

M I N U T E S
SHALER TOWNSHIP
PARKS AND RECREATION COMMITTEE MEETING
TUESDAY, MARCH 22, 2016

The meeting was called to order at approximately 7:35 p.m. by Commissioner Fisher. She announced that the meeting was being taped and asked the Secretary to call the roll. The Secretary called the roll as follows:

PRESENT: Fisher, Mizgorski, Skelley
ALSO PRESENT: Timothy Rogers, Manager; Judith Kording, Director of Finance & Administration; Harlan Stone, Solicitor; Chief Bryan Kelly; Sherry Martin, Administrative Assistant

New Business:

Initial discussion on sun-setting the dedication of parks

The first item of business was an initial discussion on sun-setting the dedication of parks. **Mr. Rogers** suggested sun-setting when dedicating a park. The intention is to dedicate a park for a long period of time. The question is, will the next generation know who the parks are named after and is the Township de-limiting the opportunity for future generations to name parks. There are a number of parks that are left un-named. There are certain parks that will be named for life such as Fawcett Fields. The Fawcett family bought the park and donated it to the Township. The honorable late Judge Fawcett did not want his name on the park, but deferred to his wife's wishes. Kiwanis Park, the codicil runs with the land. The park was purchased by the Kiwanis Club and donated to the Township. Since that time, the pool was named after a former manager, Crawford Pool and the ballfield was named Crawshaw Field.

Mrs. Mizgorski commented that the most recent named park was Friday Road Park to Duss Park upon Commissioner Duss' retirement. She thought the park should keep that name for as long as the Commissioner served the Township, 60 years. **Mr. Boyle** commented that a good example is Fisher Field at Stoneridge Park which was named after Dick Fisher who died of cancer. His wife and children have since moved from the Township. There was further discussion on the confusion of changing names of fields and parks.

Mr. Rogers gave an example of a child that was hit by a car this past year and Bauerstown Baseball Association wanted to name a ballfield after the child. He cautioned Bauerstown that the park and property is owned by the Pittsburgh Sewer and Water Authority. Is it possible or right to go and name a ballfield or park every time there is a tragedy in the Township? Bauerstown named the field 'Angel Field' and they will list all the children on a plaque.

Mr. Skelley commented that even if the current Board makes a decision, future Boards may amend those decisions.

Mr. Stone commented that the Board may want to consider how the City of Pittsburgh handles naming rights, such as Clemente Park, if it is in perpetuity. **Mr. Rogers** does not recall the City rescinding any naming rights.

No decision or action was taken this evening.

Comments: No comments

There being no further business, the Chairman asked for a motion to adjourn. **Mrs. Mizgorski moved, seconded by Mr. Skelley that the meeting be adjourned at approximately 7:45 p.m.**

Respectfully submitted,

Timothy J. Rogers
Manager

TJR:sm

M I N U T E S
SHALER TOWNSHIP PUBLIC SAFETY COMMITTEE MEETING
TUESDAY, MARCH 22, 2016

The meeting was called to order at approximately 6:30 p.m. by Commissioner Bill Cross. He announced that the meeting was being taped and asked the Secretary to call the roll as follows:

PRESENT: Cross, Fisher, McElhone
ALSO PRESENT: Timothy Rogers, Manager, Judith Kording, Director of Finance and Administration; Harlan Stone, Solicitor; Chief Bryan Kelly; Sherry Martin, Administrative Assistant

New Business:

Request of the Extension of the Civil Service Eligibility List for Police Officers and Sergeants to the Civil Service Commission.

The first item of business was a request to extend the Civil Service Eligibility List for Police Officers and Sergeants to the Civil Service Commission. **Mr. Rogers** explained under Pennsylvania State law the Township is required to provide Civil Service Testing and the Testing Eligibility List is now only good for one year. The Township is permitted to extend the list for another year with approval from the Board of Commissioners and the Civil Service Commission Board. **Mr. Cross** inquired of the Chief if there are a number of qualified candidates on the lists. **Chief Kelly** stated that there has only been one person hired and promoted from the lists. **Mrs. Fisher moved, seconded by Mr. McElhone to recommend to the full Board of Commissioners the approval of extending the Civil Service Eligibility List for Police Officers and Sergeants. The motion was carried.**

Request from Chief Kelly to implement Naloxone use and training.

