

**MINUTES**  
**REGULAR MEETING, SHALER TOWNSHIP**  
**BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 14, 2016**

The meeting was called to order at approximately 7:00 P.M. by the Chairman David Shutter. Following a prayer by Commissioner Cross and the Pledge of Allegiance, the Chairman asked the Secretary to call the roll as follows:

**PRESENT:** Fisher, Skelley, Boyle, Cross, Mizgorski, Shutter, McElhone  
**ALSO PRESENT:** Timothy Rogers, Manager; Judith Kording, Finance & Administration Director; Bryan Kelly, Chief of Police; Harlan Stone, Solicitor; Robert Vita, Code Enforcement Officer; Matthew Sebastian, Engineer; Sherry Martin, Administrative Assistant

The Chairman announced that an Executive Session of the Board of Commissioners of Shaler Township occurred May 24 and this evening at 5:30 p.m. where the following topics were discussed: Employment and personnel matters, contracts and policies, an update on potential litigation; and agency business which if conducted in public would violate a lawful privilege or lead to the disclosure of confidential information. Mr. Stone said he was present for the sessions and they were absolutely necessary and were in full compliance with the Pennsylvania Sunshine Act.

**Approval of Minutes**

The first item of business was the possible approval of the Regular Meeting Minutes of the Board of Commissioners held Tuesday, May 10, 2016 and the Special Meeting Minutes of Tuesday, May 24, 2016. **Mr. Boyle moved, seconded by Mrs. Fisher that the Minutes of the Regular Meeting Minutes of May 10, 2016 and the Special Meeting Minutes of May 24, 2016 be approved as received by each Commissioner. The motion was carried.**

**Planning Commission:**

The next item of business was the Planning Commission minutes. **Mr. Rogers** stated that any questions for the Planning Commission may be directed to Mr. Vita or Mr. Sebastian. There were no questions.

**Engineers Report:** Mr. Matthew Sebastian

The Chairman recognized Mr. Sebastian who commented briefly on the Engineers report.

- *Fall Run Park*
  - Discussion continued with Gateway Engineers as the scope and cost estimate for Fall Run Park are refined. Gateway presented to the Board of Commissioners on May 24<sup>th</sup>.
- *Sanitary and Storm Sewer*
  - Gateway Engineers compiled our flow monitoring results related to our ongoing flow isolation project. A meeting was held on today to discuss the results and begin planning demonstration project work to satisfy the Administrative Consent Order. We expect to complete a demonstration project during 2016 to comply with the ACO timeline.

- RedZone Robotics has been working to finalize our 2016 CCTV data. CCTV results are expected to be ready for review during the week of 6/13. I will begin scheduling any necessary sanitary sewer repair work as soon as the CCTV data is reviewed.
- Insight Pipe has made it through the lingering lining projects from 2015. With the current level of responsibility and responsiveness, I feel confident that future lining work will be addressed much more efficiently.
- I met with other NHCOC engineers to discuss and refine contract documents for the upcoming 2016-2017 NHCOC Sewer Rehabilitation contract. This is the contract that we do most of our sanitary repair work (lining, cleaning, pipe bursting, etc) under. Bids will be opened in June for the new contract.
- Sewer repair projects on Hoffman Street, Garden Place, Vollmer Avenue, and Royal Court Drive were planned and discussed with multiple contractors. Proposals have been received and the projects should be completed during June and early July.

**Mr. Sebastian** also informed the Board that Gateway Engineers has provided a proposal bid for the engineering and permitting for the Fall Run Park project which is on the agenda for this evening.

**Mr. Rogers** added that he and Mr. Sebastian met with Gateway Engineers today and the Shaler Township sanitary sewers are in Environmental Protection Agency (EPA) compliance. Gateway Engineers has performed an excellent job on mapping. Shaler Township still has some mapping issues, but are better off in terms of the amount of inflow and infiltration in the sanitary sewer system. The Township will review performing a few projects as part of our Demonstration project to meet the August 2017 requirement deadline. The Township is near resolving the flow of stormwater into Sharpsburg with the help of ALCOSAN. This will give the Township credibility in terms of the EPA Consent Decree. Gateway Engineers has reported to us that the Township has already done a project for the EPA Consent Decree and the Township continues to be ahead in terms of compliance for the EPA Consent Decree and in reducing the inflow and infiltration of stormwater.

