc.....	5694.00
Office Depot .....	440.02
Shoup Engineering Inc.....	9711.65
Staley Communications.....	440.96
State Pike Services, Inc.....	840.00
T & J Hopper Building Supplies, Inc.....	1735.00
The HDH Group, Inc.....	11224.00
The Lane Construction Corporation .....	535.74
Toshiba Financial Services.....	606.17
Trib Total Media .....	1165.12
Tristani Brothers, Inc.....	210.00

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Florentine to pay the List of Bills as submitted. Motion carried unanimously 7-0.

At this point, Mr. McManus requested Mrs. Nardis provide him with a list of all reimbursements made to Township officials and employees. Mr. Mator stated that common, non-payroll bills and reimbursements are public information and that Mr. McManus was welcome to review the information.

**UTILITIES & PAYROLL:**

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to pay utilities and payroll from August 21, 2014 to September 17, 2014. Motion carried unanimously 7-0.

**TAX REFUNDS:**

The Board is in receipt of the list from the Tax Collector requesting the issuance of tax refunds due to assessment changes by Allegheny County for the year 2014 real estate taxes and a twice paid 2014 West Deer Township tax.

**2014 REAL ESTATE TAX REFUNDS:**

NAME:	LOT/BLOCK:	AMOUNT:
DiSanti, Richard W.	1512-S-71	\$160.11
Kindler, David	2383-R-319	\$ 32.57
Winters, Scott & Sandy	1835-J-331	\$100.24
Clements, Brian	1214-E-39	\$ 21.84
Brickyard Park Holdings, LLC	2013-K-133	\$ 86.00
Richland Holdings, LLC	1666-S-175	\$ 3.51
Witas, Daniel (Paid 2014 Tax Twice)	1357-A-44	\$277.91
	Street Light Tax	30.00
	Fire Tax	<u>40.00</u>
	Total Amount	\$347.91

MOTION BY Supervisor McManus and SECONDED BY Supervisor Guerre to issue the tax refunds as submitted by the Tax Collector. Roll call vote was taken. Members voting yes, Mr. Adamik, Mr. Guerre, Mr. Florentine, Mr. Vaerewyck, Mr. McManus, and Mr. Fleming. Member abstaining, Dr. DiSanti (Name is on the list of tax refunds). Motion carried, 6 – yes and 1 – abstention.

**POLICE CHIEF'S REPORT:**

Chief Jon Lape was present and provided a summary report on the Police Department for the month of July 2014. Questions/comments followed. Copy of the report is on file at the Township.

**BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER'S REPORT:**

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of July 2014. Questions/comments followed. Copy of the report is on file at the Township.

**PARKS & RECREATION BOARD REPORT:**

Ms. Bev Jordan, Board member, was present and reported on the Parks & Recreation Board:

- Community Days
- Regular Meeting & Wrap Up Meeting/August 27<sup>th</sup> at 7 pm.

**ENGINEER'S REPORT:**

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Mr. Scott Shoup represented Shoup Engineering, Inc., and summarized his meeting attendance and details of his formal report:

- 2014 Road Improvement Project
- Township Building Renovation Project
- Senior Center Roof Replacement Project.
- Senior Living
- Development/Subdivision Reviews

**WHISPERING PINES – AMENDED LOTS 5 & 11:**

The Planning Commission approved the Whispering Pines – Amended Lots 5 & 11 at their July 24, 2014 meeting. The Subdivision is to divide the existing Lot #5 and Lot #11 of the subdivision known as the Whispering Pines into two separate properties each in accordance with Ordinance No. 374. The lots will equal:

Lot 5A = 12,658 sq. ft.  
Lot 5B = 13,059 sq. ft.

Lot 11A= 45,122 sq. ft.  
Lot 11B= 43,064 sq. ft.

The Planning Commission recommended approval to subdivide Lot 5 and Lot 11 of the Whispering Pines Subdivision.

All of the items listed in the Shoup Engineering review letter dated July 7, 2014 have been addressed.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to approve the Whispering Pines – Amended Lots 5 & 11 Subdivision Plan as per the recommendation by the Planning Commission. Motion carried unanimously 7-0.