The next item of business was the possible approval of a request from Chief Kelly to implement Naloxone use and training. **Mr. Rogers** commented on Chief Kelly's report regarding the use of Naloxone. Police officers, who are typically first on the scene would be able to administer assistance to individuals who overdose by administering the drug. This would require the purchase of the drug and all police officers would be trained on the administration of the drug. **Chief Kelly** explained that there is a protocol for the use of oxygen along with the drug and officers would be trained on this protocol and use. Shaler EMS is usually on the scene, but if they were delayed, the officers would be prepared to administer the drug. **Mr. Rogers** recommended the approval of this training. **Mr. McElhone moved, seconded by Mrs. Fihser to recommend to the full Board of Commissioners the approval of a request from Chief Kelly to implement Naloxone use and training.** Under question, Mr. Boyle inquired if Mr. Johnson, Shaler EMS Director had anything to add. **Mr. Johnson** stated that the AED program has been a success and the police officers training and use of Naloxone will make a difference as a first responder. **Mr. Cross** commented that he has had first-hand experience of individuals losing their lives from an overdose of drugs and he also recommends the program. **The motion was carried.**

Request from Carissa Huston for driveway access from property on Leo Road to Emerald Drive

The next item of business was a request from Carissa Huston for driveway access from property on Leo Road to Emerald Drive. **Mr. Rogers** explained and reviewed the residents request on the video screen. It showed Ms. Huston's home and driveway on Leo Road and

potential access area to Emerald Drive cul-de-sac on property owned by Shaler Township which is part of a detention facility. Ms. Huston is requesting access to the cul-de-sac on Emerald Drive from her driveway through the Township property. There was cul-de-sac access use from a former owner Mrs. Titterington, without a right-of-way agreement from the Township Board of Commissioners. That access was closed off with a guiderail by the Township.

Ms. Katherine Conley, 215 57th Street, 15201 and Ms. Carissa Huston, 2807 Leo Road, 15116. Ms. Conley is an attorney representing Ms. Huston and her mother Mrs. Titterington who are the owners and on the property deed. Ms. Conley explained that Ms. Huston is requesting an easement on the portion of township property from the guiderail to the Emerald Drive cul-de-sac. The issue is that Ms. Huston does not own Leo Road and Leo Road is in very poor condition. Ms. Huston is the sole owner living at the property with her fiancé Bob Cook. Mrs. Titterington does not live on the property.

Ms. Huston explained that when she first moved in three years ago she was given the impression by Mr. Rogers that they would be able to have access to the Emerald Drive cul-de-sac. Leo Road is a private road that is not well maintained, it is unsafe and she has suffered damage to her vehicle from the potholes on the road. She is unable to drive on Leo Road in the snow and when it rains, there are huge gullies in the road which makes it unsafe. She feels entitled to have safe access to her home, just like everyone else.

Mr. Rogers inquired who owns Leo Road. **Ms. Huston** stated that the people that live on it or Mr. Leo. **Mr. Rogers** stated that Ms. Huston is one of those that live on Leo Road. **Ms. Huston** stated that she does not own about three to four feet of her front yard to the road and it is not her property. **Mr. Rogers** inquired if there is any maintenance agreement on the road between you and your neighbors. **Ms. Huston** stated no. She stated that the Township provides a pile of dirt, or reclaimed asphalt that the neighbors are supposed to spread with buckets and shovels. She stated that she does not have a bobcat or heavy machinery to upkeep a road. There is an older gentleman who fills in the potholes at the bottom of Leo Road, but there is nothing done from anyone else.

