

MINUTES
REGULAR MEETING
February 1, 2016 7:00 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 (Absent)
Anthony (Jack) Candek
Robert Edwards

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E.

SOLICITOR: Larry Baumiller, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: 12 Others

1. Call to Order - The meeting was called to order at 7:00 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment
 - 3a. Bid Opening: 1997 Ford Super Duty Bucket Truck - A bid opening was held this afternoon for a 1997 Ford Super Duty Bucket Truck, which had a minimum bid of \$2,500.00. Four bids were received. The highest bid received was for \$4,310.00. All of the bids were accompanied by the appropriate bid bond. Mr. McFadden recommends awarding the bid to the highest bidder. Mr. Troy made a motion to award to the highest bidder for the 1997 Ford Super Duty Bucket Truck for \$4,310.00. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].
 - 3b. Northtowne Estates; Concerns from Homeowner's Association – Mr. Michael Pastor of 97 Shenot Road approached the Board. He indicated one of the main issues is safety. In particular, there are 9 units with rear entry garages. The way that the roadway it is built, there is a steep drop off causing concern. Because the plan has final approval by Marshall Township, Meritage Group, the developer, is not willing to construct any kind of guiderail or any kind of appropriate safety remedy. Northtowne HOA contacted an attorney. The attorney's belief is that the property owners are responsible for that liability. Mr. McFadden indicated that the Township has been made aware of this situation and the Township solicitor was contacted. His counsel to staff was that construction of any guiderail would be considered a private property improvement. Mr. Pastor indicated there is no dispute that it is private property, but safety measures should have been a required at approval. Mr. McFadden mentioned staff would

review the plan and have a further discussion with our solicitor. Mr. Pastor indicated a second item of concern is an issue with no on-street parking permitted on Harmony Road. He questioned if it is possible to bring back on-street parking. The driveways are so short that cars stick out onto Harmony and someone can't get past you anyway. Thirdly, Mr. Pastor brought up two culverts that were recently installed by the developer. Mr. Pastor indicated these culverts were required by Marshall Township to be installed by the developer. One culvert looks as expected, but the other is quite a mess. Mr. Gazdik believes that the one culvert involving rip rap is a private culvert. Mr. McFadden responded all three issues raised will be reviewed and staff will contact Mr. Pastor directly.

4. Consent Agenda

4a. Minutes

Organization Meeting (January 4, 2016) – No corrections or additions were made.

Regular Meeting (January 4, 2016) – No corrections or additions were made.

Agenda Meeting (January 25, 2016) – No corrections or additions were made.

4b. Expenditures

Month of January 2016 – No corrections or additions were made.

4c. Announcements – None.

4d. Reports

Police – Report Forthcoming

Police Board Liaison – Mr. Candek indicated the police department issued Narcan kits, free of charge, for heroin overdoses that can be administered by police and/or first responders. There is a free week-long training for the officers. He also noted that there have been a lot of burglaries of cars in the area; mainly in Bradford Woods, which had 29 in one night. There were 20 vehicle break-ins in Richland in one weekend. Mr. Candek stated there is an overage in the police budget and Marshall will receive approximately \$8,000 reimbursed from the Police Department for 2015.

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. Edwards stated there was a meeting in January. There are new members on the committee and there is new progress to detail regarding Recreation's plan in the next month or so.

Northland Library Board - Mr. McFadden noted that Marshall's representative is serving as the Vice President of the Library Board for 2016 and is also the Chairman of the Building & Grounds Committee.

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.

