

West Deer Township  
Board of Supervisors  
June 17, 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; 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, representing Shoup Engineering, Inc.

**6:00 P.M. – CONTINUATION --PUBLIC HEARING – CONDITIONAL USE  
BRANDON & ARIEL FORBES:**

**COURT STENOGRAPHER WAS AT THE HEARING.**

**TRANSCRIPT OF THE HEARING IN FILE.**

## **OPEN REGULAR MEETING:**

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 a continuation of the Forbes public hearing before the regular meeting.

## **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. Donald Simonetti, resident of West Deer Township

Mr. Simonetti summarized his Township reputation and affiliations over the years, then expressed his opinion on various items regarding Supervisor Vaerewyck. Mr. Simonetti called for Mr. Vaerewyck's resignation due to accusations Supervisor Vaerewyck made against Chairman Fleming and Fleming-Walker Construction and the ethics complaints Mr. Vaerewyck filed. He called Supervisor Vaerewyck's actions "a personal attack."

Mr. Simonetti then directed his argument toward Supervisor McManus, stating that Mr. McManus had been stating to members of the public that he and Mr. Vaerewyck had a good ethics complaint against Chairman Fleming. Supervisor McManus denied the accusation, and Mr. Simonetti returned to the Senior Center porch discussion and asserted both supervisors were responsible for overseeing the work on the Senior Center porch, and that their failure cost the taxpayers \$2,400. He said Mr. Vaerewyck and Mr. McManus should be surcharged the difference between the \$615 Fleming-Walker quoted and the amount the Township had to pay to the new contractor.

Along those lines, Mr. Simonetti stated that Supervisor Vaerewyck filed an ethics complaint against Chairman Fleming for submitting a proposal to the Township for \$615 – for which he Fleming-Walker never billed nor received payment – but that one month earlier Mr. Vaerewyck's company was actually reimbursed \$1,047 without a complaint. He also mentioned the cost of the ethics complaint to taxpayers, which totaled \$2,337.02.

Finally, Mr. Simonetti asked the solicitor if Fleming-Walker could be reimbursed for its work at the Senior Center since Chairman Fleming was cleared of any wrongdoing by the Ethics Commission. He asked for a motion, but the solicitor stated that a motion could not be made, as the matter was not on the agenda.

Mr. Vaerewyck responded to Mr. Simonetti's assertion that the ethics complaint was frivolous by indicating the Ethics Commission felt there was enough information in the complaint to complete a preliminary investigation. He also encouraged reimbursing Mr. Fleming the \$615.00.

**ACCEPT MINUTES:**

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to accept the minutes of the May 20, 2015 meeting as presented. Motion carried unanimously 7-0.

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

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

**I - GENERAL FUND:****Cash and Cash Equivalents:**

Sweep Account	\$ 848,193	
		<b>\$ 848,193</b>

**II - SPECIAL REVENUE FUNDS****Cash and Cash Equivalents:****Street Light Fund:**

Sweep Account - Restricted	\$ 49,993	
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**Fire Tax Fund:**

Sweep Account - Restricted	\$ 139,282	
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**State/Liquid Fuels Fund:**

Sweep Account - Restricted	\$ 241,036	
		<b>\$ 430,311</b>

**Investments:****Operating Reserve Fund:**

Sweep Account - Reserved	\$ 399,851	
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**Capital Reserve Fund:**

Sweep Account - Reserved	\$ 496,692	
		<b>\$ 896,544</b>

**III - CAPITAL PROJECT FUNDS:****Cash and Cash Equivalents:****Route 910 II Waterline:**

Sweep Account - Restricted	\$ 91,833	
		<b>\$ 91,833</b>

**TOTAL CASH BALANCE 5/31/15**

	<b>\$ 2,266,881</b>
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**Interest Earned May 2015**

	\$ 16	
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**Mars National- VFC #3**

	<b>4/30/2015</b>	
	<b><u>Debt Balance</u></b>	
	\$ 3,014.08	

	<b>May</b>	
	<b><u>Principal</u></b>	
	<b><u>Payment</u></b>	
	\$ 1,243	

	<b>5/31/2015</b>	
	<b><u>Debt Balance</u></b>	
	\$ 0.00	

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

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

There was some discussion on the review of the Liquid Fuels Fund by the State that was recently received and the report indicated it is in compliance with the rules and regulations.

