

MINUTES
AGENDA MEETING
August 29, 2016

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)
Jason Bragunier
Anthony (Jack) Candek
Bob Edwards

MANAGER: Neil D. McFadden

RECREATION DIR: Heather Cuyler Jerry

OTHERS: 6 Others

Mr. Troy called the meeting to order at 7:00 p.m.

1. Ms. Jerry asked to be recognized to present a brief progress report on the Altmyer facilities. She stated that she is continuing to gather public input in anticipation of the September 13, 2016 special meeting. She distributed a summary of public comment collected to date. The Board asked that comparative data on similar communities be presented on September 13, 2016. A decision was reached to use the Board meeting room for conduct of the special meeting with Board members seated with the audience.

2. Marshall Crossing Site Plan. Relocation of Trash Enclosure.

a) Motion to rescind approval granted 8/1/16. (Structure would not meet required setbacks) - Mr. McFadden introduced this item, offering on apology to Mr. Hammel as staff is now recommending that the Board rescind the plan approval granted on August 1 (for relocation of the dumpster enclosure) as that approval was predicated on a factual error: specifically, that the enclosure was not required to meet setback requirements. Counsel has since clarified that accessory structures in this zoning district are required to meet a fifteen foot setback. The location approved on August 1 does not meet this requirement. Mr. McFadden recommended a motion to rescind the August 1, 2016 approval as the structure is non-compliant. Mr. Troy questioned if this motion was a necessary first step in pursuing an eventual resolution to this matter. Mr. McFadden said "it is." Mr. Candek moved to rescind the August 1 approval, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

b) Discussion of permanent location - Mr. Ed Thaner, of E. A. Thaner Consulting introduced himself as a representative of Kathy Goss, adjoining property owner. He stated that

his client objects to the dumpster location on the approved plan for four reasons: one, the location is unsafe; two, the dumpster is not centrally located; three, a location per Mr. Thaner's exhibit is a better location and; four, his proposed location lessens the negative visual impact. Mr. Thaner further stated that the location proposed on his exhibit is endorsed by township staff (Ms. Zimsky and Mr. McFadden). When asked, Mr. McFadden offered that the proposed location has no direct sight line from surrounding residences and is more centrally located, although Mr. Hammel has offered counter arguments.

Mr. Hamel stated that he "totally disagrees" with Mr. Thaner's analysis. He stated that the approved access from Harmony Road is not just for garbage pickup, but for commercial truck delivery as well. He emphasized his safety concerns and desire to keep truck traffic out of the customer parking area. He is seeking to modify his original approval by moving the enclosure off of the sanitary sewer easement.

Ms. Goss voiced her objection to the approved site plan location, saying it is an "eye sore" and is unsafe for vehicles traveling on and entering Harmony Road.

Mr. Thaner then raised a question about the status of the original site plan approval given that an amendment was granted and then rescinded.

Mr. Troy responded that the Board is without legal counsel this evening and that a legal opinion would be sought prior to any further consideration.

After discussion, this matter was tabled until the September 6, 2016 meeting.

3. Acceptance of Grant Contract GEDF-010. Motion to Authorize Chairman's Signature on Proposed GEDF Grant, \$100,000.00 for Warrendale Park - Mr. McFadden asked for a motion authorizing the Chairman's signature on the \$100,000.00 GEDF grant for Warrendale Park. No local match is required, however, the Township will be required to pay for the grant audit (estimated at \$1,500.00). Mr. Edwards so moved, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

4. Amendment of Grant Contract 14-1-GEDF-003. Motion to extend term to March 17, 2017 - The Township has sought, and received, a 6-month extension on this grant, from 9/17/16 to 3/17/17. The Chairman's signature is required to accept this extension. Mr. Edwards moved to authorize the Chairman's signature, seconded by Mr. Candek; vote in favor was unanimous [4-0].

5. Guardian Storage Proposed Landscape Revision. Consideration of Proposal as Set Forth in Tait Engineering Letter of April 1, 2016 - Mr. McFadden presented photographs of the site taken from 1) Wheatland Road, 2) Wheatland at Warrendale Bayne and, 3) Brush Creek Road. The photos verified that the majority of the slope behind the new building was not visible. The Board reviewed Tait Engineering's letter of April 1, 2016, which asked for relief from the site planting requirements and offered a contribution to the Recreation Fund. Mr. Bragunier led a discussion concerning what precedent might be set by accepting a contribution at anything less

than the full cost of the improvement. The Board agreed to offer the proposed reduced planting schedule while accepting a contribution in the amount of \$6,800.00 (the total cost of plant materials).

6. Review and Approval of Proposed September 12, 2016 Agenda - The Board approved the attached Agenda for a meeting on Tuesday, September 6, 2016. Item 9b was removed as advertising requirements could not be met. Mr. Troy noted that he will be unable to attend the September 6, 2016 meeting.

7. Executive Session. Two Personnel Matters - The Board moved into executive session to discuss two personnel matters with the Manager.

8. ADJOURN

Upon return to public session and since there was no further business to come before the Board, at 8:55 p.m., the meeting adjourned. Motion by Mr. Bragunier, seconded by Mr. Candek; vote in favor was unanimous [4-0].

Respectfully submitted,

Neil McFadden,
Township Manager