#### **New Business:**

#### **Possible approval of Site Development – Shaler Area School District – Rogers Primary School on Scott Avenue in the Fifth Ward.**

The next item of business was the possible approval of the Site Development for Shaler Area School District Rogers Primary School. **Mr. Rogers** invited Mr. Carly from HHSDR Architectural Firm to come forward. **Mr. Rogers** inquired if Mr. Carly was also working on the School District Field project. **Mr. Carly** stated that the project is going well. They are pricing to prepare the outlets and will submit to the School District. **Mr. Rogers** stated that he wanted to make sure they are aware of the past landslide issues on the left field edge of the ballfield. The issues were corrected but there is concern on the flow of the stormwater in that area.

**Mr. Rogers** requested Mr. Carly give a description of the Rogers Primary School project and the stormwater issues. **Mr. Carly** stated that there is a 30-inch sewer pipe that runs through the property and this pipe will be re-routed. The existing stormwater system that is under the parking lot and along Clare Drive is a 48-inch pipe and will be utilized. This pipe will be able to hold quadruple the amount of water and will be moving the flow from the western half of the

school and the new parking lot. There are two systems to retain the water in the back by the baseball field. They are underground systems with 36 and 48-inch pipes, laid down with aggregate between them with a sump system which is perforated and wrapped with fabric. The purpose is to retain water and infiltrate the water back into the ground. There was a large wall submitted on the plans which was up to 22-feet, and they have re-designed and will be bringing the grade up to the wall which will bring the wall to 10-feet with a shelf coming out 5-feet on the slope. They reduced the wall and were able to use some of the fill from the site to build the grade. The wetlands will have fencing during construction to assure that the wetlands are not disturbed. The School District has agreed to maintain the wetlands. **Mr. Rogers** commended the School District for having a full-time construction management team on the site at all times.

**Mr. Rogers** stated that they had received concerns from the Department of Environmental Protection (DEP) on the sanitary sewer application and the calculations that were used for the EDU's (Equivalent Dwelling Unit). It was not acceptable to take credit from another school on the calculations. **Mr. Carly** stated that they will need to acquire another 5 EDU's for the additional population that will be serviced at the school. **Mr. Rogers** would like to propose that HHSDR use the 12 quarter agreement to determine usage and flow at the facility to insure that the EDU adjustment is correct. This will protect the Township and HHSDR for EPA compliance. This will be made as a condition of approval. **Mr. Carly** agreed.

**Mrs. Fisher moved, seconded by Mr. Boyle to approve the Site Development for the Shaler Area School District Rogers Primary School on Scott Avenue in the Fifth Ward.** Under question, Mr. Rogers requested that the 12 quarter agreement for sanitary sewer be added as a condition of approval for the correct amount of EDU's to be determined. **Mrs. Fisher moved, seconded by Mr. Boyle to modify adding the condition of approval. The motion was carried.**

#### **Possible scheduling of Public Hearing for Liquor License Transfer for STlocal5restaurantgroup,LLC d/b/a Barrel Junction, 3108 Wm. Flinn Highway.**

The next item of business was the possible scheduling of a public hearing for a liquor license transfer. **Mr. Boyle moved, seconded by Mr. Cross to schedule a public hearing for a liquor license transfer for the ST local 5 restaurant group, llc, doing business as the Barrel Junction, 3108 Wm. Flinn Highway, lot and block 521-F-183 in the Third Ward, said hearing to be set for Tuesday, July 12, 2016 at 7:00 p.m.** Under question, Mr. McElhone inquired on the location of the business. Mr. Boyle stated that it is the Old Highway Inn next to Casey's Restaurant. Mr. Stone stated that he received a formal letter for the request this afternoon and expects they will send the payment fee. **The motion was carried.**

