

MINUTES
REGULAR MEETING, SHALER TOWNSHIP
BOARD OF COMMISSIONERS
TUESDAY, APRIL 11, 2017

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, Boyle, Skelley, Cross, Mizgorski, Shutter, McElhone
ALSO PRESENT: Timothy Rogers, Manager; Harlan Stone, Solicitor; Judith Kording, Finance Officer; Chief Bryan Kelly; Matthew Sebastian, Engineer; Robert Vita; Code Enforcement Officer; John Benty, Chairman, Civil Service Commission; Sherry Martin, Administrative Assistant

The Chairman announced that an Executive Session of the Board of Commissioners of Shaler Township occurred on March 28, 2017 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 Executive Session and it was necessary, proper and 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, March 14, 2017. **Mr. Boyle moved, seconded by Mrs. Fisher that the Minutes of the Regular Meeting of March 14, 2017 be approved as received by each Commissioner. The motion was carried.**

PUBLIC HEARING

Resolution No. 5-17 M & M Bites, LLC for Liquor License Transfer

Public Hearing Minutes are attached as an addendum.

Shaler North Hills Library – Ms. McRae

The next item of business was a report from Ms. McRae. Ms. McRae reported that there is a proposal to eliminate the Institute of Museum and Library Services at the federal level which represents six million dollars for block funding grants for Pennsylvania. It also funds staffing at the state library level and also ‘power library’. Power Library is a combination of materials that is collectively purchased with school districts. These losses will be problematic at the local level for libraries and the school districts. All federal funding flows through the states. The federal funding covers a lot of the technology grants for local communities which allowed the communities to work as a consortium for wireless funding, connectivity and fiber optics.

The library spring events include the book sale on April 22 and 23, ‘All Things Pirates’ on April 28, National Drug Take Back Day as well as Pug-a-palooza, American Girl Saturdays and Hamiltunes for Teens on April 29; Artists and Authors festival on May 20 and the volunteer breakfast on May 24. Monday, May 8 the library replaces all of the personal computers (PCs) in

the library through the County and there will be no computer access on that day and in honor of the 75th Year Anniversary, some of the employees will dress up from 1942. Summer Reading program will kick off in May.

Planning Commission

The next item of business was the Planning Commission minutes. Mr. Vita will answer any questions on the Planning Commission Minutes. **Mr. Vita** stated that the only item is the Site Development for Bank of America. The updated plans were submitted per amendments recommended by the Planning Commission.

Engineers Report

The next item of business was the Engineers Report.

- *Sanitary and Storm Sewer*
 - Met with State Pipe to discuss sewer repair work under the NHCOC sewer repair contract. Repairs will fix storm drain sinkhole issues and prepare sanitary sewers for acceptance by ALCOSAN.
 - Met with Gateway Engineers to plan the next phase of flow isolation. Information gathered during flow isolation studies will help to comply with the Consent Order. Some of this work will focus on issues near the Giant Eagle on Route 8.
 - Met with Duke's Root Control to discuss upcoming 2017 work.
- *Road Paving*
 - Began coordination between Youngblood Paving and Shaler Public Works to plan out the order of paving for the 2017 Paving Program.
- *Stormwater Management*
 - Met with members of the Allegheny County Council to discuss the Act 167 Ordinance language, issues, and suggested changes.
- *Parks*
 - The Fall Run Park project has been put out to bid. The pre-bid mandatory meeting was held on site with prospective bidders and Gateway Engineers personnel today. The meeting should help to address any potential bidding issues, which will keep bids competitive and comparable.
 - The bid opening for the Crawford Pool was held. We are working with the low bidder to keep the project moving efficiently toward an on-time pool opening.

Mr. McElhone commented that the state had performed additional work on their portion of Butler Plank Road and thought that the work solved some of the water drainage issues. He requested Mr. Sebastian pass on his appreciation for solving the drainage issue. **Mr. Sebastian** stated that the project manager has been cooperative and easy to work with on the project.