**GREENTREE FARMS PLAN NO. 3:**

The Planning Commission approved the Greentree Farms Plan No. 3 at their July 24, 2014 meeting. Said plan is a 2-lot subdivision at 57 Greentree Lane in the R-1 Rural Residential Zoning District. The plan is to subdivide property measuring 49.18 acres into two (2) separate parcels:

- Lot 3 to measure 1.9250 acres
- Lot B-R to measure 47.2556 acres
- Lot 3 has an existing residence and Lot B-R has an out-building and one proposed residence.

The Planning Commission recommended approval contingent upon submission of the Planning Module to the Township Engineer. Shoup Engineering has received the Planning Module.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to approve the Greentree Farms Plan No. 3 as per the recommendation by the Planning Commission.  
Motion carried unanimously 7-0.

**BECKAS – MCKRELL PLAN OF LOTS:**

The Planning Commission also approved the Beckas – McKrell Plan of Lots at their July 24, 2014 meeting. It is a 2-lot subdivision at 220 McKrell Road in the R-3 Suburban Residential Zoning District, and is intended to subdivide property measuring 23.6884 acres on McKrell Road into two (2) separate parcels:

- Lot 1 to measure 23.1884 acres
- Lot 2 to measure 0.5000 acres

The Planning Commission recommended approval contingent upon addressing Items 2, 3, and 4 of the Engineer review letter dated July 21, 2014. Note: All items addressed per Hampton Tech letter dated 8/1/14.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to approve the Beckas – McKrell Plan of Lots as per the recommendation by the Planning Commission. Motion carried unanimously 7-0.

**WINDOW SYSTEMS SITE PLAN:**

The Planning Commission also approved the Window Systems Site Plan at their July 24, 2014 meeting. Property located at 4519 Gibsonia Road in the SU – Special Use Zoning District. The Site Plan is to construct a 60 ft. x 40 ft. (2,400 sq. ft.) pre-engineered metal building to their existing building. The addition will be used as storage/warehouse.

The Planning Commission recommended approval contingent upon written submission by August 6<sup>th</sup> and the letter should address Shoup Engineering's comments dated June 19, 2014 that consist of: Roof drainage, parking, and architectural standards.

Note: Letter dated August 5<sup>th</sup> was submitted addressing the outstanding issues from Shoup Engineering.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to approve the Window Systems Site Plan as per the recommendation by the Planning Commission.  
Motion carried unanimously 7-0.

**CROSSROADS REVISED PLAN OF LOTS:**

The Planning Commission also approved the Crossroads Revised Plan of Lots at their July 24, 2014 meeting. It is a 3-lot subdivision at 4361 Route 910 (Gibsonia Road) in the SU Special Use Zoning District.

The Plan is to subdivide property measuring 20.153 acres into three (3) separate parcels:

- Lot 101 to measure 3.666 acres
- Lot 102 to measure 5.219 acres
- Lot 103 to measure 11.268 acres

The Planning Commission recommended approval subject to addressing the item on the review letter dated July 21<sup>st</sup> and extending sewer easement across Middle Road Extension frontage of Lot 103.

Mr. Shoup discussed the Plan with the Board.

MOTION BY Supervisor McManus and SECONDED BY Supervisor Guerre to approve the Crossroads Revised Plan of Lots as per the recommendation by the Planning Commission subject to addressing Mr. Shoup's review letter dated July 21<sup>st</sup> and extending the sewer easement across Middle Road Extension frontage of Lot 103. Motion carried unanimously 7-0.

**VERIZON WIRELESS – BAIRDFORD WATER TANK ANTENNAE SITE PLAN:**

The Planning Commission also approved the Verizon Wireless – Bairdford Water Tank Antennae Site Plan at their July 24, 2014 meeting. Property located at 595 Bairdford Road in the R-3 Suburban Residential Zoning District.

The site plan was created to install a cellular antenna on top of an existing water tank and a 12 ft. x 30 ft. cellular shelter at the base of the water tank. Generator noise level at the property line was to measure 60db or less.