#### **Possible approval of the Morton Salt Agreement**

The next item of business was possible approval of the Morton Salt Agreement. **Mrs. Mizgorski moved, seconded by Mr. McElhone to approve the Morton Salt Agreement for dates September 1, 2016 through to August 31, 2017 the North Hills Council of Governments (NHCOG).** Under question, Mr. Rogers stated that a portion of our road salt is purchased through the NHCOG cooperative and additional road salt is purchased through the state program. The Township has retained a remarkable amount of salt from this past winter and

the Township has cut our number on the contract by 1,000 tons which gives us 12,000 tons available for purchase. Management recommends approval. **The motion was carried.**

### **Fall Run Park Rehabilitation Project– Gateway Engineer Cost Proposal**

The next item of business was the Fall Run Park Rehabilitation Project – Gateway Engineers Cost Proposal. **Mr. Rogers** stated that at the direction of the Board of Commissioners Gateway Engineers was directed to provide the Board with a structured engineering cost proposal for the complete renovation of Fall Run Park. This included all the damaged areas from the landslide and flood damage. **Mr. Sebastian** explained that he calculated a 10 to 15% of the construction costs for the soft cost estimate for the design and engineering. With a projected construction cost of \$710,000, he expected the cost to be between \$70,000 to \$100,000 for design and permitting. Gateway Engineers submitted the cost proposal estimate not to exceed \$50,000 for design, this estimate could come in lower and the construction estimate for permitting and engineering is \$15,000. He believed that this was a reasonable number for the project and he trusts Gateway Engineers work for this project. **Mr. Cross moved, seconded by Mr. Boyle to approve the Gateway Engineers cost proposal for engineering fees and design for Fall Run Park. The motion was carried.**

### **Allegheny County Snow and Ice Agreement**

The next item of business was the Allegheny County Snow and Ice Agreement for years 2016-2017, 2017-2018, and 2018-2019. **Mr. Rogers** explained that every three years Allegheny County sends out their winter maintenance agreement for County roads. This allows the Township to clear snow and ice from the County roads within the Township. A small price escalator was included in the agreement. Management recommends approval. **Mr. McElhone moved, seconded by Mrs. Mizgorski to approve the Allegheny County Snow and Ice Agreement for years 2016-2017, 2017-2018 and 2018-2019. The motion was carried.**

### **Receipts and Authorizations:**

The next item of business was the receipts and authorizations for the month of May. **Mr. Boyle moved, seconded by Mr. Skelley that the receipts be turned over to the proper officers for deposit. The motion was carried.**

**Mr. Boyle moved, seconded by Mr. Cross that warrants be drawn. The motion was carried.** A copy of the Receipts and Authorizations are attached to these minutes as an addendum.

### **Mr. Edward Kress, Allegheny County Councilman**

**Mr. Shutter** recognized Mr. Ed Kress, Shaler Township County Councilman to come forward. **Mr. Kress** came to update the Township on County road issues. Mr. Kress announced the Penguin celebratory parade will be held tomorrow at 11:30 in downtown Pittsburgh. He reported that the County will be working on Bridge 11 (Pennview Street Bridge) in Shaler Township. Notices will be issued on July 18 with an approximate road and bridge closing on August 1 and will remain closed until May 24, 2017. **Mr. Shutter** requested repair work be performed on Middle Road. The guiderail is collapsing which may be from a collapsed catch basin or vehicle accident. Mr. Rogers will have the engineer investigate the guiderail and catch basin issue. **Mr. Kress** stated that if there is a safety issue on a road to please send an e-mail

from the Police Chief regarding the safety of the road to give him more leverage on having the repair work done. Mr. Shutter requested that Middle Road be placed on the list for the County to repair. **Mr. Shutter** appreciated the assistance that Mr. Kress has provided to the Township and more has been accomplished on the County Roads in Shaler Township because of Mr. Kress.

**Mr. Kress** also stated that he will be voting in support of the land bank for the benefit of Millvale, Etna and Sharpsburg. The Shaler Area School District will not be participating in the land bank program.

**Mr. Kress** announced the Picklesburgh Festival will be held on the Rachel Carson Bridge on July 15 and 16. This is a free event with bands and vendors available. There will also be a boxing match between boxers from Pittsburgh and from Cuba on July 30 on the Clemente Bridge. Free tickets are available online. This event is being held to help form relations between Pittsburgh and the Cuban business community. Mr. Kress also announced that the Pittsburgh Building and Trades are always hiring employees.