Mr. Shutter stated that on behalf of the Board of Commissioners he would like to recognize Chief Gally, retired Chief of Police, former Commissioner of the First Ward, Mr. Ed Duss, and retired Detective Rich Byers.

New Business:

Possible Approval of Promotion in the Police Department.

The next item of business was the possible approval of a promotion in the Police Department. The Chairman recognized Mr. Benty from the Civil Service Commission.

Mr. Benty stated that the Civil Service Commission certified the Sergeants Eligibility List on July 9, 2015 and the Eligibility List was extended until July 9, 2017. The three names being offered from the Eligibility List for Sergeant are: Richard Fowler, Richard Zilaitis and Gregg Steinmetz. **Mr. Cross moved, seconded by Mr. Boyle that Officer Richard Fowler be promoted to the position of Sergeant in the Shaler Township Police Department effective as designated by the Chief of Police.** Under question, the Chairman requested Officer Fowler stand. **The motion was carried.**

The audience applauded the promotion of Sgt. Fowler. Sgt. Fowler thanked Chief Kelly, Mr. Rogers, previous employees, Mr. Duss and his family and friends for their support.

Possible approval of a Site Development, Shaler Associates, owner, Bank of America, applicant, William Flynn Highway, lot and block 434-B-300 in the Third Ward.

The next item of business was the possible approval of a site development for Shaler Associates. **Mr. Pat DeNardo from Rettew Associates** was present and representing Bank of America. Mr. DeNardo stated that the plans are for two ATM's at Shaler Village on Wm. Flynn Highway. Bank of America has added signage, a security camera and landscaping to the site plans as requested by the Planning Commission. They are drive-up ATM's. The security camera will record to an off-site location. **Mr. Cross** inquired where the closest Bank of America office is located. **Mr. DeNardo** stated that he thought that they are working on building an office in Wexford. **Mr. Skelley** inquired if there are cameras at the machines or just on the property. **Mr. DeNardo** stated that the cameras are directed at each ATM. **Mr. Rogers** acknowledged Bank of America's willingness to add trees to the site plan as requested by the Township. **Mrs. Mizgorski** inquired if there is a panic button at the ATM. **Mr. DeNardo** stated that there is not. **Mr. Boyle** inquired if they would park in the lane when performing maintenance on the ATM. **Mr. DeNardo** stated that they would park in one of the lanes for all maintenance. Bank of America is leasing the space from Shaler Associates. **Mr. Boyle moved, seconded by Mr. Cross that the site development for Shaler Associates, owner, Bank of America, applicant, William Flynn Highway, lot and block 434-B-300 in the Third Ward be approved. The motion was carried.** **Mr. Rogers** inquired for information on the anticipated build date. **Mr. DeNardo** will inquire and inform the Township of the build date.

Possible approval of Summer Employment Policy

The next item of business was the possible approval of the Summer Employment Policy. **Mrs. Cross moved, seconded by Mrs. Fisher that the Summer Employment Policy for hiring guidelines for part-time summer employees be approved. The motion was carried.**

Possible approval of Hiring Summer Part-time Employees

The next item of business was the possible approval of Hiring Summer Part-time Employees. **Mrs. Fisher moved, seconded by Mr. Boyle that the following individuals be hired as summer part-time employees subject to all required documentation being received.**

