

**MINUTES**  
**REGULAR MEETING**  
**September 14, 2015**

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

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The following persons were present:

SUPERVISORS: Thomas Madigan, Chairman (Absent)  
Philip Troy, Vice Chairman (Acting Chairman)  
Jason Bragunier (Arrived during Executive Session)  
Anthony (Jack) Candek  
Bob Edwards

MANAGER: Neil D. McFadden  
ENGINEER: Art Gazdik, P.E.  
PLANNING DIR: Nicole Zimsky, AICP  
SOLICITOR: Blaine Lucas, BCCZ  
TWP. SECRETARY: Sheryl Snyder  
OTHERS: 7 Others

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1. Call to Order - The meeting was called to order at 7:17 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment - None.
4. Consent Agenda
  - 4a. Minutes

Regular Meeting (July 13, 2015) - No corrections or additions were made.  
Agenda Meeting (July 27, 2015) - Tabled for approval until 9/28/2015.  
Regular Meeting (August 3, 2015) - No corrections or additions were made.  
Agenda Meeting (August 31, 2015) - No corrections or additions were made.
  - 4b. Expenditures

Month of August 2015 - No corrections or additions were made.
  - 4c. Announcements - None.

4d. Reports

Police – Written report submitted.

Police Board Liaison – Mr. Candek stated a committee was formed to review the municipal police agreement amongst the four communities. A meeting will be held at the end of the month and will report on the changes issued.

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, O.E.M. – Written report submitted.

Recreation Director – Written report submitted.

Recreation Liaison – Mr. Troy indicated on Wednesday, September 16th at 7:00 p.m. a meeting will be held regarding Altmyer Park and recommended those interested should attend.

Northland Library Board – Written report submitted.

MTMSA Liaison - Mr. Candek mentioned the arbitration is still ongoing with Cranberry Township.

COG Liaison – Nothing to report at this time.

Police Pension Board – Nothing to report at this time.

4e. Manager's Report

- Thornhill Road, Right Turn Lane Installation. Status – Mr. McFadden stated he advised the Board that PennDot agreed to undertake that work on behalf of the Township using a change order and holding the unit prices that were bid by Fay for the construction of the bridge itself. That project is underway. The lane has been fully excavated and they were placing base material today. Great progress is being made on installation of the turning lane.
- 2016 Budget Preparation. Status – Mr. McFadden indicated memos have gone to staff. We will close out the 3<sup>rd</sup> quarter at the end of this month and estimate year-end to begin the process. Discussions have begun with our broker for medical benefits.
- Cable Franchise Renewal. Status. (Joint Public Hearing, Richland Twp. Wednesday, September 16, 2015) – Mr. McFadden mentioned a joint public hearing which will be held at Richland Township this Wednesday, September 16, 2015.
- Request for Executive Session - Mr. McFadden requested an Executive Session be held to discuss one personnel matter at the end of this meeting.

Mr. Troy recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

5. Engineer's Report

• Bond Status

- Chapel Hill Estates Cash Bond Reduction Request – Mr. Gazdik indicated this project has been completed and inspected. He recommends the requested release of \$21,205.80 leaving a remaining balance of \$3,742.20 to act as the 18-month Maintenance security relating to the asphalt wearing course. This recommendation is contingent upon the payment of any outstanding invoices owed to the Township or its agents. Mr. Troy made a motion to approve the bond release in the amount of \$21,205.80 plus accrued interest contingent upon the payment of any outstanding invoices owed to the Township or its agents and that the road adoption paperwork is in place. Mr. Edward's moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].
- 2015 Road Project(s). Status. – Mr. Gazdik indicated all of the subdivision roads and roadways within the main traveled roads have been completed. Williamsburg Place has been cut from the program due to substandard base material and will be put into next year's bid as a base reclamation project. A couple projects remain to be completed: the Knob Park roads will be done later this month and several spot repairs on Innovation Drive.

6. Legal Matters

None.

7. Unfinished Business

7a. Possible Amendment to the Non-Uniformed Employees Pension Plan. Status – Mr. McFadden stated this is a motion to table. We had commissioned a study with Mockenhaupt, the plans actuary, and that study is still in progress. Mr. Troy made a motion to table. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

8. PLANS

8a. MSP Parking Lot Expansion; Site Plan/Land Development SP(LD) 15-08; 502 Keystone Drive, plans dated 5/18/2015; deadline: 11/02/2015 – Ms. Zimsky indicated this plan proposes a 54-space parking lot expansion at the MSP facility at 502 Keystone Drive. The proposed development is located in the Planned Industrial Park (PIP) zoning district. This plan was before the Planning Commission on August 4, 2015 and they voted unanimously [4-0] to recommend approval of the plan. Ms. Zimsky had only one comment for the applicant requesting that they provide the bearings and distances for the front property line on the plan. Mr. Troy made a motion to approve the plan subject to Ms. Zimsky's memo dated September 10, 2015. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

