

**MINUTES
REGULAR MEETING
JULY 27, 2015 7:15 PM**

**MARSHALL TOWNSHIP BOARD OF SUPERVISORS
525 PLEASANT HILL ROAD
WEXFORD, PA 15090**

The following persons were present:

SUPERVISORS: Thomas Madigan, Chairman
Philip Troy, Vice Chairman
Jason Bragunier
Richard Scavo
Anthony (Jack) Candek

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E.

PLANNING DIR: Nicole Zimsky, AICP

SOLICITOR: Larry Baumiller, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: Heidi Hawk and 13 Others

1. Call to Order - The meeting was called to order at 7:15 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment
Mr. Francios Bitz, 1640 Pleasant Hill Road, approached the Board to raise his issues/concerns regarding the deer population within the Township, the current Comprehensive Plan in place, and stormwater management within certain areas of the Township. Short discussion took place regarding Mr. Bitz's issues/concerns. Mr. Gazdik indicated the Township does have a stormwater management ordinance in place and it has been revised relatively recently. Mr. Bitz also questioned the Board as to why the Township is not LEED Certified and believes it should be. Mr. Madigan directed Mr. McFadden to set a goal date for submission to become LEED Certified and, inform the Board at the next meeting the goal date for submission.
4. Consent Agenda
 - 4a. Minutes
Regular Meeting (June 1, 2015) – No corrections or additions were made.
Agenda Meeting (June 29, 2015) – No corrections or additions were made.
 - 4b. Expenditures
Month of June 2015 – No corrections or additions were made.

4c. Announcements

- Mr. McFadden noted that the Township Community Day went off very well and without rain for the first time in years. Community Day was very well attended and thanked the Recreation Director and staff for their efforts.

4d. Reports

Police – Written report submitted.

Police Board Liaison – Mr. Candek announced that the First National Bank on 910 was robbed. The individual responsible was caught on camera, subsequently arrested and prosecuted. In addition, the police officers voted and accepted the 5-year contract offer. It was a very acceptable contract. There were the basic provisions to the new contract and it was well received on both sides.

Firemen – Written report submitted.

Fire Company Liaison – Nothing to report at this time.

Public Works Director – Written report submitted.

Zoning Officer – Written report submitted.

Building Inspector – Written report submitted.

O.E.M. – Written report submitted.

Recreation Director – Written report submitted.

Recreation Liaison – Mr. Troy reiterated that Community Day went great. It did not rain and it was a success. He also thanked the Recreation Director and staff. Mr. Troy additionally mentioned that the garage and the house at Altmeyer Park have been demolished and progress is being made.

Northland Library Board – Written report submitted.

MTMSA Liaison – Nothing to report at this time.

COG Liaison – Nothing to report at this time.

ACATO – Nothing to report at this time.

Police Pension Board – Nothing to report at this time.

4f. Manager's Report

- Cable Franchise Renewal: Consolidated Communications. Status – Mr. McFadden indicated a draft document has been prepared by counsel representing the several COG members who are jointly participating in the contract renewal. The Managers have respectively reviewed the draft and have given direction to Cohen Law to commence the negotiation process on the Township's behalf.
- Northern Regional Joint Police Force: Contract Negotiations. Status – Reported on under 4d. Reports: Police Board Liaison.
- Mid-year financials - Mr. McFadden stated the mid-year financial reports have been prepared. Generally, very positive in terms of flow of revenues to the mid-year. A couple items of note: real estate transfer tax is 112% of the full year budget, which suggests that our real estate market has been very active in the first half of the year; earned income tax collection is at 54.44 for the first half; grading permits and building permits are up dramatically. On the expenditures side, only a couple of items of concern: tax rebates were budgeted at \$15,000 for the year and we are at \$21,101.74. Professional Code Services, the outfit which performs commercial building inspection, as well as electrical inspections even on the residential side, have exceeded budget for the first half of the year, but that is a reflection of the increased building activity that we have and our permit revenue will more

than cover that expense. On real estate tax collection, there is nothing to report at this time because collection does not begin in earnest until August with the commencement of the discount period.

- Insurance Renewals - Mr. McFadden indicated to the Board it is his recommendation to renew policies with the current carriers. Unless there is objection from the Board, those contracts will be executed for August. There was no objection from the Board.

Mr. Madigan recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Troy moved to approved, seconded by Mr. Scavo; vote in favor was unanimous [5-0].