Ms. Conley inquired from Ms. Huston what the history of ownership was on the property. **Ms. Huston** stated that she has spoken to residents on Emerald Drive multiple times over the last three years in her effort to gain access to the cul-de-sac on Emerald Drive. Some of the concerns are irrelevant, her age and the fact that her mom is on her property deed. Her mother does not live at the property. Prior to Ms. Huston and her mother Mrs. Titterington, her aunt owned the property and prior to that Mr. Sal Leo owned the property. Mr. Leo lived in the home before everything was developed and there have been four new homes developed. Mr. Leo subdivided the property and sold the lots and Mr. Leo built his house in the middle of Leo Road. Ms. Huston has lived on the property for three years, prior to that Mrs. Titterington, her aunt lived there for approximately seven years. **Mr. Rogers** inquired if Ms. Huston visited the property when her aunt owned it. **Ms. Huston** stated yes. **Mr. Rogers** stated, then you were aware of the condition of the road. **Ms. Huston** stated that she was aware and the road has gotten much worse especially a dirt road that no one takes care of. **Mr. Rogers** inquired if Ms. Huston has spoken to her neighbors about maintaining the road. Shaler Township donates roto-mill. Ms. Huston stated that the Township donates dirt. **Mr. Rogers** stated no, the Township donates roto-mill, it is not dirt. It is a valuable product that the Township could sell to our paver. The roto-mill is donated each year at the residents request and it is a duty upon all of the

residents to maintain the road. The Township donates the roto-mill purely out of generosity. There is no duty to donate the product. Everyone who lives in the Township is paying to donate the product which is valued over \$1,000.00. If the road is not being maintained, it is because of the property owners on Leo Road. It has nothing to do with the residents of the Township or the Township itself. Mr. Rogers stated that coming to the Board to complain about the condition of Leo Road, the Township has an equal concern about the condition of Leo Road and the Township's expectation that it be maintained by the residents of Leo Road. **Ms. Huston** stated that she is not coming to complain, she is requesting to have permission to have safe access to her house on property that she owns as well as a small portion of property owned by the Township. She has offered to buy the Township property, to pay taxes on the property. She pays \$8,000 in taxes and has to drive through a swamp to get to her house. **Mr. Rogers** stated that was her choice and he understands her concern, but you cannot come to the Township and state that the Township does not care, the Township does care. You are asking for something that did not exist prior to your purchase of the home. He requested Ms. Huston paint a factual picture for the residents that live here and we can talk about the facts.

Ms. Conley inquired to Ms. Huston if there is a portion of Leo Road that her property line encompasses. **Ms. Huston** stated no. It was stated that Leo Road is part of the other properties. **Mr. Rogers** inquired how she would know that. Ms. Huston stated because it was subdivided. **Mr. Rogers** stated that it does not mean that Leo Road does not extend into it. It may extend into it through easement by prescription. **Ms. Conley** stated that she does not know if that is a fact. **Mr. Rogers** stated that he did not know it as fact either. It might not be correct to say that Leo Road does not extend into the property. You have to prove that by deed. **Ms. Conley** inquired if they have to go to the Court of Common Pleas to prove that there is an easement by prescription. **Mr. Rogers** stated that he cannot give legal advice. **Ms. Conley** stated that Ms. Huston is here trying to be a good neighbor and request access to Emerald Drive from her property. Ms. Huston will put a gate up. **Mr. Rogers** inquired if Ms. Huston has the right to gate that property from other residents of Leo Road. **Ms. Huston** stated that she has the right to gate her driveway. **Mr. Rogers** stated that if Leo Road extends into that zone and the Township does not know if it does or does not, the Township cannot solve that issue. **Mr. Cross** inquired if the property has ever been surveyed and is it staked on the property lines. **Ms. Huston** stated that there was a survey done but there is not a recent one because there was \$1,200 fee for a new one. There are pink stakes around some of the perimeter. **Mr. Cross** inquired if you can tell if Leo Road is within your property by the stakes that exist. **Ms. Huston** stated that the bushes at the top and bottom of her front yard, from the bushes on is not her property. **Mr. Rogers** inquired again if there is anything in the deed that clears the property issue. **Ms. Conley** stated that the deed just refers to the survey from 1946 that was done by Sal Leo. When you search the parcels on the County website, you can see the property lines, none of Leo Road except for Ms. Huston's driveway is within her parcel. **Mr. Stone** inquired who lived on the property before Ms. Huston. **Ms. Huston** stated that her aunt purchased the home in 2005. **Mr. Stone** inquired if the aunt had a car and drove. **Ms. Huston** stated yes. **Mr. Stone** inquired if she was able to get to the house by driving up Leo Road. **Ms. Huston** stated that her aunt drives a big escalade SUV. **Mr. Stone** inquired again if the aunt was able to drive in and out every day. **Ms. Huston** stated that she accessed the cul-de-sac from Emerald Drive until she ran into issues with the residents on Emerald Drive. The residents did not want her aunt using Emerald Drive. Ms. Huston was not sure how long her aunt was using the Emerald Drive cul-de-sac. **Mr. Stone** stated that if the prior owners could not get to their home by using Leo Drive, they would not have had access and would have been landlocked. **Ms. Huston** stated yes. **Mr. Stone** stated that

