

MINUTES
REGULAR MEETING
May 2, 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 (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: 12

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 (April 4, 2016) – Mr. Edwards indicated with regards to item 10, the Cable Franchise Agreement, language needs to be added that the Board chose not to impose a fee at this time.

Agenda Meeting (April 25, 2016) – No corrections or additions were made.
 - 4b. Expenditures

Month of April 2016 – No corrections or additions were made.
 - 4c. Announcements - None.
 - 4d. Reports

Police – Report forthcoming.

Police Board Liaison – Mr. Candek mentioned that the Chief reported there have been a rash of suicide attempts/suicides in the District. There were five in the month of April. These are teenagers 14 and 15 years old; with one exception who was 26. Mr. Candek

believes Richland Township is trying to get an intervention program started. The Police Board approved to send Chief Amann and Captain Sicilia to San Diego for the International Association of Chiefs of Police Training Conference, which will be for four days in October. The Chief reported to update the hiring list. There were 68 tests taken and 23 were acceptable to get on the list for hiring. This list will be good for one year.

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 - Nothing to report at this time.

Northland Library Board - Written report submitted.

MTMSA Liaison – Mr. Troy stated MTMSA is monitoring rates with regards to the Cranberry expansion to make sure there will not be a problem making our payments to Cranberry Township.

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

- Receipt of Dividends; MRM Workers Comp and Property Insurance Pools – Mr. McFadden reported the Township received dividends in the amount of \$30,457.91 and \$1,239.30 respectively through Municipal Risk Management, a carrier for our Worker's Compensation and now, also the carrier for the property insurance pool.
- Meeting with PA Turnpike Commission Re: Proposal for Digital Sign on Route 19: Alerts for Accidents/Congestion/Closings, Etc. – Mr. McFadden stated that he met with representatives of the Pennsylvania Turnpike Commission regarding a proposal for a digital sign they wish to locate on Route 19. This would be an advisory sign for traffic approaching the turnpike interchange to advise of a closing, accidents, delays, etc. The erection is scheduled for 2018 and it will be in the PennDOT right-of-way with PennDOT approval. There will also be two similar signs located in Cranberry Township.
- Report Received from Mike Turzaj - Mr. McFadden mentioned a report was received today noting that the Marshall Township Volunteer Fire Company received a grant of approximately \$13,000.00. This was a fund for emergency responders.
- DEP Recycling Grant - Mr. McFadden stated the Township was notified today through DEP that we received our recycling grant for year 2014 in the amount of \$62,982.00.

Mr. Troy recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Candek moved to approved, 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 noted the contracts and award letters have been sent out for the projects that were awarded last week. Work should start in mid June and continue through the summer.

6. Legal Matters – None.

7. Unfinished Business

7a. Mike Weise Letter of 3/20/16: Request to Amend Noise Ordinance. Follow-Up – Mike Weise Letter of 3/20/16: Request to Amend Noise Ordinance. Follow-Up – Mr. McFadden indicated the Township received a letter from Mike Weise, a resident of Venango Trails concerning his requested amendment to the noise ordinance. Upon receiving his request, the Board directed Mr. McFadden to contact the developer of Venango Trails, which he did the day after the meeting. The developer was advised of the situation with the noise from the dissipation of the topsoil stock pile. There is trucking and loading activity that extends through the weekend and Mr. McFadden asked the developer for some consideration. Mr. McFadden reported that Mr. Newhouse spoke with Kozik Brothers, who is responsible for that work. Kozik Brothers advised that they would abide by the ordinance, but that this is customary and an ordinary part of the land development process and that they need to move the top soil off site. Kozik Brothers contend that even if the top soil was being distributed entirely on site that the very same activities would be taking place. That is, the top soil would be milled or sifted and then hauled to the appropriate sites and distributed. With that, Mr. Weise had requested a proposed amendment to the ordinance amending hours of operation that are currently permitted under the ordinance. Mr. Weise specifically asked that the ordinance be changed to allow this activity from 7:30 am till 5:00 Monday - Friday and 8:00 am to 2:00 pm on Saturday. As the Board is aware, the present ordinance allows the activity from 7:00 am to 7:00 pm Monday through Saturday. After lengthy discussion regarding the milling, processing and selling of top soil from the development, Mr. Lucas stated he believes that, at this point, they are clearly implementing a use that is not reasonably related to construction activity permitted in that zoning district. Mr. Bragunier mentioned that is the problem, if the sifting was not there, the noise would not be there, and the trucks wouldn't be there as much. Mr. Troy stated there are really two pieces: First, it seems additional information is needed about what it is they are really doing. Second, should the ordinance be modified to include a time for construction activity? Mr. Bragunier stated to him that sounds like a better route to go. Mr. McFadden stated he will call Mr. Newhouse again and advise him of the Township's initial position that it may be okay to haul from the site, but it is not okay to process for use off the site. Mr. Lucas stated if they have excess fill that they have to get off site as part of the construction process that is fine, but if they start undertaking other activity related to that fill, processing it or whatever you want to call it, they may have gone over the line at that point. Mr. Lucas stated he believed Mr. Weise's biggest concern was he wanted a little bit more quiet time around the dinner hour on Friday and Saturday nights was what it boiled down to. Falling on Mr. Troy's point, maybe if the developer would use their best efforts to curtail activity by a couple hours during that time period, particularly with the summer/outdoor season coming up maybe the issue just goes away.