5. Engineer's Report

- Bond Status
 - Village at Marshall Ridge; LOC Reduction Request No. 2 – Mr. Gazdik indicated that work has been satisfactorily completed and recommends approval of a reduction in the amount of \$238,800.38 leaving a balance of \$491,043.21. Short discussion took place regarding buffering between Knob Park and Innovation Ridge property. Mr. Madigan made motion to accept the reduction request as conditioned in Mr. Gazdik's 6/18/15 memo. Mr. Scavo moved to approve, seconded by Mr. Troy; vote in favor was unanimous [5-0].
 - Vital Management, SSA Reduction Request No. 2 – Mr. Gazdik stated this reduction request no. 2 is for \$65,500.25, which would leave a remaining balance in the amount of \$17,654.25. This amount will remain in place for the 18-month maintenance security. Mr. Troy made a motion to approve the reduction request as conditioned in Mr. Gazdik's 7/7/15 memo, seconded by Mr. Scavo; vote in favor was unanimous [5-0].
 - Innovation Ridge; Cash Bond Reduction Request No. 1 – Mr. Gazdik indicated the initial cash bond is \$359,846.39. The requested reduction is \$272,096.39, which would leave a remaining balance of \$87,750.00 and ask that the request be contingent upon repair of damage to the trail along Global View Drive and a trail section from Innovation Drive to the former Bayer building. Mr. Madigan made a motion to approve the reduction request as conditioned in Mr. Gazdik's 7/8/15 memo. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].
- 2015 Road Project(s) – Mr. Gazdik mentioned the Marshall Woods portion is complete as well as Sewickley Farms. They will be beginning milling either later this week or early next week on Shenot then moving to Cole Road and then to Warren Road. Williamsburg Place will be done later in the Fall because they will be paving the Ascent apartment complex as well. All of the roads within the school district where there will be bus traffic will be completed before school starts as the schedule appears. Another development, a 60" corrugated metal pipe has failed and will be replaced on Spang Road. There will be a road closure starting August 3rd and a two-week period of closure is expected.

6. Legal Matters

- Mr. Baumiller indicated that the Allegheny County Office of Assessment has granted tax exemption to the Altmyer Farms parcel for park use. There was also a stormwater management parcel that was also granted tax exemption.

7. Unfinished Business

7a. Resolution to Approve the Amended and Restated Loan and Security Agreement Between the Marshall Township Municipal Sanitary Authority and the Township of Marshall. Motion to Adopt – Mr. McFadden stated the MTMSA is contemplating a bond issue to finance the expansion of their portion of the Cranberry treatment plant. It was necessary to amend the existing loan and security agreement between the Authority and the Township in order to place the new bond on the market. Mr. Anthony Ditka was present to address any questions from the Board. Mr. Madigan questioned how the Township is being repaid. Mr. McFadden indicated there is a retirement schedule on the debt and the Authority makes those payments for a 20-year term. Mr. Scavo made a motion to approve the Resolution 879 amending and restating the loan and security agreement between MTMSA and the Township of Marshall, seconded by Mr. Candek; vote in favor was unanimous [5-0].

7b. Proposed Amendment to Employee's Life Insurance Coverage (ref memo of 7/22/15). Motion to Approve – Mr. McFadden indicated he has been looking at the non-uniformed employees pension plan for some resolution to what he considers a deficiency in the plan, which is there is no pre-retirement death benefit in the plan. Per the Board's direction, an Actuary has done a study to cost out what a pre-retirement death benefit would look like upon reaching the age of 62. The study revealed that this benefit would be quite expensive for the limited audience it would cover. Due to those results, Mr. McFadden recommended that the Board consider amending the life insurance policy that is currently carried on each employee who are members of the plan from \$50k to \$100k. Therefore, if there is a death of employee prior to pension eligibility they would receive that life insurance benefit. The cost for providing that benefit to the 20+ employees is more cost effective and would affect all members rather than just 2 of the 20. After short discussion regarding both options, Mr. McFadden stated he would like to have the Actuary do a study at a 50% survivor benefit for all members of the plan and bring that number back to the Board. Mr. McFadden was directed by the Board to proceed with the additional study.