The Planning Commission recommended approval of Verizon installing an antenna on the Bairdford Water Tank subject to demonstrating the noise level of 60db or less at the property line prior to issuance of the occupancy permit. NOTE: New drawing was submitted on 8/5/14 depicting generator noise measuring 55 db.

Discussion ensued.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to approve the Verizon Wireless – Bairdford Water Tank Antennae Site Plan as per the recommendation by the Planning Commission. Motion carried unanimously 7-0.

**SHOFF FARMS PLAN & MODIFICATION REQUEST:**

The Planning Commission also approved the Shoff Farms Plan at their July 24, 2014 meeting. The subdivision is located at 3532 Cedar Ridge Road and is intended to create 24 duplex (carriage home) structures containing 48 units (similar to HyTyre Farms). The property is in the R-2 Semi-Suburban Residential Zoning District.

The Board received a copy of a modification request for the cul-de-sac lots for the minimum frontage of 50 feet per lot.

The Planning Commission recommended approval contingent of:

- Modification request for cul-de-sac lots from minimum frontage of 50 feet per lot.
  - Lex Lane
    - Lot 1601 will be 34.45 ft.
    - Lot 1602 will be 34.45 ft.
    - Lot 1701 will be 34.45 ft.
    - Lot 1702 will be 34.43 ft.
  - Ridge View Court
    - Lot 2302 will be 39.27 ft.
    - Lot 2401 will be 39.27 ft.
    - Lot 2402 will be 35.61 ft.
    - Lot 2501 will be 43.22 ft.
- Plan approval subject to addressing (Items 2,3,4,8) items listed on Engineering review letter of July 21<sup>st</sup> to be submitted by August 6<sup>th</sup>.
- All other items addressed on letter to be completed before construction.
- Eliminating private road/private driveway.

New drawings submitted and all outstanding issues addressed.

Mr. Shoup explained the plan and answered questions from the Board.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to approve the Shoff Farms Plan as per the recommendation by the Planning Commission as listed above including the Modification request for the cul-de-sac lots from the minimum frontage of 50 feet per lot. Motion carried unanimously 7-0.

**WEST DEER TOWNSHIP BUILDING RENOVATION PROJECT:**

Bids and specifications were prepared by Shoup Engineering for the West Deer Township Building Renovation Project. Sealed bids were received until 1:30 p.m. on Wednesday, August 13, 2014, at which time they were opened and read in public.

The work shall consist of all labor, equipment, and materials necessary for the following project:

Contract 14-03 – General construction work consisting of limited demolition, renovations including construction of non-bearing walls, ceiling tile/grid work, carpeting, painting and other miscellaneous work.

Contract 14-04 – Electrical work consisting of relocation and installation of new lighting, installation of receptacles, telephone wiring and other miscellaneous work.

The bids received were as follow:

**Contract 14-03/General Construction Work:**

Bidders:	Amount:
Fleming-Walker	\$ 47,447.00
Swede Construction Corp.	\$ 79,500.00
Uhl Construction	\$ 97,998.00
Mann Construction, Inc.	\$114,000.00

**Contract 14-04/Electrical Work:**

Bidders:	Amount:
BREAVCO	\$12,685.00

Merit Electrical Group, Inc. \$18,800.00

Mr. Vaerewyck opened the discussion by expressing his view that the Board should not consider Fleming-Walker's bid, stating that he felt it was an ethical violation for the Board to award the bid to Fleming-Walker since §1103(f) of the Pennsylvania Ethics Act states:

the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

Supervisor Vaerewyck felt that because Mr. Fleming is both a supervisor and a partner in Fleming-Walker, there was no way he could not be involved in a "supervisory or overall responsibility" position. Furthermore, Mr. Vaerewyck stated concern over Fleming-Walker's bid coming in \$32,000 less than the next lowest bidder.

A great deal of discussion took place. Supervisor DiSanti stated he felt there was no ethical violation, and felt that the Board would be doing a disservice to the taxpayers if the Township was to pay an additional \$32,000 if there was no such violation. He also stated that the bid was professionally administered, followed a sealed bid process, and that Fleming-Walker would have to adhere to the specifications listed in the bid package prepared by Mr. Shoup.

