

West Deer Township
Board of Supervisors
February 17, 2016
6:30 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; Richard W. DiSanti, Jr., Leonard Guerre, Shirley Hollibaugh, Joyce A. Romig and Gerry Vaerewyck. Member absent: Rick W. Florentine. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; Douglas Happel, representing Griffith, McCague, & Wallace; and Scott Shoup, representing Shoup Engineering.

**5:30 p.m. PUBLIC HEARING – CONDITIONAL USES:
CONCORDIA AT REBECCA RESIDENCE AND SHULTS FORD**

- Chairman Fleming opened the public hearing.
- Pledge of Allegiance.
- Roll call taken by Mr. Mator – Quorum present.
- The public hearing was advertised in compliance with the law.
- Properties posted.
- Adjoining property owners notified via mail.
- Court Reporter present.

A Conditional Use is a permitted use as listed in the Zoning Ordinance for both Concordia at Rebecca Residence and Shults Ford. After review and recommendation by the Planning Commission, the Board of Supervisors at their public hearing can place additional reasonable conditions on these permitted uses.

FIRST CONDITIONAL USE: CONCORDIA AT REBECCA RESIDENCE

The public hearing is for a Conditional Use for Concordia at Rebecca Residence to construct a 3-4 story building for a senior independent living community containing 105 units on property adjacent to their facility located at 3746 Cedar Ridge Road. Property is zoned R-2 Semi-Suburban Residential District.

The Planning Commission recommended approval for the Conditional Use with the following condition:

1. Concordia at Rebecca Residence to satisfy the local fire chief plans.

The Board received a copy of Ordinance No. 401 that was adopted by the Board of Supervisors on September 17, 2014.

ORDINANCE NO. 401 IS AN ORDINANCE OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ZONING ORDINANCE 394 BY: (1) ESTABLISHING A USE AND DEFINITION FOR LIFE CARE FACILITY / SENIOR LIVING COMMUNITY; (2) ALLOWING THE USE OF LIFE CARE FACILITY / SENIOR LIVING COMMUNITY AS A CONDITIONAL USE IN THE R-2, R-3 AND R-4 ZONING DISTRICTS; AND (3) ESTABLISHING SPECIFIC STANDARDS FOR THE CONDITIONAL USE OF LIFE CARE FACILITY / SENIOR LIVING COMMUNITY.

This project complies with the Conditional Use requirements pursuant to the standards set forth in Article XXII, Section 23.4 of Ordinance No. 401.

The Lot Consolidation Plan and the Land Development/Site Plan for Concordia at Rebecca Residence will be on the agenda at tonight's regular meeting. This public hearing is only for the Conditional Use.

At this point, the floor was opened for public comment. Chairman Fleming asked all those who are interested in speaking this evening, to please rise to be sworn-in. The court reporter swore-in all individuals.

- Mr. Mike Kaufman, Nursing Home Administrator, Concordia at Rebecca Residence, was present and summarized the construction of the building for the senior independent living community. Also present, Jerry Karle of RW Larson Associates, and Mark Reidenbach of Gateway Engineering. Mr. Reidenbach presented the conditional use requirements in the Zoning Ordinance.
- Chief Josh Wiegand, Fire Chief/West Deer Fire Department #3, was present and commented after several meetings -- there are no issues with the project/facility.
- Mr. Larry Schlosnagle, resident in Deer Park, questioned handicap parking.

After various questions/comments, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to approve the Concordia at Rebecca Residence Conditional Use as per the recommendation by the Planning Commission with the following condition to satisfy the local fire chief plans. Motion carried unanimously 6-0.

SECOND CONDITIONAL USE: SHULTS FORD

The second hearing is for a Conditional Use for Shults Ford to operate an auto body collision repair shop at 50 Oak Road. All damaged vehicles will be organized in a dedicated parking space area; back lot will be used for new vehicle storage of 75 to 100 vehicles. Property is zoned SU / Special Use.

Once the Land Development/Site Plan for Shults Ford is complete, it will go to the Planning Commission for their review and recommendation. This public hearing is only for the Conditional Use.