FIRST NAME	LAST NAME
Stephen	Adametz
Adam	Amrhein
Samantha	Bagwell

FIRST NAME	LAST NAME
Suzanne	Jacobs
Hunter	Jamison
William	Keat

Jon	Banze	Julie	Loesch
Karen	Banze	Derek	Maloney
Abigail	Banze	Zachery	Marker
Allison	Banze	Connor	Maroni
Michelle	Benna	Morena	Miller
Claire	Blaha	Roslyn	Mizgorski
Tanner	Boyle	Kelsee	Pollak
Amanda	Brock	Matthew	Potock
Dillon	Brown	Molly	Powers
Matthew	Burlett	James	Roberts
Gino	Cercone	Kristin	Rost
Carley	Clontz	Stephen	Seidelson
Hannah	Crawford	Eric	Spiker
Brendan	Donovan	Timothy	Templin
Rylee	Donovan	Clinton	Volle
Bryce	Fedak	John	Weimann
Peter	Fisher	Daniel	Wigda
Devin	Gannon	Nicholas	Zangaro
Meghan	Harris	Alicea	Zelina
Brittany	Hernon	Anthony	Zelina

Under question, Mr. Rogers explained that the summer part-time employees are for the pool, public works and the office. **Mr. Shutter** stated that the intent of the summer hiring practices has been to assist students financially that are going onto college and to maintain the pool and Township throughout the summer. **The motion was carried. Mr. Boyle and Mrs. Mizgorski abstained.**

Receipts and Authorizations:

The next item of business was the receipts and authorizations for the month of March 2017. **Mr. Boyle moved, seconded by Mr. Skelley that the receipts for the month of March 2017 be turned over to the proper officers for deposit. The motion was carried.**

Mr. Boyle moved, seconded by Mr. Cross that warrants be drawn for the month of March 2017. The motion was carried. A copy of the Receipts and Authorizations are attached to these minutes as an addendum.

Reports of Standing Committees North Hills Council of Government

The next item of business was a report from Commissioner McElhone on the North Hills Council of Government (NHCOG). There were no questions. **Mr. Rogers** reported that he and Mr. Roller from the NHCOG will be meeting with Morton Salt to deal with the undelivered salt that the municipalities were under agreement to take delivery from Morton. The negotiation will be for all of the municipalities under the NHCOG agreement to determine when the municipalities will take the balance of the orders and/or pay Morton to store the salt. The order delivery dates are by August 15, 2017. **Mr. McElhone** clarified that the municipalities must take delivery of at least 80% of the contracted amount of salt that was ordered or no more than 120%. **Mr. Rogers** explained that the Township purchases salt from two providers, Morton Salt

and the state. The state allows municipalities to take delivery of 60% of the contracted order and no more than 140%. Morton Salt provides a better quality of salt than the state.

RESOLUTION

Resolution No. 6-17 Bauerstown Baseball and Softball Association for Small Games of Chance

The next item of business was Resolution No. 6-17 for Bauerstown Baseball and Softball Association. **Mrs. Jen Smail and Mr. Jim Smail** were present to represent Bauerstown Baseball. **Mrs. Jen Smail** explained that Bauerstown Baseball and Softball is planning on having a ‘Cow Drop’ fundraiser in September. There will be 3,000 tickets available for sale with a grand prize of \$10,000.00. The grand prize is determined by where the cow voids its droppings on the gridded baseball field. Allegheny County requires the Resolution for small games of chance from the Township. Bauerstown will have a surveyor to make a determination of the winner. If needed, selection will be made by a random drawing. If all the tickets are not sold, they become the property of Bauerstown Baseball. **Mrs. Mizgorski moved, seconded by Mr. Skelley that Resolution No. 6-17 for the Bauerstown Baseball and Softball Association for application to run small games of chance in Allegheny County be approved by voice vote.** Under question, Mr. McElhone inquired if the application is based on the location of the field or the location of the organization. **Mr. Rogers** stated that it is based on the location of the organization. **Mr. McElhone** inquired who is responsible for policing the small games of chance. **Mr. Rogers** stated that it would be the State Police. **The motion was carried.**

Resolution No. 7-17 Redevelopment Authority of Allegheny County – Fall Run Park

The next item of business was Resolution No. 7-17 for the RAAC Grant. **Mr. Cross moved, seconded by Mr. Boyle that Resolution No. 7-17 for the application of a grant through the Redevelopment Authority of Allegheny County for Fall Run Park Improvements in the amount of \$500,000.00 be approved by voice vote.** Under question, Mr. Rogers explained that the application is to acquire funds for the one-million dollar project in Fall Run Park. **The motion was carried.**

Comments:

Mr. McElhone commented that the Shaler North Hills Library 75th Anniversary kick-off event was an enjoyable event.