8. PLANS

8a. Regional Learning Alliance Parking Lot Expansion; Site Plan/Land Development SP(LD)15-05; Freeport Road, plans dated 05/01/2015; deadline: 8/31/2015 - Ms. Zimsky indicated this plan proposes a 68-space parking lot expansion at the Regional Learning Alliance Facility on Freeport Road. The proposed development is located in the Suburban Residential (SR) zoning district. This plan was before Planning Commission on June 2, 2015 and voted unanimously to recommend approval. Applicant additionally submitted a modification request for the provision of sidewalks. Mr. Jeremy Turner, Director of Facilities for Regional Learning Alliance approached the board and indicated use of that parking lot is for staff purposes only. The Board suggested the easement be recorded. Mr. McFadden suggested reinstating any previous conditions. Mr. Troy made a motion to approve the plan in accordance with Ms. Zimsky's memo dated July 2, 2015, subject to plan conditions No. 7 and No. 9 from original approval noted in Mr. Leonard's memo of July 28, 2003, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

8b. Public Hearing - Dr. Prazer Office Addition – Medical Office; Conditional Use of Medical Office in the PORBP Zoning District (CU) 05-02; VIP Drive, plans dated 4/16/2015;

deadline: 8/31/2015 – Mr. Madigan opened the public hearing at 9:15 PM. Heidi Hawk of Adelman Reporters swore in those wishing to testify. Mr. Baumiller included in the record the advertisement for the public hearing as well as the zoning ordinance and the subdivision and land development ordinances by reference.

The following is a summary of the hearing. Transcript of hearing to be provided by Adelman Reporters and placed in file for future reference.

Ms. Zimsky stated the applicant is seeking conditional use approval to expand his Medical Office (Adult Vision Care) to a 15,000 SF addition he is proposing for his building located at 110 VIP Drive. The property is located in the Planned Office, Research, and Business Park (PORBP) District. Medical office is a conditional use in the PORBP District. The medical office is propose to operate between the hours of 8:00 am – 7:00 pm Monday – Thursday, 8:00 am – 4:30 pm Friday and 8:00 am – 1:30 pm Saturday. Mr. Madigan asked the Board and Public if there were any objection, comments or questions regarding the conditional use. There were none. Mr. Madigan closed the hearing at 9:20.

Consideration – Mr. Troy made motion to approve the conditional use proposed with the office addition, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

8c. The Prazer Plan; Final Subdivision SUB-FIN(15-12); VIP Drive, plans dated 4/16/2015;

deadline: 8/31/2015 – Ms. Zimsky indicated the proposed plan consolidates two existing parcels to facilitate a land development. The land development associated with this subdivision proposes to place an addition on the existing building located on the site. The property is located in the Planned Office, Research and Business Park (PORBP) zoning district. Ms. Zimsky and Mr. Gazdik prepared a joint memo and there were no comments. Mr. Madigan made a motion to approve the subdivision. Mr. Candek moved to approve, seconded by Mr. Troy; vote in favor was unanimous [5-0].

8d. Dr. Prazer Office Addition; Site Plan/Land Development SP(LD)15-06; VIP Drive, plans dated 5/2015;

deadline: 8/31/2015 – Ms. Zimsky stated this plan proposes a 15,000 SF, 2-story office building addition to the existing "Adult Vision Care" building at 110 VIP Drive. The proposed development is located in the Planned Office, Research and Business Park (PORBP) zoning district. After short discussion regarding the buffer yard along the east side of the property, Mr. Madigan made a motion to approve the land development plan subject to satisfaction of the conditions and addressing the comments in Ms. Zimsky's memo dated July 2, 2015, which incorporates Mr. Gazdik's memo of the same date. Mr. Troy moved to approve, seconded by Mr. Scavo; vote in favor was unanimous [5-0].

8e. 12th Amendment to The Venango Trails Plan of Lots; (Fast Track Subdivision) SUB-FIN 15-13;

deadline: 8/31/15 – Ms. Zimsky mentioned this proposed plan is a subdivision along the party walls of the NRV (Heartland Home) Townhouses and paired units being constructed on Lots 177-185 and Lots 185 - 188 of the Venango Trails and Development. Ms. Zimsky and Mr. Gazdik prepared a joint memo dated July 2, 2015. There were no comments. Mr. Madigan made a motion to approve subject to staff's memo dated July 2, 2015. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

8f. Village at Marshall Ridge, Lot 9 Revised; Fast Track Subdivision (SUB-FIN15-14); Edison Drive; plans dated 07/01/2015; deadline 10/26/2015 - Ms. Zimsky indicated this proposed plan is a subdivision along the party walls of the Ryan Townhouses being constructed on Lot 9 (New Lots 645 and 647) of the Village at Marshall Ridge Development. Ms. Zimsky and Mr. Gazdik prepared a joint memo dated July 23, 2015. There were no comments. Mr. Madigan made a motion to approve subject to staff's memo dated July 23, 2015. Mr. Candek moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9. New Business

9a. Third Addendum to Exclusive Option Agreement to Purchase Real Estate and Easement Agreement by and between West View and Marshall Township. Motion to Authorize Chairman's Signature – Mr. McFadden indicated West View Water Authority is finally ready to move ahead on the site development on this property on Sunny Hill Road. A motion is needed to freshen the agreement because it has become stale dated. Mr. Troy moved to approve authorization of Chairman's signature, seconded by Mr. Candek; vote in favor was unanimous [5-0].