After the discussion became more and more argumentative, Chairman Fleming offered to withdraw his bid. Supervisor DiSanti strongly reiterated that he felt nothing was being done illegally and that it would be the taxpayers who paid for the dispute.

Mr. Happel interjected and advised the Board that the Township has a legal responsibility to award the bid to the lowest responsible bidder. This point was reiterated numerous times throughout the discussion.

Near the end of the discussion, Mr. Happel firmly restated his opinion, advising the Board that Fleming-Walker was clearly the lowest bidder, so the only way they could bypass Fleming-Walker was if anyone had evidence that Fleming-Walker was not a responsible corporation. When there was no such evidence presented, the motion was made.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Adamik to award Contract 14-03 for the General Construction work to Fleming-Walker, Inc., in the amount of \$47,447.00. Members voting yes, Dr. DiSanti, Mr. Adamik, Mr. Florentine, Mr. Guerre, and Mr. McManus. Member voting no, Mr. Vaerewyck. Member abstaining, Mr. Fleming. Motion carried 5 – yes, 1 – no, and 1 – abstention.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Florentine to award Contract 14-04 for the Electrical work to BREAVCO in the amount of \$12,685.00. Members voting yes, Mr. Vaerewyck, Mr. Adamik, Dr. DiSanti, Mr. Florentine, Mr. Guerre, and Mr. McManus. Member abstaining, Mr. Fleming. Motion carried 6 – yes and 1 abstention.

#### **ZONING AMENDMENTS:**

The Board will need to schedule a public hearing for the following four (4) ordinances:

- 1) Ordinance No. 399/Floodplain Ordinance
- 2) Ordinance No. 400/Floodplain Repealer Ordinance
- 3) Ordinance No. 401/Senior Living Zoning Amendment Ordinance
- 4) Ordinance No. 402/Wireless Communications Facilities Ordinance

The Board received copies of the short titles of each Ordinance.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to advertise and schedule the public hearing for Ordinance Numbers 399, 400, 401, and 402 on Wednesday, September 17, 2014 at 7:00 p.m. Motion carried unanimously 7-0.

**CHANGE ORDER NO. 1 – SENIOR CENTER ROOF REPLACEMENT PROJECT FOR ANGELO’S ROOFING AND CONSTRUCTION, INC.:**

The Board received the Change order for the addition of extra materials to perform work on the installation of approximately 200 feet of six-inch aluminum gutter and downspouts. The contract price will be increased by \$5,900.00.

Discussion of the scope and details of the pricing, etc. took place with Mr. Shoup.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor McManus to accept the Change order No. 1 Senior Center Roof Replacement Project in the amount of \$5,900.00. Motion carried unanimously 7-0.

**ROADWAY LIGHTING AGREEMENT:**

At the last meeting, the Board tabled the Roadway Lighting Agreement between the PA Department of Transportation and West Deer Township. The Agreement is for the PA Department of Transportation, by contract and without a cost to the Township, to construct an electrical roadway light for the Culmerville Bridge Replacement over the Canadian National Railroad.

The Culmerville Bridge will have two lights. The existing light will remain and one new light will be added.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Roadway Lighting Agreement between the PA Department of Transportation and West Deer Township. Motion carried unanimously 7-0.

**RESOLUTION NO. 2014-11/CDBG DEMOLITION PROJECT:**

The Board received the Code Enforcement Officer’s recommended list of structures for the 2015 Demolition Project and the Year 41 CDBG Grant Program.

The structures listed were: 118 Orchard; 512 State Route 908; 4493 Bakerstown Road; 35 Quigley Road; 13 Blue Row; 920 Logan Road; 508 State Route 908; 212 Deer Creek Road; and 44 Russellton Dorseyville.

A great deal of discussion took place. Mr. Vaerewyck and Mr. McManus questioned if the Housing Committee had reviewed the structures at a meeting. Mr. Florentine, chairman of the committee, stated that they had not met, but did review the properties and believe the Township should move forward with trying to obtain CDBG demolition funding based on Mr. Payne’s recommendation.