7b. 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. Consideration – Mr. McFadden stated the discussion at last month's meeting was that although it is fully the intention of the Township to allow frontage owners to install sidewalks if they feel they can get a better deal than the Township can offer, we wanted to extend that option to the property owners and we had done so through correspondence and through conversation, but the ordinance did not specifically state that that was an option. The solicitor has now amended the ordinance to specify that is indeed an option now. Second point, the interest levy as discussed was amended also. The Board now has an ordinance that is ready for adoption. Mr. Bragunier questioned what kind of guarantee does the Township have if a developer with a land development plan in place does not put the sidewalks in by the deadline date. Ms. Zimsky indicated that she is not aware of their time frame, but would say if the Township does not have plans or a developers agreement or some sort of financial security for these properties, the Township should install the sidewalks. Mr. Gazdik suggested this is something the Township wants to monitor through the summer and discuss as it becomes more imminent and determine if the Township wants to move ahead with the sidewalks in that area or not. It may play out, but the ramifications can be discussed. Mr. Bragunier questioned if it was possible to have a bond in place before the Township put the sidewalks as a guarantee. Mr. Gazdik responded if a developers agreement is in place - yes. Then, the Township would move along with the land development agreement process through the solicitors office and performance security would be obtained for the construction of the sidewalk, as well as other improvements on the site. So, that would guarantee that section. The remainder of the sidewalks are going to be completed by the Township. Mr. Troy recommended a motion to approve Ordinance 443. Mr. Candek moved to approve Ordinance No. 443, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8. PLANS

8a. The Waters Senior Living; [Site Plan/Land Development] SP(LD)16-01; Fowler Road and Perry Highway, plans dated 1/11/2016; **deadline: 5/2/2016** – Ms. Zimsky indicated the applicant is seeking land development approval to construct a 146 unit senior living/assisted living facility. The facility is proposed on Perry Highway, just south of the Fairmont Square Development. The property is zoned Route 19 Boulevard (RB). Assisted Living/Nursing Facilities are a permitted use in the district. Short discussion took place regarding the need to elevate the building pad area for this development. If applicant is unable to get fill from another source, their second option is using fill from a different area on the property, a borrow area, which would entail crossing a creek. This is their last resort. If a borrow area is required, developer plans to replant the area upon completion of the development. On March 1, 2016, the Planning Commission recommended approval of the plan 4 to 1. Bob Goetz of Trans Associates indicated this development would not increase the number of trips, but a \$65,564.00 Traffic Impact Fee will be due at the time of building permit. The Developer is seeking one modification this evening. There is a small wetland at the corner of the property. The developer is seeking a modification from the requirement that no disturbance is permissible within 25 feet of the edge of any flowing stream, lake or wetland. The developer is hoping to be approved to get as close as 10 feet of the wetland area. If the developer stayed within the required distance, a pedestrian walking trail would not be possible. Ms. Zimsky described to the Board the six variances that the applicant sought and received from the Zoning Hearing Board on April 19,

2016. After short discussion regarding the modification being sought, Mr. Troy made a motion to approve the modification of 25 ft to 10ft from the edge of the wetland area. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0]. For the Land Development plan, Mr. Troy made a motion to approve the plan subject to both Ms. Zimsky's memo dated April 28, 2016 and Mr. Gazdik's memo dated April 28, 2016. Mr. Bragunier moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8b. Village at Marshall Ridge Lot 30 Revised (Fast Track); [Subdivision] SUB-FIN16-08; Bell Drive, plans dated 4/1/2016; deadline: 7/5/16. – Ms. Zimsky indicated the proposed plan is a subdivision along the party walls of the townhouses being constructed on Lot 30 (New Lots 901, 903, 905, 907). Mr. Troy made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated April 28, 2016. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

9. New Business

9a. Agreement for Cranberry/Marshall SR19 Sinc-Up Project. Optimization of Route 19 Signals. \$130,886 Project Cost. 20% Local Match (26,178) 18,F57(c) 7721(m) – Mr. McFadden stated this is another chapter in the history that Marshall Township has had with Cranberry Township on the Sinc-Up project. This is for coordination of traffic traveling in the Route 19 corridor trying to optimize the Route 19 signals. There is a grant offered for the project cost of \$130,886.00. This grant requires a 20% local match which is \$26,178.00 and of that, Cranberry Township is obligated to provide \$18,157.00 and Marshall would be required to provide a local match of \$7,721.00. This is the third iteration of the Sinc-Up agreement. The previous Sinc-Up Agreement done in 2012 has worked well. We are working with Cranberry specifically on the two signals south of Cranberry, but prior to the 79 interchange. Mr. McFadden recommends entering into the agreement providing the local match and the source of that funding would be from the Traffic Signal Fund. It would not come from the General Fund. Mr. Troy made a motion to approve the Sinc-up Agreement. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

10. Correspondence – None.

11. Seminars – None.

ADJOURN

Since there was no further business to come before the Board, at 8:45 p.m., the meeting adjourned. Motion by Mr. Bragunier, seconded by Mr. Candek; vote in favor was unanimous [4-0].

Respectfully submitted,

Sheryl Snyder
Township Secretary