instead of being landlocked, they were able to use Leo Road, as imperfect as it may have been to get to their home. **Ms. Huston** stated yes. **Mr. Stone** stated that if Ms. Huston were to gate off the access from Emerald Drive for anyone else using Leo Road, the property owners that live on the Emerald Drive cul-de-sac expected to not live on a through street. What is to prevent the other property owners on Leo Road from expecting that if the Township uses tax dollars to open up a right-of-way, they should all have access to Emerald Drive. **Ms. Huston** stated that it was not going to be taxpayer's money, she was going to pay for it. **Ms. Conley** stated that the access goes straight to Ms. Huston's property and does not access to other property owners on Leo Road. **Mr. Stone** stated that the gate would be used to bar other property owners from using Ms. Huston's access to Emerald Drive. Ms. Huston would be the only property owner benefitting from the Emerald Drive access. **Mr. Cross** stated that the Township knows that Leo Road is a private road and we do not know if this is an accurate representation or not. If it is, Leo Road runs to the very edge of Ms. Huston's property, you may not be allowed to gate it off because the other property owners have had access to that section of the property for many years. **Ms. Huston** stated that is her driveway. **Mr. Cross** stated that Ms. Huston did not have a confirmation of where Leo Road ends, if Leo Road goes anywhere beyond where she intends to place a gate, it would not be permitted as the other property owners would say that it is part of Leo Road and all of the property owners should have access. **Mr. Rogers** stated that the Township does not know where Leo Road begins and ends. There is no document that states that information. **Ms. Huston** stated that her property is all of that, including her driveway. **Mr. Rogers** stated not necessarily. An easement by prescription means that anyone that has ever used that easement has the right to continue to use that easement, and an easement under the law can grow. If they ever used the easement, they could come into the Township and say you are blocking our use by using public property. The Township as a municipality cannot give property to anyone by law. The Township has to allow the sale of property to be bid on by universe. **Ms. Huston** inquired if she could bid and buy the property. **Mr. Rogers** stated no, only if the Township decided they wanted to sell the property. The Township must maintain the property for purposes of maintenance of the detention facility. The Township was required to accept that property when the development was built and are now required to maintain the facility. The Township could never sell the property. If the Township was to give a right-of-way, it would have to be given to the world. The Township cannot de-limit a right-of-way as he understands the law. In order for the Township to consider the request, someone would have to prove to the Township that Leo Road cannot expand across Ms. Huston's property. The Township is aware of the condition of Leo Road. The Township is stuck with what can be done by law. **Ms. Conley** inquired if it would help to produce a survey. **Mr. Rogers** stated that Ms. Huston has a survey and we respect that the survey is reasonably accurate. The issue is not the survey, but who has the rights to the paper street. **Mr. Stone** stated that he is struggling with the concept of public purpose and what public purpose is served for this particular private road. The more it appears that Ms. Huston is the only resident benefitting by the new access arrangement, the harder it is to justify it having a public purpose. The survey is not going to solve that issue. **Ms. Conley** inquired about the property that was deeded to Shaler. **Mr. Rogers** stated that when a development is complete, the Township accepts all of the utilities in the development and the detention facility was deeded to the Township as part of the acceptance. **Ms. Huston** stated that she did not understand why someone else was able to access the Emerald Drive cul-de-sac and when there were issues with the residents on Emerald Drive, the access was taken away. **Mr. Rogers** stated that it was a mistake on his part, it was called an Ultra Vires act and he was not authorized by the Shaler Township Board of Commissioners to do that. Once it came to the attention of the Board of Commissioner's it was ceased immediately at a cost to the Township.