Supervisors Florentine and DiSanti further mentioned that if the Board did not vote to apply for the funding, the taxpayers would have to pay for any demolitions in 2015 out of the General Fund. If the Board voted to approve the application, however, the funding would be there if the Township needed it.

Mr. Adamik questioned what would happen if the Township was awarded funding, yet did not use it. Mr. Mator clarified that CDBG demolition funding is almost always “COG-wide” funding distributed through the North Hills Council of Governments, and that he spoke with the COG Executive Director and confirmed that the Township could ask for a reduction or ask that another community be given the Township’s funding if the properties were either remediated or demolished by their owners or potential buyers.

Supervisors Adamik, McManus, and Vaerewyck contended that the Township just entered into the County's Vacant Property Program, and argued that the program should be allowed to run its course before entertaining the idea of demolishing properties. Mr. Payne and Mr. Mator explained that the threat of demolitions can sometime cause property owners to address code violations and return the structures to a safe status, and that it is the desire of the Code Department that all the properties come off the demolition list – whether through the County's program or any other tool/program. They stated, however, that some of the owners are deceased, and that it would be a sound decision to apply for the funding in case it is needed next year.

Supervisor Vaerewyck again stated that the Housing Committee should meet and discuss the properties before the Board votes on the application. Mr. Mator mentioned that the deadline to apply is before the next regular business meeting.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Adamik to send the Code Enforcement Officer's recommended 2015 Demolition List to the Housing Committee. Members voting yes: Mr. McManus; Mr. Vaerewyck; Mr. Adamik. Members voting no: Mr. Guerre; Dr. DiSanti; Mr. Florentine; and Mr. Fleming. Motion failed, 3 – yes and 4 – no.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to adopt Resolution No. 2014-11 authorizing the Township Manager to file for the 2015 CDBG Demolition Project Grant Funding. Members voting yes: Mr. Guerre; Dr. DiSanti; Mr. Florentine; and Mr. Fleming. Members voting no: Mr. McManus; Mr. Vaerewyck; and Mr. Adamik. Motion carried, 4 – yes and 3 – no.

**RESOLUTION NO. 2014-12/CDBG DEMOLITION/BLIGHTED PROPERTY:**

As previous stated -- the Township could file an application for CDBG funding for various demolitions in the Township. The County and Federal Governments require a Slum/Blight Resolution.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to adopt Resolution No. 2014-12 which declares the structures to be demolished as blighted property as defined by the Urban Redevelopment Law. A roll call vote was taken. Members voting yes: Dr. DiSanti; Mr. Florentine; Mr. Guerre; and Mr. Fleming. Members voting no: Mr. McManus; Mr. Vaerewyck; and Mr. Adamik. Motion carried, 4 – yes and 3 – no.

**K9 POLICE VEHICLE:**

The Township received a quote from Tri Star Motors for a 2014 AWD Dodge Charger in the amount of \$30,034.38. This quote includes the trade-in of the 2008 Ford Explorer with equipment. The vehicle would be used for the K-9 Officer. Tri Star Motors is a participant in the SHACOG Purchasing Alliance.

The first year payment would be provided from funds from the K-9 account. The remaining amount to be budgeted in 2015 and 2016 from the General Fund.

The Township received the following six (6) quotes for financing:

Leasing Company:	3 Year Total / Rate	5 Year Total / Rate
1) Leasing Consultants	\$31,612.59 / 5.35%	\$32,734.85 / 4.50%
2) Vision Financial Group	\$32,207.40 / 4.86%	\$33,565.20 / 4.62%
3) Laurel Capital Corp.	\$31,428.00 / 2.9%	\$32,340.00 / 2.9%
4) Real Lease	\$31,508.28 / 3.94%	\$33,217.75 / 4.67%
5) Leasing Specialists, Inc.	\$31,750.83 / -	\$32,877.45 / -
6) First Niagara	\$30,893.13 / 2.887%	\$32,079.75 / 3.41%

Mr. Vaerewyck opened discussion by stating he strenuously objected to the wording of the motion and the action taken by the Township Manager. He stated that the Public Safety Committee – of which he is the chair – instructed Mr. Mator to use the K-9 fund and various General Fund line items to pay for the cruiser in full. He did not understand why the committee was disobeyed and financing showed up on the agenda.

