

**MINUTES
REGULAR MEETING**

April 4, 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 (Absent)
Philip Troy, Vice Chairman (Acting Chairman)
Anthony (Jack) Candek
Jason Bragunier
Robert Edwards

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E.

PLANNING DIR: Nicole Zimsky, AICP

SOLICITOR: Blaine Lucas, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: Aimee Davis, Adelman Reporters and 26 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 – None.
4. Consent Agenda
 - 4a. Minutes

Regular Meeting (March 7, 2016) – No additions or corrections were made.
Special Meeting (March 22, 2016) – No additions or corrections were made.
Agenda Meeting (March 28, 2016) – No additions or corrections were made.
 - 4b. Expenditures

Month of March 2016 – No additions or corrections were made.
 - 4c. Announcements – Mr. McFadden advised the Board the Township received two letters from Allegheny County. One letter advised that the County is going to tar and chip Warrendale Bayne Road for the entire length of County ownership this summer. More importantly, the County's second letter advised that they are at long last going to repave Brush Creek Road from the Thorn Hill Intersection to Warrendale Bayne Road this summer. As the Board is aware, we have a turning lane project at the Thorn Hill/Commonwealth/Brush Creek Intersection that we will be

undertaking, so we will coordinate our new lane paving efforts with their efforts, so we are seamed up and sealed appropriately.

4d. Reports

Police – Report forthcoming

Police Board Liaison – Mr. Candek noted Officer Brian DeWick graduated from the FBI academy. This was a 10-week leadership course. Mr. Troy indicated that is impressive and the Board congratulates him.

Firemen – Report forthcoming.

Fire Company Liaison – Report forthcoming.

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 the long-term needs of the Township as to more specifics about the Altmyer Park and the long-range plan is still in process. The target is to present something to the Board at the next Agenda meeting at the end of this month.

Northland Library Board – Nothing to report at this time.

MTMSA Liaison - There was not a meeting last month. There was some confusion as to the publication for the meeting announcement date and the meeting has been rescheduled to April 12, 2016. The regular scheduled meeting for this month has been cancelled. So, there will be one meeting to cover two months on April 12, 2016.

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 - Nothing to report.

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 [4-0].

5. Engineer's Report

- Bond Status – Nothing to report at this time.
- 2016 Road Project(s) – Mr. Gazdik mentioned the road projects are out for bid. Bids will be received by and opened on April 21, 2016 and considered for Award either at the Agenda Meeting or the first meeting in May.
 - Grading of Future Salt Shed/Rudzik Contractual Arrangements – Mr. Gazdik stated the salt shed grading project was also put out for bid. Those bids are to be received by and opened on April 21, 2016 as well.

6. Legal Matters – None.

7. Unfinished Business

7a. Public Hearing; Ordinance. Amendment to Chapter 168 of Marshall Township Code "Streets and Sidewalks" to Require Property Owners Abutting Certain Portions of Northgate Drive to Reimburse the Township for Construction of Sidewalks and Curbs. Motion to Adopt – The following is a summary of the Public Meeting. Transcript of the Public Meeting to be provided by Adelman Reporters and placed in file for future reference.