The Planning Commission voted to recommend approval for the Conditional Use with the following conditions:

1. Opaque screening of outdoor storage.
2. Provide stormwater management plan before any paving is done on site.
3. Any sign must conform to Sign Ordinance.
4. Impact fee for increased traffic.
5. Sound proofing for compressors.
6. Provide lighting plan that meets Township standards.
7. Provide basic site plan which delineates storage areas and work areas.

At this point, the floor was opened for public comment. Chairman Fleming asked all those who are interested in speaking this evening and wasn't already sworn-in, to please rise to be sworn-in. The court reporter swore-in all individuals.

- Mr. John Jacquell, Shults Ford, was present and summarized the operation of the auto body collision repair shop and conditions set by the Planning Commission.
- Mr. Payne, Code Enforcement Officer, commented on the project and indicated the site plan will be presented to the Planning Commission for their review and recommendation.
- Chief Josh Wiegand, Fire Chief #3, indicated he sees no problem with the project and requested to become part of the conversation when it comes to the site plan.

After various questions/comments, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Romig to approve the Shults Ford Conditional Use as per the recommendation by the Planning Commission subject to the conditions as listed above. Motion carried unanimously 6-0.

ADJOURNMENT/PUBLIC HEARING

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Hollibaugh to adjourn the public hearing at 6:05 p.m. Motion carried unanimously 6-0. Public hearing adjourned.

EXECUTIVE SESSION held at this time.

OPEN REGULAR MEETING

Chairman Fleming opened and welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator – Quorum present.

Mr. Happel announced the Board held an Executive Session from 6:00 pm to 6:35 pm to discuss non-union employment contracts for the employees of West Deer Township.

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 Hollibaugh to accept the minutes of the January 20, 2016 meeting as presented. Motion carried unanimously 6-0.

MONTHLY FINANCIAL REPORT

Mrs. Nardis read the following Finance Officer's Report.

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
January 31, 2016

I - GENERAL FUND:

	<u>January</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues	858,041.68	858,041.68	14.65
Expenditures	333,554.46	333,554.46	5.70

Cash and Cash Equivalents:

Sweep Account		<u>638,135.92</u>	
			<u>638,135.92</u>

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

Sweep Account - Restricted		10,299.30	
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Fire Tax Fund:

Sweep Account - Restricted		27,728.45	
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State/Liquid Fuels Fund:

Sweep Account - Restricted		<u>227,529.73</u>	
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265,557.48

Investments:**Operating Reserve Fund:**

Sweep Account - Reserved		575,762.99	
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Capital Reserve Fund:

Sweep Account - Reserved		<u>346,727.47</u>	
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922,490.46

III - CAPITAL PROJECT FUNDS:**Cash and Cash Equivalents:**

0.00

TOTAL CASH BALANCE 01/31/16

1,826,183.86

Interest Earned January 2016

102.50

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

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

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

LIST OF BILLS

Best Wholesale Tire Co., Inc.....	1256.45
Beth's Barricades	950.00
Griffith, McCague & Wallace, PC	1871.50
Hei-Way, LLC.....	1470.82
Jordan Tax Services, Inc.....	1696.08
Kress Tire	1309.50
Markl Supply	335.75
Neil Florentine.....	967.80
Neville Terminal Services LLC.....	680.54
Office Depot	671.57
Shoup Engineering Inc.	2531.75
Staley Communications.....	183.47
Toshiba Financial Services.....	606.17
Trib Total Media	1556.35
Tristani Brothers, Inc.....	149.89
Walsh Equipment	255.42

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh 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 Vaerewyck and SECONDED BY Supervisor DiSanti to pay utilities and payroll from February 18, 2016 to March 16, 2016. Motion carried unanimously 6-0.

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 years 2013, 2014, and 2015.