Mr. Bitz approached the Board and reiterated his issues/concerns relating to the collection of traffic impact fees. His contention is this parking lot expansion would never have been approved in the original plan. Mr. Bitz believes there is a loop hole in the way the ordinance is written to collecting traffic impact fees. There is a lot more traffic there than 10 years ago

when it was originally built. Ms. Zimsky responded it is the way the state legislation is written. The State legislation spells out when the Township can charge the impact fee. There are no renovations being made, there is no building permit being issued. This is not a loop hole in the Township ordinance and nothing that the Township can fix. She recommended Mr. Bitz contact his legislator and tell him his concerns regarding impact fees. Mr. Gazdik stated there are impervious cover fees that have started to be generated. Mr. Troy questioned if we want to ask the solicitor and engineer to look into this and see what options we have. Mr. McFadden stated it is a legitimate point that this is probably something we should pursue. If there is an option that can prevent or at least make someone have to pay to pave, it probably makes sense. Mr. Troy request Mr. McFadden look into possible options to collect fees when impact fees are not required.

8b. Brush Creek Inn; Site Plan/Land Development SP(LD)15-09; 295 Northgate, plans dated 7/13/2015; deadline: 11/02/2015 – Ms. Zimsky stated this plan proposes a 38-space parking lot expansion at the Brush Creek Inn on Northgate Drive. The 38-space expansion includes 7 on-street parking spaces. The streetscape improvements will be completed as part of this project. The proposed development is located in the Town Center (TC) zoning district. This plan was before the Planning Commission on August 4, 2015. They unanimously recommended approval with the condition that the two parcels be consolidated for the parking lot expansion. That consolidation should take place within the next month or so. Mr. Troy made a motion to approve the plan subject to Ms. Zimsky's memo dated September 10, 2015 and conditioned upon consolidation as opposed to any kind of easement agreement for this parking lot expansion. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

8c. James and Cynthia Bennett Plan of Lots; Subdivision SUB-FIN15-15; 159 Harmony Road & 212 Wheatland Road, plans dated 7/27/2015; deadline: 10/27/15 – Ms. Zimsky mentioned the proposed plan subdivides part of one lot and consolidates with another. The property is located on Wheatland Road and Harmony Road in the Suburban Residential (SR) Zoning District. Mr. Troy made a motion to approve the plan subject to Ms. Zimsky's memo dated September 10, 2015. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

8d. Village at Marshall Ridge – Lot 21 Revised; Subdivision SUB-FIN15-16; Edison Drive, plans dated 8/5/2015; deadline: 11/03/2015 - Ms. Zimsky indicated this proposed plan is a subdivision along the party walls of the Ryan Townhouses being constructed on Lot 21 (New Lots 614, 616, 618 and 620) of the Village at Marshall Ridge Development. This process will be repeated for each of the townhouses at the Village at Marshall Ridge. Mr. Troy moved to approve the plan subject to Ms. Zimsky's memo dated September 10, 2015. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

8e. Pleasant Hill Estates, Lot 6 Revised; Motion to Refresh Mylar for Recording Purposes – Mr. Troy made a motion to approve the Chairman's signature on the mylar for refreshing. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

9. New Business

9a. Ordinance - Intergovernmental Cooperation Agreement with Franklin Park Borough and Cranberry Township For the Purpose of Sharing a Bobcat Grader Attachment with Laser Guidance System. Motion to Adopt – Mr. McFadden indicated this is a joint purchase that was pursued by Franklin Park, Cranberry and Marshall for a ball-field grader with the laser attachment. It does a fine job of grading the ball fields. The three Recreation Directors all endorsed the purchase. The total purchase was \$13,000 and was proposed to be divided equally among the three municipalities. As this grader was not budgeted in the 2015 budget for Marshall Township, it will be a 2016 recreation budget item, but tonight's action is to approve the ordinance whereby we agree to the joint purchase. Mr. Edwards questioned if the Township has done something like this in the past. Mr. McFadden responded yes. Mr. Troy made a motion to adopt Ordinance No. 437. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

10. Correspondence - None.

11. Seminars

11a. APA Conference, October 18 - 20, 2015. Discussion – Mr. McFadden indicated this conference will be held in Westin. Both Ms. Zimsky and Mr. Campbell have been on the committee and both plan to attend. Because they are committee members, their registration fee is waived. Ms. Zimsky and Mr. Campbell have requested making a donation of the required registration fee in support of the conference. If they weren't active in the committee, they would have approached me to attend the conference at \$375 per person and they are seeking to donate that amount to the conference. Mr. Troy made a motion to approve the donation as described and attendance. Mr. Edwards made a motion to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

12. Executive Session

Board entered into executive session at 8:05 p.m. to discuss one personnel matter. Upon return to public session the Board authorized the Manager to incur necessary expenses for recruitment of a new Assistant Treasurer.

ADJOURN

Since there was no further business to come before the Board, at 8:15 p.m., the meeting adjourned. Motion by Mr. Candek, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

Respectfully submitted,

Sheryl Snyder