Ms. Huston stated that she is not trying to start any problems, she wants to start a family, is trying to be mature, he (Officer Bob Cook) works in the Township, police cars do not patrol on Leo Road. **Mr. Rogers** stated that she is presenting another issue to the Board which is public safety. The Township should require that the residents of Leo Road upgrade the road. **Ms. Huston** stated that she knows that the residents of Leo Road came to the Township to have it adopted by the Township and were told they had to pay the amount of money it would cost to pave the entire road. **Mr. Rogers** stated that is correct, as all the adopted roads in the Township were paved by the developer when they were built. Commissioner Mizgorski lives in one of the newer developments and she had to pay the more than most in order to put in a public street. Residents on Emerald Drive paid extra money to put in utilities to live on a cul-de-sac. When you choose to live on a private road and there are approximately a half dozen in the Township, there is an expectation on the part of local government that the road will be maintained in order that services may be provided to the residents. Residents that live on Spencer Lane Extension (the dirt road) the road is very well maintained because the Township donates stone and Mr. Titterington takes care of the road and he insists that it stay a private road. The residents were given the option at no benefit to the Township to pave that road and the Township would take it over. The Township does not need any more adopted roads as there are 19 employees clearing snow on the current roads. When there is a blizzard or flood, the Township has assisted at the taxpayers cost of a private road. **Ms. Huston** stated that she pays taxes. **Mr. Rogers** stated that Ms. Huston pays taxes to live on a private road. **Ms. Huston** stated that she pays more taxes than anyone that lives on Emerald to live on a road that is not maintained and is not safe. **Mr. Rogers** stated that was Ms. Huston's choice.

Ms. Conley stated that Ms. Huston's property is at the end of the road which puts her at a disadvantage. **Mr. Rogers** agreed. He was shocked that there was no covenant that runs with the land when the properties were subdivided on Leo Road that would have stated that the property owners would maintain the road. **Ms. Conley** stated that in all fairness to Ms. Huston she also looked into the option of Emerald Drive because Mr. Mendocino signed a petition early on that he did not have a problem with the use of the Emerald Drive cul-de-sac. After a review of the property, Mr. Mendocino has landscaping on the property. **Mr. Rogers** inquired of Ms. Huston if there is another access to Leo Road and how far is it from her property. **Ms. Huston** stated that yes. She has accessed Leo Road from this (Spencer Lane) entrance. The new homes in that area are on a hill and when it rains the property drain pipes leave gullies on the road. It only effects where she drives. **Mr. Rogers** stated that it has to effect the other homes in the area. **Mr. Cross** stated that the Board is not unsympathetic to your plight, but the issue is that the road is in deplorable condition and he was under the opinion that if the Township does something to solve this problem for Ms. Huston, how can we not help the next resident and all of the other residents on Leo Road. The real solution is that the road has to be fixed and the people that own the road need to fix the road. **Ms. Huston** stated where would she come up with \$100,000 to pave a road. **Mr. Cross** stated that it would be the responsibility of everyone that uses that road and owns property on the road to fix it. **Mr. Rogers** stated that maybe Ms. Huston only has to fix the road to the access that she has. There are complaints from other property owners on Leo Road. Township residents pay extra to place a smaller garbage truck to access Leo Road. **Ms. Huston** stated that the solution is that she has to buy a new car or move. **Mr. Rogers** stated no, she can fix the road with your neighbors. **Ms. Huston** stated that the other property owners have lived there forever and they do not care. The people that live there live at the bottom and can drive right out. She lives all the way at the end.

Ms. Mizgorski inquired if there was any legal action the Township could take to force the property owners to pave the road. **Mr. Stone** stated that he was pondering the same thought, but he did not think there was any legal action that could be taken. Most of the time when properties are subdivided and developed there is a maintenance agreement as part of the approval for the development. Any legal action would have to be taken as a private matter. **Ms. Huston** stated that she has to live there and she does not want to cause problems with her neighbors. **Mr. Stone** stated that it should not be a problem, when the property owners bought the homes on a private road, there should be an expectation that they would have to maintain the road. This would require a private discussion with the other property owners and he is sure that Ms. Conley can handle that for Ms. Huston.