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.....	987.14
Griffith, McCague & Wallace, PC .....	2413.00
Hampton Concrete Products Inc.....	1105.00
Hei-Way, LLC.....	2587.67
Jordan Tax Service, Inc. ....	1016.52
Kress Tire .....	15.00
Krigger & Co.....	50.49
MRM Property & Liability Trust .....	108939.00
MRM Workers' Comp Fund .....	21523.98
Office Depot .....	466.10
Shoup Engineering Inc. ....	1641.00
The Lane Construction Corporation .....	496.33
Toshiba Financial Services.....	606.17
Trib Total Media .....	249.92
Tristani Brothers, Inc.....	4318.67
Walsh Equipment .....	648.42

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 7-0.

**UTILITIES & PAYROLL:**

MOTION BY Supervisor McManus and SECONDED BY Supervisor Adamik to pay utilities and payroll from June 17, 2015 to July 15, 2015. 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 2015 and one 2015 real estate tax that also includes a fire tax and street light tax refund due to the mortgage company paying it twice.

**2015 REAL ESTATE TAX REFUNDS:**

NAME:	LOT/BLOCK	AMOUNT:
Hemphill, Daniel L.	2197-H-25	\$21.45
McManus, Lawrence K. & Carol	1670-A-329	\$54.61
Johnson, David H.	1834-B-27	\$ 1.75
Innwood Mariposa LLC	1359-D-201	\$48.95
Jessup, Rose M.	1670-A-329	\$34.71
Johnson, David H.	1834-B-27	\$ 1.56
Lisotto, John R. & Racquel G.	1361-S-395	\$126.76 + \$40/Fire Tax & \$30/St. Light

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to issue the following tax refunds as submitted by the Tax Collector. Members voting yes, Mr. Guerre, Mr. Vaerewyck, Mr. Adamik,

Dr. DiSanti, Mr. Florentine, and Mr. Fleming. Member abstaining, Mr. McManus (name is on the list of refunds). Motion carried 6 – yes, 0 – no, and 1 – abstention.

**POLICE CHIEF'S REPORT:**

Chief Lape was present and provided a summary report on the Police Department for the month of May 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 May 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:

- June 1<sup>st</sup>/Senior picnic
- June 26<sup>th</sup>/Concert in the Park/Ferris Bueller

**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 and Road Maintenance Projects.
- Clendenning Culvert Replacement.
- Development/Subdivision Reviews: None.

**DEVELOPER'S AGREEMENT/SHOFF FARMS PLAN:**

The Board received a copy of the Developer's Agreement for the Shoff Farms Plan. The Supervisors approved the Shoff Farms Plan at their August 20, 2014 meeting. The subdivision is located at 3532 Cedar Ridge Road to create 24 duplex (carriage home) structures containing 48 units. The property is in the R-2 Semi-Suburban Residential Zoning District.

Mr. Happel explained both he and Mr. Shoup are waiting for the final Homeowners Association documents for review and recommended the Board can approve the Developer's Agreement subject to their review of the documents.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Vaerewyck to approve the Developer's Agreement for the Shoff Farms Plan contingent upon the Homeowners Agreement approval accepted by Mr. Shoup and Mr. Happel. Motion carried unanimously 7-0.

**SUNSET DRIVE:**

The Township received a request to take over Sunset Drive which is a private road. Mr. Shoup reported that the Township received a request from Anthony Duryea asking the Township to consider acceptance of Sunset Drive as a public road and advised the Board that:

- Recently there was some asphalt paving done to the road.
- Subdivision documents clearly indicate it was laid out as a private road.
- Pointed out a few deficiencies with the road such as no cul-de-sac and some drains undersized.
- Six different property owners live on the road and they would all need to be in agreement of the request.

Mr. Shoup suggested that if the Board wants to entertain this request further, he would work up an escrow amount that the property owners would need to supply to the Township to allow Mr. Shoup to further research the proposition. Mr. Payne also commented he had spoken to Mr. Duryea in the past regarding this matter.

The Board agreed to authorize Mr. Shoup and Mr. Payne to talk to Mr. Duryea to discuss the escrow account and to ensure the road would meet Township specifications.

**ACKNOWLEDGEMENT/APPLICATION AGRICULTURAL SECURITY AREA:**

The Township received a proposal for an application to the Agricultural Security Area (ASA) within West Deer Township and at this time the Board will need to acknowledge the application for the timeline to begin the ASA process.