Mr. McFadden indicated the Township's 2016 proposed paving program includes the repaving of Northgate Drive from approximately the Warrendale Bakerstown intersection to the Park at Marshall. Along with the repaving of this road, the contractor will be installing the required curbs and drains. With the connection of Northgate Drive to Route 19 planned for this Spring, traffic volumes are anticipated to increase on Northgate. The Township is including on-street parking as part of the paving project. Certain parcels along the corridor do not lend themselves to on-street parking and the Engineer has designed them out of the program. The creation of the on-street parking then dictates that sidewalks be provided for safe use of these spaces. The Township will install sidewalks late this summer. The costs of these installations will be determined through a public bid process. Property owners may choose to install the sidewalk themselves if they believe they can do it at a better price than what the Township gets through our bid program, but a date certain will be established by which those sidewalks must be installed. And, if they are not, the Township will install them. The Township, after that date certain, will direct the contractor to complete the installation. Upon final bid documentation of actual costs, frontage owners will receive an invoice. That invoice will be due in 30 days from receipt. Unpaid statements, and unpaids after 90 days, will be turned over to the solicitor for filing of a lien. Upon any conveyance of title after that lien is filed then the lien would have to be satisfied at that conveyance. So, if there is a subsequent sale once the lien is filed, the lien will be satisfied. A provision has been incorporated into the ordinance where liens are subject to an annual interest. One final note, those liens may be satisfied at any time. On April 21, bids are to be received. This is bids for the paving work and the installation of curbs, drains and sidewalks. The Engineer will review those bids for propriety. He will make a recommendation to the Board as early as April 25th. On April 25th, the Board may award the bid. On May 28th, it is anticipated that contracts and bonds will be obtained and a Notice to Proceed will be issued to the selected low bidder on that work. By the end of August, we expect the paving and the curbing work to be substantially completed. By November 11th, all streetscape work should be completed. The Ordinance before the Board this evening does not impose liens at this point. There is no dollar assessment attached to it at this point. The ordinance that you have before you this evening is merely the mechanism by which the Board gives public notice and establishes legal authority to impose those assessments should the Board wish to at a later time.

Throughout the public meeting, various Northgate Drive property owners approached the Board to voice their opinions, issues and concerns.

Consideration – After brief discussion regarding a few details of the ordinance, Mr. Troy made motion to table to April 25, 2016. Mr. Bragunier moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8. Correspondence

Mr. Troy modified the agenda to allow Mr. Wiese to approach the Board regarding a letter he submitted to the Township. Mr. McFadden noted to the Board that Mr. Wiese wrote a letter to the Township addressing his concern with the noise happening in and around the Venango Trails plan and his desire to possibly amend the noise ordinance. There are actually two ordinances regulating noise in the Township. One is under Building and Construction, Chapter 52 of the Code and that one says that construction noise (earth moving activity, heavy construction noise) is only permitted from 7:00 am - 7:00 pm Monday through Saturday and is not permitted on Sunday. The Noise Ordinance found in Subdivision is the decibel meter type of noise regulation (lawn mowers, construction noises as far as building a deck, home renovation, but not earth movement). Mr. Wiese approached the Board and stated that this amendment should not only be for Venango Trails, but Township wide. Even if they amend it from April through October because in the winter months, you are not outside trying to enjoy your outside space. The developer is also manufacturing topsoil to sell it, which in turn is creating lots of dust. Mr. Wiese believes this is not zoned "manufacturing", it's Residential. Mr. Troy questioned if the developer indicated to him how much longer this would take place. Mr. Wiese responded they were there all summer last year moving the dirt from Phase 2 & 3 down to Phase 4 all summer long into the Fall. He also mentioned he built a house and he can't sit outside and enjoy it because of the noise and dust. Mr. Troy questioned if this is a zoning issue or an engineering issue. Mr. Wiese stated there is topsoil stacked beside his home that is 90 feet tall and goes 300 to 400 yards one way and 150 yards the other. Mr. McFadden stated the request is for an amendment to the ordinance to modify hours of operation and that he would contact Mr. Newhouse and tell him to haul the dirt off site and to cease the milling because that was never contemplated. Mr. Lucas indicated he would take a look at this issue and pull a few ordinances from a couple other communities to see how their construction activity is regulated and report back to staff.

9. PLANS

9a. Village at Marshall Ridge Lot 7 Revised; [Fast Track] SUB-FIN16-03; Edison Drive, Plans Dated 2/15/2016; Deadline: 5/16/16 – Ms. Zimsky stated the proposed plan is a subdivision along the party walls of the townhouses being constructed on Lot 7 (New Lots 633,635,637). Mr. Troy made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated March 31, 2016. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous 4-0].