Chief Kelly thanked the Board for the consideration of a Sergeant promotion.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher that the meeting be adjourned at 7:52 PM.**

Respectfully submitted,

Timothy J. Rogers, Secretary
Seal

Shaler Township Commissioners Meeting
300 Wetzel Road
Pittsburgh, PA 15116

April 11, 2017

COMMISSIONERS PRESENT:

David W. Shutter, President
William Cross, Vice President
Lori Voegtly Mizgorski, Member
James M. Boyle, Member
Thomas J. McElhone, Member
Susan Fisher, Member
Wayne Skelley, Member

SOLICITOR:

Harlan Stone, Esq.

TOWNSHIP MANAGER:

Timothy J. Rogers

TOWNSHIP ENGINEER:

Matthew Sebastian, P.E.

BUILDING INSPECTOR/ZONING CODE OFFICIAL:

Robert Vita

ADMINISTRATIVE ASSISTANT:

Sherry Martin

TRANSCRIBED BY:

Noreen A. Re
Certified Realtime Reporter

EXCERPT OF PROCEEDINGS

PUBLIC HEARING ON RESOLUTION 5-17

P R O C E E D I N G

EXCERPT OF MEETING

1
2
3
4
5 MR. SHUTTER: Resolution. Public
6 hearing, Resolution No. 5-17, M&M, LLC,
7 liquor license transfer. We'll pass this
8 over to our solicitor at this point.

9 MR. STONE: All right. This is the
10 date and time scheduled for a public hearing
11 into the matter involving an intermunicipal
12 liquor license transfer into the Township of
13 Shaler for M&M Blues, LLC.

14 MR. KOZAR: It's actually "Bites."

15 MR. STONE: Bites. M&M Bites, LLC,
16 excuse me. According to the requirements of
17 Section 461 of the Pennsylvania Liquor Code,
18 as the receiving municipality, we are
19 required to hold a public hearing to hear
20 comments from the public with regard to the
21 application.

22 At the conclusion of which the Board of
23 Commissioners is required to either approve
24 by resolution or deny the request of the
25 applicant. So with that, we will open the

1 hearing.

2 If there's anyone who intends to
3 testify either in favor of or opposed to or
4 just wants to comment, please stand up now
5 and be sworn.

6 (All witnesses severally sworn.)

7 MR. STONE: Before we take testimony,
8 there are three exhibits I would like to
9 introduce into the record. The law requires
10 us to hold a public hearing. Also,
11 accordingly, we're required to give public
12 notice.

13 So, as a matter of the record,
14 Exhibit 1 will be a copy of the notice of
15 publication from the Pittsburgh Post-Gazette
16 showing that the hearing was advertised
17 twice, once on the 22nd and then again on the
18 29th of March, that the property owners and
19 residents in the vicinity were also sent a
20 copy of a notice in letter form. That's
21 contained in Exhibit 2, that notice. And,
22 also, that the property was posted.

23 And we have evidence of posting, which
24 is Exhibit No. 3. So that will be the record
25 for the commissioners, the hearing record.

1 And with that, we will open the hearing to
2 testimony.

3 Do you want to give your name, please,
4 full name?

5 MR. KOZAR: I most certainly will. My
6 name is Mark Kozar. I'm an attorney with the
7 law firm of Flaherty & O'Hara. I always like
8 to plug our firm at these hearings. Our sole
9 area of practice is liquor law and liquor
10 licensing. We do it throughout the state and
11 across the country.