2013 REAL ESTATE TAX REFUNDS:

Fragapane, William J / Kimberly A	1079-B-236	\$158.95
Murray, William L / Florence I	2387-G-6	\$129.11

2014 REAL ESTATE TAX REFUNDS:

Fragapane, William J. / Kimberly A	1079-B-236	\$120.32
Murray, William L / Florence I	2387-G-6	\$119.35
Rogel, Bernard	2008-G-183	\$101.21
Rogel, Bernard / Mary Chris	2008-H-326	\$404.08
Seubert, Thomas H, Marie E	1215-D-10	\$ 1.75

2015 REAL ESTATE TAX REFUNDS:

Coletta, Michael J	1512-S-375	\$ 28.24
Fragapane, William J / Kimberly A	1079-B-236	\$ 61.82
Murray, William L / Florence I	2387-G-6	\$123.02
Rogel, Bernard	2008-G-183	\$101.21
Rogel, Bernard W / Mary Chris	2008-H-326	\$404.08
Scotti, Phil / Laura J	1510-D-58	\$ 70.01
Stark, Patrick D. / Amy D	2197-R-146	\$ 13.65

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

POLICE CHIEF'S REPORT

Chief Lape was present and provided a summary report on the Police Department for the month of January 2016. A copy of the report is on file at the Township. Questions/comments followed.

The Chief also reported on the K-9 Luncheon. A profit of \$7,000.00 was raised, and the Chief thanked Elaine Purcell for all of her work on the luncheon. He stated it was well attended and a very well-organized event.

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 2016. A copy of the report is on file at the Township. Questions/comments followed.

Supervisor Vaerewyck pointed out that former Code Enforcement Officer Gary Bogan always had a list of violations or places he had to go out and negotiate with people and stated he never saw that on Mr. Payne's report and asked if that could be added on so we can see all of the work he is doing. Mr. Payne indicated that would be no problem. Mr. Mator commented the code software demonstration had one of the features that you could print out a report of all the violations.

Supervisor DiSanti questioned Mr. Payne that with his certifications, will he be able to do most of the inspections on the Rebecca Residence project? Mr. Payne indicated he would be able to do some of the inspections but unfortunately it wouldn't benefit the Township or Rebecca Residence to do and for Professional Code Systems do some of the other ones. Mr. Payne indicated it would be better to let them do it. He also indicated that Professional Code Systems will do and does a good job of communicating with Scott Shoup and himself and the Planning Commission. He will still review the plans. Mr. Payne is in the process of getting his accessibility and until he is up and running fully, some of the ones more intent, would be better for Professional Code Systems to handle.

Mr. Mator asked the Board if they would rather have the list of occupancy and building permits attached to Mr. Payne's report rather than his. The list of permits will now be a part of Mr. Payne's report.

PARKS & RECREATION BOARD REPORT

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

- Last meeting was January 27, 2016 -- Elections were held:
Bev Jordan, President – Chris Reiher, Vice President – Carol McCaskey, Secretary
- Christmas party – 264 people attended.
- Next event will be the Easter Egg Hunt on March 20th at Bairdford Park. Registration 12 noon.
- Ice Rink/damaged/vandalism. Mrs. Jordan and Chief Lape summarized damage/vandalism which took place at the Bairdford Ice Rink, and also commented that the warm weather was a problem this year. Mr. Mator explained the rink's freezing process, and commented on the fence, the damage, and associated problems at the ice rink. Chairman Fleming recommended taking the ice rink down and to put a notice in the local newspaper asking residents who saw any vandalism to report it to the police. The Board also discussed implementing a camera system in the future to monitor the rink activity.
- Bow & Arrow class.
- June 24th/80's in the Park
- Tournament rental at Bairdford Park.
- Community Days meeting.
- Next meeting/February 24th at 7:00pm.

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:

DEVELOPMENTS/PROJECTS

- Curtisville Plan No. 1 Storm Sewer Project – Bid Documents, Plans and Specifications were prepared for this project. Bids will be opened on February 16, 2016.
- Development/Subdivision Reviews:
 - Copper Creek Plan – Sewage Planning Module review dated January 21, 2016.
 - Ippolito Site Plan – Land Development review dated January 27, 2016.
 - Nagy Plan No. 2 – Subdivision review dated January 11, 2016.
 - Rebecca Residence – Subdivision and Land Development reviews dated January 27, 2016 and January 28, 2016.

RESOLUTION NO. 2016-3: ALLEGHENY COUNTY 2015 HAZARD MITIGATION PLAN

The Board received the copy of the Resolution for West Deer Township for the 2015 Hazard Mitigation Plan. And also received a copy of the Resolution adopted by the County Executive of Allegheny County adopting the 2015 Hazard Mitigation Plan.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to adopt Resolution No. 2016-3 for the Allegheny County 2015 Hazard Mitigation Plan for the Township of West Deer. Motion carried unanimously 6-0.