9b. Fairmont Square Revised; [Fast Track] SUB-FIN16-04; Fairmont Dr., Plans Dated 2/22/2016; Deadline: 5/23/2016 – Ms. Zimsky indicated that this plan is a revision of the original subdivision. This revision is a clean-up/clarification of several items on the original plan. The number of units is the same, but they have been slightly reconfigured to fit on the property better and the amount of open space is increased slightly. An easement has been created to insure that the required bufferyard C along the north side of the plan is protected. Additionally, the unit designations have been amended to correspond with NVR/Heartland's preferred scheme. Mr. Troy made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated March 31, 2016, and that the Township will not execute the plan and plan will not be recorded until all delinquent fees are paid. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

9c. Venango Trails 15th Amendment; [Fast Track] SUB-FIN16-05; Chilliwack Lane, Venango Trail Plan No. 5, Plans Dated 2/29/2016; **Deadline: 5/30/16** - Ms. Zimsky mentioned this plan is a subdivision along the party walls of the NRV (Heartland Homes) paired units being constructed on Lots 335 R-1, 335 R-2, 336 R and 337 R of the Venango Trails development. Mr. Troy made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated March 31, 2016. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

9d. Fairmont Square 1st Amendment; [Fast Track] SUB-FIN 16-06; Fairmont Drive, North of Rt. 19, East of Fowler Rd., Plans Dated 2/29/2016; **Deadline: 5/30/16** – Ms. Zimsky indicated this plan is a subdivision along the party walls of the NRV (Heartland Homes) townhomes being constructed on Lot 203. Mr. Troy made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated March 31, 2016, and that the Township will not execute the plan and plan will not be recorded until all delinquent fees are paid. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

9e. Village at Marshall Ridge Lot 27 Revised; [Fast Track] SUB-FIN16-07; Bell Drive, plans dated 3/11/2016; **deadline: 6/13/16** – Ms. Zimsky stated this proposed plan is a subdivision along the party walls of the townhouses being constructed on Lot 27 (New Lots 916, 918, and 920). Mr. Troy made a motion to approve conditioned upon comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated March 31, 2016. Mr. Bragunier moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

10. New Business

10a. Ordinance. Renewal of Cable Franchise Agreement with Consolidated Communications Enterprises, Inc. Motion to Adopt – Mr. McFadden stated Marshall Township has participated with eight other members of the North Hills Council of Governments in retaining the Cohen Law Group to represent us in the renegotiation of the cable agreement that is currently in place with Consolidated Communications. Mr. McFadden described to the Board the main issues that arose throughout the negotiations, which included: gross revenues, term of the contract, language regarding system upgrade, system testing, repairs and restoration within 10 business days, and free services to community facilities was retained although we don't take advantage of any of those offerings at the current point. One issue that remains open is the Township has the right, at any time during the term of this 8-year agreement, to impose a franchise fee. The philosophy of past boards has been that there is not an interest in imposing a franchise fee because a franchise fee really just represents a pass through tax to the consumer. The utilities are very careful about delineating franchise fees on their bills so that the consumer sees clearly that the franchise fee is being passed through to them and every monthly quarterly bill has a line item identifying the franchise fee. In the past, the Board has not chosen to impose a franchise fee. After brief discussion focusing on the nominal proceeds that a franchise fee would yield, the Board indicated that there is no interest in imposing a fee at this point in time. Mr. Troy made a motion to approve Ordinance No. 442 authorizing the Chairman's signature on the Cable Franchise Agreement between the Township and Consolidated Communications Enterprises. Mr. Bragunier moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

11. Seminars – None.

12. Adjourn

Since there was no further business to come before the Board, at 9:09 p.m., the meeting adjourned. Mr. Troy made a motion to adjourn. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

Respectfully submitted,

Sheryl Snyder
Township Secretary