12 Tonight I'm here on behalf of M&M
13 Bites, LLC. With me tonight is Michael Buss
14 and Meagan Macurdy, owners of M&M Bites.
15 We're here to request Shaler Township permit
16 the municipal transfer of a liquor license
17 from outside the township pursuant to
18 Title 47, Section 461.B of the Liquor Code
19 for use of M&M Bites at its restaurant, The
20 Boulevard, at 605 Mt. Royal Boulevard.

21 As you're aware, the Liquor Code now
22 permits -- since 2001 permits the PLCB to
23 approve the transfer of a license from any
24 municipality in Allegheny County to any other
25 municipality, so long as the receiving

1 municipality issues a resolution permitting
2 that transfer.

3 In order for you to make a decision,
4 let me provide you with a little bit of
5 background on M&M Bites. Between Mike and
6 Meagan, they have over 30 years in the
7 restaurant business. Mike was vice president
8 and owner of a franchisee of Pizza Hut called
9 Aurora Huts. Meagan was the director of
10 marketing.

11 At The Boulevard it created a hometown,
12 homemade quality restaurant, a place for
13 family and friends to gather.

14 As you can see from the menus I passed
15 out, it features a wide selection of
16 appetizers, wings, soups, salads, wraps,
17 sandwiches, sub wraps, pizzas, burgers and
18 main course entrees with sides.

19 The restaurant will be open Monday
20 through Thursdays 11:00 a.m. to 11:00 p.m.,
21 Fridays 11:00 a.m. to 2:00 a.m., based on
22 business, and Saturdays 11:00 a.m. to
23 2:00 a.m., again based on business. Sunday
24 hours will be 11:00 a.m. to 9:00 p.m.

25 The reason that we're requesting a

1 transfer of this license -- as I'm sure some
2 of you are saying, there was a liquor license
3 there. The folks that ran The Boulevard
4 prior to Mike and Meagan taking over decided
5 they were going to use that license at a
6 different location.

7 In addition to that, Mike has ownership
8 in another license in Allegheny County via
9 Aurora Huts, the Pizza Hut franchisee. So
10 that's why we're here asking to move the
11 license into the municipality.

12 All the alcohol servers will be RAMP
13 trained, which is the Bureau of Liquor
14 Control Board's Responsible Alcohol
15 Management Program. Mike and Meagan are
16 responsible owners that reside here in
17 Shaler.

18 They're making an investment in Shaler
19 that will be protected by their responsible
20 management and well-trained employees. For
21 these reasons we ask you pass a resolution
22 permitting the transfer of the license.

23 If you have any questions, I would be
24 happy to answer them. And if I can't, I'm
25 sure Mike or Meagan would be able to.

1 MR. BOYLE: The establishment that had
2 the license prior to you wanting to transfer
3 to Shaler, is that closed? Or what happened
4 to that business?

5 MR. KOZAR: Those folks have left the
6 business. Mike and Meagan are in there
7 operating under a management contract with
8 the prior owners.

9 MR. BOYLE: What will happen to that
10 place once the liquor license transfers here?

11 MR. KOZAR: It will be seamless,
12 because they're in there operating as a
13 management company now. They'll take over
14 full operation and ownership of it once the
15 liquor license is transferred.