RESOLUTION NO. 2016-4: COPPER CREEK PLANNING MODULE

RESOLUTION NO. 2016-4 IS A RESOLUTION FOR THE PA DEP SEWAGE FACILITIES PLANNING MODULE FOR THE COPPER CREEK PLAN LOCATED ON MCINTYRE ROAD.

The Board received the letter from Mr. Shoup dated February 1, 2016 indicating he has reviewed the Sewage Facilities Planning Module documents and recommended the Board approve the resolution which is included with the documents.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Vaerewyck to adopt Resolution No. 2016-4 which is the Resolution for the PA DEP Sewage Facilities Planning Module for the Copper Creek Plan. Motion carried unanimously 6-0.

**LOT CONSOLIDATION PLAN & LAND DEVELOPMENT/SITE PLAN –
CONCORDIA AT REBECCA RESIDENCE**

Property Location: 3746 Cedar Ridge Road
Zoned: R-2 Semi-Suburban Residential District

- **LOT CONSOLIDATION PLAN**

Concordia at Rebecca Residence is seeking approval for a Lot Consolidation Plan. This plan will eliminate the property line and create one parcel. The Planning Commission recommended approval of the Concordia at Rebecca Residence Lot Consolidation Plan at their January 28, 2016 meeting.

The Board received Mr. Shoup's review letter dated January 27, 2016.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Romig to approve the Lot Consolidation Plan – Concordia at Rebecca Residence as per the Planning Commission's recommendation. Motion carried unanimously 6-0.

- **LAND DEVELOPMENT/SITE PLAN**

Concordia at Rebecca Residence is seeking Land Development/Site Plan approval for a 3-4 story Independent Living Facility (Senior Living Community/Life Care Facility) containing 105 units. The Planning Commission recommended approval of the Concordia at Rebecca Residence Land Development/Site Plan subject to extending the landscaping to cover the fill slope along the east parking lot and satisfying Shoup Engineering's review letter dated January 28, 2016.

The Board received the review letter dated January 28, 2016 listing Mr. Shoup's comments, the response letter from Gateway Engineers and a copy of Mr. Shoup's review letter dated February 11, 2016. Mr. Shoup commented on the plan.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to approve the Land Development/Site Plan – Concordia at Rebecca Residence as per the Planning Commission's recommendation. Motion carried unanimously 6-0.

IPPOLITO SITE PLAN

The Planning Commission approved the Ippolito Site Plan at their January 28, 2016 meeting. The Site Plan is to construct a 50 foot x 60 foot addition on the existing building at 1628 Middle Road Extension. The addition will be identical (matching profile) to the existing building. Property Zoned SU (Special Use).

The Planning Commission recommended approval of the Ippolito Site Plan as the applicant satisfied all requirements outlined in Shoup Engineering's review letter dated January 27, 2016.

The Board also received the review letter from Shoup Engineering dated February 5, 2016 that the comments contained in his January 27, 2016 review letter have been adequately addressed and has no additional comments concerning the plan.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Mrs. Romig to approve the Ippolito Site Plan as per the Planning Commission's recommendation. Motion carried unanimously 6-0.

NAGY 2-LOT SUBDIVISION PLAN

The Planning Commission approved the Nagy 2-Lot Subdivision Plan at their January 28, 2016 meeting. This is a two (2) lot subdivision located at 311 W. Starz Road in the R-3 Suburban Residential Zoning District.

- Lot 1 = 0.4597 acres (20,024 sq ft)
- Lot 2 = 0.6159 acres (26,827 sq ft)

The Planning Commission recommended approval of the Nagy 2-Lot Subdivision contingent upon Shoup Engineering's review letter dated January 12, 2016.

The Board also received the review letter from Shoup Engineering dated February 8, 2016 indicating the Sewage Facilities Planning Module documents should be submitted to the Township.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to approve the Nagy 2-Lot Subdivision Plan as per the recommendation by the Planning Commission contingent upon the Sewage Facilities Planning Module documents be submitted to the Township. Motion carried unanimously 6-0.