APPLICANT: CHRISTOPHER A CORRADO  
ADDRESS: 88 GLASGOW ROAD  
GIBSONIA, PA 15044  
LOT & BLOCK #: 2193-F-284  
ZONING DISTRICT: R – RURAL ESTATE

After some discussion, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to acknowledge the Township received the application from Christopher A. Corrado and to advertise and post the notice as required by the ASA and to also refer it to Allegheny County and the Township Planning Commission for their review. Motion carried unanimously 7-0.

**EMS PARKING LOT:**

The Township Engineer was asked to receive an estimate of the cost to pave the EMS parking lot. The Board received a copy of the estimate from WR Cade Paving in the amount of \$13,200. Mr. Shoup indicated he did check for an estimate with the Township’s paving contractor, A. Liberoni, which was high at approximately \$22,000.00.

Mr. Vaerewyck commented the EMS doesn’t have the capital funds to take care of the parking lot, and that it is in very poor condition. The estimate is for the lower lot only. Mr. Vaerewyck stated he felt the Township has a responsibility to see emergency medical service is provided in the Township. He asked which route the Board would want to take in helping out the EMS and requested adding the parking lot to the next meeting agenda.

Mr. Mator expressed concern that neither the EMS building nor the parcel it sits upon is Township property. He stated he understood the importance of the service, but reminded the Board that it did budget additional funding for the EMS service in the 2015 Budget already, and felt there is a difference between the Township donating funds to the EMS for their service and actually paying for a non-profit’s bills, repairs, or capital purchases. Mr. Happel indicated he would look into the difference between repairing property directly or contributing to the EMS.

More discussion was held/also comments on applying for grants to help absorb the costs.

Mr. Fleming asked Mr. Shoup to pursue a third quote/possibly Youngblood Paving. Item will be on the agenda for the next meeting.

**APPOINTMENT ALTERNATE/ZONING HEARING BOARD:**

At the last meeting, the Board appointed Daniel Livingston as a member of the Zoning Hearing Board to fill the vacancy of Felix Dialoiso. Since Mr. Livingston was an alternate, there is now a vacancy for the alternate position. Both remaining applicants, Mr. James G. Smullin and Mr. Scott A. Woloszyk were contacted and indicated they are interested in being appointed for the alternate position.

MOTION BY Supervisor Adamik and SECONDED BY Supervisor McManus to appoint James G. Smullin as an alternate member of the Zoning Hearing Board to fill the unexpired term of Daniel Livingston – term to expire on December 31, 2016. Motion carried unanimously 7-0.

**PUBLIC WORKS GARAGE/BIDS:**

Mr. Adamik reported on receiving quotes. Scope of the work is to metal the rest of the walls on the side going back and framing three garage bays where the cinders are kept, and would be used as storage for trailers. Three more doors need replaced and possibly next year the roof and gutters. This item will be added to the next meeting.

**MACK TRUCK BED:**

Mr. Adamik reported he is awaiting more information.

The Mack truck has approximately 50,000 miles on it and the truck is in good shape but the bed from hauling the salt has lots of holes in it. This item will be added to the next meeting.

**MONIER ROAD PAVING:**

At its last meeting, the Public Works Committee asked the Township Engineer and Public Works Foreman to obtain a quote to mill and pave a bad portion of Monier Road.

The Board received a copy of the estimate from WR Cade Paving in the amount of \$8,910.00.

Mr. Shoup reported on that portion of Monier Road. It is just north of the golf course entrance road down the hill and almost to the sewage pumping station at the bottom of the hill (aprox. 800 feet). Apparently there was a thin asphalt wearing application put on a number of years ago and many pieces have lifted off and it is now a very rough driving surface. Monier Road is scheduled to be double tarred & chipped this summer by Youngblood Paving. Mr. Shoup indicated the portion of the road is a small job, feels the estimate is too high, and is in the process of obtaining another bid.

Mr. Fleming recommended taking the double off and then paving it.

After further discussion, a MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Adamik to contract the work out of the best of three bids and not to exceed \$9,000.00. Motion carried unanimously 7-0.

**COG SALT AGREEMENT:**

The North Hills Council of Governments negotiated a replacement rock salt contract for the agreement which ended this year. The Board received a copy of the Articles of Agreement and the bid tabulations. Morton Salt came in as the lowest bidder at a rate of \$66.40 per ton.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to enter into the rock salt Articles of Agreement between the Township and Morton Salt. Motion carried unanimously 7-0.