9b. Resolution for Sewage Facilities Planning Module Approval for Pinewood Corporate Park. Motion to Adopt – Mr. McFadden mentioned this has been recommended by the Planning Commission. A motion is needed to adopt the resolution, which would be Resolution No. 880. Mr. Madigan made a motion to approve Resolution 880. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9c. Resolution for Sewage Facilities Planning Module Approval for Thorn Hill Hotels (two hotels). Motion to Adopt – Mr. McFadden stated this resolution has also been recommended by the Planning Commission. This Resolution is No. 881. Mr. Madigan made a motion to approve. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9d. Resolution Approving Issuance by the Moon Industrial Development Authority of Notes in the Amount of \$2,770,000 for Belrock, L.P. and Paragon Wholesale Foods Corp. Motion to Adopt – Mr. McFadden indicated Paragon Foods is going to locate in the Thorn Hill Industrial Park. This site plan has been approved. Paragon Foods is seeking financing through the Moon Industrial Development Authority and as the host community, a resolution is required by the Township approving the issuance. Mr. Madigan made a motion to approve Resolution No. 882. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9e. Approval of Applicable Elected Representative for the Issuance of Said Notes (ref 9d.). Motion to Authorize Chairman's Signature – Mr. McFadden stated this Approval of Applicable Elected Representative requires Chairman's signature, which indicates approval of Resolution No. 882 above. Mr. Madigan made a motion to approve Chairman's Signature. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9f. Revised Contribution Agreement between PennDOT and Marshall Township Relating to the Improvement of SR 4052; Warrendale Bayne Road. Motion to Authorize Chairman's Signature. Mr. McFadden indicated the only change in this document itself are the numbers and they have moved in a positive direction. Mr. McFadden indicated the Contribution Agreement was previously approved and executed.

9g. Resolution Approving Chairman's Signature to Revised Contribution Agreement between PennDOT and Marshall Township. Motion to Adopt - Mr. Madigan made a motion to adopt Resolution No. 883 authorizing Chairman's signature to the Contribution Agreement. Mr. Scavo moved to approve, seconded by Mr. Troy; vote in favor was unanimous [5-0].

9h. Resignation of Richard Scavo From the Board of Supervisors, effective 7/31/15. Motion to Accept – Mr. McFadden indicated that Mr. Scavo has submitted his resignation and would like his resignation to be effective July 31, 2015. Mr. Madigan thanked Mr. Scavo for his 21 years of dedicated service to Marshall Township and presented him with a plaque. Mr. Scavo announced that he had the pleasure of serving and enjoyed serving with the Board and thanked the Board. Mr. McFadden also presented Mr. Scavo with a gift from Staff. Mr. Bragunier made a motion to accept Mr. Scavo's resignation effective July 31, 2015, seconded by Mr. Candek; vote in favor was unanimous [5-0].

9i. Appointment to Fill the Vacated Seat of Richard Scavo, Supervisor, Interim Term of 7/28/15 Through 1/4/16. Possible Motion – Mr. McFadden stated he spoke with Mr. Edwards to ask if he was available and interested and he responded yes to both. Mr. Edwards requested that since he is currently serving on the Planning Commission, he would like his appointment, if the Board should so choose, to be effective 8/5/2015. This would allow him to serve on the 8/4/15 Planning Commission meeting without conflict. Mr. Scavo made a motion appoint Mr. Edwards effective 8/5/15 and continue thru 1/4/16, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

9j. Proposed Cancellation of the Regular and Continued Monthly Meetings of the Board of Supervisors. Motion to Advertise – Mr. McFadden recommended cancelling the Regular and continued monthly meeting for the month of August. A motion is needed to advertise. Mr. Madigan made a motion to cancel the August Regular and Continued meeting and to advertise. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [5-0].

10. Correspondence

10a. Mr. Baumiller indicated the Township received a letter dated July 20, 2015 from Lisa Burkhart, Esquire representing the Homeowners Association for Northtowne Estates. The HOA is complaining about a drop off along a curve on the private driveway located on the property and would like the Township to install a guardrail. Mr. Madigan stated not only is it not the Township's responsibility, but there is no legal authority to put a public improvement on a private property.

11. Seminars

None.

ADJOURN

Since there was no further business to come before the Board, at 9:50 p.m., the meeting adjourned. Motion by Mr. Madigan, seconded by Mr. Scavo; vote in favor was unanimous [5-0].

Respectfully submitted,

Sheryl Snyder