

West Deer Township
Board of Supervisors
February 18, 2015
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; Leonard Guerre; Lawrence K. McManus; and Gerry Vaerewyck. Member absent, Rick W. Florentine. Also present were: Daniel J. Mator, Jr., Township Manager; Douglas Happel, Township Solicitor; and Scott Shoup, representing Shoup Engineering, Inc. Barbara Nardis, Finance Officer was absent.

Chairman Fleming opened and welcomed everyone to the meeting.
PLEDGE OF ALLEGIANCE

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

PLAQUE PRESENTATION:

Chairman Fleming read and presented a plaque to Tom Wagner – *In gratitude and recognition of your many years of volunteer service and commitment to the West Deer Township Parks and Recreation Board.*

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.

None.

ACCEPT MINUTES:

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Adamik to accept the minutes of the January 21, 2015 meeting as presented. Motion carried unanimously 6-0.

MONTHLY FINANCIAL REPORT: Mr. Mator read the following Finance Officer's Report:

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
January 31, 2015

I - GENERAL FUND:

Cash and Cash Equivalents:

Sweep Account	\$ 305,009
---------------	------------

		\$ 305,009
II - SPECIAL REVENUE FUNDS		
Cash and Cash Equivalents:		
Street Light Fund:		
Sweep Account - Restricted	\$	29,544
Fire Tax Fund:		
Sweep Account - Restricted	\$	26,691
State/Liquid Fuels Fund:		
Sweep Account - Restricted	\$	120,591
		\$ 176,827
Investments:		
Operating Reserve Fund:		
Sweep Account - Reserved	\$	399,817
Capital Reserve Fund:		
Sweep Account - Reserved	\$	496,649
		\$ 896,465
III - CAPITAL PROJECT FUNDS:		
Cash and Cash Equivalents:		
Route 910 II Waterline:		
Sweep Account - Restricted	\$	87,876
		\$ 87,876
		\$ 1,466,178

Interest Earned January 2015	\$ 57		
	12/31/2014	January	1/31/2015
	<u>Debt Balance</u>	<u>Principal</u>	<u>Debt Balance</u>
Mars National- VFC #3	\$ 24,265.20	\$ 1,799	\$ 22,522.93

Restricted - Money which is restricted by legal or contractual requirements.
 Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Finance Officer's Report as submitted. Motion carried unanimously 6-0.

LIST OF BILLS:

Best Wholesale Tire Co., Inc.....	435.47
Griffith, McCague & Wallace, PC	1586.50
Jordan Tax Service, Inc.	9184.03
Kress Tire	1345.48
North Eastern Uniforms & Equip Inc.....	279.91
Office Depot.....	1290.71
Shoup Engineering Inc	2848.00
Staley Communications.....	183.47

Toshiba Financial Services.....	606.17
Trib Total Media	369.68
Walsh Equipment	331.78

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 6-0.

UTILITIES & PAYROLL:

MOTION BY Supervisor McManus and SECONDED BY Supervisor Adamik to pay utilities and payroll from February 19, 2015 to March 18, 2015. Motion carried unanimously 6-0.

TAX REFUNDS:

The Board is in receipt of lists from the Tax Collector requesting the issuance of tax refunds due to assessment changes by Allegheny County for years 2013 and 2014 and one for 2010 real estate taxes.

2013 REAL ESTATE TAX REFUNDS:

NAME:	LOT/BLOCK	AMOUNT:
Herchenroether, David B	2193-S-372	\$108.82
Moretti, William S	2013-K-156	\$655.46
Pefferle, William R & Rose M	1360-S-149	\$ 35.10
Rock, Rob R & Ann F	1669-J-148	\$ 14.53
Vrabel, Charles J & Nancy L	1508-M-26	\$735.20
Cushman, James & Kathleen	1671-E-272	\$208.09
Pannier Corp.	1669-J-372	\$353.96
Johnson, David H	1834-B-27	\$112.33

2014 REAL ESTATE TAX REFUNDS:

Herchenroether, David B	2193-S-372	\$108.82
Moretti, William S	2013-K-156	\$655.46
Pefferle, William R & Rose M	1360-S-149	\$ 19.50
Rock, Rob R & Ann F	1669-J-148	\$ 53.44
Graham, James J Jr.	1361-D-107	\$ 92.05
Vrabel, Charles J & Nancy L	1508-M-26	\$278.40
Cushman, James & Kathleen	1671-E-272	\$208.08
Vitunic, Joseph S & Stephen M	1833-R-221	\$ 47.59
Order of Owls #1091	1512-S-88	\$ 4.49
Order of Owls Nest No 1091	1512-S-91	\$376.98

2010 REAL ESTATE TAX REFUND:

Nagy, Stephen W	1510-R-150	\$108.04
-----------------	------------	----------

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to issue the tax refunds as submitted by the Tax Collector. Motion carried unanimously 6-0.