Mr. Boyle inquired if Ms. Huston thought about approaching the neighbors closest to her property to pave the road that would access the Spencer Lane entrance. **Ms. Huston** stated that those neighbors do not get along and they would not work together. **Mr. Boyle** inquired how they ingress and egress their property. **Ms. Huston** stated that they have SUV's and trucks and it does not affect their vehicle as it does hers. **Mr. Rogers** stated that the property owners that Ms. Huston is referring to all have concrete driveways and they should be able to pave Leo Road as a group. **Mr. Skelley** inquired if Ms. Huston has spoken to any of the neighbors about paving the road as a group. **Ms. Huston** stated that she has spoken to some of the property owners but not as a group. They stated that they already had a meeting ten years ago and the Township told them they had to come up with the money themselves. **Mr. Skelley** inquired what the neighbor told her when she inquired about fixing the road. **Ms. Huston** stated that the property owners do fix the road, they pay money out of their own pocket to have stone delivered and they have to rake it on the road. **Mr. Skelley** stated that if she has some of the neighbors, she may need to speak to each neighbor to get them on board. **Ms. Conley** stated that Ms. Huston's request to use the Emerald Drive cul-de-sac was her easy solution as she was the only property with access as she lives at the end of the road. There has not been a fire or emergency since Ms. Huston has lived there and she did not know what will happen if there is an emergency. **Ms. Huston** stated that they (the Township) put a guardrail up and planted trees and if there was an emergency, a police officer or fire truck would not be able to access from Emerald Drive. **Mr. Cross** stated that the guardrail was put up because the previous owner was told to cease using the access area to Emerald Drive and they continued to do so. **Ms. Huston** stated that the guardrail was down and she was given permission and then all of sudden the next day after they had hired someone to come in and dig up her property which she paid \$1,000, two neighbors were not happy with it and they called the police and the guard rail was put back up. Over the last three years she has not done anything, and has not attempted to use the access road to Emerald Drive. She wanted to revisit the request after three years as she was giving it a cooling off period so that the neighbors could see that she was not causing any problems. It did not matter that she was young, she was still an adult, it did not matter that she was not married, they do not throw parties, they are not loud and they do not cause any trouble at all. The complaints are so irrelevant from something that happened five years ago. That is all that the neighbors on Emerald Drive seem to focus on. **Mr. Cross** stated that the issue is that Ms. Huston is requesting that the Township do something. The Township is not clear on where Leo Road is and you may not be able to block it off and all of the property owners may be allowed to use the access. The second thing is that on the advice of our counsel, it is not a wise idea for the Township to permit the access road to Emerald Drive. **Mr. Stone** stated that under the private road law, there has to be some public purpose, it cannot be to benefit a single property owner. **Mr. Rogers** stated that one of the other issues that was raised when speaking to the residents, when you improve Leo Road and the Township were to

adopt the road it is then open to the world. **Ms. Huston** inquired if that means everyone would have access to drive through her property. **Mr. Rogers** stated yes, if the road were approved to go through. **Ms. Huston** stated that she does not want it to be a road, she wants it to be her driveway. **Mr. Rogers** stated that he is speaking to the maintenance of the road. If the residents were to improve the road to a PennDOT regulated road and it was accepted by the Township, it would be open to the world. **Ms. Huston** inquired where would they go to a dead end road and turn around at her garage. **Mr. Rogers** stated that to improve the road, it would have to go through to Emerald Drive. **Ms. Huston** stated that she is not requesting that. **Mr. Rogers** stated that it does not matter what you are requesting, if the Township were to accept the road, it is our duty to make sure that the Township can service the road. The Township does not like to put equipment into a dead-end road, especially one that long. Emerald Drive is a dead end but it is a short street. In order to pave Leo Road it would have to be a 20 foot wide road, 18 inches of sub-base and a foot of pavement. This is why Leo Road has stayed private all of these roads. This is what puts the Township in the legal position that we are in. It is a complicated issue. Who owns the part of the road between you and the property?