CONTRACT 16-01: CURTISVILLE PLAN NO. 1 STORM SEWER PROJECT

Sealed bids were received and opened at 1:00 p.m. on Tuesday, February 16, 2016 for Contract 16-01 – the Curtisville Plan No. 1 Storm Sewer Project. Work consists of the installation/replacement of in excess of 52 Type M Inlets, installation/replacement of approximately 2,600 feet of HDPE storm sewer (various sizes), repair of existing inlets and other miscellaneous work.

Mr. Shoup commented on the bids received and his discussion with Naccarati Contracting. Based on the references he received submitted by Naccarati Contracting, he recommended awarding the contract to Naccarati Contracting in the amount of \$235,000.00.

BIDDERS:	TOTAL:
1) Naccarati Contracting, Inc.	\$235,000.00
2) Allstate Development, LLC	\$263,586.00
3) A. Folino Construction Inc.	\$277,959.00
4) S.E.T. Inc.	\$308,334.90
5) W.A. Petrakis	\$343,265.00
6) Alex E. Paris Contracting Co. Inc.	\$346,504.00
7) Martino, Inc.	\$358,092.00
8) Roto-Rooter	\$417,020.00

After some discussion, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Romig to award the Contract 16-01 Curtisville Plan No. 1 Storm Sewer Project to Naccarati Contracting, Inc., in the total amount of \$235,000.00. Motion carried unanimously 6-0.

POLICE VEHICLES

The Township received quotes from Tri Star Motors for the two (2) listed police vehicles:

1) 2016 Ford Police Interceptor Explorer AWD.....	\$34,482.21
2) 2016 Ford Explorer 4WD XLT.....	\$33,605.95

Tri Star is a participant in the SHACOG Purchasing Alliance.

The Board received the financing proposals.

Supervisor Vaerewyck said he was once again opposed to financing vehicles. He stated that financing it costs the taxpayers 2.5 percent more than if they were purchased outright.

Chairman Fleming questioned purchasing an all-wheel drive vehicle instead of a four-wheel drive vehicle. Chief Lape explained the difference is that the AWD Interceptor is the only vehicle that is pursuit rated, and the 4WD XLT is the only vehicle capable of accepting a tow package. So both vehicles have specific purposes that cannot be done by the other.

The Chief then explained to Supervisor Vaerewyck that the interest the Township would be paying per year on the XLT is \$287.00 and \$295.00 on the Interceptor. He added that the Township would be paying that small amount of interest, but that paying that interest would free up the rest of the funds to pay for other expenditures during the current year, which also creates a savings.

MOTION BY Supervisor Hollibaugh and SECONDED BY Supervisor DiSanti to authorize the purchase of one (1) 2016 Ford Police Interceptor Explorer AWD to Tri Star Motors in the amount of \$34,482.21 and the financing through Laurel Capital for three annual advanced payments of \$11,789.20 at the rate of 2.59%. A roll call vote was taken. Members voting yes, Dr. DiSanti, Mrs. Romig, Mr. Guerre, Mrs. Hollibaugh and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 5 – yes and 1 – no.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to authorize the purchase of one (1) 2016 Ford Explorer 4WD XLT to Tri Star Motors in the amount of \$33,605.95 and the financing through Laurel Capital for three annual advanced payments of \$11,489.61 at the rate of 2.59%. A roll call vote was taken. Members voting yes, Dr. DiSanti, Mrs. Romig, Mr. Guerre, Mrs. Hollibaugh and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 5 – yes and 1 – no.

PUBLIC WORKS TRUCK

The Township received the quote from Tri Star Motors and Walsh Equipment for one (1) new 2016 Ford F550 Super Duty 4x4 cab & chassis and 2016 equipment under the ShaCOG Purchasing Alliance.

2016 FORD F550 SUPER DUTY 4X4 CAB & CHASSIS	\$ 45,582.00
EQUIPMENT PACKAGE	\$ 34,695.00
STAINLESS STEEL COUPLERS	\$ <u>850.00</u>
TOTAL:	\$ 81,127.00

The Board received the financing proposals.