Chief Lape explained the history of the request to the Board and corrected Mr. Vaerewyck. The Chief stated that he was at the committee meeting, and that the Chief's request was to obtain financing, take this year's payment from the K-9 fund, then fund the remaining payments from future General Fund budgets.

The Chief further explained that it was Mr. Vaerewyck who discussed paying the vehicle in full rather than financing, and that a concurrence of the other committee members did not take place.

Dr. DiSanti, also a member of the committee – supported the Chief's explanation.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor McManus to authorize the purchase of the 2014 AWD Dodge Charger from Tri Star Motors in the amount of \$30,034.38, and paying for the vehicle in full using \$10,000 from the K-9 fund and the rest from the General Fund. A roll call vote was taken. Members voting yes: Mr. McManus; Mr. Vaerewyck; and Mr. Adamik. Members voting no: Mr. Guerre; Dr. DiSanti; Mr. Florentine; and Mr. Fleming. Motion failed, 3 – yes and 4 – no.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to authorize the purchase of the 2014 AWD Dodge Charger from Tri Star Motors in the amount of \$30,034.38 and the financing through First Niagara Leasing for three years at 2.887%, with the first year's payment being made from the K-9 account. Members voting yes: Mr. Adamik; Mr. Guerre; Dr. DiSanti; Mr. Florentine; and Mr. Fleming. Members voting no: Mr. McManus and Mr. Vaerewyck. Motion carried 5 – yes and 2 – no.

#### **POLICE AGREEMENT RATIFICATION:**

The Board received the Teamsters Local Union No. 249/Police contract effective January 1, 2015 through December 31, 2015.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to ratify the Teamsters Local 249/Police contract from January 1, 2015 through December 31, 2015 and authorize the execution by the Township Manager and the Board of Supervisors integrated collective bargaining agreement incorporating the negotiated terms. Motion carried unanimously 7-0.

#### **PUBLIC WORKS AGREEMENT RATIFICATION:**

The Board received the Local 668 Service Employees International Union/Public Works contract effective January 1, 2015 through December 31, 2015.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to ratify the Local 668 Service Employees International Union/Public Works contract from January 1, 2015 through December 31, 2015 and authorize the execution by the Township Manager and the Board of Supervisors integrated collective bargaining agreement incorporating the negotiated terms. Motion carried unanimously 7-0.

**SENIOR CENTER PORCH:**

At the last meeting, the Supervisors agreed to have an employee of Fleming-Walker, Inc. correct some imperfections of the work performed on the Senior Center porch by the Boy Scouts. When the work came in higher than \$500, Mr. Vaerewyck charged that Mr. Fleming's company performing the work and the Manager authorizing the work were both violations of the Pennsylvania State Ethics Act.

Mr. Vaerewyck opened the discussion by stating that during the last meeting's executive session – an action he said he should have stopped – the Board agreed to let an employee of Fleming-Walker perform repairs to the Boy Scouts' Senior Center porch job. Supervisor Vaerewyck stated that the Board then received a notice in Mr. Mator's bi-weekly report that he had authorized the work to be completed at a higher dollar amount because the necessary repairs were more extensive than originally thought. Mr. Vaerewyck charged that both Chairman Fleming's company being paid more than \$500 and Mr. Mator authorizing it were violations of the Pennsylvania Ethics Act. He again cited §1103(f), which says:

**Contract.**--No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

At this point, Chairman Fleming interjected. He first stated to the public that the Board did indeed authorize the repair work in the aforementioned executive session and apologized for that action taking place. He defended the subsequent actions of the Board and Mr. Mator, however, by stating that the level of deficiencies existing at the porch were much greater than the estimation he gave at that meeting where he said it "should be less than \$500."