**BAIRDFORD PARK ELECTRICAL:**

The Board received a copy of drawings/specifications as supplied by the Township Engineer. Mr. Shoup explained the issue to provide power to areas at Bairdford Park. Generators with many extension cords are used for electric during Community Days and the Township would like power/electric to be available for Community Days and other functions at the Park.

After further discussion, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to authorize the Township Engineer and Township Manager to solicit bids for the Bairdford Park electrical job as specified, and to enter into an agreement with the lowest responsible bidder at a cost not to exceed \$18,400.00. Motion carried unanimously 7-0.

**COMMITTEE REPORTS:**

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Adamik – Engineering & Public Works Committee
- 2) Dr. DiSanti – Financial Legal, and Human Resources Committee
- 3) Mr. Vaerewyck – Public Safety Committee

The Representatives reported updates:

- 1) Mr. Vaerewyck – Economic Development Representative
  - Mr. Vaerewyck mentioned the Russellton flooding issue, and suggested the Township use taxpayer dollars to address the problem. Mr. Mator stated that – similar to the EMS situation – the properties involved are state roads and bridges, a county park, and private property – not Township properties/responsibilities – and recommended that the Board give the state more time to properly address the matter since Chairman Fleming, Senator Vulakovich, PennDOT District 11 Executive Dan Cessna, and Mr. Mator met on site and were working together toward a solution. Mr. Fleming recommended using the Deer Creek Drainage Basin Authority, as well.
- 2) Mr. Florentine – Housing Representative
  - After some discussion on demolition, the Board agreed to add demolitions to the next agenda for bid and directed Mr. Payne to compile a list of structures from worst to best.
- 3) Mr. McManus – Parks & Recreation Representative

**OLD BUSINESS:**

- Mr. Mator commented on the additional grant funds for the phases for the Master Park Plan.

**NEW BUSINESS:**

- None

**SET AGENDA – Regular Business Meeting**

July 15, 2015

6:30 p.m. – Executive Session

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. 2016 Candidate Roads
14. Nike Site Improvements
15. Old Business
16. New Business
17. Set Agenda/July 15, 2015
18. Comments from the Public
19. Adjournment

Items Added:

- \* Forbes Conditional Use/Vote
- \* EMS Parking Lot
- \* Public Works Garage
- \* Mack Truck
- \* Monier Road Paving
- \* Demolition Bids
- \* Grader/Sale

#### **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.

- Mrs. Mary Oxley, 4282 Clendenning Road, expressed her concerns on the condition of Clendenning Road and requested Clendenning Road be paved. Mr. Mator informed her that Clendenning Road is one of the candidate roads being recommended by the Public Works Committee, Mr. Shoup, John Yourish, and himself for inclusion in the 2016 Road Program.
- Mr. Lester Johnson, 4286 Clendenning Road, expressed his concerns on the Clendenning Road problems, specifically the culvert at the end of the road. Mr. Mator explained that the culvert is currently being addressed, that the culvert has already been purchased and is in storage, and that the Township was simply awaiting DEP approval.
- Mr. John Zerrer, owner of property at 47 Millerstown Culmerville Road. Mr. Zerrer is in the process of selling his property which has been vacant for more than ten years. His property is

adjacent to Supervisor Vaerewyck's property and asked for help from the Board of Supervisors in getting Mr. Vaerewyck to clean up his property so he will be able to sell his property. After some discussion, Mr. Payne was directed to go to Mr. Vaerewyck's property and check to see if he is in compliance with the Township Code.

- Mr. Earl Fish, 6 Aber Road, commented on the past and present Russellton drainage issues, and recommended the Township look at what has occurred in the past before making changes in the present.
- Mr. Ernie Anderson, Peckham Lane, commented on the condition of Christonia Road and requested it be placed on the road paving list.
- Mr. Ed Kress, Allegheny County Councilman, announced and commented on the upcoming Career Fair at the Pittsburgh Mills Mall on Thursday, June 18<sup>th</sup> from 2 pm to 7 pm.
- Mr. Brandon Forbes, thanked the Board and commented on the proposal for their conditional use.

**EXECUTIVE SESSION:**

At this time the Board held an Executive Session to discuss legal issues and the Forbes Conditional Use.

**ADJOURNMENT:**

Meeting adjourned after the Executive Session.

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Daniel J. Mator, Jr., Township Manager