After some discussion, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to authorize the purchase of one (1) new 2016 Ford F550 Super Duty 4x4 cab & chassis to Tri Star Motors in the total amount of \$81,127.00 and the financing through Laurel Capital for three annual advanced payments of \$27,736.68 at the rate of 2.59%. Motion carried unanimously 6-0.

DUMP BODY FOR 2001 MACK TRUCK

The Board received three (3) quotes for the purchase of a dump body for the 2001 Mack truck. The totals include Walsh Equipment's Costar installed price. All three quotes include installation and the Township is responsible for transportation to and from the body manufacturer's facility.

BIDDERS:	TOTAL:
Super City Mfg., Inc.	\$14,935.00
Somerset Welding & Steel, Inc.	\$22,470.00
Trux Inc.	\$28,900.00

After some discussion, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to authorize the purchase of the dump body for the 2001 Mack truck to Super City Mfg., Inc., in the total amount of \$14,935.00. Motion carried unanimously 6-0.

PUBLIC WORKS MINI EXCAVATOR

Chairman Fleming indicated he has been working with Public Works Road Foreman John Yourish on this matter. He explained that the vendors had just provided revised information earlier in the day, and therefore recommended tabling the item until the Board could review the materials.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to table the purchase of the 2015 Caterpillar 305E2 CR Cab 305E2 Hyd Excavator. Motion carried unanimously 6-0.

CODE SOFTWARE

At its December meeting, the Board of Supervisors assigned \$26,000 of the 2015 fund balance to be used toward the purchase of a Code and Public Works software system. Members of the administrative staff, the Township Engineer, and one of the officers of the Board of Supervisors attended demonstrations of two different software suites and were more impressed with the Municipality 5 application from General Code.

Mr. Mator summarized what the group experienced during the demonstration, and explained its necessity from a Code Enforcement, Building Inspection, Asset Management, and Stormwater Management point-of-view. Mr. Mator explained that all of the Township's existing files would be digitalized and put into the system for instant access and, therefore, more efficient service.

Mr. Shoup further explained the benefits of the software from an MS4/Stormwater standpoint. He added that DEP will require the inspection of all discharge locations and detention facilities, and that inspection forms can be filled out in the field and put right into the system. Mr. Shoup also informed all those in attendance that different kinds of information could be put into the system from GIS layers, including such information as fire hydrants, street lights, etc.

Dr. DiSanti indicated one of the key benefits he saw in the demonstration is the backup system. He explained that the Township could not lose any of the information entered, as it is backed up on General Code's system. Supervisor DiSanti also stated he felt it was a very good piece of software that would keep the Township competitive with other municipalities. Dr. DiSanti said he highly recommended the motion to authorize the purchase.

Mr. Mator explained the Asset Management portion, which keeps track of all the Public Works assets such as roads, stormwater lines, etc. He said this feature would be able to show when roads were paved, how and when they were repaired, when stormwater was repaired, etc.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to authorize the purchase of General Code's Municipality 5 Code and Public Works software suite in the amount of \$25,650.00 and a future annual maintenance fee of \$3,300 to be budgeted beginning in 2017. Motion carried unanimously 6-0.

HOME RULE CHARTER TECHNICAL ASSISTANCE

At its last regular business meeting, the Board of Supervisors voted to authorize the Township Manager and Township Solicitor to evaluate methods to possibly update the Township Home Rule Charter.

At that time, Mr. Mator mentioned that he had reached out to the State Department of Community and Economic Development (DCED), and that he felt they might be able to provide professional assistance at no cost to the Township. It was since acknowledged that they are able and willing to do so.

The Board received a copy of the agreement which is required for the DCED to move forward with their assistance, and describes the project.

Mr. Mator explained that he spoke to Michael Foreman, the Township's local representative from DCED, and Mr. Foreman stated they do help municipalities in regard to modifying a Home Rule Charter. Mr. Mator added that he insisted public participation and public input be included, and Mr. Foreman concurred by stating that public participation is not only encouraged, but is required. Mr. Mator explained the Letter of Intent gives the DCED authorization to come out and talk to the Township, and that there is no obligation and no cost.

The Letter of Intent will be submitted to the Governor's Center for Local Government Services to request technical assistance. Mr. Mator read the Description of Project enclosed in the Letter:

The Township of West Deer would like to entertain the possibility of updating its Home Rule Charter, and is requesting technical assistance by the DCED to determine to what extent – if any – the Charter needs modified, and to explore all options for doing so. The Township insists on public involvement if it is determined changes are recommended.