Ms. Conley stated that in light of Mr. Stone's comments of being in the public interest, she would submit that it is in the public interest to the other neighbor if there is a fire on Leo Road, it would give access. **Mr. Rogers** inquired what other neighbor she is speaking of. **Ms. Conley** answered the neighbor directly across from Ms. Huston. **Mr. Rogers** stated that your request for access now grows and that is the Township's issue. It is not a simple request for one property owner. **Ms. Huston** stated that she is the only one making a request for years. No one else who has lived there has made any requests from the Township in years. She is trying to have a safe access put in to her home. She is not trying to cause traffic, or have a thru-way, she is simply trying to have access from her garage to the Emerald Drive cul-de-sac. **Mr. Rogers** stated that as we have said before if you open up a right-of-way you cannot de-limit that access. It could be a legal issue de-limiting that right-of-way. He did not have the legal answer. **Ms. Huston** inquired if you were in my position, what would you suggest for me to do. **Mr. Rogers** stated, improve the road. You must meet with your neighbors to improve Leo Road. The Township has been very helpful with the residents for road improvement. If you want to meet with the neighbors for a meeting, you can use the Township building. **Mr. Rogers** offered to attend the meeting. The resolution to this is to improve Leo Road permanently. **Mr. Cross** stated that ultimately those other homes will sell and new property owners will, hopefully want to share in that right-of-way. **Mr. Rogers** stated that when a home sells on a private road, he gets a phone call from the mortgage company, do you maintain this road and do you provide services to the road. The answer is no. If there is a blizzard the Township will go out three days after when the other roads are clear. That drives up the cost of a mortgage and you would be surprised at the number of homes in Shaler that are on private roads. They have difficulty getting a mortgage. It is to your financial advantage and everyone who lives there to improve that road. The reason they do not is that they are long-term residents. A letter is written to these mortgage companies that there is public water and sewage, but the road is not maintained. **Ms. Huston** inquired how it is not a maintained road if there is public water and sewage. **Mr. Rogers** stated that the utilities were requested for the development and they were granted permission to install utilities on the road. If there was a request for a development such as the Leo Road development, it would not be permitted. Only three homes are permitted on a private road. The road also has to be improved to keep it private and a maintenance agreement. The most recent development is Brenckle Fields which is one public road and three private roads, which they produced a private road agreement to the Township. DeHaven Court is a private road with an agreement. The

Township has to give permission for a development. The entire road would not have to be paved, if they would pave the dips in the road and leave the rest gravel. **Ms. Huston** stated that there is no gravel, it is mud except where she lives they paid to have gravel placed on the road.

Mr. Rogers inquired if anyone else wanted to speak regarding the Leo Road request. There were no other comments.

Old Business: Soliciting Issues

The first item of business was a review of Soliciting Issues from the February Committee meeting. **Mr. Cross** inquired if Mrs. Martin spoke to Verizon regarding the issues of their vendor soliciting without a permit and to soliciting to homes on the 'No Soliciting' list. **Mrs. Martin** stated that Verizon was to speak with their vendor regarding correcting the issue. The vendor did come into the office to acquire the permits and the 'No Soliciting' list. **Mr. Rogers** stated that there are college painters in the Township without a permit. The residents are told that if someone comes to your home without a permit to please call the police department. **Mr. Cross** stated that if Verizon continues to violate the ordinance, they should have their permit pulled. **Mrs. Martin** stated that Verizon has indicated that if there are further issues with the current vendor, they will pull their contract. **Mr. Rogers** stated that he cannot unilaterally pull the permit as the Township could get a restraint of trade complaint. **Mr. Cross** inquired what steps are then taken when a vendor violates the Township ordinance. **Mr. Stone** stated that there has to be a process before the Township can pull the permits. **Mr. Cross** stated that the police have provided warnings, the Township has spoken to the supervisors and they should receive a citation and now they have been notified that they are not following the procedure. What else would need to be done? **Mr. Stone** stated that you would need to give notice that you are pulling their permits and they would have the right to appeal that decision. There is usually a provision in the ordinance of how and where that appeal is to be taken. The appeal is usually directed to the Board of Commissioners. The right of appeal would then be taken to the Common Pleas Court. **Mr. Rogers** stated that what complicates the issue is that some of the vendors soliciting are also paying a franchise fee to do business in the Township. They may come back to say that they do business in the Township, they should be able to go door-to-door to our customers. There are charitable and governmental contractors who have a right to go solicit without a permit. The Township would like to give them a permit in order to have them registered and they are not interested in getting a permit. **Mr. Cross** stated that the issue is Verizon. **Mr. Rogers** stated that if there are further violations the Township can start pulling permits. **Mr. Cross** requested that Mr. Stone check the ordinance to see what the process to pull permits in the case of violations.