## **INTRODUCTION OF ORDINANCE**

### **Ordinance No. 1938 Wind Energy Systems**

The next item of business was the Introduction of Ordinance No. 1938 Wind Energy Systems. **Mr. Boyle moved, seconded by Mr. Cross that the Windmill Energy Systems Ordinance be introduced, advertised and tabled and a public hearing be set for Tuesday, July 12, 2016 at 7:00 p.m.** Under question, Mr. Rogers explained that the Township is not seeking to allow windmill farms in the Township. There was a request from a resident that has property on Route 28 and is interested in placing a windmill on his property. The Planning Commission is reviewing. The draft ordinance is on the Township's website. **Mr. Stone** stated that the ordinance is designed to regulate windmills as an accessory use to a residence. **The motion was carried.**

### **Comments:**

**Mrs. Fisher** announced the 4<sup>th</sup> of July Community Day event held on Monday, July 4. The day starts with the 5K Run at 8:00 a.m. and commence with the fireworks at dark.

**Ms. Linda Szewczyk, 110 N. Spruce Drive, Glenshaw, PA 15116** has been working with Mr. Vita since September 2015 and she had a complaint regarding the water runoff coming from Cherrywood Drive which is above N. Spruce Drive. She and her neighbors recently discovered that Cherrywood Drive does not have any stormwater drains (on the private portion of the road). The stormwater runoff from the properties is coming down to N. Spruce Drive. A neighbor filmed water running down the hillside from Cherrywood Drive properties to the properties on N. Spruce Drive. Mr. Vita has sent letters to the property owner in October 2015 and April 2016 on N. Spruce Drive regarding compliance with stormwater management on his property requesting he place a 4' by 4' pit for the placement of stormwater from his home. She was upset that she did not get responses from her phone calls from Mr. Vita. She is here this evening because she had a message when she called Mr. Vita today that the neighbor on Cherrywood Drive has done all he needs to do to remedy the stormwater issue on his property. Mr. Vita informed Ms. Szewczyk that nothing was done on the property. She had photos of the water coming from the neighbor's driveway down to her property. **Mr. Shutter** stated that water is not

coming from the neighbors but it is coming from the street. **Ms. Szewczyk** stated that this is not true and that there is a small section of street on Cherrywood that the Township installed a sump pump for the water on the street. The runoff from the neighbor's home is directed to his driveway which runs down to N. Spruce and her backyard.

**Mr. Rogers** stated that the Township did what it could do and the Township is only required to design the storm system to a 2-year storm. **Mr. Rogers** inquired to **Mr. Vita** if the neighbor was in compliance with the stormwater ordinance. **Mr. Vita** stated yes, there was more than one option for the neighbor to disperse the water from his home and he dispersed the water run-off from his home into the grass area of his yard. **Mr. Vita** and **Mr. Sebastian** reviewed the neighbor's yard together. **Mr. Rogers** explained that when your home is below another home, there will be storms that will exceed any amount of work done. The Township suffered over \$750,000 damage in Fall Run Park from two storms in September 2015 and no matter the restoration work the Township has done, there may be storms that will exceed that work.

**Mr. Rogers** inquired if **Ms. Szewczyk** would grant the Township a right of way across her property to pipe the stormwater. This would be a 24" pipe that would run on the side of her property to N. Spruce Drive and the Township would pay for the project. **Ms. Szewczyk** disagreed with **Mr. Rogers**. **Mr. Rogers** stated that if the neighbor is in compliance with the stormwater ordinance, that is all he is required to do. There will be storms that will exceed that damage. **Ms. Szewczyk** insisted that the neighbor did not comply with the stormwater ordinance because he did not place a 4' by 4' pit to disperse the water. **Mr. Vita** explained that there are other ways to disperse the stormwater and the neighbor dispersed the water throughout his yard as he had sufficient topographical surface area for that to work. **Mr. Rogers** inquired if **Mr. Vita** and **Mr. Sebastian** were satisfied that the water was being dispersed not in a direct line but for the water to flow out across the property. **Mr. Vita** and **Mr. Sebastian** were satisfied with the neighbor's stormwater compliance. **Ms. Szewczyk** insisted that the water does not disperse into his yard and she had photos that the water comes down his driveway onto the N. Spruce properties. It was decided that **Mr. Rogers** would meet with **Ms. Szewczyk** at her home tomorrow. **Mr. Boyle** inquired what happened to all the water before last September. **Ms. Szewczyk** stated that they were getting flooded but did not know why. Her neighbor on N. Spruce went out after the September storm with a camera and it showed the water coming down her yard from Cherrywood.