Supervisor Vaerewyck questioned whether the DCED advises the Township or tells the Township what should be done to the Charter. Mr. Mator answered that Mr. Foreman made it clear that the DCED only advises/guides the Board, and will not tell the Township what to do with its Charter.

Mr. Mator mentioned that he had worked with Michael Foreman many times in the past, and had nothing but positive remarks to say about him. He stated that he felt the Board and citizens will be impressed with Mr. Foreman.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Vaerewyck to approve the request for DCED Technical Assistance regarding possible Home Rule Charter updates as described in the Letter of Intent. Motion carried unanimously 6-0.

RESIGNATION/ZONING HEARING BOARD MEMBER

The Board received a letter from Gary W. Piper resigning as a member of the West Deer Zoning Hearing Board effective January 25, 2016.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Romig to accept the resignation of Gary W. Piper from the Zoning Hearing Board. Motion carried unanimously 6-0.

RESOLUTION NO. 2016-5: VACANT PROPERTY

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST DEER ACKNOWLEDGING THAT THE ACQUISITION AND SUBSEQUENT DISPOSITION OF PARCEL WITH LOT AND BLOCK NUMBER 1361-M-305 WOULD BE IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF THE MUNICIPALITY.

Property location – Michael Road. Mr. Payne explained the property/vacant lot.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor DiSanti to adopt Resolution No. 2016-5 acknowledging that the acquisition and subsequent disposition of parcel with Lot and Block number of 1361-M-305 would be in accordance with the Comprehensive Plan of the Municipality. Motion carried unanimously 6-0.

CONSOLIDATED CABLE FRANCHISE AGREEMENT

The Township recently entered negotiations with Consolidated Communications Enterprises, Inc., for a new cable franchise fee. The Board received a copy of the summary of the negotiation, as well as the negotiated agreement and its enacting ordinance.

The short title of the Ordinance reads:

ORDINANCE OF THE TOWNSHIP OF WEST DEER AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND CONSOLIDATED COMMUNICATIONS ENTERPRISES, INC.

The Ordinance must be advertised in accordance with the law.

Supervisor Vaerewyck expressed his concern by pointing out on page 22, Compensation to the Township, it states that Consolidated shall pay to the Township an amount equal to “blank” percent and left it blank. Mr. Mator answered that it is five percent. When Chairman Fleming asked where he got that percentage, Mr. Mator stated that it was contained within the Township’s legal counsel’s memorandum enclosed in the Board’s agenda packet. He read from the memorandum:

Under federal law, municipalities are entitled to assess a franchise fee of up to five percent (5%) of the cable operator’s “Gross revenues” for cable services provided within the municipality. The new Agreement will assess a five percent (5%) fee on Consolidated. Should the Township decide that it would like to lower the franchise fee, it can do so...”

Mr. Vaerewyck also indicated there are a number of “blank” spots throughout the ordinance. Mr. Mator explained those blanks are for the date when the agreement is approved and executed and will be filled in at that time.

After some discussion, MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Guerre to advertise Ordinance No. 407 for the Consolidated Cable Franchise Agreement in accordance with all applicable laws and for the fee to be filled in prior to advertisement. Motion carried unanimously 6-0.

COMMITTEES

Chairman Fleming set the 2016 Committees as follows and opened up for discussion.

Engineering & Public Works Committee:

Mr. Florentine, Mr. Fleming, and Mrs. Romig
Chairman – Mr. Florentine

Financial, Legal & Human Resources Committee:

Dr. DiSanti, Mr. Fleming, and Mrs. Hollibaugh
Chairman – Dr. DiSanti

EMS Oversight Committee:

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

Supervisor Vaerewyck questioned Chairman Fleming as to why the Public Safety Committee would be changed to the EMS Oversight Committee. He argued that most communities are implementing Public Safety Committees to give secondary police oversight to avoid problems that occur nationwide.

Chairman Fleming explained that there are seven people and seven personalities on the Board of Supervisors, and that he feels the Chief knows how to do his job, and will bring issues to the Board when they need to be addressed by the Board as a whole, not just a three-person committee.