Mr. Rogers informed the Board that the Township is requiring residents to sign up yearly to the 'No Solicitation' list. The reason this is done as the Township is required by law to maintain the list. If we were taken to court they would want to know the last time the list was renewed. The Township is in a much better position if we can say that it is done yearly. There is no cost to sign up for the list. **Mr. Cross** requested that Mr. Stone also look into the 'No Soliciting' list being kept longer than a year. He commented that the Township may be able to use the new website for signing up to the 'No Soliciting' list.

Mr. Cross recognized a Boy Scout in the audience and requested he stand and introduce himself. **Jacob** was from Troop #138 and he was in attendance as part of his Communications Merit badge.

COMMENTS:

Chief Kelly commented that the Board will receive a letter regarding Officer Jason Bauer's probationary period ending. The Police Department is getting ready for the permit for the Memorial Day parade. Also, Senator Vulakovich will have a rally on April 5 at the State Rotunda regarding local radar for police departments.

There being no further business, the Chairman asked for a motion to adjourn. **Mr. McElhone moved, seconded by Mrs. Fisher that the meeting be adjourned. The motion was carried.** The meeting adjourned at approximately 7:28 p.m.

Respectfully submitted,

Timothy J. Rogers
Manager

TJR:sm

M I N U T E S
SHALER TOWNSHIP PUBLIC WORKS COMMITTEE MEETING
TUESDAY, MARCH 22, 2016

The meeting was called to order at approximately 7:29 p.m. by Commissioner Mizgorski. She announced that the meeting was being taped and asked the Secretary to call the roll as follows:

PRESENT: Mizgorski, Boyle, Skelley
ALSO PRESENT: Timothy J. Rogers, Manager, Judith Kording, Director of Finance & Administration; Harlan Stone, Solicitor; Chief Bryan Kelly, Sherry Martin, Admin. Assistant

New Business:

Manager's review of Insight Pipe project backlog.

The first item of business was the Manager's review of Insight Pipe project backlog. Mr. Rogers explained that the Insight Pipe Contractor is still working on the 2015 lining work in the Township even though there is a 2016 list. The Township was prioritizing sanitary sewers first and storm sewers second and now that the Board has given their priority preference the two lists need to be merged. All of the sewers on the list can be lined, one needs a point repair and there are two in question. The point repair may need to be bid out depending on the cost of the project. The contractor does not want to do the sewer on Vollmer Drive at this time, as he wants some indemnification that the Township is not willing to grant. This is the area that has had litigation issues in the past.

The emergency repair behind the municipal building is complete. A significant project going on right now is bank stabilization along Little Pine Creek behind the Public Works garage. This project entails the stabilization of the bank from beyond the salt dome following around the bend to provide additional protection from flooding. Public Works is also preparing for the sample MS-4 audit that is being performed by a company to prepare for the audit with the Department of Environmental Protection in mid-April.

Mrs. Mizgorski inquired about Williams Street. **Mr. Rogers** stated that Insight Pipe will be working on that sewer line. There are issues in the pipe but they will be lining the pipe and it will not cause any problems with the flow.

Mr. Boyle inquired when the paving bid specifications will be ready. **Mr. Rogers** stated that they are in the final draft. All of the paving cannot be done without using some liquid fuel funds, therefore the contract is being divided that some streets will still be paved with Superpave and some will be paved with the Marshall Mix. An issue was raised today whether the Marshall Mix was approved by Penndot. They will be investigating that issue further.

Comments: No comments

There being no further business, the Chairman asked for a motion to adjourn. **Mr. Boyle moved, seconded by Mr. Skelley that the meeting be adjourned. The motion was carried.** The meeting adjourned at approximately 7:34 p.m.

Public Works Committee Meeting
March 22, 2016
Page 2

Respectfully submitted,

Timothy J. Rogers
Manager