16 MR. CROSS: So at this time they're
17 operating under the liquor license of the
18 prior owner; correct?

19 MR. KOZAR: That is correct.

20 MR. BOYLE: But what I'm saying, this
21 license was listed at 4873 Route 8, Allison
22 Park?

23 MR. KOZAR: Yes. Hampton Township.

24 MR. BOYLE: What were they doing with
25 the license out there?

1 MR. KOZAR: That was a Pizza Hut.

2 MR. BOYLE: And it closed?

3 MR. KOZAR: It was owned by Aurora
4 Huts.

5 MR. BUSS: It's still open. We took
6 the license.

7 MR. BOYLE: You took the license. So
8 they have no liquor license out there?

9 MR. BUSS: Right.

10 MR. BOYLE: I don't want to see two
11 establishments running under the same
12 license.

13 MR. BUSS: No.

14 MR. KOZAR: No. The PLCB wouldn't
15 permit that, obviously.

16 MR. BOYLE: They don't permit a lot of
17 things, but things happen.

18 MR. KOZAR: They're really strict about
19 that. You can't have two active licenses at
20 the same address.

21 MR. ROGERS: You're aware, I'm sure, of
22 the limited parking?

23 MR. BUSS: Yes, sir. Every day.

24 MR. ROGERS: Have you had an
25 opportunity to talk to your neighbor yet?

1 MR. BUSS: I am. We're trying to work
2 something out.

3 MR. ROGERS: Okay. Good.

4 MR. STONE: Have there been any noted
5 LCB violations under the current management?

6 MR. BUSS: I don't believe there have.

7 MR. STONE: And out at the Pizza Hut
8 there have not been any LCB violations?

9 MR. BUSS: No.

10 MR. STONE: Okay.

11 MR. ROGERS: Bob, you want to say
12 anything?

13 MR. VITA: I didn't know if you needed
14 me for the postings.

15 MR. SHUTTER: If you took the oath, you
16 should say something.

17 MR. STONE: Go ahead, Bob. Have you
18 looked at Exhibit No. 3, Bob?

19 MR. VITA: Yes, sir, I have.

20 MR. STONE: Did you post Exhibit No. 3?
21 Is that your handiwork?

22 MR. VITA: Yes, sir, I did.

23 MR. STONE: Okay. Any other questions
24 for Bob?

25 MR. ROGERS: For the record, would you

1 briefly describe the posting.

2 MR. VITA: I'm sorry?

3 MR. ROGERS: For the record, would you
4 briefly describe the posting.

5 MR. VITA: Yeah. It's a copy of
6 Exhibit --

7 MR. STONE: No. 3.

8 MR. VITA: -- No. 3 that was physically
9 posted on the front of the building and
10 pictorially memorialized in Exhibit 3.

11 MR. ROGERS: Okay. Thanks.

12 MR. STONE: Thanks, Bob.

13 MR. SHUTTER: Well done. Well done.

14 MR. STONE: Is there anybody else who
15 wishes to testify in regard to this matter?

16 Let the record show that it's kind of a
17 full audience, but no one has indicated that
18 they wish to testify. Seeing and that being
19 the case, we can close the record at this
20 point. We will close the record, and this
21 hearing is concluded. Thank you.

22 MR. SHUTTER: Thank you, Mr. Solicitor.
23 I just want you to be aware that you were
24 quizzed by our resident expert, Mr. Boyle,
25 because he knows all that. In any event,

1 I'll look for a motion at this time.

2 MR. CROSS: Mr. Chairman, I move that
3 Resolution No. 5-17 for M&M Bites, LLC, for a
4 Liquor License Transfer No. 10624 from Aurora
5 Huts, LLC, transferring to 605 Mt. Royal
6 Boulevard be approved by a voice vote.

7 MR. SHUTTER: I have a motion. Do I
8 have a second?

9 MR. BOYLE: Second.

10 MR. SHUTTER: Motion and second.
11 Question? All in favor, say aye. Opposed?
12 Good luck with the business.

13 MR. KOZAR: Thank you.

14 -----

15 (Whereupon, the above-captioned matter
16 was adjourned.)

17 -----

18

19

20

21

22

23

24

25

1 COMMONWEALTH OF PENNSYLVANIA)
2 COUNTY OF ALLEGHENY) SS:

3 CERTIFICATE OF REPORTER

4 I, Noreen A. Re, do hereby certify that the evidence
5 and proceedings are contained fully and accurately in
6 the machine shorthand notes taken by me at the hearing
7 of the within cause and that the same were transcribed
8 under my supervision and direction and that this is a
9 correct transcript of the same.

8 Realtime Reporter

10 DATE: April 18, 2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25