POLICE CHIEF'S REPORT:

Chief Jon Lape was present and provided a summary report on the Police Department for the month of January 2015. 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 January 2015. Copy of the report is on file at the Township.

PARKS & RECREATION BOARD REPORT:

Mrs. Beverly Jordan, Chairwoman, was present and reported on the Parks & Recreation Board:

- Reorganization Meeting
 - Chairwoman – Beverly Jordan
 - Vice Chairman – Tom DeMartini
 - Secretary – Carol McCaskey
- March 29th /Easter Egg Hunt at Bairdford Park.
- June 26th /80's in the Park.

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:

- 2015 Road Improvement Project
- Clendenning Road Culvert Replacement
- Development/Subdivision Reviews/David Turner Site Plan and Harper/Ujzadowski Plan

RESOLUTION NO. 2015-3

PLANNING MODULE/SHOFF FARMS PLAN:

Resolution No. 2015-3 is a resolution for the PA DEP Sewage Facilities Planning Module for the Shoff Farms Plan located on Cedar Ridge Road. Mr. Shoup had submitted a letter dated January 30, 2015 and indicated his review is complete and found to be acceptable and recommends the Board approve the Resolution included with the Planning Module submittal.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor McManus to adopt Resolution No. 2015-3 which is the resolution for the PA DEP Sewage Facilities Planning Module for the Shoff Farms Plan. Motion carried unanimously 6-0.

HIRE PART TIME POLICE OFFICER:

The Board received a memorandum from Chief Lape recommending the hiring of the following individual for the position of part time police officer: William Dobson

- Background check was performed.
- Certification Number received.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus as per the recommendation by Chief Lape to hire William Dobson as a part time police officer for West Deer Township. Motion carried unanimously 6-0. Mr. Dobson was present and thanked the Board.

PARKS & RECREATION BOARD RESIGNATIONS:

The Board received two resignation letters from Marilyn Kirin and Karen Moody as members of the Parks & Recreation Board. Both have moved out of the Township and therefore, can no longer be a member on the Parks & Recreation Board.

Both ladies are still planning on helping out the Parks & Recreation Board.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to accept the resignations of Marilyn Kirin and Karen Moody as members of the West Deer Parks & Recreation Board and wish them the best of luck and thank them for their volunteer work in the Township. Motion carried unanimously 6-0.

PARKS & RECREATION BOARD APPOINTMENTS:

Due to the two resignations received, there are now two vacancies on the Parks & Recreation Board. The Board received two letters of interest to fill the vacancies from:

- 1) Kristen A. Restori
- 2) Chris Reiher

MOTION BY Supervisor McManus and SECONDED BY Supervisor Adamik to appoint Kristen A. Restori and Chris Reiher as members of the Parks & Recreation Board to fill the unexpired terms of Marilyn Kirin and Karen Moody for their five (5) year term which will expire on December 31, 2019. Motion carried unanimously 6-0.

ZONING HEARING BOARD RESIGNATION:

The Board also received a letter of resignation from Michael Sutter who is resigning from the Zoning Hearing Board. At their reorganization meeting, the Supervisors appointed Mr. Sutter as a member to the Deer Creek Drainage Basin Authority. Individuals are not able to serve on two boards at the same time.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to accept the resignation of Michael Sutter as a member of the Zoning Hearing Board. Motion carried unanimously 6-0.

ZONING HEARING BOARD APPOINTMENT:

Due to the resignation on the Zoning Hearing Board by Mr. Sutter, there is now a vacancy on the Board. The Board received the following letters of interest to fill the vacancy:

- 1) Sean Parkinson
- 2) Daniel Livingston (is an alternate member & is requesting to become a regular member).
- 3) James G. Smullin

MOTION BY Supervisor Adamik and SECONDED BY Supervisor McManus to appoint Sean Parkinson as a member of the Zoning Hearing Board to fill the unexpired term of Michael Sutter which will expire on December 31, 2018. Motion carried unanimously 6-0.