4e. Manager's Report

- 2015 Township Audit - Status – Mr. McFadden stated the auditors have spent approximately two weeks with us and we should receive a draft report within a week.
- Consolidated Communication Franchise Agreement - Status – Mr. McFadden mentioned the report is to be presented at the COG meeting this Friday, so Mr. McFadden is planning to attend that COG meeting.
- RAD Tax Collection, The Regional Asset District Tax Collection - Mr. McFadden indicated Marshall Township's collection in 2014 was \$82,059.00. In 2015, we received \$84,517.62. The Act stipulates that the township is to donate 25% of the annual increase to a qualifying agency; qualifying is something that is organized under the Intergovernmental Cooperation Act. In the past several years, Marshall Township has made that donation to the Northland library. This year, the amount will be \$614.64. Mr. McFadden requested a motion of the Board to direct that donation to the Northland Library. Mr. Madigan made a motion to direct Mr. McFadden to make the donation to the Northland Library. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

Mr. Madigan recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

5. Engineer's Report

- Bond Status.
 - Venango Trails Phase 3A Reduction Request No. 2 – Mr. Gazdik provided the Board with a memo dated January 28, 2016 for this reduction request. This reduction request amount is for \$259,612.92, which would leave a remaining balance of \$99,339.63. Mr. Gazdik certified that all the work has been completed as per the plans and is satisfactory. Mr. Madigan recommended a motion to approve the requested reduction No. 2 for Venango Trails Phase 3A pursuant to Mr. Gazdik's memo of January 28, 2016 subject to the conditions therein. Mr. Troy moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

6. Legal Matters

Mr. Baumiller indicated that there are a few items that the solicitor's office is working with Township Staff on that the Board is aware of.

7. Unfinished Business

7a. Amendment to Existing Dye Test Ordinance. Consideration. – Mr. McFadden stated this ordinance, at the request of the Sanitary Authority, is a revision to the dye test ordinance that currently exists. Currently, MTMSA allows for an 18-month period after a point of sale where a dye test is not required. Through this ordinance, they have eliminated that provision so that a dye test will now be required at every point of sale. Mr. Madigan made a motion to adopt Ordinance No. 441, amending the existing dye test ordinance. Mr. Candek moved to approve, seconded by Mr. Troy; vote in favor was unanimous [4-0].

7b. Marshall Township Volunteer Fire Company Request for Expansion of Station Two. Continuing Discussion. Motion to Defer This Discussion to the End of this Meeting
– Mr. McFadden requested this item be deferred to item 13.

8. PLANS

8a. Village at Marshall Ridge Lot 6 Revised FAST TRACK; SUB-FIN15-21; Edison Drive, plans dated 12/22/2015; deadline: 3/21/2016 – Mr. Gazdik stated this plan consists of a subdivision along the party walls for the townhomes constructed. Mr. Madigan made a motion to approve conditioned upon the comments in Ms. Zimsky's memo dated January 28, 2016. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

8b. Village at Marshall Ridge Lot 28 Revised FAST TRACK; SUB-FIN 15-22; Bell Drive, plans dated 12/22/2015; deadline: 3/21/2016 – Mr. Gazdik mentioned this plan also consists of a subdivision along the party walls for the townhomes constructed. Mr. Madigan made a motion to approve conditioned upon the comments in Ms. Zimsky's memo dated January 28, 2016. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8c. Pinewood Realty Partners, L.P.; ZHB Appeal #1063; 30 Warrendale Bayne Road – Mr. McFadden stated Ms. Zimsky's memo dated January 28, 2016 is advising the Board of an upcoming Zoning Hearing Board appeal. This plan was previously approved. The applicant is seeking to revise the plan to add underground parking under the east building. In order to do so, the applicant needs a variance, a height variance of 11' 6". This brings the building height up to 61' 6" in total. Ms. Zimsky did review the plan with the Fire Marshall and he has no issues with the request. Ms. Zimsky wanted to bring this to the Board's attention to see if the Board wished to take any position before the Zoning Hearing Board. After a brief discussion, since the actual height of the building is not increasing, Mr. Madigan indicated the Board does not see any reason to take a position on the appeal.