Mr. Fleming explained that as soon as Mr. Vaerewyck emailed the Board with the ethics charge, Mr. Fleming instructed his employee to cease any repairs. Chairman Fleming also stated that the Township had not been charged anything for the work and materials, and that he was not planning on charging the Township for this job in the future. He added that he felt Mr. Vaerewyck's actions were an attack and that charging the Township for the labor and materials was not worth the aggravation.

Mr. Fleming asked Mr. Mator to project slides of photos that were taken of the deficiencies, to which Mr. Vaerewyck objected, stating that the photos were taken before the project was completed. Mr. Mator responded that the problems still existed if the Fleming-Walker employee did not yet address them.

Supervisor Vaerewyck again reiterated that the performance of the job and Mr. Mator's authorization were violations of the Ethics Act. Mr. Mator disagreed and quoted a question and answer directly from the Pennsylvania Ethics Commission website which stated:

Q: When a public official's/public employee's official action on a matter would result in a financial detriment rather than a private pecuniary benefit for the public official/public employee, a member of his immediate family, or a business with which he or a member of his immediate family is associated, would the requisite elements exist to establish a violation of Section 1103(a) of the Ethics Act?

A: No. A violation of Section 1103(a) of the Ethics Act is established by a use of the authority of the public position or confidential information received by being in the public position for the “private pecuniary benefit” of the public official/public employee himself, a member of his immediate family, or a business with which he or a member of his immediate family is associated. 65 Pa.C.S. § 1102 (definition of “conflict” or “conflict of interest”). Where official action would result in a financial detriment and not a “private pecuniary benefit” falling within the parameters of the Section 1103(a) prohibition, Section 1103(a) of the Ethics Act would not prohibit such official action by the public official/public employee. See, e.g., Gornish, Advice 05-604.

Mr. Mator argued that: 1) The rate Fleming-Walker was charging the Township was less than what Fleming-Walker was paying for the job; therefore it was not a “private pecuniary benefit,” and 2) Mr. Fleming, as he stated, never invoiced nor received payment for the work.

Mr. Mator also asked Mr. Vaerewyck to differentiate between Mr. Fleming’s being reimbursed for the labor and materials being considered an ethics violation, yet Mr. Vaerewyck’s company (Vere, Inc.) being reimbursed for the Boy Scouts’ materials less than a month before the meeting for over \$1,000 not being an ethics violation. Mr. Mator assured Mr. Vaerewyck that he felt there was no ethics violation committed by Mr. Vaerewyck or Vere, Inc., but asked Supervisor Vaerewyck to explain the difference between the two scenarios.

At this point, Mr. McManus asked Mr. Mator who authorized the additional work. Mr. Mator answered that he did as the Township Manager. Supervisor McManus accused Mr. Mator of overstepping his authority. Mr. Mator replied that the Board had acknowledged it authorized the work, and that the Township Charter permitted payments up to \$1,000. Fleming-Walker’s revised price was \$615.

Mr. Mator stated that his authorization of the additional work came from the clear understanding that the Board wanted the porch project fully completed. Mr. Mator also reminded Supervisor McManus that just a year earlier Mr. Mator was criticized by Supervisors Vaerewyck and McManus for not following through with the municipal building restrooms project – another project authorized by the Board – quickly enough because Mr. Mator first felt it was important to alert the Board of code violations (Americans with Disabilities Act [ADA]).

Supervisor McManus charged that Mr. Mator does not communicate with the Board – only with the Chair and Vice-Chair – and Supervisor Guerre responded that Mr. Mator communicates fine with him. Supervisor DiSanti said that Mr. Mator communicates perfectly fine with him, as well, and that the attack on the manager was not warranted. He recommended that the Board get back to the issue at hand.

Further discussion ensued, and Supervisor Florentine addressed Supervisor Vaerewyck, repeatedly calling the charges Mr. Vaerewyck lodged “ridiculous.”

Chairman Fleming asked what the Board wishes to do. The sentiment was that the project still needs to be finished. Mr. Mator offered to collect three bids from companies other than Fleming-Walker, and to present them for a vote by the Board at the September business meeting.

The Board agreed.