Daniel Livingston will remain the alternate.

PUBLIC WORKS TRUCK:

The Board received the quote from Tri Star Motors and Walsh Equipment for one (1) new 2015 Ford F550 Super Duty 4x4 cab & chassis and equipment under the SHACOG Purchasing Alliance.

2015 Ford F550 Super Duty 4x4 Cab & Chassis	\$42,904.00
Equipment Package	\$33,972.00
Stainless Steel Couplers	\$ 500.00
Total:	<u>\$77,376.00</u>

The Board received the following financing proposals. The best options are listed below, and \$10,000 was budgeted in 2015:

NAME	TERM	RATE	TOTAL PYMT	2015
First Niagara	3 yrs(A)	2.75%	\$79,487.43	\$26,495.81
Laurel Capital	36 mon.	2.7%	\$80,748.00	\$22,430.00
First Niagara	5 yrs(A)	3.04%	\$82,081.50	\$16,416.30
Laurel Capital	60 mon.	2.8%	\$83,100.00	\$13,850.00

After discussing the financing options, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor McManus to authorize the purchase of one (1) new 2015 Ford F550 Super Duty 4x4 cab & chassis to Tri Star Motors in the total amount of \$77,376.00 and the financing through First Niagara for three (3) years at the rate of 2.75%. Motion carried unanimously 6-0.

SET PUBLIC HEARING/SUBDIVISION AMENDMENTS:

The Board received a copy of Ordinance No. 405 and the request by the Planning Commission for the amendments to the Subdivision Ordinance. The Ordinance was also sent to the Allegheny County Economic Development for their review. Mr. Mator read and explained the request from the Planning Commission for the amendments to the Zoning Hearing Board.

At this time, the Supervisors need to set a date and time for the public hearing for the Subdivision Amendments.

MOTION BY Supervisor Adamik and SECONDED BY Supervisor DiSanti to set the public hearing for Wednesday, March 18, 2015 at 7:00 p.m. Motion carried unanimously 6-0.

UNSAFE STRUCTURES:

The Housing Committee met and reviewed copies of the 2015 proposed unsafe structures in West Deer Township:

- 1) 44 Russellton Dorseyville Road, Cheswick, PA 15024
- 2) 920 Logan Road, Tarentum, PA 15084
- 3) 35 Quigley Road, Cheswick, PA 15024
- 4) 512 State Route 908 Ext., Tarentum, PA 15084
- 5) 118 Orchard Street, Bairdford, PA 15006
- 6) 62 Stewart Street, Russellton, PA 15076
- 7) 1067 Dawson Road, Tarentum, PA 15084
- 8) 359 W. 12th Avenue, Tarentum, PA 15084
- 9) 212 Deer Creek Road, Russellton, PA 15076

The Committee met and asked that this item be tabled until they can inspect the properties themselves.

Mr. Adamik summarized the meeting of the Committee and also indicated Mr. Bogan and Mr. Payne will contact the property owners to see what their intentions are. Mr. Adamik also pointed out that some of the properties listed are in the process of going up for Sheriff Sale.

Some discussion was held if any action needs to be taken at this time.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to TABLE the above-listed structures as nuisance, unsafe, and dangerous structures. Motion carried unanimously 6-0.

CLEAN-UP DAY:

Mr. Mator reported that he and Mr. Scott Woloszyk met and are recommending that an informal Clean-Up Day commission be created to manage the annual event. Mr. Woloszyk had volunteered to head the committee. The Board discussed various items: setting a clean-up date in May, booth at Community Days, involving the Parks & Recreation Board, sport organizations, boy/girl scout troops, and the School District.

Mr. Mator and Mr. Woloszyk stated they will meet again and come back to the Board with dates and ideas.

COMMITTEE DISCUSSION:

Mr. Fleming explained and read the 2015 Committee list for the Board.