**Mr. Rogers** inquired where the water from her home is dispersed. **Ms. Szewczyk** stated that her water drains to the street. **Mr. Rogers** stated that her drains should be going to a sump or into the yard also. **Mr. Rogers** inquired if she is able to swale the back of her property to move the water around her house. **Ms. Szewczyk** inquired why she should deal with the neighbors run-off. **Mr. Rogers** informed her that it is the topography of the area. **Ms. Szewczyk** insisted that the neighbor's water should go into a pipe in the street. **Mr. Rogers** stated that he does not have a pipe in the road to place the water. **Ms. Szewczyk** thought the township should place a pipe in the road for the neighbor's water run -off. **Mr. Rogers** stated that the Township is not required to move private property water. If water is coming to her property from a higher location, she is responsible to protect her property. **Mr. Rogers** stated that if he convinces the property owner to place a 4' by 4' pit at the end of his driveway, it will not solve the problem. **Ms. Szewczyk** stated that it would make her happy if that is done.

**Ms. Szewczyk** passed the photos around to the Board members for their review.

**Mr. Mike Bonfiglio, 1604 Tamarack Drive, Allison Park, PA 15101** brought concerns of water issues coming from South and North Pine Drive to end of Tamarack Drive. There is new building construction at the end of Tamarack (lot no. 617-K-300) and with the trees being cut down on this lot there are concerns of additional water coming onto Tamarack Drive and homeowner's property. Water runoff from underground springs coming from the lot in question also affect the property owners on Tamarack and Black Oak Drive. Pictures of the water issues from the subject lot and on Tamarack were provided.

**Mr. Rogers** invited the homeowners present to review the building plans at the Township offices. The Township will not extend the street for the new construction but the lot does have a right of way to Tamarack Drive. The new building owner will be able to start his driveway in the vicinity of where the guiderail is located on Tamarack Drive. The Township will accept the field grate that is above the ground on the property. Mr. Rogers was speculating that the builder of the plan on Tamarack Drive installed the field grate after the homes were built and realized there was a water issue. It was represented by the builder to Mr. Bonfiglio and the owners present when they purchased their homes that the lot in question would never be sold. The Township is not permitted to land lock a property, the owner has the right to develop the property. There is no approval process for a building permit, the only requirement is that it is built to be compliant with the building code. The builder has submitted plans to the Township for the home being built and the Township will request the developer and property owner build a berm on the property to keep the water from coming to the street. The owner is not required to install the berm. This solution will not take care of the spring water coming from the property, but will assist in the surface water leading to the storm sewer. Typically, when a development is built the developer installs a stormwater system to handle the water runoff issues. Some of the homes on Tamarack Drive had significant damage in the 1986 storm. **Mr. Rogers** explained that the Township will upgrade the storm pipe on Tamarack if necessary. The Township has to investigate to make sure that they can install a larger pipe. It will depend on what size storm system it empties to. The Township will videotape the storm system with a camera to determine the size and condition. Once the Township investigates and reviews the video, it will determine what can be done as they cannot overburden the storm system on Tamarack and Black Oak. It is unlikely that the water from North and South Pine can be piped into the storm system on Tamarack and Black Oak Drive. The Township can also place higher curbing in the cul-de-sac area of North Pine. Mr. Rogers encouraged the residents to speak to the new building owner and his builder personally.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher that the meeting be adjourned at 8:20 PM.**

Respectfully submitted,

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Timothy J. Rogers, Secretary  
Seal