### **REOPEN 2014 BUDGET:**

In an email to the Board, Mr. Vaerewyck requested the 2014 Budget be reopened. He stated:

“I don’t like shifting around funds or pulling money from Operating Reserve because I think that is misleading to the public as to how we spend money, so I would like to reopen the Budget in August so we can make all the Budget changes necessary to properly reflect the Senior Center roof, police car purchases, building renovation etc. I think that at year end, our final numbers should be reasonably close to an approved public Budget with only true emergencies or unexpected items coming from reserve funds.”

Supervisor Vaerewyck stated that he felt the Board should reopen the budget to account for the ongoing projects. He stated that taking funds from the Operating Reserve does not accurately report what we are doing to the public. Mr. Mator expressed that the only amount paid from the Operating Reserve Fund this year was for road salt. That, Mr. Mator said, was an emergency. The Operating Reserve Fund is governed by the Second Class Township Code, which permits payments for emergencies.

Mr. Vaerewyck contended that the Senior Center roof – which was to be covered by the Operating Reserve Fund – was not an emergency, but Mr. Mator stated that the Board had deemed it as such when they voted on the roof.

Further discussion ensued.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to not open the 2014 Budget. Members voting yes: Dr. DiSanti; Mr. Florentine; Mr. Adamik; Mr. Guerre; and Mr. Fleming. Members voting no: Mr. McManus and Mr. Vaerewyck. Motion carried 5 – yes and 2 – no.

### **NORTH HILLS COG REPORT:**

Mr. Guerre reported on the COG meeting:

- COG Banquet
- CDBG Funding

### **COMMITTEE REPORTS:**

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Vaerewyck – Public Safety Committee
- 2) Mr. McManus – Planning, Zoning, & Code Enforcement Committee
- 3) Mr. Adamik – Engineering & Public Works Committee
- 4) Mr. Guerre – Financial Legal, and Human Resources Committee
- 5) Mr. Florentine – Housing Committee
- 6) Dr. DiSanti – Parks & Recreation Committee
- 7) Mr. Fleming – Economic Development Committee

### **OLD BUSINESS:**

- Mr. Vaerewyck restated the Township should work toward a five-year plan

### **NEW BUSINESS:**

- Mr. Mator mentioned the Minimum Municipal Obligation (MMO) reports were in, and would be on the September agenda.
- Mr. Mator brought up that Transfiguration Church requested a sign permit for a banner across Little Deer Creek Road. Because Little Deer Creek Road is a state road, PennDOT requires the Township to fully indemnify the State and accept all liability if the banner were to cause damage to life or property. Because of this indemnification, Mr. Mator advised the Board that managers typically recommend not permitting the banners over state roads. Mr. Vaerewyck, however, stated that the chance of anything happening was slight, and that sometimes the benefit outweighs the liability. The Board's sentiment was to permit the banner, and Mr. Mator stated he would work Transfiguration through the application process.
- Mr. Mator also mentioned mulching both Russellton and Curtisville parks. He notified the Board that he and the Public Works crew had wanted to mulch the areas earlier, but that – due to the size

of the parks – the prices came in excessively higher than they had hoped (almost \$5,000. Mr. Mator was directed to ask local landscapers for prices. The issue will be discussed at the next meeting.

**SET AGENDA – Regular Business Meeting**

September 17, 2014

6:30 p.m. – Executive Session

7:00 p.m. – Public Hearing – Zoning Amendments

7:30 p.m. – Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
  - A. Finance Officer's Report
  - B. List of Bills
  - C. Utilities & Payroll
9. Police Chief's Report
10. Building Inspector/Code Enforcement Officer's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. Accept MMOs
14. Committee Reports
15. Old Business
16. New Business
17. Set Agenda/October 15, 2014
18. Comments from the Public
19. Adjournment

Items added:

- 2015 Road Program
- Senior Center Porch Completion
- Mulch

**COMMENTS FROM THE PUBLIC:**

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Supervisor Adamik wanted to notify the public that school was starting soon, and asked everyone to be careful.

**ADJOURNMENT:**

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to adjourn the meeting at 10:17 p.m. Motion carried unanimously 7-0. Meeting adjourned.

08/20/2014

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Daniel J. Mator, Jr., Township Manager