2015 Committees:

Engineering & Public Works Committee:

Mr. Adamik, Mr. Florentine and Mr. Fleming
Chairman – Mr. Adamik

Financial, Legal & Human Resources Committee:

Dr. DiSanti, Mr. Fleming, and Mr. Guerre
Chairman – Dr. DiSanti

Public Safety Committee:

Mr. Vaerewyck, Dr. DiSanti, and Mr. Guerre
Chairman – Mr. Vaerewyck

The following former committees will have their decisions made by the Board as a whole:

Economic Development Representative

Mr. Vaerewyck

Housing Representative

Mr. Florentine

Parks & Recreation Representative

Mr. McManus

MOTION BY Supervisor McManus and SECONDED BY Supervisor Adamik to approve the 2015 Committees as submitted by Chairman Fleming. Motion carried unanimously 6-0.

At this time, Chairman Fleming also commented that he would like to have the full Board's involvement on the Rock Airport development with Mr. Mator being the point-of-contact. Mr. Mator commented on a previously held with the Township's code office and the owner and operations manager. The new management team indicated they are interested with working with the Board, but are not yet ready. They

stated they will contact the Township when they are at that point. Mr. Mator indicated he will forward on information related to the development.

ANNOUNCEMENT:

State Representative Eli Evankovich is hosting a Town Hall meeting in West Deer Township on Thursday, February 19th, starting at 7 p.m., here at the West Deer Municipal Building.

OLD BUSINESS:

- Supervisor Adamik questioned the gas lease public hearing. The Board discussed the ordinance and a date for a hearing in March. Set at March 4th but later during the meeting due to timing of the advertisement/it was changed to **March 11th at 7:00 p.m.**
- Supervisor Vaerewyck commented on the ACATO reorganization meeting he attended. Items he discussed: The Board is invited to a get-together on May 7th at the Baja Restaurant in Fox Chapel; legislative reports; and grant programs. Mr. Vaerewyck asked Mr. Mator if the Township had applied for any of the grant programs he mentioned. Mr. Mator replied that the Township had not, as it is not eligible for the programs mentioned. Supervisor Vaerewyck also stated that he was critical of the dinner provided at the evening meeting and felt the cost of the dinner/cash bar he attended was excessive. He questioned the taxpayers paying for it. He then asked the Board if they wanted to take any action, but there was no response.
- Supervisor Vaerewyck criticized the ongoing audit and argued that the Township was not following Section 917 of the Second Class Township Code regarding the appointment of auditors. He indicated the Township did not do a good job of follow the reorganization meeting checklist he saw in the PA Supervisor's magazine. Mr. Vaerewyck stated that the Township did not hold a reorganization meeting for the elected auditors, and the Township is not following the stated law for the auditor now performing the audit. He questioned if the Township is going to pay this person since there is no authorization or motion to hire the firm. Supervisor Vaerewyck also stated that the Board has public relations issues, including an active investigation of two members by the Ethics Board, as well as numerous violations of the Sunshine Act. He said that – at some point – the Board has to decide whether it wants to follow the law. Mr. Vaerewyck recommended the Board stop the audit, advertise, and then move forward in having the auditor appointed the way it is supposed to be done.

Mr. Happel indicated the Township's Home Rule Charter removes it from the requirements of the Second Class Township Code. He quoted Section C-1149 of the Home Rule Charter: "The Board of Supervisors may contract for an audit by a Certified Public Accountant." Mr. Happel indicated that his legal opinion is that the Home Rule Charter – as general as it may be – addresses the matter and therefore removes it from the Second Class Township Code provisions Mr. Vaerewyck mentioned.

Supervisor McManus asked if the Township had to follow the Second Class Township Code specifics because the Township Charter did not list specifics. Mr. Happel answered that it could be viewed that those who drafted the Charter intentionally left out specifics in an effort to remove the Township from such obligations. He stated that he would, again, opine that the Home Rule Charter grants the Board all the authority it needs to handle the aspects of appointment of an auditor separate from the Second Class Township Code.

Mr. Mator advised the Board that if any supervisor has a problem with the auditing firm, they are more than welcome to bring up their displeasure in November; that February is not the time to do so. He said that the audit was already halfway completed, and that the State has March

submission requirements which would preclude a January/February start to the process. He added that a November notice would give the Township enough time to solicit bids for service.

Mr. Vaerewyck asserted that the Township erred in not setting the elected auditors' reorganization meeting, but Mr. Mator rebutted that the elected auditors are a separate body and are responsible for their operation. He stated that the administration can assist the elected auditors administratively if the auditors request assistance, but that the Township administration – or the Board itself – cannot be involved with their audit. Mr. Mator explained that the auditors audit both he and the Board, so anything past simple administrative assistance would constitute a conflict of interests. He further stated that he had not heard from the elected auditors in a while, and that – at that time – they recommended staying with the current appointed auditor.