9. New Business

9a. Traffic Signal Maintenance Agreement between Cranberry Township and Marshall Township. Motion to Authorize Chairman's Signature – Mr. McFadden stated this is a renewal of an agreement that is executed annually. Cranberry Township performs maintenance for two of our signals. This is under a traffic signal timing program that the Township jointly entered into years ago and has been working well. The price for the year is \$2,200.00, which is up \$200 from last year. Mr. Madigan made a motion to approve authorization of Chairman's signature. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

9b. Updated Allegheny County Hazard Mitigation Plan. Resolution to Adopt – Mr. McFadden stated this 2015 Hazard Mitigation Plan was received from the County and reviewed by our Fire Marshall/OEM Director and recommends adoption of the plan. The Township is currently under the 2013 Hazard Mitigation Plan. Mr. Madigan made a motion to adopt Resolution No. 891. Mr. Candek moved to approve Resolution No. 891, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

9c. Appointment to the Planning Commission. Vacated Seat of Robert Edwards. Term Through 2017. (Motion to accept resignation of Mr. Edwards effective this date). Motion to Appoint – Mr. McFadden stated three candidates have been interviewed. Mr. McFadden recommends that the Board consider a candidate for the future opening. The Board decided to discuss and make a selection in Executive Session.

10. Correspondence

10a. Correspondence Regarding Deer Control/Population - Mr. McFadden indicated one email of concern was received from a resident regarding the deer population. This gentleman indicated that he believes the situation is intolerable and dangerous. He thinks that there may be some liability to the Township if nothing is done and asked what course of action the Township might pursue. Mr. McFadden described to the Board his response that the Board has addressed the deer population issue from time to time. Most recently in October 2015 when an ordinance prohibiting feeding of deer was adopted - Township Ordinance 438. Historically, the Township has had a very active deer hunting population, both shotgun and archery hunters and has not recognized the need for additional control measures. Mr. Madigan mentioned it strikes him as odd that the Township, which is not a Wildlife Management Agency, would have potential liability for dangerous conditions or damage caused by wildlife within the Township. Mr. Baumiller indicated the Township would not have a liability. Under the Tort Claims Act, it is not a dangerous condition of a road or the realty of the Township. Mr. McFadden mentioned that deer versus vehicle incident reports are fairly level and not on the rise in the Township. Mr. Candek stated that Marshall Township's deer/vehicle incidents are much lower than Pine and Richland by 1/3 at least. The Township receives monthly reports from the police and Marshall Township does not have the numbers that our neighbors do.

11. Seminars – None.

12. Marshall Township Volunteer Fire Company Request for Expansion of Station Two. Continuing Discussion – As requested by the Board, Mr. McFadden prepared a memo to the Board dated January 19, 2016 that included financial projections and available funds. This report was intended to address some of the discussion points that were raised at the agenda meeting. Mr. McFadden went into detail regarding the different funds, their balances and their surpluses. Lengthy discussion then ensued with questions ranging from: What are the neighboring fire companies doing with regards to "live-in space"?; What gave rise to the need for live-in space at Station #2?; What the effects would be if funds are distributed to one project versus another?; and Is there currently an emergency response time issue with the fire department and residents? Mr. Candek indicated he does not see an urgency this year, but maybe within the next year or two. Mr. Troy mentioned he does not see why the Board has to make a decision on this for six months. Mr. Madigan agreed that a more accurate scope and costs for each project are needed to make a decision. The Board agreed to table this agenda item until the March Agenda Meeting. Mr. Troy recommended, as noted in Mr. McFadden's memo, a request/motion to transfer the surplus of funds within the General Fund to the Debt Service Fund. Mr. Madigan recommended a motion. Mr. Troy made a motion to transfer \$191,000.00 from the General Fund to the Debt Service Fund, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

13. Executive Session

Board entered into executive session at 9:15 p.m. to discuss one personnel matter. Upon return to public session Mr. Madigan recommended a motion to accept Robert Edwards Resignation as of February 3, 2016 from the Planning Commission. Mr. Troy moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0]. Secondly, Mr. Madigan made a motion to appoint Mr. David Pampena to the Planning Commission (initial term will run

through 12/31/2017). Mr. Troy moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0]

14. ADJOURN

Since there was no further business to come before the Board, at 9:20 p.m., the meeting adjourned. Mr. Madigan made a motion to adjourn. Mr. Troy moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

Respectfully submitted,

Sheryl Snyder
Township Secretary