Mr. Vaerewyck countered that meeting with the Chief as a committee took a great deal of time. He stated that the outcome of those meetings still came before the Board but – when it did – it was in a condensed version. Supervisor Vaerewyck added that the Board as a whole during the course of a regular business meeting doesn’t have time to sit down for two hours and discuss different alternatives, and that major projects need greater attention.

Mr. Fleming indicated that if something like that came up, then the Board could assemble a committee to address the issue. He added that he felt a lot of the discretion goes directly to the Chief. Chairman Fleming felt that if the Chief wants something to go into a committee -- then the Board will send it to a committee.

When asked, Chief Lape indicated he does not need a committee at the moment.

Mr. Fleming again stated that three people meeting together, then bringing the results to the Board, does not always work because of the aforementioned personality differences. He stated that being Chairman, he is trying to help the Township based on what he has seen in the last six and a half years.

Chairman Fleming read the above listed Committees, and reiterated that if the Township would need a Committee for Public Safety, the Board could then put one together as quickly as possible.

MOTION BY Supervisor Vaerewyck and SECONDED BY Supervisor Romig to accept the 2016 Committees⁶ as presented. Motion carried unanimously 6-0.

OLD BUSINESS

- Supervisor Vaerewyck indicated he was at the Senior Center and witnessed an elderly lady falling face-first in the mud at the Center after getting out of an access van. He felt that the parking lot is a mess, and suggested bringing in 100 tons of gravel to create a temporary road around the parking lot.

Mr. Mator agreed that he wished the Senior Center parking lot could be paved first, but that if the front lot is paved first, then the heavy equipment used to pave the rear lot would destroy the new front lot.

Mr. Vaerewyck rebutted that he was not suggesting the lot be paved, but that gravel be placed behind the lot as a temporary road until we get around to paving the rest. Mr. Mator stated he understood, but explained that there is not enough fill to do as Supervisor Vaerewyck suggested.

More discussion was held on this matter.

Chairman Fleming asked Mr. Shoup about options which may help the situation. Mr. Shoup stated he would like to look at the site in conjunction with the Park Master Plan.

It was agreed that Mr. Shoup will look at the site and report back to the Township.

- Supervisor Guerre questioned if anyone heard anything on Mountainview Road repairs.
- Supervisor Romig commented on the water/ice on Mountainview Road.

Some discussion was held on Mountainview Road (State road).

NEW BUSINESS:

- Supervisor Vaerewyck read the Rights of Home Owners from the Home Rule Charter:

“A thrifty, industrious, self-reliant people being the foundation of any nation, the rights of the people by their own hands to rebuild, repair or maintain their homes and home properties, or have the same done, shall not be abridged, and any regulations shall be restricted to performance standards consistent with minimum requirements of good safety and health practice.”

Mr. Vaerewyck then stated that he was unsure the Township’s current code enforcement practices support this section.

SET AGENDA/REGULAR BUSINESS MEETING

March 16, 2016

6:00 p.m. – Executive Session

6:30 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. Consolidated Communications Cable Franchise Agreement
14. 2016 Road Program
15. Hire Part Time Police
16. Code Ordinance/Advertisement
17. Employment Agreements
18. MS4/Memorandum of Understanding
19. Old Business
20. New Business
21. Set Agenda/April 20, 2016
22. Comments from the Public
23. Adjournment

Items Added:

*Excavator

*Committee Reports

* 2016 Nike Site Program

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. John Romig, Christonia Road
 - Apologized to the Board for being incorrect at the last meeting in regard to the vote on Seven Springs.
 - Commented on State road work.
- Mr. Chris Galbraith, Shady Lane
 - Questioned any updates on the Brandon and Ariel Forbes case. He stated that he heard they won their appeal and asked if that was correct.

Mr. Happel indicated the Court determined that out of the determinations that were made by the Board back in October, the Court considered one of them: whether or not the proposed

use qualifies as a Place of Assembly. The Court determined that it was considered a Place of Assembly under the definition that's in the Zoning Ordinance, and therefore ordered the matter back to the Township for further discussion with the Forbes.

ADJOURNMENT

Daniel J. Mator, Jr., Township Manager