Mr. Mator then informed the Board that the complexity of municipal government has dictated a shift from elected to appointed auditors state-wide. He also mentioned that continuity at the auditor position is essential, and that using the same auditor year-to-year has numerous benefits. He recommended periodically reviewing the performance and cost of the appointed auditor, but not switching too frequently.

Mr. Adamik asked if the Board could vote on the auditor at their reorganization meeting. Mr. Mator said that they could, and that he was in agreement with that sentiment moving forward. He reiterated that the Board would have to give sufficient notice prior to the meeting if there was dissatisfaction with the appointed auditor due to the same timing issues, however. Mr. McManus disagreed, while Mr. Guerre agreed and stated that if Mr. Vaerewyck and Mr. McManus wanted a new auditor they should have brought it up.

Mr. McManus argued that he believed the Board has to enter into a new agreement with an auditor each year. Mr. Adamik responded that ever since he has been on the Board of Supervisors they continued with the same auditor each year with no problem.

Mr. Happel again reiterated his opinion that the Board did not have to advertise and solicit bids for a new auditor each year, and that he feels the Township Charter covers the matter. He said he could look at the last agreement if the Board wanted him to.

Mr. Adamik restated that he felt – moving forward – the Board should simply add the auditor on the reorganization meeting agenda. He stated that he didn't know there was an issue with the auditor.

At this point, Mr. Mator stated he again agreed with Mr. Adamik, and elaborated on Mr. Adamik's statement that he did not know there was an issue. He said he was confused by the whole discussion and asked Mr. Vaerewyck and Mr. McManus to explain exactly what the issue was. Mr. McManus said the issue was that "this is just coming to light," and Mr. Vaerewyck answered that the issue was not the auditor or the audit, but that it was not advertised.

Later in the discussion, Mr. Vaerewyck asked Mr. Mator how many Board members knew what the auditor was being paid. Mr. Mator responded that all the supervisors knew, because it is a specific line item in the Budget that the Board reviewed and adopted.

Mr. McManus again argued that there should be a new contract ratified by the Board each year. Mr. Happel, yet again, reiterated his opinion, but also offered that the Board could enter into a long-term agreement with the appointed auditor if they so chose. He said he could look into that if the Board wished. Mr. McManus disagreed, then chastised Mr. Mator and accused him of taking it upon himself to extend the appointed auditor's contract.

Chairman Fleming stepped in and ended the discussion on that note, and stated that the whole argument is "ridiculous" and asked if there was any other old business to discuss.

- Supervisor Guerre commented on a referendum for a proposed EMS tax. Much discussion was held on various items, such as: merging with other companies; finances/cash flow; capital repairs; need for a new ambulance; alternatives if the EMS ever closes; grant monies/assistance; and ownership of the building/land. After the discussion ended, Mr. Vaerewyck called for a Public Safety Committee meeting to discuss the matter further.
- At this time, Mr. Happel recommended the Board move the public hearing for the gas wells/lease due to the advertisement of the meeting -- The Board set it for March 11th at 7 p.m.

NEW BUSINESS:

- Supervisor DiSanti requested to replace the missing sign across from the Culmerville Bridge that pointed out -- *Russellton – 2 miles*. And also the sign coming in West Deer from the Mall on Butler Logan Road – which is missing the *Welcome to West Deer* sign. Supervisor Vaerewyck also requested a sign that would also point towards Millerstown.

SET AGENDA – Regular Business Meeting

March 18, 2015

6:30 p.m. – Executive Session

7:00 p.m. – Public Hearing/Subdivision Amendment

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
 - D. Tax Refunds
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. Old Business
14. New Business
15. Set Agenda/April 15, 2015
16. Comments from the Public
17. Adjournment

Items Added:

- 2015 Road Program
- Rubber Mulch
- Clean-Up Day
- Committees
- EMS Initiative
- COG Report

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.

None.

ADJOURNMENT – EXECUTIVE SESISON

Chairman Fleming announced the Board will go into Executive Session in regard to a legal issue.

MOTION BY Supervisor McManus and SECONDED BY Supervisor Adamik to adjourn the meeting at 9:04 p.m. Motion carried unanimously 6-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager